# VANCOUVER MUNICIPAL CODE
# TITLE 20
# LAND USE AND DEVELOPMENT CODE

May 5, 2026

20.100 Administration.
- 20.110Intent and Purpose
- 20.120 Legal Provisions
- 20.130 Zoning Map Administration
- 20.140 Enforcement
- 20.150 Definitions
- 20.160 Use Classifications
- 20.170 Measurements
- 20.180 Density Requirements
- 20.190 Fees
- 20.195 Nonconforming Situations

20.200 Land Use Decisions.
- 20.210 Decision Making Procedures
- 20.220 Review Bodies
- 20.225 Summary of Land Use Permits
- 20.230 Annexations
- 20.245 Conditional Use Permits
- 20.250 Development Agreements
- 20.255 Interpretations and Minor Adjustments
- 20.260 Master Plans
- 20.265 Design Review
- 20.270 Public Facilities Master Plans
- 20.280 Site Plan Review
- 20.285 Text and Map Amendments
- 20.290 Variances

20.300 Land Division.
- 20.310 Boundary Adjustments
- 20.320 Subdivisions
- 20.330 Binding Site Plans

20.400 Uses and Development Standards.
- 20.410 Zoning Districts
- 20.420 Building Types
- 20.430 Use Requirements
- 20.440 Frontage Type Requirements
- 20.450 Additional Development Standards

20.500 Overlay Districts.

- 20.510 Active Ground Floor Use
- 20.520 Active Ground Floor Ready
- 20.530 Station Areas
- 20.540 Industrial Holding
- 20.550 Heritage Overlay District
- 20.560 Noise Impact Overlay District
- 20.570 Airport Height Overlay District

20.600 Subarea Plans.

- 20.610 112th Avenue Corridor Subarea Plan
- 20.620 Central Park Subarea Plan
- 20.630 Evergreen And Grand Commercial Corridors Plan
- 20.640 Fourth Plan Subarea Plan
- 20.650 Fruit Valley Subarea Plan
- 20.660 Riverview Gateway Subarea Plan
- 20.670 Section 30 Subarea Plan
- 20.680 The Heights Subarea Plan
- 20.690 City Center Subarea Plan

20.700 Environmental Regulations.

- 20.710 Archaeological Resource Protection
- 20.720 Critical Areas Protection
- 20.730 Shoreline Management Area
- 20.740 SEPA Regulations

# 20.100
# Administration

## Sections:

20.110 Intent and Purpose.

20.120 Legal Provisions.

20.130 Zoning Map Administration.

20.140 Enforcement.

20.150 Definitions.

20.160 Use Classifications.

20.170 Measurements.

20.180 Density Requirements.

20.190 Fees.

20.195 Nonconforming Situations.

# Chapter 20.110
# Intent and Purpose

## Sections:

20.110.010 Intent and Purpose.

## 20.110.010 Intent and Purpose.

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

B. Revision of the Development Code. A major revision of the Development Code was completed in June 2026.

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# Chapter 20.120
# Legal Provisions

## Sections:

20.120.010 Title.

20.120.020 Conflicting Regulations.

20.120.030 Severability and Validity.

## 20.120.010 Title.

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

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

C. *Official documents*. In case of any omissions or any inconsistency between any of the provisions of the Development Code as supplemented or modified from time to time and the official documents passed by the City Council of the City of Vancouver, Washington, the official documents shall control.

## 20.120.020 Conflicting Regulations.

*Conflicting regulations*. Wherever any provision of this Development Code imposes a restriction on the use of land greater than is provided by another ordinance, then this Development Code shall prevail.

### 20.120.030 Severability and Validity.

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

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# Chapter 20.130
# Zoning Map Administration

**Sections:**

20.130.010 Classification of Base Zoning Districts.

20.130.020 Establishment of Map and Text.

20.130.030 Maintenance of Map.

20.130.040 Amendments to Map and Text.

20.130.050 Interpretation of the Zoning Map.

## 20.130.010 Classification of Base Zoning Districts.

*Classification of base zoning districts*. The City of Vancouver is divided into base zoning districts, as named and described in this title and available on file at the City. Base zoning districts may be changed, as set forth in Section 20.130.040 VMC. Each lot, tract and parcel of land or portion thereof within the base zoning district boundaries as designated and marked on the zoning map, is classified, zoned and limited to the uses as hereinafter specified and defined for the applicable zoning district.

## 20.130.020 Establishment of Map and Text.

*Establishment of map and text*. This development code includes both a map dividing the City of Vancouver into various zones, and a text establishing the uses, development standards, and other regulations for each zoning district. The location and boundaries of all base zoning districts designated in this title are as shown on the map titled Zoning Map of the City of Vancouver, dated with the effective date of adoption of new development code and signed by the mayor and the clerk of the city, and as amended, is hereinafter referred to as the Zoning Map.

## 20.130.030 Maintenance of Map.

The original signed copy of the zoning map containing the base zoning districts designated at the time of adoption of this title shall be filed in the office of the city clerk pursuant to RCW 35.63.100 and a duplicate shall be filed in the office of the Planning Official to keep the maps up to date at all times. Copies of all zoning maps and amendments shall be dated with the

effective date of the document adopting the map and amendments and shall be maintained without change, together with the adopting documents, on file in the Community Development Department.

### 20.130.040 Amendments to Map and Text.

A. *Amendments.* Amendments may be proposed by City Council on its own motion or may be proposed by the Planning Commission on its own motion, or such an amendment may be proposed by an applicant or city staff pursuant to Chapter 20.285 VMC, Text and Map Amendments, and Chapter 20.210 VMC, Decision Making Procedures. A correct copy of each amendment to the text or to the map established by this title shall be maintained on file in the offices of the city clerk and the Planning Official.

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

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

**TABLE 20.130.040-1. COMPREHENSIVE PLAN AND CORRESPONDING ZONING DISTRICT DESIGNATIONS**

| Comprehensive Plan Designation | Corresponding Zoning Districts |
|---|---|
| Residential Neighborhoods | • LS: Low-Scale Neighborhood<br>• MS: Medium-Scale Neighborhood<br>• MH: Manufactured Home Development |
| Urban Mixed Use | • MX: Mixed-Use Neighborhood<br>• RA: Regional Activity Center |
| Employment and Industry | • IC: Institutional / Campus<br>• IE: Industrial / Employment<br>• HI: Heavy Industrial |

| Comprehensive Plan Designation | Corresponding Zoning Districts |
|---|---|
| Green Space | • PO: Parks<br>• NA: Natural Areas |

### 20.130.050 Interpretation of the Zoning Map.

*Interpretations*. Where, due to the scale, lack of detail or illegibility of the zoning map, there is uncertainty, contradiction or conflict as to the intended location of any base zoning district boundary as shown thereon, the Planning Official shall make an interpretation in writing of said map upon request of any person pursuant to Chapter 20.255 VMC, Interpretations and Minor Adjustments. Any person aggrieved by any such interpretation may appeal such interpretation to the Hearing Examiner under Section 20.225.020 VMC. The Planning Official in interpreting the zoning map, or the Hearing Examiner in deciding any appeal, shall apply the following standards:

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

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

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# Chapter 20.140
# Enforcement

## Sections:

20.140.010 Compliance.

20.140.020 Certificates of Occupancy.

20.140.030 Enforcement.

## 20.140.010 Compliance.

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

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

C. *Legality of pre-existing approvals*. Any use of a structure or of land approved by the city prior to the effective date of this title, or by the county in annexed areas prior to annexation, may continue if consistent with such approvals.

## 20.140.020Certificates of Occupancy.

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

B. *Application of Certificates of Occupancy*.

1. *For use of new or expanded buildings.* No buildings hereafter erected or enlarged shall be occupied, used or changed in use until a certificate of occupancy shall have been issued. Such certificates shall be applied for concurrently with the application for a building permit. A certificate of occupancy shall be issued only after such building or enlargement has been completed in conformity with the provisions of this title, with an approved site plan, if required, and when the proposed use conforms to this title and to any and all other required conditions. Any use legally occupying an existing building at the time this title becomes effective may be continued but shall not be changed, unless a certificate of occupancy for the new use shall have been issued by the city, if required by subsection (B)(2) of this section, after finding that such use conforms to this title and required conditions.
2. *For use of existing buildings.* In the event a change shall be made in the classification of occupancies or use of any existing building which would place the building in a different division of the same group of occupancy or in a different group of occupancies, such building shall be made to comply with the requirements of the city adopted building code, and such change in occupancy classification shall require a certificate of occupancy. A certificate of occupancy shall not be required solely for changes in use within the same division of the same group of occupancy defined by the Uniform Building Code, as adopted by the city.
3. *Record.* A record of all certificates of occupancy shall be kept on file with the Community Development Department.

### 20.140.030Enforcement.

The applicable department director or designee has authority to enforce the requirements of this title. Enforcement of VMC Title 20 shall proceed under the provisions of VMC Title 22 except for VMC Chapter 20.450.035, Landscaping and Tree Conservation, which utilize separate enforcement mechanisms. Any approval, permit, certificate, or license issued in conflict with the provisions of this title, intentionally or otherwise, may be suspended or revoked by the Planning Official. The Planning Official and the City Attorney or designee may negotiate a settlement, compromise or otherwise dispose of an action when to do so would be in the best interest of the city.

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# Chapter 20.150
# Definitions

## Sections:

20.150.010 Meaning of Words Generally.

20.150.020 Meaning of Common Words.

20.150.030 Common Acronyms.

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

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

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

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

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

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

## 20.150.010 Meaning of Words Generally.

*General*. All of the terms in this title have their commonly accepted dictionary meaning unless they are specifically defined in this chapter, or the context in which they are used clearly indicates to the contrary.

## 20.150.020 Meaning of Common Words.

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

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

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

D. *Use of building and structure.* The word building includes the word structure.

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

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

G. *Use of occupied*. The word occupied shall include premises designed or intended to be occupied.

H. *Use of person*. The word person shall include persons, association, firm, partnership or corporation, as well as the individual.

I. *Form-Based Code*. Generally, a term used to describe the elements included in Chapter 20.410 VMC, that focuses on the physical form of a building in relation to public spaces.

### 20.150.030 Common Acronyms.

**ADA** The Americans with Disability Act

**ADA** Also, Average Daily Attendance

**ADT** Average Daily Traffic

**ADU** Accessory Dwelling Unit

**BAS** Best Available Science

**BFE** Base Flood Elevation

**BMPs** Best Management Practices

**BT** Building Type

**CAP** Critical Areas Permit

**CAR** Critical Areas Report

**CDD** Community Development Department

**CFR** Code of Federal Regulations

**CMZ** Channel Migration Zone

**CUP** Conditional use permit

**DAHP** Washington State Department of Archaeology and Historic Preservation

**DBH** Diameter at Breast Height

**DFIRM** Digital Flood Insurance Rate Map

**DNS** Determination of Non-Significance

**DNR** Washington State Department of Natural Resources

**DOE** or **Ecology** Washington State Department of Ecology

**DS** Determination of Significance

**EIS** Environmental Impact Statement

**ESA** The Federal Endangered Species Act

**FAA** Federal Aviation Administration

**FAR** Floor Area Ratio

**FBFM** Flood Boundary-Floodway Maps

**FCC** Federal Communications Commission

**FEMA** Federal Emergency Management Agency

**FIRM** Flood Insurance Rate Map

**FIS** Flood Insurance Study

**FT** Frontage Type

**FTE** Full-time Equivalent

**GLA** Gross Leaseable Area

**GMA** The Washington State Growth Management Act of 1990

**GSF** Gross Square Feet

**HGM** Hydrogeomorphic

**LOS** Level of service

**MDNS** Mitigated Determination of Non-Significance

**NAICS** The North American Industrial Classification System

**NFIP** National Flood Insurance Program

**OHWM** Ordinary High Water Mark

**PUD** Planned Unit Development

**RCW** Revised Code of Washington

**SEPA** State Environmental Policy Act

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

**SRO** Single-Room Occupancy

**SWCCA** Southwest Washington Clean Air Agency (formerly SWAPCA)

**TDL** Total Developable Land

**USC** United States Code

**VMC** Vancouver Municipal Code

**WAC** Washington Administrative Code

**WDFW** Washington Department of Fish and Wildlife

## 20.150.040A Meanings of Specific Words and Terms A through D.

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

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

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

**Accessory Dwelling Unit (ADU).** A dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, fourplex, townhome or rowhome under 1,000 square feet. An attached ADU is located within or attached to a housing unit. A detached ADU is a unit that is separate from a housing unit and is on the same property.

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

**Accessory Structure.** A building or structure which is clearly incidental to the primary structure on the same lot.

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

**Active Transportation.** Any self-propelled, human-powered mode of transportation, such as walking, biking, or using a wheelchair, that is used for leisure or utilitarian purposes.

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

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

**Addition.** Means the same as enlargement.

**Adjacent.** Located directly across a street right-of-way, private street or alley.

**Adjoin.** Means the same as abutting.

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

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

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

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

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

**Airport Approach Surface.** The surface which is longitudinally centered on an airport's extended runway centerline, extending outward and upward from the end of the primary surface. An approach surface is applied to each end of the runway based upon the type of approach procedure permitted. Because landings under instrument flight rules, using the Portland International Airport Localizer Directional Aid, are an approved procedure at Pearson Field, the following approach surface dimensions have been applied:

- Width of approach surface: 500' at inner end, 4,000' at outer end (inner end begins at end of primary surface)
- Length of approach surface: 10,000 feet
- Slope of approach surface: 34:1 (one foot vertically for every 34 feet horizontally)

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

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

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

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

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

**Alteration of Watercourse.** Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

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

**Altered.** Structurally changed.

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

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

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

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

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

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

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

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

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

**Appeal.** A request for an impartial review of a land use decision or interpretation of land use-related codes rendered by community development department, its employees or any review body of the city of Vancouver.

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

**Applicant.** A person submitting an application for development.

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

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

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

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

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

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

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

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

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

**Archaeological Site, Potentially Significant.** An archaeological site which:

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

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

**Area of Shallow Flooding.** A designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the "sheet flow area."

**Areas of Special Flood Hazards.** Lands in the flood plain subject to a one percent or greater chance of flooding in any given year. Designations on Flood Insurance Rate Maps always include the letter A. Also referred to as "frequently flooded areas." "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

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

**Articulation.** The elements in the massing of a building, which establish character and visual interest by adding depth and variation to the facades and building envelope.

**ASCE 24.** The most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

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

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

**Attached Dwelling.** An attached dwelling refers to a residential dwelling unit that shares one or more common walls with another dwelling unit, typically within the same structure or on an adjacent lot.

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

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

**Average.** The arithmetic mean.

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

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

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

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

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

**Basement.** A portion of a building included between a floor, with its level 2 feet or more below the level from which the height of the building is measured, and the ceiling next above said floor. For the purposes of Section 20.720.120 VMC, Frequently Flooded Areas, basement means any area of a building having its floor subgrade (below ground level) on all sides.

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

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

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

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

1. control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics, and sediment; and
2. minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of fish and wildlife habitat conservation areas, wetlands and buffers.

**Bike Lane.** Lanes on an improved street which are designated for use by cyclists and separated from vehicular traffic.

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

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

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

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

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

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

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

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

**Build-Out, Front.** Front Build-Out refers to the space on a front property line which must be occupied by the façade of the main building to help ensure a continuous pedestrian-friendly public realm along the primary street.

**Build-Out, Side.** Side Build-Out refers to the space on a lot's side property line which must be occupied by the façade of the main building to help maintain a continuous wall, specifically for corner lots with side streets.

**Build-to Line, Front.** Front Build-to Line refers to the designated line measured in feet or a range of feet, typically parallel to the property line and adjacent to the public right-of-way and Primary Street, where the façade of a main building must be placed on a lot. A Build-to Line differs from a traditional setback in that it mandates an area the façade must be placed to ensure consistent spatial definition of the public realm, rather than identifying a zone which cannot be encroached.

**Build-to Line, Side.** Side Build-to Line refers to the designated line measured in feet or a range of feet, typically parallel to the side property line and adjacent to the public right of way and Side Street, where the façade of a main building must be placed on a lot. A Build-to Line differs from a traditional setback in that it mandates an area the façade must be placed to ensure consistent spatial definition of the public realm, rather than identifying a zone which cannot be encroached.

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

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

**Building Height.** The vertical distance from the average grade to the average height of the roof peak of the building per Section 20.170.050 VMC, except in a shoreline jurisdictional area, in which case the height shall be measured from average existing grade (prior to development) to the highest point of a structure (see also WAC 173-27-030). For exceptions subject to airport height limits located within the approach, transitional and horizontal surfaces, refer to Airport definitions and Chapter 20.570 VMC.

**Building Mass.** Building Mass refers to the overall size and shape of a building considering its relationship with the lot and street frontage.

**Building Type.** A category of buildings determined by function, placement on the lot, and configuration. See Chapter 20.420 Building Types.

**Building, Main.** A building which contains the principal use permitted on the lot, as provided in this title.

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

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

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

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

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

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

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

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

**City.** The City of Vancouver, Washington.

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

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

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

**Cleaner Fuels.** Liquid or gaseous fuels produced from renewable sources or that have low or no emissions, including the following:

1. Carbon-free fuels that generate no carbon emissions including green hydrogen or fuels that are certified by state or federal responsible agencies as net-zero carbon emissions.
2. Any credit-generating fuel under the Washington State Low Carbon Fuel Standard (HB 1091 2021-2022) as allowed by the Washington State Department of Ecology.
3. Any biomass renewable fuels approved by the federal Environmental Protection Agency under the federal Renewable Fuel Standard (40 CFR Part 80) as regulation exists or may hereafter be amended and meeting any future federal renewable fuels regulations.
4. Alcohol fuels meeting the requirements of RCW 19.112.010(1) as that statute exists or may hereafter be amended.
5. Biodiesel fuel meeting the requirements of RCW 19.112.010(3), and renewable diesel meeting the requirements of RCW 19.112.010(9), as those statutes exist or may hereafter be amended.
6. E85 motor fuel which meets the requirements of RCW 19.112.010(2) exclusively for the propulsion of motor vehicles upon the roads, or RCW 19.112.010(6) for other motors, as those statutes exist or may hereafter be amended.

7. Alternative fuels that are not fossil fuels and that produce low or no carbon that meet state or federal requirements not otherwise listed above.

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

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

**Co-living housing.** A type of household living with sleeping units that are independently rented and lockable and provide living and sleeping space, and residents share kitchen facilities with other sleeping units in the building. Co-living housing may include, but is not limited to, congregate living facilities, single room occupancy, rooming house, boarding house, lodging house, and residential suites.

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

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

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

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

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

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

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

**Contiguous.** Means the same as abutting.

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

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

**Conversion Option Harvest.** A timber harvest as established in Washington State Department of Natural Resources Forest Practices Regulations and Section 20.450.035 VMC, Landscaping and Tree Conservation, whereby a property owner is allowed to harvest a limited amount of timber from their property within the City of Vancouver, while still maintaining the rights to convert their property to a use inconsistent with growing timber.

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

**Cottage Court.** Residential units on a lot with common open space.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Deed.** A legal document conveying ownership of real property.

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

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

**Density, Base.** The number of whole dwelling units divided by the net acreage of lot area included within the development.

**Density, Maximum.** Maximum Density refers to the greatest allowable density of residential development in units per acre specific to each Base Zone District.

**Density, Minimum.** Minimum Density refers to the least allowable density of residential development in units per acre specific to each Base Zone District.

**Density, Net.** The development density derived by dividing the net buildable area of the subject property (gross area less the total aggregate area required by the city for public or private streets, schools or other public facilities, critical areas, critical root zones, BPA easements, water detention/retention ponds, public open space, recreation facilities dedicated as an integral part of the development) by the applicable lot size or area per unit.

**Density, Gross.** The development density derived by dividing the gross area of the subject property by the applicable minimum lot size.

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

**Destroy any tree.** To damage, disfigure or cause injury or death which may include, but not be limited to, topping, excessive pruning not consistent with nationally-accepted standards, poisoning, and trenching or excavating in such a manner as to make the tree root system no viable.

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

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

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

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

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

**Diameter at Breast Height (DBH).** A tree's diameter in inches at 4 1/2 feet above the ground. On multi-stemmed or -trunk trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at 4 1/2 foot above the ground.

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

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

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

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

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

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

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

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

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

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

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

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

**Dwelling, Two-Family, or Duplex.** A building designed or used for residence purposes by not more than two households and containing two dwelling units.

## 20.150.040B Meanings of Specific Words and Terms E through H.

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

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

**Ecology.** The Washington State Department of Ecology.

**Egress.** An exit from a building or site.

**Electric Vehicle.** Any on-road motor vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on board for motive purpose. Electric vehicle includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) a neighborhood electric vehicle; and (4) a medium-speed electric vehicle. (per RCW 46.04.320). Electric vehicle excludes, an electric personal assistive mobility device or electric powered wheelchair, an electric-assisted bicycle as defined in RCW 46.04.169, or a personal delivery device as defined in RCW 46.75.010.

**Elevated Building.** For insurance purposes, a nonbasement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

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

**Elevation Certificate.** An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a letter of map amendment (LOMA) or letter of map revision based on fill (LOMR-F).

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

**Emergency Housing (EH).** EH is defined as temporary indoor accommodations for individuals or families who are homeless or at imminent risk of becoming homeless that is intended to address the basic health, food, clothing, and personal hygiene needs of individuals or families. Emergency housing may or may not require occupants to enter into a lease or an occupancy agreement.

**Emergency Shelter (ES).** ES is defined as a facility that provides a temporary shelter for individuals or families who are currently homeless. Emergency shelter may not require occupants to enter into a lease or an occupancy agreement. Emergency shelter facilities may include day and warming centers that do not provide overnight accommodations.

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

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

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

**Encroachment.** Encroachment refers to any part of a main building or structure that extends from the façade over build-to lines or setback lines onto the lot or into any public right-of-way.

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

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

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

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

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

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

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

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

**Entrance, Pedestrian.** Pedestrian entrance refers to the primary access point to a building, lot, or site that is designed for people on foot or mobility device, typically oriented toward the public sidewalk or street and clearly distinguished from vehicular access.

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

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

**Essential Facility (Applies in Frequently Flooded Areas).** This term has the same meaning as "essential facility" defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

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

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

**Existing Manufactured Home Park or Subdivision (Applies in Frequently Flooded Areas).** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

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

**Expansion to an Existing Manufactured Home Park or Subdivision (Applies in Frequently Flooded Areas).** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

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

**Face.** To front upon.

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

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

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

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

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

**Flood or Flooding.**

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
    a. The overflow of inland or tidal waters.
    b. The unusual and rapid accumulation or runoff of surface waters from any source.
    c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (1)(a) of this definition.

**Flood Elevation Study.** An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

**Flood Insurance Rate Map (FIRM).** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

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

**Floodplain Administrator.** The community official designated by title to administer and enforce the floodplain management regulations.

**Floodplain or Flood-Prone Area.** Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

**Flood-Proofing.** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood-proofed structures are those that have the structural integrity and design to be impervious to floodwater below the base flood elevation.

**Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "regulatory floodway."

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

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

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

**Frequently Flooded Areas.** Areas of special flood hazards.

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

**Frontage.** That portion of a parcel of property that abuts a dedicated public street, highway or approved private street, from property line to property line.

**Frontage Type.** Frontage type refers to one or more distinct architectural features on a building's frontage that supports its use and establishes how it relates to the public realm.

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

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

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

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

**Fully Detached.** A Fully Detached building is one that is fully stand alone on its lot with no shared walls with any adjacent structures.

**Functionally Dependent Use (Applies in Frequently Flooded Areas).** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

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

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

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

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

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

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

**Geologic Hazard Areas.** Geologic hazard areas include landslide, seismic, and erosion hazard areas designated pursuant to Section 20.720.130(A) VMC.

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

**Grading.** Any excavation, filling or combination thereof.

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

**Gross Floor Area.** Means the same as floor area.

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

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

**Ground Floor**. Referring to the story of a building closest to the curb level that contributes to the character of the pedestrian realm.

**Ground Floor, Activation.** Methods used to promote pedestrian activity, visual interest, and street-level engagement at the ground floor. Such activation can include retail shops, restaurants, community spaces, art displays, or other amenities that encourage public interaction and enhance the vibrancy of the streetscape.

**Ground Floor to Ceiling Height**. The vertical distance measured from the top of the finished floor to the underside of the lowest part of the ceiling structure. This measurement dictates the net useable open space inside a room, excluding structural beams or plumbing, and directly influences air circulation, natural light, and perceived volume.

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

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

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

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

**Hard surface.** Hard surface is an impervious surface, a permeable pavement or a vegetated roof.

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

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

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

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

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

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

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

**Healthy Soil.** Soil that is of good quality with the capacity to sustain plant, animal, and human life by providing nutrients, air and water space to infiltrate, pollutant absorption and filtering, and habitat.

**Heritage Tree.** A tree or group of trees designated as such by the city in Chapter 20.450.035 VMC, Landscaping and Tree Conservation.

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

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

**Historic Structure (**Applies in Frequently Flooded Areas). Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    a. By an approved state program as determined by the Secretary of the Interior, or
    b. Directly by the Secretary of the Interior in states without approved programs.

**Home Occupation.** A use conducted entirely within a residential building, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and complies with the criteria established by Section 20.430.060 VMC, Accessory Use Types and Standards.

**Homeowners Association.** A nonprofit corporation or association operating under a recorded land agreement through which:

1. Each person owning or purchasing a lot in a planned unit or other described land area is automatically by such ownership or purchase a member; and
2. Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common area and improvements.

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

**Household Living.** Living facilities for small groups (households) of people who are related or unrelated. Tenancy is longer than 30 calendar days. Household structures include single-family detached and attached dwellings; duplexes; middle housing (3-6 plex, townhouse, rowhouse, stacked flats, cottages) multifamily dwellings; and manufactured/modular homes. (See Section 20.450.080 and 20.450.085, respectively, for additional standards for cottage and manufactured/modular home developments.) Most types of senior housing (e.g., congregate care or assisted living) are considered to be household living if residents live in self-contained units, even if there are also shared facilities within the building. Household living may also include permanent supportive housing, single-room occupancy (SROs) facilities and co-living housing. The maximum number of people who may reside in any given dwelling unit shall be determined by the city adopted building code.

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

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

**Hydrophytic Vegetation.** Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Wetlands Delineation Manual defined in this chapter.

### 20.150.040C Meanings of Specific Words and Terms I through L.

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

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

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

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

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

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

**Impervious Surface or Area.** A nonvegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A nonvegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, structures, roof tops, walkways, patios, driveways, carports, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, haul roads and soil surface areas compacted by construction operations, and oiled or macadam or other surfaces which similarly impede the natural infiltration of stormwater.

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

**Ingress.** Access or entry.

**Inordinate Light Source.** Lighting source that is exceptionally bright or outside normal industry standards as found by the Planning Official.

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

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

**Interior Circulation.** Interior Circulation refers to the passages inside a building that allow for the movement of people including entrances, hallways, staircases, and elevators.

**Irrigation System, Automated.** A system for delivering water to plants using a timer, sensor, or other electronic device that requires minimal human or manual intervention.

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

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

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

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

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

**Landscaping.** An enhanced section of pervious ground for aesthetic, ecological and economic value with groundcover, shrubs or trees. Impervious surfaces are not considered landscaping.

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

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

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

**Light-Impact Recreation.** Light-Impact Recreation refers to passive recreational activities that generally do not have direct impact on the natural environment or require infrastructure, such as walking trails or picnic areas.

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

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

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

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

**Lot Area.** The computed area contained within the lot lines; said area to be exclusive of street or alley rights-of-way or access easements, Bonneville Power Administration (BPA) easements, water detention/retention ponds, critical areas and associated buffers and the critical root zone of trees to remain on site.

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

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

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

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

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

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

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

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

**Lot Line, Front.** The property line abutting a street or the edge of a private street, or primary access. For corner lots the front line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the shortest lot line adjoining the pole portion of the lot, excluding the unbuildable portion of the pole.

**Lot Line, Rear.** A lot line that is opposite and most distant from the front lot line.

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

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

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

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

**Lot Split.** An existing residential lot split to create a new residential lot.

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

**Low Impact Development (LID).** Low impact development is a stormwater and land management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

**Low Impact Development Best Management Practices (BMPs).** Low impact development best management practices are distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, vegetated roofs, minimum excavation foundations, and water re-use.

**Low Impact Development Principles.** Low impact development principles are land management strategies that emphasize conservation, use of onsite natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

**Lowest Floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosed area below the base flood elevation, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of Section 20.720.120(J)(8)(c), (J)(10)(d), or (J)(11)(e) VMC.

**Low-Income Housing.** Housing for which the monthly housing expense is no greater than thirty percent of eighty percent of the median family income adjusted for family size for Clark County, Washington, as reported by the United States Department of Housing and Urban Development. For multi-family housing, this definition shall apply only to the number of units within such housing development as are required to comply with this limitation on monthly housing expense.

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

**Low Noise Impact.** Interior noise levels of Ldn 45 or less, considered for the purposes of Chapter 20.560 VMC, Noise Impact Overlay District, as acceptable for residential purposes.

## 20.150.040D Meanings of Specific Words and Terms M through P.

**Mail.** Includes mail delivered through a postal service or electronic mail.

**Main.** See Water Main.

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

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

**Major Transit Stop.** A Major Transit Stop refers to any station serving as a stop on an existing or planned high-capacity transit system route, including fixed guideway and bus rapid transit systems.

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

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

**Manufactured Home:** A dwelling unit constructed after June 15, 1976, built in accordance with department of housing and urban development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive building code.

**Manufactured Home, Modular:** A dwelling unit (which may be in the form of a factory-built or manufactured housing permit as well as a standard building permit) constructed in a factory in accordance with International Building Code and bearing the appropriate gold insignia indicating such compliance. The term includes “pre-fabricated,” “panelized,” and “factory-built” units.

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

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

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

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

**Mean Sea Level.** For purposes of the National Flood Insurance Program, the vertical datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

**Meandering Sidewalks.** Those sidewalks separated by a nonuniform planting strip from the back of the curb.

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

**Middle Housing.** Buildings that are compatible in scale, form, and character with single-family houses and contain two or more attached, stacked, or clustered homes including duplexes, triplexes, fourplexes, sixplexes, rowhouses/townhouses, stacked flats, courtyard apartments, and cottage housing. Middle housing shall be limited to three (3) or less floors above grade.

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

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;

4. Reducing or eliminating the impact over time by preservation, and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments; and/or
6. Monitoring the impact and taking appropriate corrective measures.

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

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

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

**Moderate-Intensity Land Use.** Land uses which are associated with moderate levels of human activity or substantial habitat impacts including PO and NA zoning districts.

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

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

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

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

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

**Native Vegetation.** Vegetation that encompasses both that occurring naturally and vegetation well adapted to current and anticipated environmental conditions in this region.

**New Construction.** For the purposes of Section 20.720.120 VMC, Frequently Flooded Areas, "new construction" means structures for which the "start of construction" commenced on or after September 5, 2012.

**New Manufactured Home Park or Subdivision (Applies in Frequently Flooded Areas).** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations by the community.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Parent Parcel.** A parent parcel is a larger, original parcel from individual unit lots (or subdivided lots) are created.

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

**Parking Space.** A permanently surfaced and marked area not less than that specified in Chapter 20.450.045 VMC, Parking and Loading Revised, excluding paved area necessary for access, for the parking of a motor vehicle.

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

**Partition.** See subdivision.

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

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

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

**Permanent Supportive Housing (PSH).** PSH is defined as subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors. Permanent supportive housing is paired with on-site or off-site voluntary services designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in chapter 59.18 RCW.

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

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

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

**Pervious Surface.** Pervious surface is a surface material that allows stormwater to infiltrate into the ground. Examples include groundcover, shrubs or trees, grasses, and permeable pavements.

**Petroleum.** Crude oil, gases (including natural gas), natural gasoline, and other related hydrocarbons, oil shale, and the products of any of such resources.

**Petroleum/Oil Refinery.** An industry engaged in refining crude petroleum/oil into refined petroleum/oil. Petroleum/oil refining involves one or more of the following activities: 1) fractionation; 2) straight distillation of crude oil; and 3) cracking.

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

**Planned Action Project or Development Application.** A project or application for a project which meets the criteria for designation as a planned action under the provisions of Section 43.21.031 RCW, Section 197-11-164 WAC, Section 20.740.630, and the particular planned action ordinance for the planned action subarea in which the project is located.

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

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

**Planning Official.** The city official within the community development department charged with administratively approving land use permits or her/his designate.

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

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

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

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

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

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

**Predominant.** Regarding Infill Development, the most frequently occurring residential design characteristic along both sides of the road frontage from intersection to intersection (or block face).

**Predictive Model.** The classification of property according to the probability of its having archaeological resources. The probability levels are low, low-moderate, moderate, moderate-high, and high, which are based on a combination of information from inventories and predictive models provided by DAHP, other agencies, tribal governments and local permit review. The probability levels within the urban growth boundary of the city are generally shown on maps provided by Clark County Geographic Information Systems.

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

**Preserved.** Leaving in the present condition.

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

**Primary Street**. A public right-of-way intended by the city for general traffic circulation and the main means of access to abutting lots which is identified as any street within the transportation element of the current comprehensive plan as an existing or planned Enhanced Transit Corridor (HCT) or as part of the Primary Pedestrian Network or the Primary Bicycle and Small Mobility Network. Primary streets also include any public right-of-way abutting a public open space, park, greenway, natural area, or otherwise as identified by the City's current comprehensive plan.

**Principal Unit.** An existing or new single-family housing unit, duplex, triplex, rowhome/townhome, or other housing unit.

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

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

**Process Type.** Refers to the process by which a land use decision is rendered.

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

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

**Prohibited Use.** A use that is not permitted in a base zoning or overlay district. Any use that is not specifically enumerated in this title as a permitted or conditional use or has not been determined by the Planning Official to be a legal nonconforming use.

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

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

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

**Protected Area.** All land where no construction activity, tree removal, vegetation removal or soil compaction is allowed and includes the critical root zone of those trees to be preserved.

**Public Facilities.** Regarding the Public Facilities Master Plan Ordinance:

1. Governmental facilities such as civic centers; libraries; auditoriums; police, fire and other public safety facilities; public streets; parks, open space and recreational facilities; and water, sewer; and storm water treatment facilities;
2. Public transit facilities including airports, train stations and transit centers;
3. Publicly and privately-owned medical centers;
4. Public and private elementary, middle and high schools;
5. Public and private colleges and universities; and
6. Religious institutions.

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

**Public Place of Amusement, Public Amusement/Entertainment, and Public Entertainment.** An amusement, diversion, entertainment, show, performance, exhibition, display or like activity, for the use or benefit of a member or members of the public, or advertised for the use or benefit of a member or members of the public, held, conducted, operated or maintained for a profit, either direct or indirect.

**Public Plaza:** Refers to a plaza of at least 200 square feet that is publicly accessible during business or operating hours.

### 20.150.040E Meanings of Specific Words and Terms Q through T.

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

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

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

1. A qualified professional for frequently flooded areas or a geologic hazard must be a registered professional engineer, geologist, engineering geologist or hydrogeologist licensed in the State of Washington with experience in the analyses required for the relevant hazard(s). For frequently flooded areas, a qualified professional may also be an architect where provided by state or federal law.
2. A qualified professional for wetlands must have a minimum of five years of experience in wetland science including experience preparing wetland reports for review by regulatory agencies.
3. A qualified professional for fish and wildlife habitat conservation areas must be a qualified ecologist; biologist; or person with an environmental science degree, professional experience, certification, and/or licensure related to the relevant type of habitat in question.
4. A qualified professional for geologic hazard areas must be a Washington-licensed geologist or engineering geologist or a Washington-registered professional geotechnical engineer.

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

**Reasonably Safe from Flooding.** Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, "reasonably safe from flooding" means that the lowest floor is at least two feet above the highest adjacent grade.

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

**Redevelopment.** This occurs when an existing building is completely demolished, and a new development is built on the same site.

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

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

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

**Religious organization.** The federally protected practice of a recognized religious assembly, school, or institution that owns or controls real property.

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

**Remove or Removal.** The act of removing a tree by digging up, cutting down or any act which causes a tree to die, significantly impacts its natural growing condition and/or results in diminished environmental benefits or a hazard tree: including but not limited to, damage inflicted on the root system by machinery, storage of material or soil compaction, changing the ground level in the area of the tree's root system, damage inflicted on the tree permitting infections or infestation, excessive pruning, paving with concrete, asphalt or other impervious material within the drip-line or any other action deemed harmful to the tree.

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

**Residential Care Home.** Any state or federally approved dwelling used as a residence for the care or rehabilitation of dependent children, the elderly, and/or persons with disabilities. Residential care homes shall provide care for eight or fewer residents.

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

1. Active steps taken to restore damaged critical areas or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
2. Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events. See also wetland creation, re-establishment, and rehabilitation.

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

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

**Riparian Management Area and Riparian Buffer.** The regulated areas that include the land from the ordinary high water mark to a specified distance as measured horizontally in each direction. The Riparian Management Area is adjacent to the lake, stream or river, and the Riparian Buffer is adjacent to the Riparian Management Area. See Figure 20.720-1 at Section 20.720.110(A) VMC or Figure 20.170.030-6 at Section 20.170.030(I) VMC.

**Road.** Means the same as street.

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

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

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

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

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

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

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

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

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

**Senior Housing.** Housing limited to persons aged 55 years or older.

**Sensitive Areas.** For the purposes of Chapter 20.450.035 Landscaping and Tree Conservation, this includes streams, geologically hazardous areas, fish and wildlife habitat areas, wetlands, and their associated buffers.

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

1. Known archaeological and historical sites (to be recorded with the state);
2. Fish and Wildlife Habitat Conservation Areas (as identified in Section 20.720.110 VMC);
3. Frequently Flooded Areas (as identified in Section 20.720.120 VMC);
4. Geological Hazard Areas (as identified in Section 20.720.130 VMC);
5. Wetlands (as identified in Section 20.720.140 VMC); and
6. Tree tracts, set aside for the preservation of tree groves, as defined in Section 20.450.035 VMC and approved by the city's Urban Forester; and
7. Riparian areas, as identified in the Vancouver Shoreline Management Master Program.
8. Natural soils and native vegetation preserved as part of a low impact development.

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

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

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

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

**Sexually-Oriented Adult Arcade Device.** Also known as panorama, preview, picture arcade, or peep show, any device which, for payment of a fee, membership fee or other charge, is used to exhibit or display a picture, view, film, videotape or videodisc, live show or other graphic display of specified anatomical areas. All such devices are denominated under this ordinance by the term sexually-oriented adult arcade device.

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

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

**Shared, Courtyard.** Shared Courtyard refers to a common open space designed to be shared by multiple dwelling units, where the units are arranged in such a way that creates a private courtyard with an entrance from the sidewalk.

**Shared, Pedestrian Entrance.** Shared Pedestrian Entrance refers to a single-entry point that provides access to two or more individual dwelling units within a main building that is only accessible by pedestrians, connecting directly to the public realm.

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

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

**Short-Term Rental.** A dwelling unit or individual rooms within a dwelling unit that are rented to a guest(s) by a short-term rental operator for fewer than 30 consecutive nights. A short-term rental is not considered a hotel, motel or bed and breakfast.

**Short-Term Rental Operator.** Any person who receives payment for owning or operating a dwelling unit, or portion thereof, as a short-term rental unit.

**Side Street.** Side Street refers to one or more public rights-of-way intended by the city for general traffic circulation and a means of access to abutting lots that is not defined as a primary street per this code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sign, Flashing.** Any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally-mounted intermittent light source. Time and temperature signs are excluded from this definition. For the purpose of this Title, EMC's (consistent with the standards of Section 20.450.050 VMC) shall not be considered flashing signs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Stacked Flats.** Stacked Units refer to multiple dwelling units compiled vertically within a single main building.

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

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

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

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

**Stormwater.** Stormwater is that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes and other features of a stormwater drainage system into a defined surface waterbody or a constructed infiltration facility.

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

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

**Stormwater Manual.** Stormwater Manual means the Stormwater Management Manual for Western Washington, which is the 5-volume technical manual prepared by the Washington State Department of Ecology Water Quality Program, December 2014, Publication No. 14-10-055 (a revision of Publication No. 12-10-030), 5 volumes, and as hereafter amended.

**Stormwater Permit.** Stormwater Permit means the City of Vancouver's National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit issued August 1, 2013, which was modified, Effective January 16, 2014, by the Washington State Department of Ecology, and as hereafter amended or reissued.

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

**Story Height, Upper Floor.** Story Height of the Upper Floors refers to the vertical clearance between floor levels (or floor-to-floor) in feet of the floors on the second or higher story of a main building.

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

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

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

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

**Street Network.** A system of streets, alleys, and public spaces that connect to form the character of the area.

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

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

**Structure.** Anything constructed or built, any edifice, building of any kind or any piece of work artificially built-up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming pools, wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts and similar recreation areas. For the purposes of Section 20.720.120 VMC, Frequently Flooded Areas, a structure is a walled and roofed building , or a gas or liquid storage tank that is principally above ground.

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

**Subdivision, Short/Unit Lot Subdivision.** A short subdivision or unit lot subdivision is a land partition containing nine (9) or fewer lots.

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

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

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

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred.

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

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Transit Stop, Major.** A major transit stop means any station serving as a stop on an existing or planned high capacity transit system route, including fixed guideway and bus rapid transit systems.

**Transitional Housing (TH).** TH is defined as a project that provides housing and supportive services to homeless persons or families for up to two years and that has as its purpose facilitating the movement of homeless persons and families into independent living.

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

**Transitional Zone.** The areas beneath the transitional surfaces.

**Transparency, Ground Floor.** Refers to the percentage of the main building ground floor lineal feet that consists of transparent materials to add depth and visual interest at the pedestrian scale between 2 and 8 feet above grade.

**Transparency.** Transparency refers to the percentage of the main building façade that consists of transparent materials to add depth and visual interest at the pedestrian scale.

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

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

**Tree Drip Line.** A tree's drip line shall be described by a line projected to the ground from the outer edge of the tree canopy delineating the outermost extent of foliage in all directions.

**Tree Farm.** See Commercial Nursery.

**Tree, Buffer.** Trees required by the development code to be located along each property line to provide screening along adjacent properties.

**Tree, Hazard.** Any tree with a high or extreme overall risk rating within a five-year timeframe and the risk cannot be reduced as recommended by a qualified arborist.

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

**Tree, Nuisance.** A tree that is causing physical damage to property that cannon be corrected by reasonable practices, or has been damaged by past maintenance practices, or is causing a problem and the issues cannot be reasonably corrected.

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

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

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

**Tree Unit.** A unit of measurement based upon the size of the tree as set forth in Chapter 20.450.035 VMC, Landscaping and Tree Conservation.

**Tree, Vegetation and Soil Plan.** A plan that contains specific information pertaining to the protection of healthy soil, and the preservation, and planting of trees and native vegetation pursuant to Chapter 20.450.006 VMC, Landscaping and Tree Conservation.

**Tree, Vegetation and Soil Protection Area (TVSPA).** A separate tract of land, which may or may not be deeded as such, specifically set aside for the preservation of healthy soils and the preservation or planting of existing and/or native vegetation and trees. Stormwater retention/detention facilities, critical area buffers and other common areas may be considered TVSPA if they currently or are improved to an extent where they can support healthy soils and the growth of native vegetation and trees. The purpose of these areas for preserving healthy soils, preserving and/or planting native vegetation and trees is stated on the face of the plat when applicable.

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

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

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

**Truck, Medium.** Trucks and similar vehicles other than truck tractors with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.

## 20.150.040F Meanings of Specific Words and Terms U through Z.

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

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

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

**Unit Lot Subdivision.** Process of dividing a single parent parcel into individual "unit lots" that may be sold to individual owners, typically used with middle housing.

**Upper-Level Step Back.** Step back of the upper stories refers to the horizontal setback in feet of upper story building facade from lower story building façade on a main building, designed to reduce the building's mass vertically and allow more light and air to reach the ground and pedestrian levels.

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

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

**Use, Primary Use Type.** An activity or purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased. May have associated primary use standards.

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

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

**Utility Facilities, Essential.** Those facilities which are necessary to support principal development and involve only minor structures such as:

1. Overhead lines and poles;
2. Underground lines and pipes;
3. Transformers and regulator stations; and
4. Private, on-site facilities such as septic tanks and wells.

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

1. Administrative offices and operation centers;
2. Sewage treatment plants and lagoons;
3. Electric generation facilities including biomass generating facilities; and
4. Essential public facilities as defined in Chapter 20.450.065 VMC, Essential Public Facilities.

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

1. Transmission and distribution substations;
2. Pump stations;
3. Water towers and reservoirs;
4. Public wells;
5. Outfalls;
6. Telephone switching facilities;
7. Cable television receiver and transmission facilities, excluding wireless communications facilities as defined in Section 20.450.075 VMC, Wireless Communications Facilities Standards;
8. Catch basins, retention ponds and related facilities; and
9. Water treatment facilities.

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

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

1. Off-road vehicles;
2. Dune buggies; and
3. Recreational boats.

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

**Vehicle, Featured Display (Motor Vehicle Sales/Rental).** Featured Vehicle Display is the "showcasing" of motor vehicles outdoors.

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

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

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

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

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

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

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

**Washington Heritage Register.** The state listing of properties that are significant to the community, state or nation, but which do not meet the criteria of the National Register of Historic Places.

**Wastewater Facility.** In Chapter 14.12.020 VMC, Water and Sewer Facilities, the City of Vancouver's industrial wastewater collection system and industrial wastewater pretreatment facility constructed in 1979, and sometimes known as the pretreatment lagoon.

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

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

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

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

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

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

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

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

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

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

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

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

**Wetlands Delineation Manual.** Approved federal wetland delineation manual and applicable regional supplements.

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

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

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

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

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

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

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

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

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

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

**Zero-Lot-Line.** Zero-Lot-Line refers to primary and side street setbacks that require a main building to be placed directly on the property line.

**Zoning District.** A geographic area which corresponds to a comprehensive plan designation and which specifies allowed and conditionally allowed uses and applicable standards for development within the district. Also referred to as Zone or District or Base Zoning District.

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***THE VANCOUVER MUNICIPAL CODE IS CURRENT THROUGH MAY 5, 2026, PASSED JUNE 1, 2026.***

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Hosted by General Code.

# Chapter 20.160
# Use Classifications

## Sections:

20.160.010 Purpose.

20.160.020 Listing of Use Classifications.

20.160.030 Unlisted Use: Authorization of Similar Use.

## 20.160.010 Purpose.

*Purpose*. To classify uses into use types based on common functional, product or compatibility characteristics and provide a basis for regulating land uses directly relevant to the public interest.

## 20.160.020Listing of Use Classifications.

A. *Residential use types*. Residential uses include facilities and spaces intended for long-term habitation by individuals or households and may include a range of housing types and densities, from single-family homes to multi-family developments intended to support a mix of lifestyles and household needs.

   1. *Group Living*. Living facilities for groups of individuals that include at least one person residing on the site who is responsible for supervising, managing, monitoring and/or providing care, training or treatment of residents. Larger group living facilities may also be characterized by shared facilities for eating, hygiene and/or recreation. Examples include nursing/convalescent homes, residential care homes or centers; sororities/fraternities and convents/monasteries. Tenancy is typically 30 days or more. Excludes detention and post-detention facilities as defined in this chapter of the code.

2. *Household Living.* Living facilities for small groups (households) of people who are related or unrelated. Tenancy is longer than 30 calendar days. Household structures include single-family detached and attached dwellings; duplexes; middle housing (3-6 plex, townhouse, rowhouse, stacked flats, cottages) multifamily dwellings; and manufactured/modular homes. (See Sections 20.450.080 and Section 20.450.085 for additional standards for cottage and manufactured/modular homes, respectively.) Most types of senior housing (e.g., congregate care or assisted living) are considered to be household living if residents live in self-contained units, even if there are also shared facilities within the building. Household living may also include permanent supportive housing, single-room occupancy (SROs) facilities and co-living housing. The maximum number of people who may reside in any given dwelling unit shall be determined by the city adopted building code.
3. *Short-Term Rental.* A dwelling unit or individual rooms within a dwelling unit that are rented to a guest(s) by a short-term rental operator for fewer than 30 consecutive nights.
4. *Temporary Shelter / Housing.* A structure or organization of structures that provide temporary housing, such as emergency housing. Accessory uses include any uses that may be necessary for the operations and maintenance of the shelter, including, but not limited to administrative offices, fixed generators, and storage containers.

B. *Civic / Institutional use types.* Civic / institutional uses include governmental, medical, educational, cultural, or religious functions. These uses are typically accessible to the public and contribute to the social and cultural infrastructure of the community.

1. *Ambulance services.* An ambulance service is a facility or designated location used for the dispatch and operation of ambulances.

2. *Community Centers*. Public and nonprofit social, resource and multi-purpose facilities that are open to the public for free or fee (including membership fees). They are designed to provide a space for various activities and services that benefit the local population and typically host events, classes, recreational activities, and programs that foster engagement, education, and social connection. They can be used for everything from cultural events and fitness classes to after-school programs and town meetings. Essentially, they're a hub for communal interaction and support. Examples include community centers and senior centers. Accessory uses may include offices, food preparation and service, outdoor spaces, meeting rooms, art exhibition areas, fitness amenities (gyms, or outdoors sports courts), child care supporting parents during events and programs, rental spaces (private events like weddings, birthdays or reunions), libraries and study areas, technology hubs, laundry facilities, showers, health assessments, classrooms and related activities.
3. *Cultural centers*. Public or nonprofit cultural facilities include libraries, museums, historic sites, performing art centers and galleries.
4. *Colleges*. Institutions of higher education. Such a facility that has regional or state-wide significance is classified as an essential public facility by the provisions of the Growth Management Act. Uses often include a mixture of classrooms, laboratories, theaters, auditoriums, libraries, dormitories, eating facilities, bookstores, other small-scale retail and associated general offices. Excludes private, profit-making trade, and vocational schools (see Secondary Retail Uses: Personal Services in this section).
5. *Community Recreation*. Public, private, and nonprofit recreational, social and multi-purpose facilities that are open to the public for free or fee (including membership fees). Examples include health/fitness clubs; indoor or outdoor tennis/racquetball and soccer clubs and other sports field complexes, indoor/outdoor swimming pools, boat launches, golf courses and shooting ranges. Accessory uses may include clubhouses, pro shops, offices, locker rooms, restaurants/delis/concession stands, childcare facilities, restrooms, maintenance facilities, and parking. Excludes such facilities when collocated in a public park (see Park and Natural Area Uses in this section), and certain types of indoor recreational facilities (see Secondary Retail Uses: Indoor Entertainment in this section).

6. *Day Care/Child Care.* A day care/child care facility is defined by the Revised Code of Washington state statute and may be a family child day care home or child care center. Additionally, Washington State licensing requirements will apply to day care/child care facilities. An Adult Day Care is defined by the provision of daytime services, including respite, recreational, social and therapeutic activities, to disabled and/or elderly adults in a group setting.
    a. *Family Child Day Care Home.* A facility where a person regularly provides care during part of the twenty-four (24) hour day to twelve (12) or fewer children.
    b. *Child Care Center.* A person or agency that provides care for thirteen (13) or more children during part of the twenty-four (24) hour day.
    c. *Adult Family Home.* A dwelling, licensed by the state of Washington department of social and health services, in which a person or persons provide personal care, special care, room and board to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services. An adult family home may be licensed to provide care to up to eight adults if the home receives approval under WAC 388-76-10031 or 388-76-10032.
    d. *Institutional Adult Day Care.* Provision of adult day care services for nine or more adults either in a residential or institutional, e.g., nursing home, setting.
7. *Detention and Post-Detention Facilities.* Uses which have the characteristics of Group Living but are devoted to the housing, training and supervision of those under judicial detention. Examples include prisons; jails; probation centers; juvenile detention homes; and related post-incarceration and halfway houses. Such a facility that has regional or state-wide significance is classified as an essential public facility by the provisions of the Growth Management Act. Detention and post detention facilities do not include secure community transition facilities as per Chapter 20.150 VMC.
8. *Emergency Services.* Public safety facilities including police and fire stations, and emergency communications, but not including ambulance services.

9. *Medical Centers.* Facilities providing inpatient, outpatient, emergency, and related ancillary services to the sick and infirm, including drug and alcohol treatment. Usually developed in campus setting. Such a facility that has regional or state-wide significance is classified as an essential public facility by the provisions of the Growth Management Act. Accessory uses may include diagnostic and treatment facilities; laboratories; surgical suites; kitchen/food service facilities; laundry; housekeeping and maintenance facilities; administrative offices; and parking. Medical centers may also include freestanding offices for hospital-based and/or private-practice physicians and other allied health care professionals; these medical office buildings are regulated as offices (see Office Uses -Medical Office of this section).
10. *Religious Institutions.* Permanent places of religious worship. May include on-site functions related to ministry to the poor such as emergency overnight shelter, food service, group meals and food and clothing pantries. Accessory uses may include related accessory uses that are clearly incidental and secondary to religious worship, congregation, and teaching such as administrative offices; childcare centers/preschools; classrooms for religious instruction; auditoriums; social halls; rectories; and gymnasiums, playgrounds and other recreational facilities.
11. *Schools.* Public and private preschool, kindergarten, elementary, middle, and high schools. Such a facility that has regional or state-wide significance is classified as an essential public facility by the provisions of the Growth Management Act. The programs and activities of other public and nonprofit organizations including those associated with adult education, after-school care, recreation and social services may collocate in a school facility. Accessory uses include administrative offices; classrooms and laboratories; kitchen/cafeterias; auditoriums; gymnasium, swimming pools; playing fields and related indoor and outdoor physical education facilities; and storage and maintenance facilities.
12. *Social/Fraternal and Clubs/Lodges.* Nonprofit organizations with social, philanthropic and/or recreational functions and activities. Accessory uses include administrative offices; classrooms and laboratories; kitchen/cafeterias; auditoriums; gymnasium, swimming pools; playing fields and related indoor and outdoor physical education facilities; and storage and maintenance facilities.

C. *Active Retail*. Active retail uses include facilities and spaces dedicated to the sale of goods, merchandise, or services directly to consumers. These uses are typically located on ground floors in pedestrian-oriented areas and are designed to generate foot traffic and contribute to the economic vitality and vibrancy of the streetscape.

1. *Artisan and Specialty Goods Production*. Small-scale businesses that manufacture artisan goods or specialty foods. Small manufacturing production aims at direct sales rather than the wholesale market. This small-scale manufacturing use is intended to be allowed where compatible with the commercial and residential fabric of the city center. An allowance for public viewing or customer service space is required with artisan and specialty goods production. This use category includes the following uses: sugar and confectionary, fruit and vegetable preserving and specialty foods, bakeries and tortilla manufacturing; artisan leather, glass, cutlery, hand tools, wood, paper, ceramic, textile and yarn products; microbreweries, micro distilleries, and wineries. 2. *Eating and Drinking Establishments*. Establishments that sell prepared food and beverages for consumption on site or take-away including restaurants, delicatessens, bars, taverns, brew pubs, espresso bars, and group meal service.

2. *Personal Services*. Establishments which provide consumer services such as banks and credit unions; barber and beauty shops; automated teller machines (ATMs), veterinary clinics, real estate agents, mortgage bankers, insurance brokers, other consultants and related automated vending facilities; pet grooming; laundromats and dry cleaners; copy centers; photographic studios; specialized instructional schools; trade/vocational schools; massage therapy; yoga studios; acupuncture; and mortuaries.

3. *Sales-Oriented*. Establishments which provide consumer-oriented sales, leasing and rental of consumer, home and business goods including art; art supplies; bicycles; clothing; dry goods; electronic equipment; fabric; gifts; groceries; hardware; household products; jewelry; pets and pet products; pharmaceuticals; plants; printed materials; stationery; videos; and clothing and food pantries. Excludes large-scale consumer products (see Passive Retail - Bulk Sales); and those sold primarily outdoors (see Passive Retail - Outdoor Sales).

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

D. *Passive Retail Uses*. Secondary retail uses include spaces that complement primary retail uses. Secondary retail is not intended to act as the primary drivers of foot traffic or economic activity in an area. These uses often provide support or specialized goods and services that enhance the overall retail environment.

1. *Animal Kennel/Shelters*. Animal kennel and shelter facilities for the overnight boarding and day care of dogs, cats and other domestic pets. Excludes breeding.
2. *Adult Entertainment*. Facilities including adult motion picture theaters; adult video/book stores; and topless, bottomless, and nude dance halls which include materials and activities characterized or distinguished by an emphasis on matters depicting specified sexual activities or anatomical areas.
3. *Bulk Sales*. Establishments which engage in the sales, leasing and rental of bulky items requiring extensive interior space for display including furniture, large appliances, home improvement sales, and other similar uses.
4. *Commercial and Transient Lodging*. Residential facilities such as hotels, motels, rooming houses, bed-and-breakfast establishments, emergency shelters, and homeless shelters where tenancy is typically less than one month. May include accessory meeting, convention facilities, and food preparation and service.
5. *Dog Day Care*. "Dog day care" shall mean any premises containing four or more dogs, which are five months or older, where these domestic animals are dropped off and picked up daily for temporary care on site and where they may be groomed, trained, exercised, and socialized, but are not kept or boarded overnight, bred, sold or let for hire. Excludes Animal Kennel/Shelters (see Secondary Retail uses - Animal Kennel/Shelters).
6. *Electric Vehicle (EV) Battery Exchange Station*. A facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery. Such exchange stations may use a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW.

7. *Electric Vehicle (EV) Charging Station (Stand-alone).* A facility located on a private or public lot that provides electric energy for the purpose of charging electric vehicles (EV). An EV charging station may consist of one or more charging points, equipment, and related accessories designed to delivery electrical energy to battery EVs and plug-in hybrid electric vehicles (PHEVs).
8. *Indoor Entertainment.* Commercial indoor facilities such as bowling alleys, arcades, trampoline or bounce house facilities, shooting ranges, movie, and live performance theaters.
9. *Major Event Entertainment.* Facilities such as auditoriums, stadiums, arenas, amphitheaters, convention centers, and racetracks which provide athletic, cultural or entertainment events and exhibits for large groups generally exceeding 1,000 spectators.
10. *Motor Vehicle Sales/Rental.* Includes car, light and heavy truck, mobile home, boat and recreational vehicle sales, rental and service.
11. *Motor Vehicle Servicing/Repair.* Freestanding vehicle servicing and repair establishments including quick and general vehicle service, car washes and body shops not an accessory to new vehicle sales.
12. *Outdoor Sales.* Establishments that engage in sales requiring outdoor display and/or storage including lumberyards and nurseries.
13. *Self-Service Storage.* Commercial operations that provide rental of storage space to the public. The storage areas are designed to allow private access by the tenant for storing or removing personal property. These facilities do not include outdoor storage or moving and storage companies where there is no individual storage or where employees are primary movers of the goods to be stored (see subsection (B)(13) of this section, Warehouse/Freight Movement). No tenant may use a self-service storage facility for residential purposes. "Self-service storage" is synonymous with self-service storage facility and mini-storage.
14. *Vehicle Fuel Sales.* Establishments engaging in the direct-to-consumer sale of gasoline, diesel fuel, and oil products for cars, trucks, recreational vehicles, and boats.
15. *Home Occupation.* Commercial, office or other economic activity wholly contained within the residence or accessory building within which it is located, and is clearly subordinate to the primary residential use.

E. *Office Uses*. Office uses include spaces used for professional, administrative, business, or clerical activities, typically conducted indoors with minimal environmental or external impacts on surrounding areas.

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

2. *General Office*. Government, business and professional offices that operate during typical weekday hours. Examples include local, regional, state, and federal offices and agencies; medical and dental laboratories; blood collection centers; offices for attorneys, architects, accountants, engineers, stockbrokers, headquarters offices; sales offices; radio, and television studios. Also includes painting, landscaping, building and janitorial contractors where the indoor storage of materials and equipment are incidental to the office use. If this storage exceeds 50 percent of occupied space, such uses are classified as Employment Services (see Industrial Use Types – Employment Services). Offices that are part of and are located within a firm in another use category are considered accessory to the firm's primary activity. Also excludes medical office and related facilities (see subsection (E)(3) of this section).

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

F. *Industrial use types*. Industrial uses include production, manufacturing, processing, warehousing, distribution, or repair of goods, outdoor bulk storage, cargo handling, transloading, laydown yards assembly of large equipment and stockpile areas, as well as related research and development. These uses are typically characterized by operations that may generate higher levels of noise, emissions, truck traffic, or other external impacts.

1. *Bulk Fossil Fuel Storage and Handling Facility*. "Bulk fossil fuel storage and handling facility" means any structure, group of structures, equipment, or device that stores or transfers any material derived from prehistoric organic matter, including but not limited to: petroleum and petroleum products, coal, and natural gases, including without limitation methane, propane, and butane. The term does not include facilities that store and handle finished products derived from fossil fuels including but not limited to asphalt, plastics, fertilizers, paints, and denatured ethanol. Bulk fossil fuel storage and handling facilities are greater than 60,000 gallons cumulative storage. The director may refer to RCW 82.38.020 or other state or federal laws to assist in interpretation of this use classification.
2. *Cleaner Fuels Storage and Handling Facility*. Means any structure, group of structures, equipment or device previously classified as bulk fossil fuel storage and handling that is converted to store or transfers any material derived from cleaner fuels, as defined in Chapter 20.150 VMC.
3. *Employment Services*. Includes the repair and servicing of machinery, equipment and/or products where outdoor storage is limited. Examples include building, heating, plumbing or electrical contractors; exterminators; janitorial and building maintenance contractors where the indoor storage of materials is more than incidental to the office use (see Office Uses); laundry, dry cleaning and carpet cleaning plants; and photo-finishing laboratories.
4. *Energy Plants*. A facility or group of facilities capable of generating, storing, and/or distributing electrical energy. This includes methods for new energy generation such as geothermal facilities, sewer thermal capture facilities and central utility plants.
5. *Industrial Services*. Includes the repair and servicing of industrial and business machinery, equipment and/or products. Examples include welding shops; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; and tire recapping and retreading.
6. *Manufacturing and Production*. Includes production, processing, assembling, packaging or treatment of semifinished or finished products from raw materials or previously prepared materials or components. Manufacturing production is intended for the wholesale market rather than for direct sales.

7. *Organic Materials Management Facilities.* A facility that receives, processes, stores, and/or transfers organic materials—including any solid waste that is a biological substance of plant or animal origin capable of microbial degradation. Organic materials include, but are not limited to, manure, yard debris, food waste, food processing waste, wood waste, and garden waste. Organic materials" does not include any materials contaminated by herbicides, pesticides, pests, or other sources of chemical or biological contamination that would render a finished product of an organic material management process unsuitable for general public or agricultural use. "Organic materials management" means management of organic materials through composting, anaerobic digestion, vermiculture, black soldier fly, or similar technologies.
8. *Research and Development.* Facility containing a mix of uses including office, research laboratories, and prototype manufacturing. If the use contains no on-site manufacturing component, then it is considered General Office (see Office uses – General Office).
9. *Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities.* Means local distribution gas storage tanks with individual storage capacities of 30,000 gallons or less and cumulative storage of 60,000 gallons or less. Such tanks store fossil fuels or cleaner fuels and are either for local distribution to customers or serve as an accessory facility necessary to support an on-site allowed primary commercial, industrial, educational, scientific, or governmental use and do not otherwise meet the definitions of Bulk Fossil Fuel Storage and Handling Facility in subsection (B)(1) of this section, or Vehicle Fuel Sales in subsection (H)(17) of this section; provided, however, that fuel storage for accessory emergency generators shall not be considered a Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facility, which shall be governed by the primary use allowances and necessary fire code reviews.

10. *Solid Waste Handling Facilities.* Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes or uses that manufacture or produce goods or energy from the composting of organic material. Examples include recycling/garbage transfer stations; landfills; composting, energy recovery and sewage treatment plants; and hazardous waste handling and transfer facilities that do not treat or dispose of hazardous waste, as that term is defined in 40 CFR Part 261. Such a facility that has regional or state-wide significance is classified as an essential public facility by the provisions of the Growth Management Act. Hazardous waste or disposal facilities are not included in this classification and are therefore not permitted in the city of Vancouver.
11. *Truck Stops.* A truck stop is a commercial establishment located along transportation corridors, primarily serving the needs of truck drivers and other travelers needing accommodations for long-haul trips in the movement of goods. Facilities may include fueling facilities for heavy duty trucks, including diesel pumps and parking areas.
12. *Warehouse/Freight Movement.* Uses involved in the storage and movement of large quantities of materials or products indoors and/or outdoors; associated with significant truck and/or rail traffic. Examples include freestanding warehouses associated with retail furniture or appliance outlets; household moving and general freight storage; food banks; cold storage plants/frozen food lockers; weapon and ammunition storage; major wholesale distribution centers; truck, marine and air freight terminals and dispatch centers; grain terminals; and stockpiling of sand, gravel, bark dust or other aggregate and landscaping materials.
13. *Wholesale Sales.* Involves sales, leasing or rental of equipment or products primarily intended for industrial, institutional or commercial businesses. Businesses may or may not be open to the general public, but sales to the general public are limited. Examples include the sale or rental of machinery, equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware.

G. *Infrastructure Uses*. Infrastructure uses include facilities and spaces essential for the movement of people and goods, as well as the delivery of critical services across the city. This includes transportation networks, utility systems, rail infrastructure, and communication facilities, all of which support urban functionality, connectivity, and growth.

1. *Airports/Airparks*. Includes aircraft runways, landing strips and uses supporting airport operations such as control towers, hangars, and fuel storage facilities. Also includes uses incidental to airports such as aerial mapping; air cargo warehousing and distribution, airport pilot training schools; aircraft sales and repair; aviation clubs and museums; and public transportation transfer areas. Such a facility that has regional or state-wide significance is classified as an essential public facility by the provisions of the Growth Management Act.
2. *Basic Utilities*. Unstaffed community infrastructure, including but not limited to water tanks, sewer pump stations, internet/telephone exchanges, and electric power substations. Excludes facilities that include offices, service centers and/or material storage.
3. *Data Centers*. A data center refers to a facility used to house computer systems and associated infrastructure such as telecommunications and data storage systems.
    a. AI Data Center
        - Specialized Hardware: Uses high-performance GPUs or TPUs instead of just CPUs, as these are better suited for parallel processing required in AI tasks.
        - High Computational Power: Designed to handle intensive AI workloads like training machine learning models or running inference tasks.
        - Advanced Cooling Systems: Requires robust cooling solutions, such as liquid cooling, to manage the heat generated by high-power hardware.
        - Energy Demands: Consumes significantly more power due to the computational intensity of AI operations.
        - Storage and Networking: Equipped with advanced storage and networking capabilities to handle large datasets and high-speed data transfer.
    b. Non-AI Data Center

- General-Purpose Hardware: Primarily relies on CPUs for standard computing tasks like hosting websites, managing databases, or running business applications.
- Lower Computational Needs: Handles less demanding workloads compared to AI data centers.
- Standard Cooling Systems: Uses traditional air-based cooling systems, as the hardware generates less heat.
- Moderate Energy Use: Consumes less power compared to AI-focused facilities.
- Basic Storage and Networking: Designed for typical data storage and transfer needs.

4. *Heliports.* Public or private facilities designed for the landing, departure, storage, and fueling of helicopters. Allowed as an accessory use to a medical center in applicable zoning district(s).
5. *Major Utility Facilities.* Those facilities which have a substantial public impact, including but not limited to: sewage treatment plants and lagoons; electric generation facilities; and essential public facilities.
6. *Park and Ride Facilities.* "Park and ride facilities" means parking facilities that serve motorists transferring to or from urban public transportation vehicles or private carpool vehicles.
7. *Rail Lines/Utility Corridors.* The regional corridors in public or private ownership dedicated for use by rail lines; above-grade or underground power or communication lines; water, sewer and storm sewer lines or similar services.
8. *Railroad Yards.* A terminus of several light or heavy railroad lines where the loading, unloading, transshipment, switching, maintenance, and storage of rail cars is undertaken.
9. *Structured Parking Facilities.* A parking facility that is constructed as a multi-level building or structure, primarily designed to accommodate a large number of vehicles in an organized manner. They utilize vertical space to maximize the number of vehicles that can be parked within a designated area. Accessory uses may include uses such as electric vehicle (EV) charging stations.

10. *Surface Parking Facilities*. Refers to parking areas located at ground level and consist of paved or unpaved surfaces that are not enclosed within a structure or building. Accessory uses may included uses such as electric vehicle (EV) charging stations.

11. *Transportation Facilities*. Bus, trolley, streetcar; light and heavy rail transit stops, stations and other facilities; water taxi and ferry stations; and accessory bicycle parking. Includes associated fuel storage. Excludes airports (see Infrastructure Uses- Airports/Airparks); public streets and sidewalks; and heavy and light rail maintenance/switching yards (see Infrastructure Uses – Railroad Yards); and heliports (Infrastructure Uses - Heliports). Such a facility that has regional or state-wide significance is classified as an essential public facility by the provisions of the Growth Management Act.

12. *Wireless Communication Facilities*. Includes publicly and privately owned towers and related transmitting equipment for television; FM/AM radio; cellular and two-way radio and microwave transmission; and related ancillary equipment buildings. Does not include radio/television transmission facilities that are part of the public safety network (see subsection (A)(8) of this section, Emergency Services). Does not include amateur (ham) radio antennas or towers.

H. *Parks and Natural Areas*. Public lands that are preserved or developed for outdoor activities, ecological function, or community interaction. They are managed and maintained to protect or enhance natural resources and/or developed for public passive and active recreation. These spaces are regulated by their form, design elements, and relationship to surrounding structures, and land uses rather than specific activities alone. Examples include parks, natural areas and open spaces, civic plazas, linear parks, recreational trails, nature and wildlife preserves and interpretive facilities.

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

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

3. *Environmental Management and Education.* A range of activities focused on the conservation, restoration, and sustainable management of natural resources, as well as public education on environmental topics such as habitat restoration, stormwater management, guided tours, research and monitoring, renewable energies, and waste reduction/recycling.
4. *Fish Hatcheries.* A hatchery is a facility that includes the necessary structure and equipment for successful breeding, rearing, and growth of fish growth phase of fish and other aquatic organisms, including tanks, ponds, filtration systems, and possibly processing areas for feed storage and handling.
5. *Marina.* A facility that provides secure moorings for recreational or commercial boats.
6. *Motorized Recreational Activities.* Any outdoor recreational activity that involves the use of motorized vehicles or equipment for the purpose of leisure, entertainment, or sport. This includes, but is not limited to, activities such as all-terrain vehicle (ATV) riding, motorcycle riding, off-road vehicle (ORV) use, snowmobiling, and motorized boats.
7. *Parks and Natural Areas (urban).* Urban Parks and Natural Areas include public resources lands and trail assets developed or preserved for active and passive outdoor activities, ecological function, natural resource protection, and community interaction. These spaces are regulated by their design elements, and relationship to surrounding land uses. Typical assets vary by size, character, and site natural site resources, but may include play structures, sport courts and/or sport fields, turf, trees, landscape areas and native plant resource areas, pathways and trails, picnic tables, picnic shelters, benches, skate parks, water play features, community event spaces, boat launches, community gardens, and public art, interpretation and cultural features.
    a. Neighborhood parks are small parks usually no greater than five acres designed to serve the surrounding neighborhood. Access is on foot or bicycle with little or no on-site parking provided. Accessory uses may include low-impact outdoor playing/practice fields (without associated parking), playgrounds, sports courts, picnic areas, educational/interpretive facilities, walking/jogging paths, restrooms, and seating areas. May collocate with schools.

b. Community parks are larger parks typically 15 acres or larger designed to serve a larger geographic area than a neighborhood park. Access is on foot and by bicycle, transit, and vehicle. May contain one or more Community Recreation uses (see Civic / Institutional use types- Community Recreation). Accessory uses may include playgrounds, water play, path system, picnic shelters, outdoor performance and event facilities, off-leash dog parks, bicycle, and skateboard parks, sports courts, community gardens, educational/interpretive facilities, viewpoints, concessions, and support facilities such as restrooms, caretaker and maintenance facilities, and parking. May collocate with natural areas, Community Centers (see Civic / Institutional use types- Community Recreation) and schools.

8. *Parks and Natural Areas* (*Regional parks)*. Regional Parks and Natural Areas are similar to Urban Parks and Natural Areas but are typically larger in size and include a broader spectrum of assets depending on the location and natural resources of the location. They are designed to accommodate large numbers of people, including sporting and community events with a local and regional draw. These spaces are regulated by their design elements, and relationship to surrounding land uses. Accessory uses include any of the facilities found in community parks and often include large passive recreation natural areas and resource lands, as well as any of the facilities found in neighborhood and community parks. Some regional facilities may allow a caretaker residence.

9. *Trails*. Publicly accessible walking, jogging or bike trails that extend beyond the boundaries of a single subdivision, park, or development project. Accessory uses may include way-finding and interpretive signage, interpretive centers, viewpoints, and trailheads with restrooms and parking.

I. *Other use types*.

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

b. *Seasonal or special events*. Seasonal or special events which involve the placement of tents, canopies, membrane structures or storage containers.

c. *Temporary Storage Units*. Temporary storage units are box-like containers used for storing household items that are being moved to another location or being stored during a home remodel projects.

d. *Unforeseen Emergency Situations*. This type of temporary use is one for which there is a need because of an unforeseen event such as fire, windstorm, flood or other event deemed by the Planning Official to be an emergency situation.

## 20.160.030 Unlisted Use: Authorization of Similar Use.

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

B. *Process*. The Planning Official shall render an interpretation by means of a Type I permit, as governed by Chapter 20.255 VMC, Interpretations and Minor Adjustments.

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

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

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

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

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

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

D. *Maintaining list.* The Planning Official shall maintain a list by zoning district of approved unlisted uses and the list shall have the same effect as an amendment to the use provisions of the applicable zone.

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***THE VANCOUVER MUNICIPAL CODE IS CURRENT THROUGH MAY 5, 2026, PASSED JUNE 1, 2026.***

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.

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# Chapter 20.170
# Measurements

## Sections:

20.170.010 Purpose.

20.170.020 Measuring Number of Items Required.

20.170.030 Measuring Distances.

20.170.040 Measuring Distances on Maps.

20.170.050 Measuring Height.

20.170.060 Determining the Area of the Facade of a Building.

20.170.070 Measuring Lot Widths and Depths.

20.170.090 Measuring Tree Diameter.

20.170.100 Measuring the Root Protection Zone.

## 20.170.010 Purpose.

The purpose of this chapter is to set the standards for calculating measurements required in the development code.

## 20.170.020 Measuring Number of Items Required.

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

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

2. *Maximum limits.* When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number.

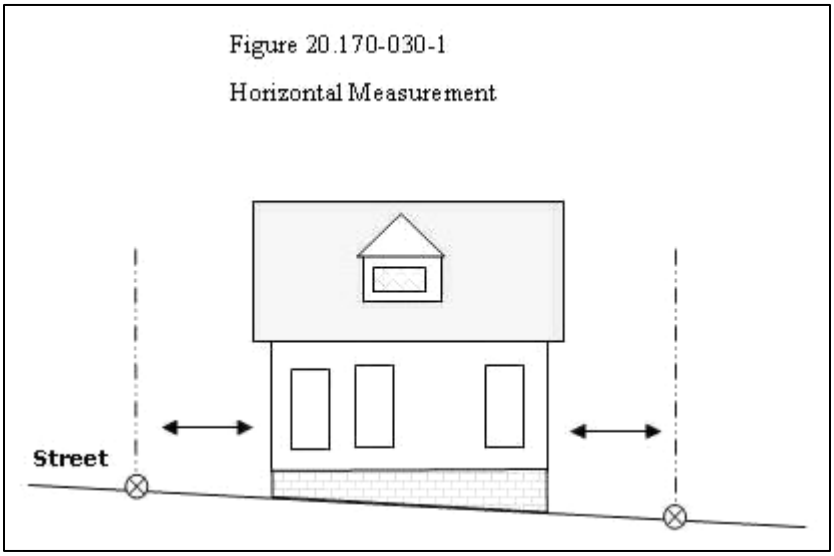
## 20.170.030 Measuring Distances.

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

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

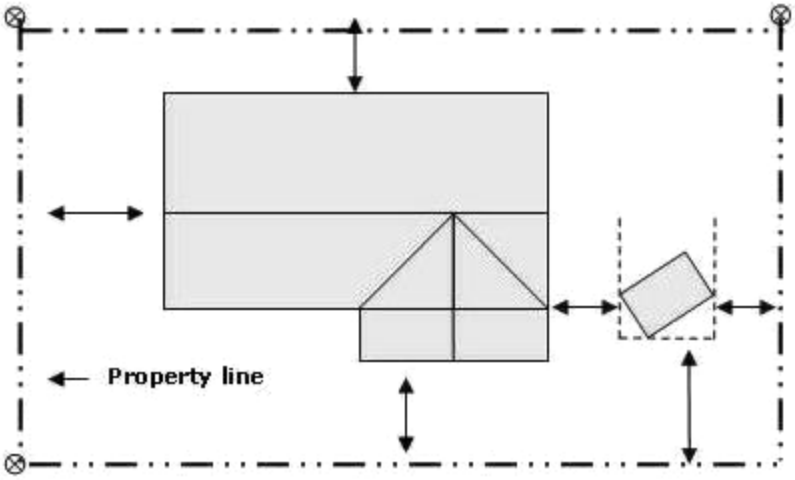
Figure 20.170-030-1

Horizontal Measurement



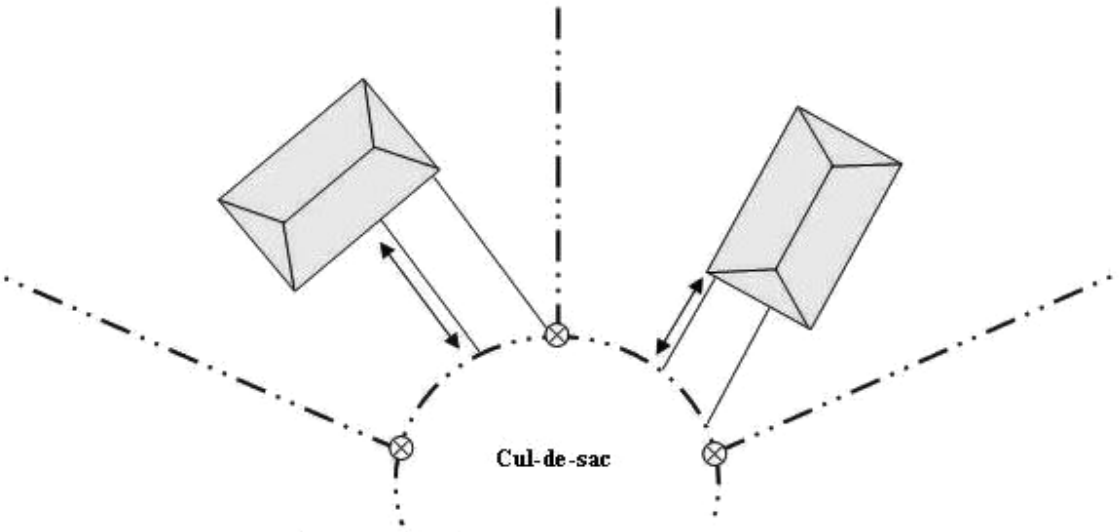

C. *Measurements are shortest distance.* When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the shortest distance between the two objects, and perpendicular to the lot line. See Figure 20.170.030-2. For the purposes of Chapter 20.720 VMC, Critical Areas Protection, the measurement is made at the shortest distance between two objects or boundaries without respect to the lot line. Other exceptions are stated in Subsection D, E, and F.

Figure 20.170.030–2
Closest Distance




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

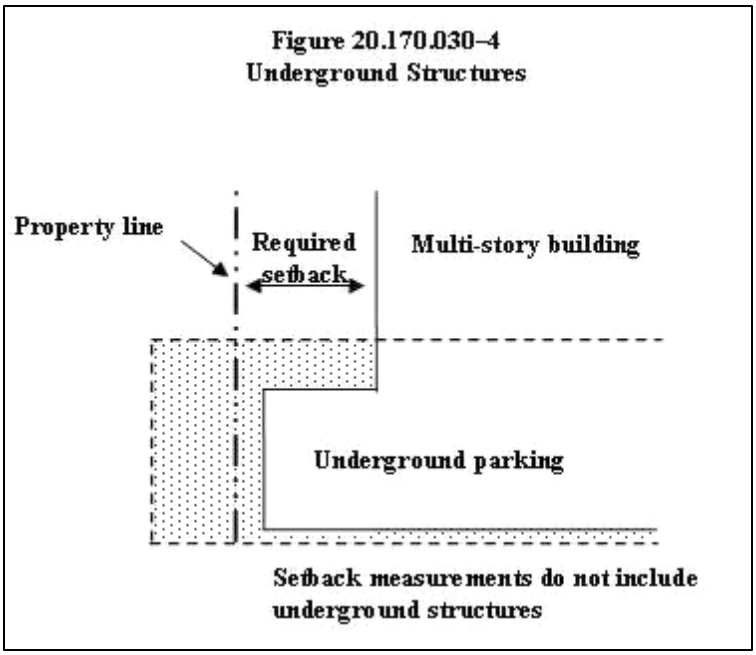
**Table 20.170.030–3**
**Measuring Vehicle Travel Area**




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

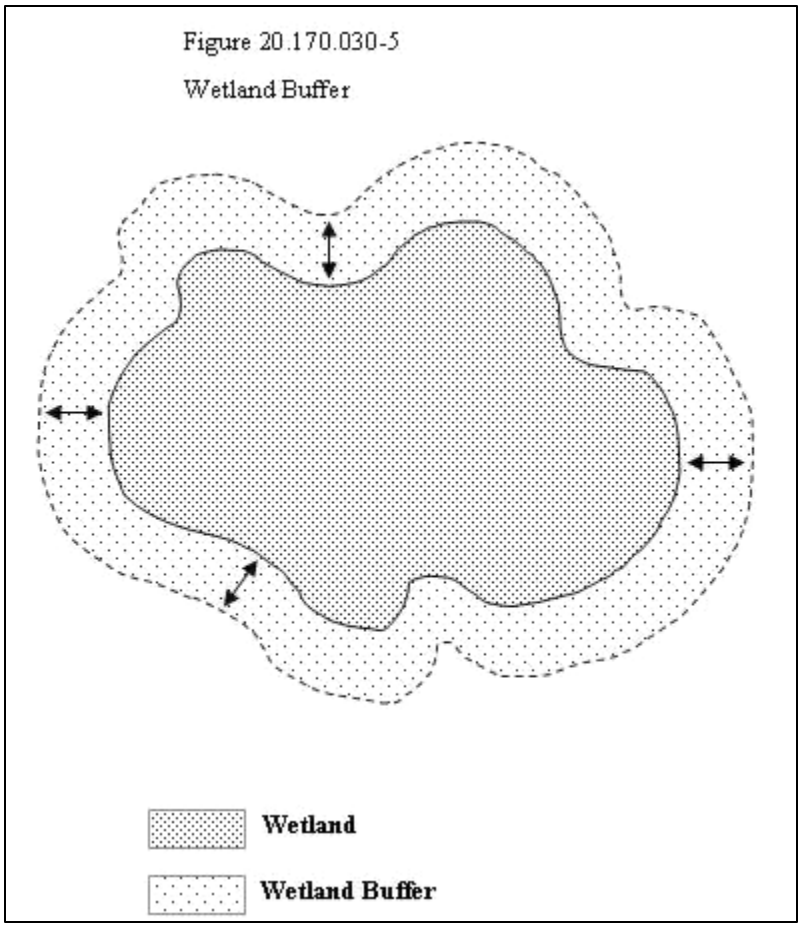
E. *Measurements involving a structure*. Measurements involving a structure are made to the closest wall of the structure. Chimneys, eaves, and bay windows up to 12 feet in length, are not included in the measurement. Other items, such as covered porches, and entrances are included in the measurement.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

F. *Underground structures*. Structures or portions of structures that are entirely underground are not included in measuring required distances. However, this shall not be interpreted to mean that underground construction is allowed to encroach under public rights-of-way, easements or other property without a street use permit. See Figure 20.170.030-4. For the purposes of Chapter 20.720 VMC, Critical Areas Protection, structures or portions of structures that are entirely underground are included in measuring required distances.

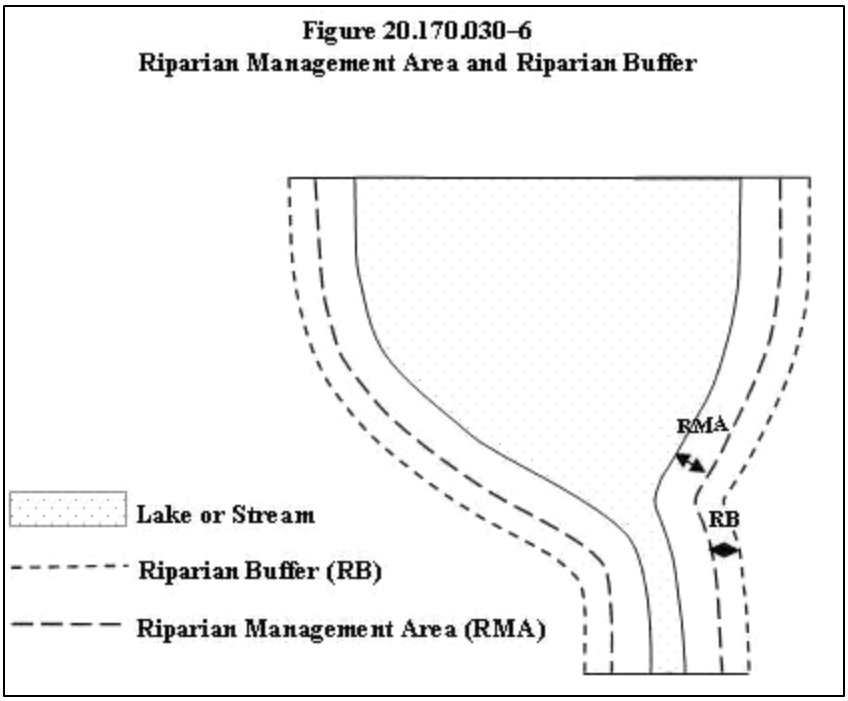



G. *Landscaping*. Measurements of the dimensions of a landscaped area include only the area that is actually landscaped and not any other elements such as protective curbs.

H. *Wetland Buffer*. See Section 20.720.140(C)(1)(b) VMC.

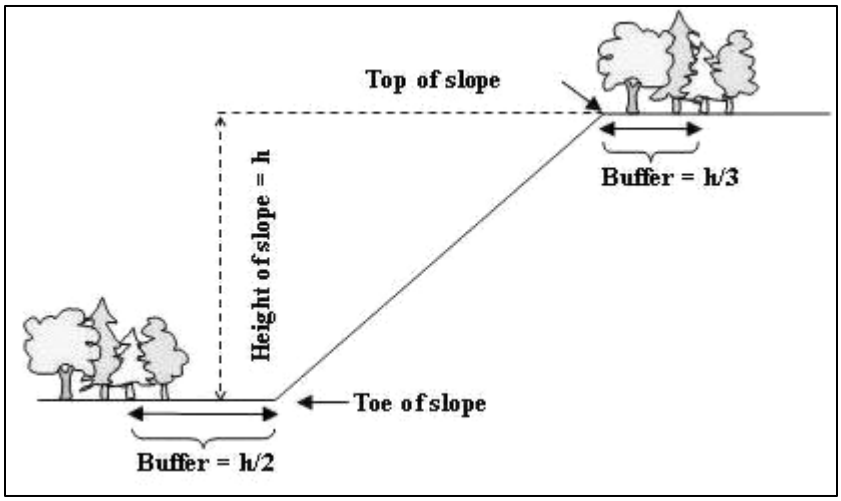



l. *Riparian Management Area and Riparian Buffer*. See Section 20.720.110 (A)(1) VMC.

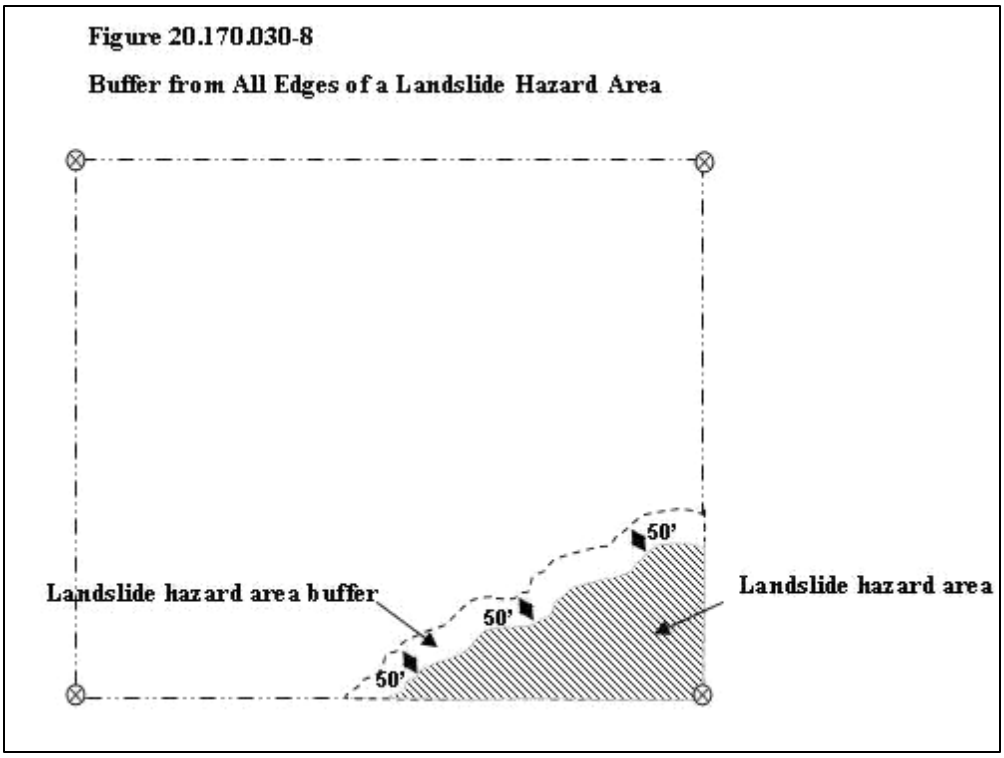



J. *Buffers from the Top or Toe of a Steep Slope.* See Section 20.720.130 VMC.

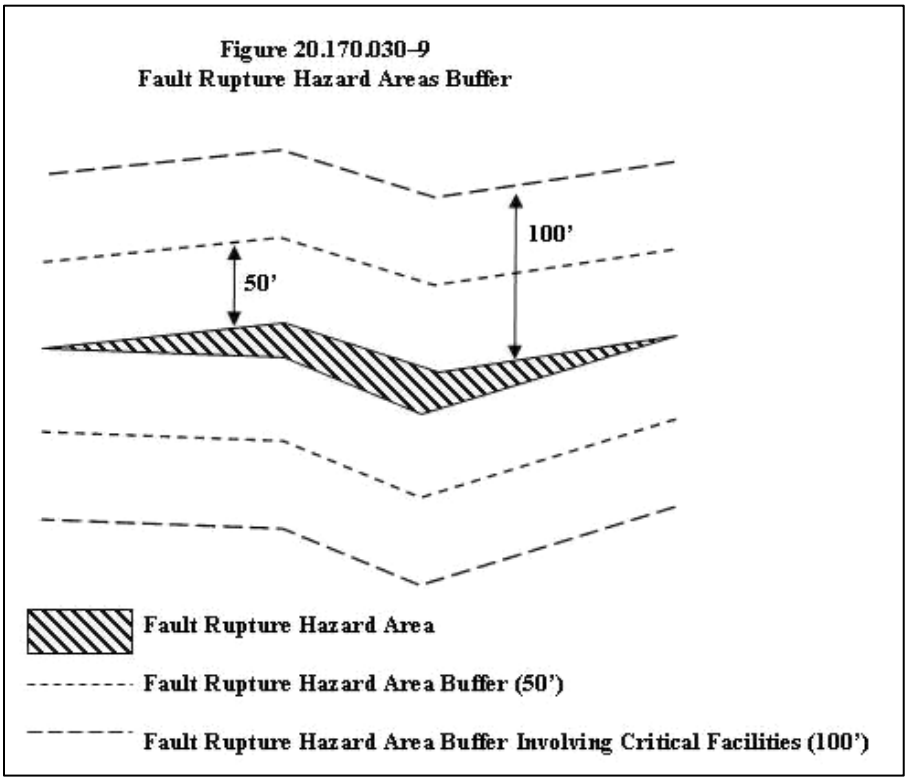
**FIGURE 20.170.030-7. BUFFERS FROM THE TOP OR TOE OF A STEEP SLOPE**




K. *Buffer from All Edges of a Landslide Hazard Area.* See Section 20.720.130(B)(2)(j)(i)(B) VMC.




L. *Fault Rupture Hazard Areas Buffer.* See Section 20.720.130(B)(1)(b) VMC.

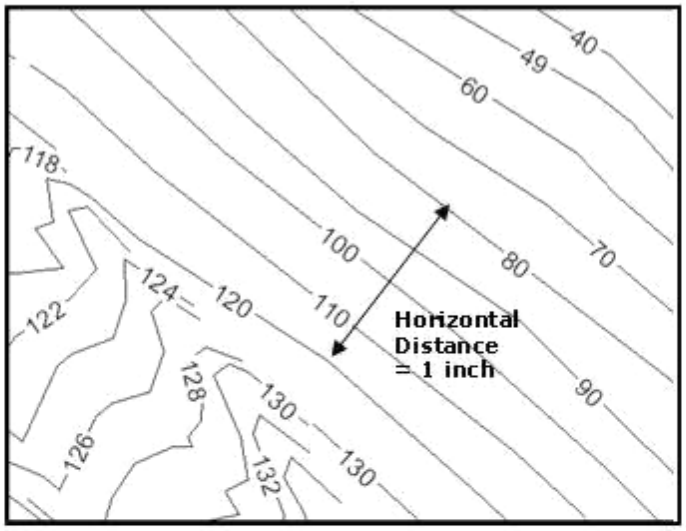


## 20.170.040 Measuring Distances on Maps.

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

B. *Calculating Slope from a Topographic Map.* See Section 20.720.130 VMC.

**Figure 20.170.040–1**
**Calculating Slope from a Topographic Map**




**1 inch = 50 feet**

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

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

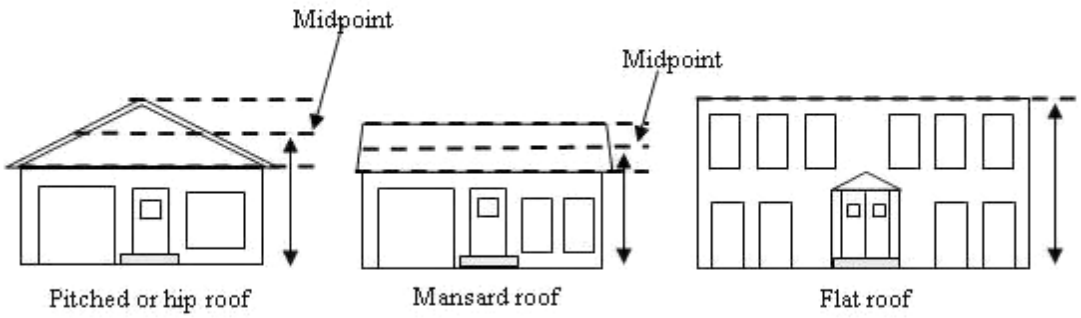
Run = Horizontal distance measured between contour lines = 1 inch. Scale indicates 1 inch = 50 feet.

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

## 20.170.050 Measuring Height.

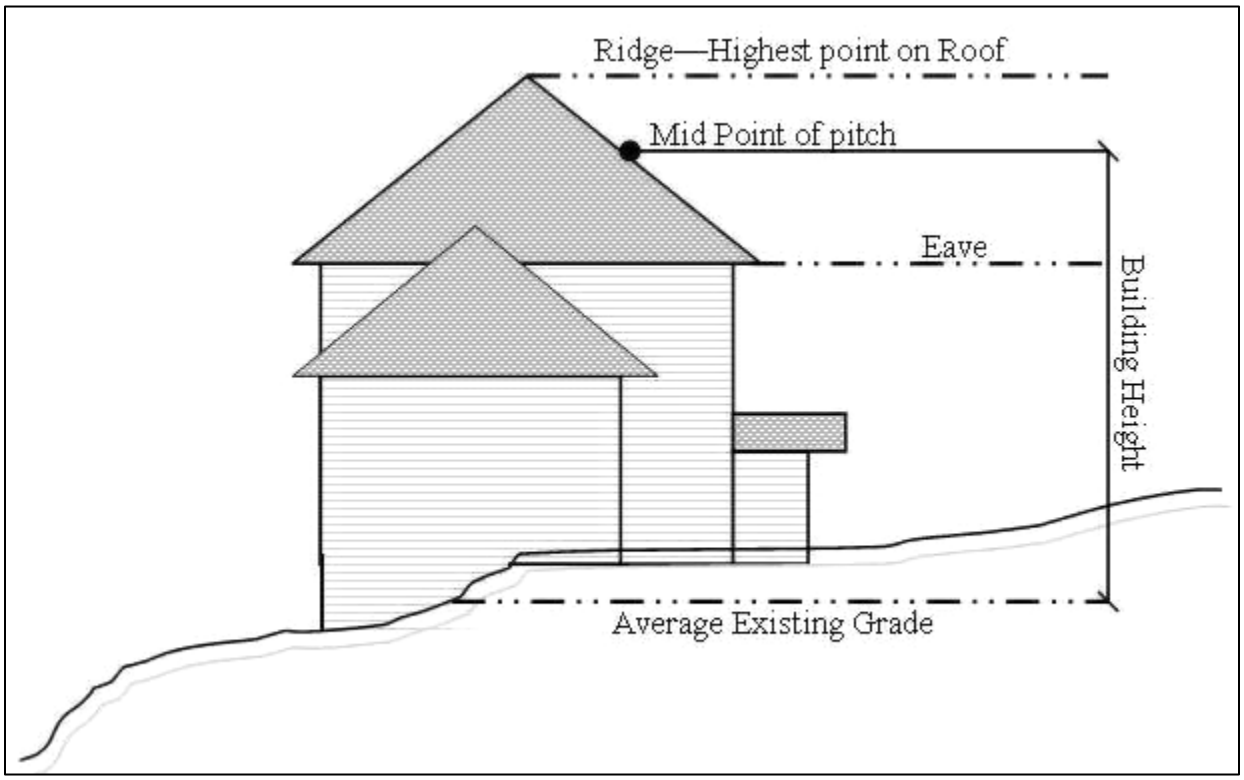
A. *Measuring building height*. Height of buildings is measured from the vertical distance from the average grade to the average height of the roof peak of the building, except in a shoreline jurisdictional area, in which case the height shall be measured from average existing grade (prior to development) to the highest point of a structure (see also WAC 173-27-030). For exceptions subject to airport height limits located within the approach, transitional and horizontal surfaces refer to Chapter 20.570 VMC.

Figure 20.170.050–1
Measuring Building Heights



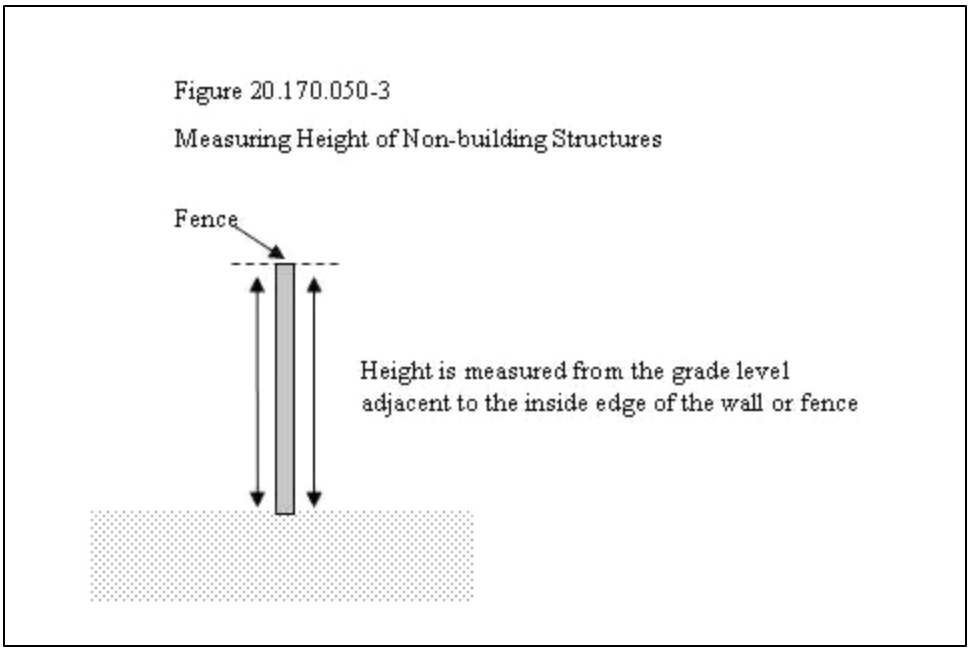

Building height is measured at midpoint between eaves and peak of roof.

FIGURE 20.170.050-2. MEASURING BUILDING HEIGHT WITH VARIATIONS IN GRADE




B. *Measuring height of other structures.* The height of other structures such as flag poles and fences is the vertical distance from the ground level immediately under the structure to the top of a structure, excluding exempted portions. When chimneys and other objects are allowed to exceed the base height of the zone by a set amount, that set amount is measured to the top of these objects. Special measurement provisions are also provided below.

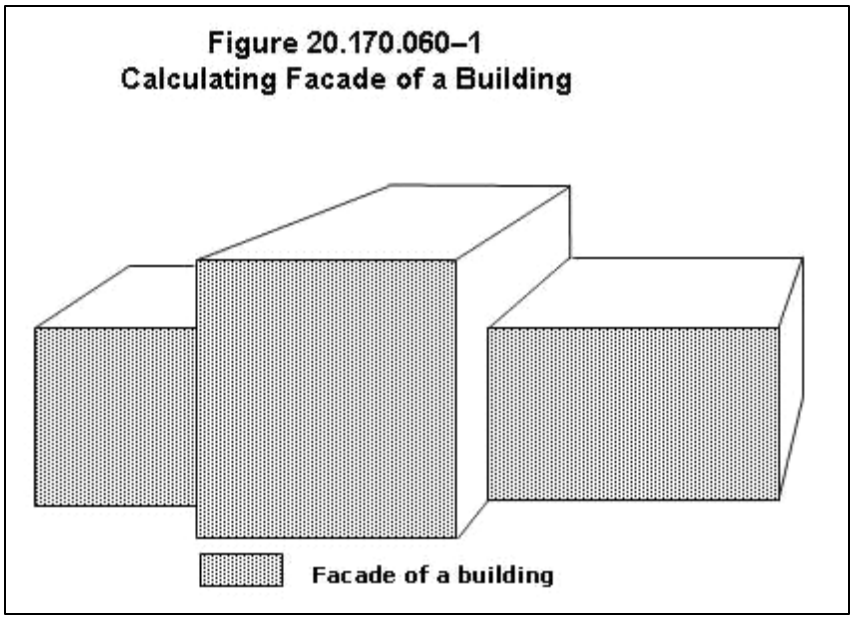
1. Height is measured from the grade level adjacent to the inside edge of the wall or fence.




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

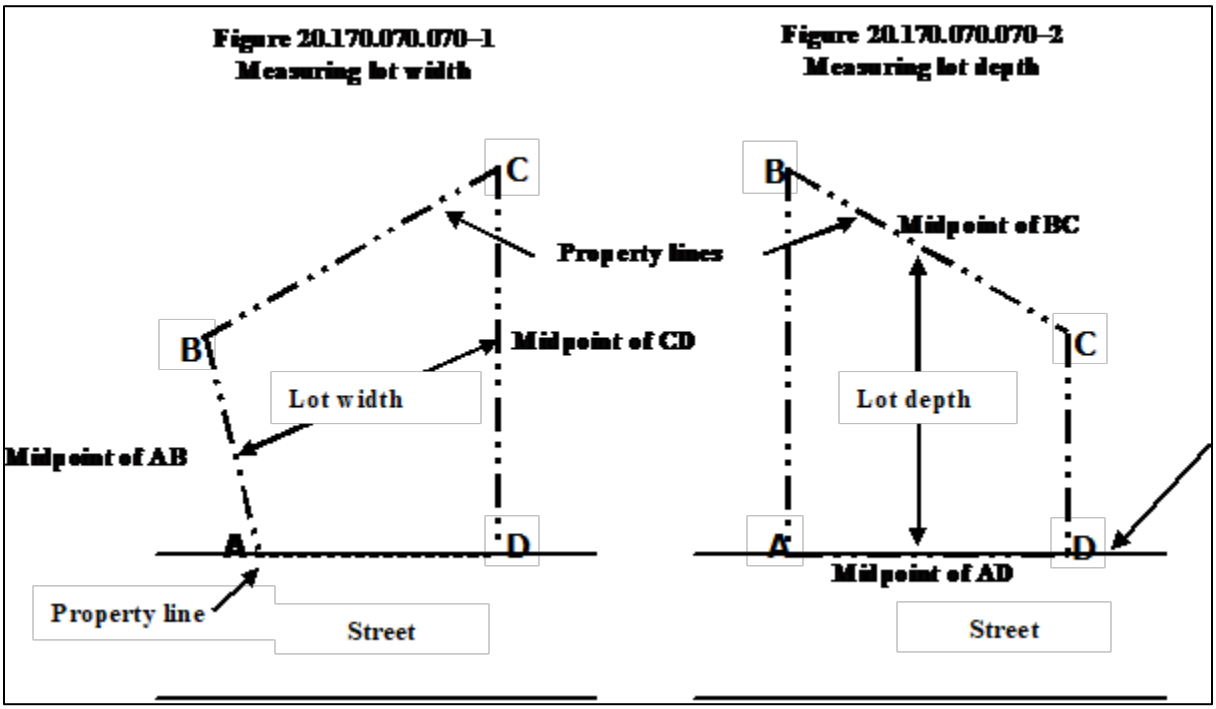
## 20.170.060 Determining the Area of the Facade of a Building.

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




## 20.170.070 Measuring Lot Widths and Depths.

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



B. *Criteria for measuring flag lot widths and depths*. Flag lot widths and depths are measured from the midpoints of opposite lot lines of the flag portion of the lot, excluding the access stem. Flag lots shall be exempt from front and side build-to-lines.

## 20.170.090 Measuring Tree Diameter.

A. *Existing trees*. Existing trees are measured at a height of 4 1/2 feet above the ground. Trees on slopes are measured from the ground level on the lower side of the tree. If the tree splits into multiple trunks below 4 1/2 feet, the trunk is measured at its most narrow point below the split.

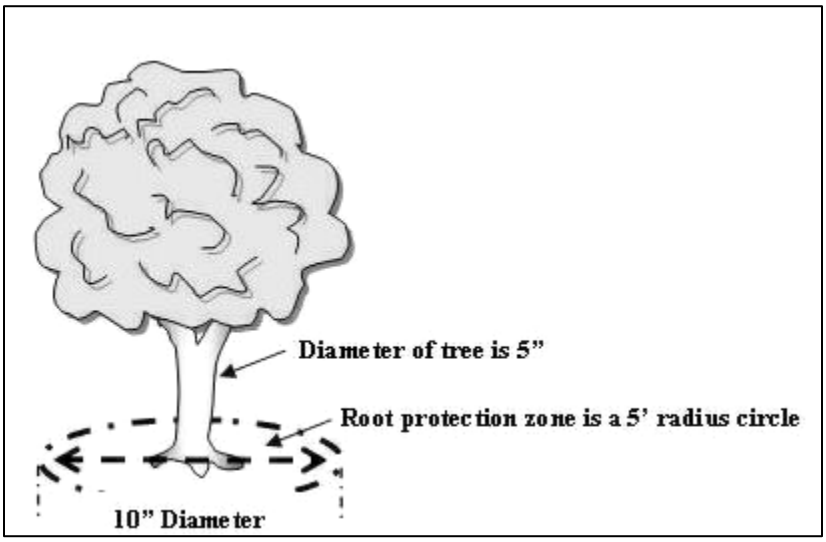
B. *New trees*. New trees are measured in caliper inch, which is the diameter of the trunk 6 inches above the ground for up to and including 4 inches caliper size and 12 inches above the ground for larger trees.

C. *Tree Diameter*. Tree diameter is measured by taking the circumference of the tree at the height, described in Items A and B above, and dividing the result by 3.14.

## 20.170.100 Measuring the Root Protection Zone.

A. *Root protection zone*. The root protection zone is a circular area around a tree that is based on the diameter of the tree. Each 1 inch diameter of tree equals 1 foot radius for the root protection zone, as illustrated in Figure 20.170.100-11.

**FIGURE 20.170.090-11. MEASURING THE ROOT PROTECTION ZONE**



***THE VANCOUVER MUNICIPAL CODE IS CURRENT THROUGH MAY 5, 2026, PASSED JUNE 1, 2026.***

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# Chapter 20.180
# Density Requirements

## Sections:

20.180.010 Purpose.

20.180.020 Minimum Density.

20.180.030 Calculating Density.

## 20.180.010 Purpose.

*General*. The purpose of the density requirements is to establish minimum residential density standards for each base zoning district to ensure the efficient use of land and infrastructure. The density requirements are intended to provide clarity, consistency, and predictability in the application of residential density standards.

## 20.180.020 Minimum Density.

A. The net density of a development must meet or exceed the minimum density of the zoning district as required in Chapter 20.410 VMC, Zoning Districts.

B. *Applicability*. Minimum density requirements only apply to new development and complete redevelopment. The following are exempt from minimum density requirements:

   1. When no dwelling units are proposed.

   2. Lots developed or approved before June 30, 2026, in the Low-Scale Neighborhood (LS) district and will be developed with a total of six (6) or fewer dwelling units per parent parcel.

3. Lots developed or approved before June 30, 2026, in the Medium-Scale Neighborhood (MS) district where there are six (6) or fewer existing dwelling units that are demolished and will be developed (building permit submitted) with the same number of dwelling units or more within three (3) years of demolition. This period may be extended by the Planning Official for up to an additional one (1) year, if the property owner submits written documentation demonstrating that delays related to active insurance claims, open estate probate or other filed and pending legal action related to the property are delaying their ability to submit building permits and that an extension is reasonable to meet the intent of the exception.
4. When twenty-five (25%) or more of the gross ground-floor area will consist of Active Retail Uses, Office Uses, or Passive Retail Uses (Section 20.430.040 VMC).

C. *Existing Housing.* On lots containing an existing dwelling or dwellings as of June 30, 2026, a lot no greater than one (1) acre may be created around said existing housing with the remainder platted to create the number of dwelling units required by the minimum density established for the zoning district in which the lot or lots are located.

D. *Fractional Units.* When the calculated minimum number of dwelling units required for a development contains a fraction of a dwelling unit, the applicant may round down to the nearest whole dwelling unit.

## 20.180.030 Calculating Density.

A. For the purposes of meeting minimum density, net density is the area of the development divided by the number of dwelling units within the development.

B. *Area of development.* The following may be excluded in calculating the area of the development:

1. Area required by the City for public or private streets, schools, or other public facilities.
2. Private road easements.
3. Critical areas and associated buffers.
4. Critical root zones of trees in fair and good condition to be retained.
5. Bonneville Power Administration (BPA) easements.
6. Water detention/retention ponds.

7. Parks or public recreation facilities dedicated as an integral part of the development.

C. *Value per Unit Type*. For the purposes of meeting minimum density, the dwelling unit type may be factored in and contribute to the net density according to Table 20.180.030-1.

D. *Co-living housing density*. Each sleeping unit will be counted as 0.25 units for the purposes of calculating dwelling unit density for co-living housing density.

**TABLE 20.180.030-1 VALUE PER UNIT TYPE**

| Dwelling Unit Type | Value for Net Density Calculation |
|---|---|
| Studios/One (1) bedroom. | One (1). |
| Two (2) bedrooms. | One and one-quarter (1.25). |
| Three (3) bedrooms or more. | One and one-half (1.5). |

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# Chapter 20.190
# Fees

## Sections:

20.190.010 Purpose.

20.190.020 Application and Service Fee Policy.

20.190.030 Fees Payable.

20.190.040 Refunds.

20.190.050 Revisions.

20.190.060 Planning Fees.

20.190.070 Development Engineering Fees.

20.190.080 Fire Review Fees.

## 20.190.010 Purpose.

A. *Requirements of the uniform codes and ordinances.* The uniform codes and ordinances adopted by the city of Vancouver concerning land use, development, and building require the community development department to perform certain reviews, approvals, and inspections to support land development, new construction, issue permits, periodically inspect existing occupancies to assure compliance with the codes and ordinances. Appropriate fees will be collected for these reviews, approvals, and inspections. Any applicant desiring or being required to obtain review, approval, permit issuance or inspections pursuant to the uniform codes, standards, and ordinances adopted by the city of Vancouver shall pay the applicable fees.

B. *Procedures and standard fee provisions.* This section establishes the procedures and standard provisions for fees set forth in the following sections:

   1. Section 20.190.060 VMC, Planning Fees.
   2. Section 20.190.070 VMC, Development Engineering Fees.
   3. Section 20.190.080 VMC, Fire Review Fees.

### 20.190.020 Application and Service Fee Policy.

*Fee policy*. It is the general policy of the city of Vancouver that the community development department adopt application and service fees at a level sufficient to cover the costs or a substantial portion of the costs, associated with conducting reviews, and providing services. Fees for applications or services should generally be collected by the city at the time or as close as possible to the time that costs are incurred. General fund support for certain activities will be provided where necessary.

### 20.190.030 Fees Payable.

A. *Complete payment with submittal.* All fees shall be payable at the time of submittal of an application for processing, unless specifically stated otherwise.

B. *Payment to include all applicable fees.* Unless specifically stated otherwise, all application fees are in addition to other city fees that may be applicable.

C. *Updated fee policy*. Fees shall be those fees that are in effect at the time an application is submitted and determined to be "counter complete" as defined in Section 20.210.090 VMC.

### 20.190.040 Refunds.

*Types of refunds.* A full or partial refund may be approved by the planning official or other appropriate department head when an application is withdrawn prior to the expenditure of staffing resources.

### 20.190.050 Revisions.

*Development review fees.* Effective January 1, 2023, and January 1st of each year thereafter, development review fees shall be adjusted annually pursuant to the methodology set forth in VMC 3.08.100. Each such newly adjusted fee shall be rounded to the nearest whole dollar with $0.50 or more being rounded to the next higher dollar and $0.49 or less to the next lower dollar. Fees based on valuation, per head or device, per lineal foot or square foot and per section shall be excluded from rounding to the nearest whole dollar.

### 20.190.060 Planning Fees.

*Required planning fees.* Fees for planning-related applications, permits, and services are set forth in Table 20.190.060. For Cost Recovery fees listed in Table 20.190.060, applicants or persons requesting reports will be required to sign an agreement that they will pay the actual

cost of the work being performed. Actual costs will be calculated based on the salary and benefits of the employees performing work plus overhead at a rate of 30 percent.

**TABLE 20.190.060.**

| Section | Activity | 2026 Fees |
|---|---|---|
| 1. | **Address Changes – New/Revised** | $259.00 |
| 2. | **Airport Height Combining District** | $902.00 |
| 3. | **Appeals (to Hearing Examiner, Planning Commission, or City Council)** | |
| A. | Filed by a recognized city neighborhood association | $191.00 |
| B. | Involving six or fewer dwelling units | $887.00 |
| C. | All other (see SEPA fees for SEPA procedural appeal fee) | $2,537.00 |
| 4. | **Archaeological Review** | |
| A. | Predeterminations | |
| 1. | Base fee | $825.00 |
| 2. | Plus fee per acre for each acre more than five | $140.00 |
| B. | Surveys and other special studies | Cost recovery[2] |
| 5. | **Binding Site Plan** | |
| A. | Conceptual – Requiring subsequent site plan review | |
| 1. | Same as comparable short subdivision or subdivision | See Short Subdivision or Subdivision |
| B. | Detailed – Not requiring subsequent site plan review | |
| 1. | Same as comparable short subdivision or subdivision | See Short Subdivision or Subdivision |
| 2. | Plus one-half comparable site plan review | See Site Plan Review |
| 6. | **Boundary Line Adjustments/Administrative Lot Split** | |
| A. | Base fee | $1,332.00 |
| B. | Plus fee per lot for each additional lot more than two | $432.00 |
| 7. | **Comprehensive Plan Map Amendments (includes rezone in conjunction with plan amendment)** | |
| A. | Proposals 2.5 acres or less in size | $7,500.00 |
| B. | Proposals greater than 2.5 acres and up to 10 acres in size | $10,000.00 |
| C. | Proposals greater than 10 acres in size | $15,000.00 |
| 8. | **Conditional Use Permit** | |
| A. | Initial (community centers, group meal service, shelters) | $1,904.00 |

| Section | Activity | 2026 Fees |
|---|---|---|
| B. | Initial (all others) | $10,722.00 |
| C. | Major modification, Type III | $1,904.00 |
| D. | Minor modification, Type I | $432.00 |
| **9.** | **Continuance of Public Hearing** | |
| A. | Initiated by applicant after public notice is mailed | $2,537.00 |
| B. | Resulting from inadequate information provided by the applicant. Does not apply in cases where new information is presented at the hearing by staff or other parties. | $2,537.00 |
| C. | Hearing examiner reconsideration request | $2,537.00 |
| **10.** | **Covenant Release – Full and Partial** | $11,288.00 |
| **11.** | **Critical Areas Permit** | |
| A. | Statement of exemption review | $795.00 |
| B. | Six or fewer dwelling units (fee per applicable critical area) | |
| 1. | Fish and wildlife habitat areas | $1,588.00 |
| 2. | Frequently flooded areas | $1,588.00 |
| 3. | Geologic hazard areas | $1,588.00 |
| 4. | Wetland areas | $1,588.00 |
| C. | All others (fee per applicable critical area) | |
| 1. | Fish and wildlife habitat areas | $3,177.00 |
| 2. | Frequently flooded areas | $3,177.00 |
| 3. | Geologic hazard areas | $3,177.00 |
| 4. | Wetland areas | $3,177.00 |
| D. | Minor exception request | $1,059.00 |
| E. | Reasonable use request | |
| 1. | Six or fewer dwelling units | $5,582.00 |
| 2. | All others | $11,103.00 |
| F. | Digitizing critical areas geographic information | Cost recovery[2] |
| **12.** | **Design Review (Downtown)** | |
| A. | Minor exterior reviews only | $763.00 |
| B. | All others, including new buildings | $2,537.00 |
| **13.** | **Development Agreement** | |
| A. | Initial | $8,534.00 |
| B. | Modification | $3,912.00 |
| C. | Extension | $726.00 |

| Section | Activity | 2026 Fees |
|---|---|---|
| 14. | **Extension of Preliminary Approval** | $887.00 |
| 15. | **Grading and Erosion Control Permit** | |
| A. | 50 cubic yards or less and less than one foot in depth | No fee |
| B. | 51 to 100 c.y. or greater than one foot in depth | $166.00 |
| C. | 101 to 500 c.y. | |
| 1. | Base fee | $333.00 |
| 2. | Plus fee per 100 c.y. (or fraction thereof) above 500 c.y. | $24.00 |
| 3. | Maximum total grading and erosion control fee | $452.00 |
| D. | Fees resulting from work in progress without a permit | 2 × regular fee |
| 16. | **Historic Preservation Reviews** | |
| A. | Major modification | $1,060.00 |
| B. | Historic Registry | $1,060.00 |
| C. | Special Valuation | $1,060.00 |
| 17. | **Home Occupation** | |
| A. | General | $252.00 |
| B. | Penalty – When application is received after code enforcement action has been initiated | 2 × regular fee |
| 18. | **Joint Use Parking Agreement** | $1,427.00 |
| 19. | **Land Use Review** | |
| A. | Middle Housing – Six dwelling units or less | |
| 1. | Initial dwelling unit fee (may already be existing and not charged) | $265.00 |
| 2. | Additional fee per dwelling unit (units 2-6) | $66.25 |
| 3. | Residential appurtenances, i.e. sheds, decks, driveways, fences, etc. | $134.00 |
| B. | Demolition Permit | $134.00 |
| C. | Tenant Improvement or Multifamily Remodel | $238.00 |
| 20. | **Lot Determination** | |
| A. | Base fee (one to two lots) | $2,780.00 |
| B. | Plus per-lot fee over two | $887.00 |
| 21. | **Master Plan** | |
| A. | Conceptual (requiring subsequent site plan review) | $9,862.00 |
| B. | Detailed (not requiring subsequent site plan review) | $9,862.00 plus one-half applicable site plan review fee |
| C. | Hybrid (conceptual approval for overall site, plus partial detailed approval) | $9,862.00 plus one-half applicable site plan review fee |

| Section | Activity | 2026 Fees |
|---|---|---|
| | | for area for which detailed approval is sought |
| 22. | **Planning Official Review** | |
| A. | Temporary use | |
| 1. | Seasonal or special event | $122.00 |
| 2. | Temporary sales office, model home, or unforeseen emergency | $374.00 |
| 3. | Temporary use in a commercial or industrial district | $1,752.00 |
| B. | Similar/Nonconforming use determination or other | $1,752.00 |
| 23. | **Plat Alteration** | $8,194.00 |
| 24. | **Post-Decision Reviews** | |
| A. | Post-decision review – Type I | $432.00 |
| B. | Post-decision review – Type II | $1,214.00 |
| C. | Post-decision review – Type III | $1,904.00 |
| 25. | **Preapplication Conference Process** | |
| A. | Preapplication conference request (six units or less with critical areas or applicant requested) | $382.00 |
| B. | Preapplication conference request (seven or more residential units and all other) | $1,344.00 |
| C. | Preapplication waiver request | $191.00 |
| 26. | **Reporting (misc. application and permit information)** | Cost recovery |
| 27. | **SEPA Checklist (Environmental Review)** | |
| A. | Grading permit | |
| 1. | Residential 1-6 units | $168.00 |
| 2. | All other | |
| a. | Base fee | $1,244.00 |
| b. | Plus fee per acre of land disturbed by the project | $24.00 |
| B. | Subdivision or planned development | |
| 1. | Base fee | $1,016.00 |
| 2. | Plus fee per acre of land disturbed by the project | $11.60 |
| C. | Site plan review – Residential | |
| 1. | Base fee per unit up to five units | $252.00 |
| 2. | Plus fee per unit more than five | $26.00 |
| D. | Nonprojects (including rezone and annual review applications) | $2,791.00 |
| E. | All other reviews | |

| Section | Activity | 2026 Fees |
|---|---|---|
| 1. | Base fee | $2,031.00 |
| 2. | Plus fee per acre of land disturbed by the project | $68.00 |
| F. | SEPA procedural appeal (See "Appeals – All others" for substantive SEPA appeal fee) | $164.00 |
| G. | Environmental impact statement (EIS) review | Cost recovery |
| **28.** | **Shoreline Permits** | |
| A. | Statement of exemption review | $1,059.00 |
| B. | Shoreline substantial development permit | $8,879.00 |
| C. | Shoreline conditional use permit | $9,767.00 |
| D. | Shoreline variance request | $9,767.00 |
| **29.** | **Short/Unit Lot Subdivisions** | |
| A. | Preliminary (nine lots or fewer) plats | $8,625.00 |
| B. | Unit Lot Subdivision (nine lots or fewer) | $8,625.00 |
| C. | Final Plat Check | $2,931.00 |
| **30.** | **Short-Term Rental** | $265.00 |
| **31.** | **Signs – All Except Sandwich Board Signs** | $432.00 |
| **32.** | **Site Plan Review (Type I)** | |
| A. | Residential | |
| 1. | Base fee | $1,752.00 |
| 2. | Plus fee per dwelling unit | $66.25 |
| 3. | Maximum per dwelling unit fee | $5,000.00 |
| B. | Nonresidential | $1,752.00 |
| C. | Qualifying planned action | Same as Type II site plan review fees |
| **33.** | **Site Plan Review (Type II) – Residential** | |
| A. | Base fee | $2,194.00 |
| B. | Plus fee per unit | $152.00 |
| C. | Maximum fee | $30,929.00 |
| **34.** | **Site Plan Review (Type II) – Nonresidential** | |
| A. | General case | |
| 1. | Base fee | $5,961.00 |
| 2. | Plus fee per sq. ft. – Ground floor | $0.25 |
| 3. | Plus fee per sq. ft. – Upper floors | $0.10 |

| Section | Activity | 2026 Fees |
|---|---|---|
| B. | Commercial pad within a previously approved site plan that was not originally reviewed for the proposed specific use or structure | $4,070.00 |
| C. | Land-extensive uses such as a golf course | $4,907.00 |
| D. | Unoccupied commercial and utility structures | $2,260.00 |
| **35.** | **Subdivisions – Preliminary** | |
| A. | 10 – 22 lots | $13,188.00 |
| B. | 23+ lots | |
| 1. | Base fee (for first 23 lots) | $13,188.00 |
| 2. | Plus fee per lot (each lot more than 23) | $328.00 |
| C. | In conjunction with a planned development | one-half regular fee |
| **36.** | **Subdivisions – Final Plat Check** | $6,641.00 |
| **37.** | **Tree Plan Review** | |
| A. | Levels 1, 2, 4, 5 | $419.00 |
| B. | Levels 3, 6, 7 | $140.00 |
| C. | Tree Canopy/Cool Surfaces deficit | $3.00 per square foot |
| **38.** | **Variance (full fee for one variance; one-half cost for second; $0.00 for third or more)** | |
| A. | Type I | |
| 1. | Six or fewer dwelling units | $874.00 |
| 2. | All other | $912.00 |
| B. | Type II | |
| 1. | Six or fewer dwelling units | $2,756.00 |
| 2. | All other | $6,639.00 |
| **39.** | **Zoning Certificates** | $951.00 |
| **40.** | **Zoning Verification Letter (authorizes replacement of destroyed structure)** | $290.00 |
| **41.** | **Zoning Map Change (not involving comprehensive plan amendment)** | |
| A. | Proposals 2.5 acres or less in size | $5,000.00 |
| B. | Proposals greater than 2.5 acres and up to 10 acres in size | $7,500.00 |
| C. | Proposals greater than 10 acres in size | $10,000.00 |
| **42.** | **Zoning or Comprehensive Plan Text Change** | $5,000.00 |

[1] Projects with approved master plans, which include preliminary stormwater and transportation plans, shall be entitled to a 30 percent reduction in the fee for stormwater and transportation plan review.

## 20.190.070 Development Engineering Fees.

*Fees for development engineering.* Fees for development engineering related applications, permits, and services are set forth in Table 20.190.070:

**TABLE 20.190.070. DEVELOPMENT ENGINEERING FEES**

| Section | Engineering Activity | 2026 Fees |
|---|---|---|
| 1. | **Binding Site Plan** (in addition to underlying site plan review fee) | See short plat or subdivision |
| A. | Conceptual – Requiring subsequent site plan review | |
| 1. | Same as comparable short plat or subdivision | See short plat or subdivision |
| B. | Detailed – Not requiring subsequent site plan review | |
| 1. | Same as comparable short plat or subdivision | See short plat or subdivision |
| 2. | Plus same as comparable site plan review | See site plan review |
| 2. | **Conditional Use Permit** | |
| A. | Stormwater plan review | $1,278.00 |
| B. | Transportation plan review | $1,719.00 |
| 3. | **Continuance of Public Hearing (applicant-initiated)** | $731.00 |
| 4. | **Drainage Projects (special)** | |
| A. | Plan review fee | $649.00 |
| B. | Construction inspection fee | $665.00 |
| C. | Fees resulting from working without a permit | 2 × regular fee |
| 5. | **Escrow Review and Administration** | |
| A. | $0.00 to $10,000 (final city-approved escrow amount) | |
| 1. | Base fee | $433.00 |
| 2. | Plus percentage of final city-approved escrow amount | 1.50% |
| B. | $10,001 to $100,000 (final city-approved escrow amount) | |
| 1. | Base fee | $869.00 |
| 2. | Plus percentage of final city-approved escrow amount | 1.00% |
| C. | Greater than $100,000 (final city-approved escrow amount) | |
| 1. | Base fee | $1,735.00 |
| 2. | Plus percentage of final city-approved escrow amount | 1.00% |
| 6. | **Inspection Fees – Additional** | |
| A. | Construction inspection after normal work hours[1] | Cost recovery |
| B. | Construction reinspection during normal work hours | Cost recovery[2] |
| 7. | **Plan Review, Final Engineering – Additional** | |

| Section | Engineering Activity | 2026 Fees |
|---|---|---|
| A. | Each additional review (beyond three) for either stormwater or transportation | $673.00 |
| 8. | **Post-Decision Review – Specifications** | |
| A. | Change specifications prior to submittal | No fee |
| B. | Change specifications after first review | One-half regular fee |
| C. | Change specifications after final approval | Full regular fee |
| 9. | **Residential (six or fewer dwelling units)** | |
| A. | Stormwater review | |
| 1. | Residential Stormwater fee | $300 |
| 2. | Engineering required | See Section 4 Drainage Projects (special) fee |
| B. | Transportation review | |
| 1. | Residential Transportation fee | $181.00 |
| 2. | Engineering required | $2,042.00 |
| 10. | **Right-of-Way Permits** | |
| A. | City of Vancouver | |
| | **Residential** | |
| 1. | Base fee | $37.00 |
| 2. | Plus fee per square foot of sidewalk (after the first 100) | $0.05 |
| 3. | Plus fee per lineal foot of driveway (after the first 10) | $0.28 |
| | **Commercial** | |
| 1. | Base fee | $173.00 |
| 2. | Plus fee per lineal foot of improvement (includes all frontage improvements and trenching in right-of-way) | $3.11 |
| B. | Clark County | Amount per Clark County Code (CCC) Chapter 13.12A as amended |
| C. | WSDOT | $386.00 |
| 11. | **Site Plans** | |
| A. | Stormwater plan review (includes preliminary and final)[3] | |
| 1. | General case | |
| a. | Base fee | $1,925.00 |
| | Plus charge per square foot of impervious area as follows (including roof area): | |
| b. | First 1.00 acre | $0.04 |
| c. | Next one to five acres | $0.02 |

| Section | Engineering Activity | 2026 Fees |
|---|---|---|
| d. | Over five acres | $0.004 |
| 2. | Unoccupied commercial and utility structures | $624.00 |
| 3. | Tenant improvements | $131.00 |
| B. | Transportation plan review (includes preliminary and final)[3] | |
| 1. | General case | $4,918.00 |
| 2. | Unoccupied commercial and utility structures | $2,042.00 |
| 3. | Tenant improvements | $181.00 |
| C. | Construction inspection fees (stormwater and transportation) | |
| 1. | Small projects (less than one acre of impervious surface) | |
| a. | Base fee | $1,234.00 |
| b. | Plus charge per square foot of impervious surface | $0.01 |
| 2. | Medium projects (1.0 to 4.99 acres of impervious surface) | |
| a. | Base fee | $2,464.00 |
| b. | Plus charge per square foot of impervious surface | $0.006 |
| 3. | Large projects(over five acres of impervious surface) – $10,000 maximum | |
| a. | Base fee | $4,927.00 |
| b. | Plus charge per square foot of impervious surface | $0.002 |
| 4. | Unoccupied commercial and utility structures | $412.00 |
| 5. | Tenant improvements | $131.00 |
| **12.** | **Short Subdivision/Unit Lot Subdivision** | |
| A. | Plan review fee (includes preliminary and final) | |
| 1. | Stormwater | $1,924.00 |
| 2. | Transportation | $2,674.00 |
| B. | Construction inspection fee | |
| 1. | Stormwater | $1,679.00 |
| 2. | Transportation | $1,679.00 |
| **14.** | **Subdivision** | |
| A. | Plan review fees | |
| 1. | Stormwater | |
| a. | Base fee | $1,735.00 |
| b. | Plus per-lot fee | |
| | 1. Less than 23 lots | $73.00 |
| | 2. 23 or more lots | $67.00 |
| 2. | Transportation | |
| a. | Base fee | $3,852.00 |

| Section | Engineering Activity | 2026 Fees |
|---|---|---|
| b. | Plus per-lot fee | $93.00 |
| B. | Construction inspection fees | |
| 1. | Stormwater | |
| a. | Base fee | $1,141.00 |
| b. | Plus per-lot fee | $112.00 |
| 2. | Transportation | |
| a. | Base fee | $3,601.00 |
| b. | Plus per-lot fee | $33.00 |
| **15.** | **Street Modification – Transportation** | |
| A. | Prior to public hearing or administrative decision | |
| 1. | Administrative modification | $242.00 |
| 2. | Technical (minor) modification | $1,764.00 |
| 3. | Design (major) modification | $3,504.00 |
| B. | After public hearing or administrative decision | |
| 1. | Administrative modification | $242.00 |
| 2. | Technical (minor) modification | $2,215.00 |
| 3. | Design (major) modification | $3,965.00 |
| C. | Appeal to hearing examiner | $1,764.00 |
| **16.** | **Traffic Signal Plan Review and Inspection** | |
| A. | Plan review fee | $5,778.00 |
| B. | Civil construction inspection fee | $3,470.00 |
| **17.** | **Transportation Concurrency Review** | |
| A. | Concurrency certificate request evaluation (preliminary scoping) | $242.00 |
| B. | Traffic study review | $481.00 |
| C. | Model maintenance fee per trip (peak hour); $1,500 maximum | $73.00 |
| **18.** | **Variance (all cases)** | |
| A. | Stormwater | $964.00 |
| B. | Transportation | $1,335.00 |
| **19.** | **Right-of-Way Use Permit Fees** | |
| A. | Type A application fee short-term permit | $40.00 |
| B. | Type B encroachment permit fee | $40.00 |
| C. | Type C use fee temporary use and occupation permit | $40.00 |
| D. | Type D long-term ROW use and occupation permit | $719.00 |

| Section | Engineering Activity | 2026 Fees |
|---|---|---|
| E. | Type E material encroachment permit | $2,879.00 |

## 20.190.080 Fire Review Fees.

*Fees payable for fire review.* Fees for reviewing and inspecting land development applications and building plans for compliance with the requirements of the International Fire Code are set forth in Table 20.190.080. Fire Review Fees:

**TABLE 20.190.080. FIRE REVIEW FEES**

| Section | Engineering Activity | 2026 Fees |
|---|---|---|
| 1. | Planning and Development Review | |
| A. | Residential (six or less units) | 35% of the building permit fee |
| B. | Site plan review | |
| 1. | Type I | $398.00 |
| 2. | Type II | $1,108.00 |
| 3. | All other site plan reviews (e.g., post-decision review) | $398.00 |
| C. | Land divisions | |
| 1. | Short subdivision (9 lots or less) | $1,108.00 |
| 2. | Subdivision (10 lots or more) | |
| a. | Base fee for first 23 lots | $1,666.00 |
| b. | Plus fee per lot over 23 | $64.00 |
| D. | Fire official review | $308.00 |
| E. | All other land use applications | $278.00 |

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# Chapter 20.195
# Nonconforming Situations

## Sections:

20.195.010 Purpose.

20.195.020 Applicability.

20.195.030 Nonconforming Situations.

20.195.040 Repair and Maintenance.

## 20.195.010 Purpose.

This chapter allows legally established nonconforming lots, structures, and uses to continue, be maintained, and in some cases be expanded, while ensuring that full compliance with Title 20 is achieved when a site is fully redeveloped.

## 20.195.020 Applicability.

All nonconforming lots, structures, and uses are regulated by this chapter. Once a nonconforming situation is brought into compliance with current standards, it becomes conforming. Nothing in this chapter modifies the obligation to comply with building, fire, health, or safety codes.

## 20.195.030 Nonconforming Situations.

A. Nonconforming Lots

A legal nonconforming lot may be developed with uses permitted in its zone, subject to Title 20 standards. Any standard that cannot be met due to lot size or dimensions may be considered for a Type I variance.

B. Nonconforming Structures

1. A legally-established nonconforming structure may continue and may be altered or expanded if the alteration does not increase its nonconformity.
2. If a nonconforming structure is damaged by a catastrophic event, it may be rebuilt within its original footprint if an application is filed within one year of the damage.

3. Demolishing one-hundred (100%) percent or more of the structure's floor area constitutes full redevelopment; any further development must fully comply with Title 20.
4. Expansion that increases the area of nonconforming use must comply with subsection (C)(4).

C. Nonconforming Uses

1. Nonconforming use status is not affected by changes in ownership.
2. Changing to a conforming or conditional use shall extinguish all previous nonconforming rights.
3. A nonconforming use is lost if discontinued or abandoned for more than one year, measured from the earliest of:
   a. vacancy of the premises,
   b. cessation of business activity, or
   c. termination of the lease or occupancy contract.
4. Expansion of structures containing nonconforming uses is permitted as follows:
   a. Less than fifty (50%) percent cumulative floor area: allowed with site plan review if ordinarily required or building permit if not ordinarily required; no increase in outdoor storage or processing allowed.
   b. Fifty (50%) percent or more cumulative floor containing a nonconforming use is permitted as follows: allowed with site plan review if ordinarily required or building permit if not ordinarily required, plus approval of a Type I Nonconforming Use Expansion application which demonstrates that any identified impacts to neighboring properties will be appropriately mitigated.
5. The regulations in this chapter apply to all nonconforming uses. A property owner who disputes a nonconforming use finding may request a Planning Official Determination (Type I), which shall be appealable to the City Hearing Examiner.
6. The applicant must show:
   a. The use, as defined by Chapter 20.160 VMC, Use Classifications was lawful when established, supported by permits, zoning provisions, or documentation showing establishment before adoption of the first development code; and

b. The use has been continuously maintained, demonstrated by annual documentation (e.g., receipts, utility bills, tax records, assessor data, dated photographs). Affidavits may supplement but not replace primary evidence.

### 20.195.040 Repair and Maintenance.

Routine repairs and maintenance are permitted. Any changes to a structure required by the Building Official or Fire Marshal are permitted as repair and maintenance.

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# 20.200
# Land Use Decisions

## Sections

20.210 Decision Making Procedures.

20.220 Review Bodies.

20.225 Summary of Land Use Permits.

20.230 Annexations.

20.245 Conditional Use Permits.

20.250 Development Agreements.

20.255 Interpretations and Minor Adjustments.

20.260 Master Plans.

20.265 Design Review.

20.270 Public Facilities Master Plans.

20.280 Site Plan Review.

20.285 Text and Map Amendments.

20.290 Variances.

# Chapter 20.210
# Decision Making Procedures

**Sections:**

20.210.010 Purpose and Applicability.

20.210.020 Types of Development Applications.

20.210.030 Exempt Activities.

20.210.040 Type I Applications.

20.210.050 Type II Applications.

20.210.060 Type III Applications.

20.210.070 Type IV Applications.

20.210.080 Pre-application Conference.

20.210.090 Review For Counter-Complete Status.

20.210.100 Review For Fully Complete Status.

20.210.110 Vesting of Applications.

20.210.120 Public Hearing Procedures.

20.210.130 Appeals.

20.210.140 Post Decision Review.

## 20.210.010 Purpose and Applicability.

A. *Purpose*. The purpose of this chapter is to establish standardized decision-making procedures for reviewing development applications within the City of Vancouver enabling the city, the applicant, and all interested parties to reasonably review applications, and participate in the local decision-making process in a timely and effective way. More specifically, this chapter is intended to:

1. Assure prompt review of development applications through the application of clear and specific standards;
2. Provide for public review and comment on development applications that may have an impact on the community;
3. Establish procedures to ensure that the development application, if approved, is consistent with applicable standards; and
4. Ensure adverse impacts on surrounding land uses are minimized, while encouraging flexibility and innovation in the design and layout of site improvements and buildings.

B. *Applicability*. The provisions of this chapter apply to all development applications that are subject to review under the following chapters of the Vancouver Municipal Code except as otherwise exempt under Section 20.210.030 VMC.

C. *Consistency with applicable codes*. Where applicable, this chapter is intended to establish the procedures for determining whether development applications are, or can be approved or conditionally approved to be consistent with applicable codes, policies, and standards.

## 20.210.020 Types of Development Applications.

A. *General*. All development applications shall be decided by using one of the following procedure types. The procedure type assigned to each action governs the decision-making procedure for that application, except to the extent otherwise required by applicable state or federal law.

B. *Types defined*. There are four types of decision-making procedures, as follows:

1. *Type I procedure*. Type I procedures apply to ministerial permits. Type I applications are decided by the Planning Official without public notice prior to the decision and without a public hearing. If any party with standing appeals a Planning Official's Type I decision, the appeal of such decision will be heard by the Hearing Examiner, with further appeal to the superior court pursuant to applicable law.

2. *Type II procedure*. Type II procedures apply to quasi-judicial permits and actions that contain some discretionary criteria. Type II applications are decided by the Planning Official with public notice and an opportunity for comment. If any party with standing appeals a Planning Official's Type II decision, the appeal of such decision will be heard by the Hearing Examiner, with further appeal to the superior court pursuant to Section 20.210.130 VMC.
3. *Type III procedure*. Type III procedures apply to quasi-judicial permits and actions that predominantly contain discretionary approval criteria. Type III applications are decided by the Hearing Examiner or planning commission, depending on the permit. If any party with standing appeals a Hearing Examiner's or planning commission's Type III decision, the appeal of such decision will be heard by city council pursuant to Section 20.210.130 VMC, with further appeal to superior court.
4. *Type IV procedure*. Type IV procedures apply to legislative matters, and rezones. Legislative matters involve the creation, revision or large-scale implementation of public policy. Type IV applications are considered initially by the planning commission or Hearing Examiner with final decisions made by the city council, automatically or on appeal.

C. *Summary of permits by type of decision-making procedure*. Table 20.210.020-1 summarizes the various development applications by the type of decision-making procedure.

**TABLE 20.210.020-1. SUMMARY OF DEVELOPMENT APPLICATIONS BY TYPE OF DECISION-MAKING PROCEDURE**

| Type | Development Application | Cross Reference | Review Body |
|---|---|---|---|
| I | Administrative Lot Split | 20.320 | Planning Official |
| | Boundary Adjustments | 20.310 | Planning Official |
| | Conditional Use – Minor Modification | 20.245 | Planning Official |
| | Critical Areas Permit (Type I) | 20.720.040 | Planning Official |

| Type | Development Application | Cross Reference | Review Body |
|---|---|---|---|
| | Design Review (without Site Plan Review) | 20.265 | Planning Official |
| | Historic Property Certificate of Appropriateness/Administrative Review | 17.39.080 | Planning Official |
| | Interpretations – Quasi-Judicial | 20.255 | Planning Official |
| | Nonconforming Use Expansion | 20.195 | Planning Official |
| | Parking/Loading – Reduction of Minimum Ratios, Joint Parking | 20.450 | Planning Official |
| | Site Plan Review – Minor Projects Below Type II Site Plan Review Thresholds | 20.280 | Planning Official |
| | Site Plan Review – Extension/Phasing | 20.280 | Planning Official |
| | Shoreline Permit Exemption | 20.730 | Planning Official |
| | Subdivision/Short Subdivision – Phasing, 1st Extension | 20.320 | Planning Official |
| | Temporary Use | 20.430 | Planning Official |
| | Tree Plan/Removal – without Site Plan Review | 20.450 | Planning Official |
| | Type I Variance | 20.290 | Planning Official |
| II | Adult Entertainment Uses | 20.450 | Planning Official |
| | Critical Areas Permit (Type II) | 20.720 | Planning Official |

| Type | Development Application | Cross Reference | Review Body |
|---|---|---|---|
| | Critical Areas Permit – Minor Exception | 20.720.070 | Planning Official |
| | Master Planning – less than 25 acres in size | 20.260 | Planning Official |
| | Public Facility Master Plans – Concept Plan Subsequent Phases & Extensions | 20.270 | Planning Official |
| | Shoreline Substantial Development Permit | 20.730 | Planning Official |
| | Short Subdivision/Unit Lot Subdivision – Preliminary Plat | 20.320 | Planning Official |
| | Site Plan Review | 20.280 | Planning Official |
| | Subdivision – 2nd Extension | 20.320 | Planning Official |
| | Type II Variance | 20.290 | Planning Official |
| III | Conditional Uses – Initial, Major Modifications | 20.245 | Hearing Examiner |
| | Critical Areas Permit – Reasonable Use Exception | 20.720.080 | Hearing Examiner |
| | Historic District Nomination | 17.39.070 | Clark County Historic Preservation Commission |
| | Historic District or Property Designation Removal | 17.39.070 | Clark County Historic Preservation Commission |

| Type | Development Application | Cross Reference | Review Body |
|---|---|---|---|
| | Historic Register Nomination | 17.39.070 | Clark County Historic Preservation Commission |
| | Historic Property Certificate of Appropriateness Public Review | 17.39.080 | Clark County Historic Preservation Commission |
| | Public Facility Master Plans – Initial Approval | 20.270 | Hearing Examiner |
| | Shoreline Conditional Use Permit (recommendation to State Department of Ecology) | 20.730 | Hearing Examiner |
| | Shoreline Substantial Development Permit | 20.730 | Hearing Examiner |
| | Shoreline Variance (recommendation to State Department of Ecology) | 20.730 | Hearing Examiner |
| | Subdivisions – Preliminary Plat | 20.320 | Hearing Examiner |
| IV | Annexations | 20.230 | Planning Commission<br>City Council |

| Type | Development Application | Cross Reference | Review Body |
|---|---|---|---|
| | Development Agreements | 20.250 | Planning Commission, if Agreement is part of proposal before the Commission<br><br>City Council |
| | Master Planning – 25 acres or greater | 20.260 | Planning Commission, City Council |
| | Comprehensive Plan or Zoning Text/Map Amendment | 20.285 | Planning Commission, except review of Chapter 20.190 VMC, Fees<br><br>City Council |
| | Zoning Map Amendments | 20.285 | Planning Commission, except Hearing Examiner review in cases of standalone zone changes from one single or multifamily residential designation to the next most or least dense that also involve a concurrent subdivision proposal |

| Type | Development Application | Cross Reference | Review Body |
|---|---|---|---|
| | | | City Council |

D. *Concurrent review.* When the city must approve more than one application for a given development, all applications required for the development pursuant to this chapter may be submitted for review at one time. When more than one application is submitted for a given development, and those applications are subject to different types of procedure, then all of the applications are subject to the highest type of procedure that applies to any of the applications; provided, however that each development application shall only be subject to the relevant criteria applicable to that particular development application. For example, a development proposal that includes a Type II application and a Type III application shall be wholly subject to the procedures applicable to a Type III application, but the Type II portion of the development proposal shall be decided according to the relevant approval criteria applicable to the Type II application.

E. *Assignment of procedure type.* Applications shall be processed according to the assigned review type in the above table. If the Vancouver Municipal Code does not expressly provide for review using one of the four types of decision-making procedures, and another specific procedure is not required by law, the Planning Official shall classify the application in question as one of the four types of decision-making procedure using the following criteria:

1. The act of classifying an application shall be a Type I decision;
2. Questions about what procedure is appropriate shall be resolved in favor of the decision-making procedure providing the greatest opportunity for public notice; and
3. The Planning Official shall classify the application by determining whether the application is similar in nature and degree to another type of application that has been classified by type as listed in Table 20.210.020-1 and under the same approval criteria applicable to the type of application most similar in nature and degree to the application.

F. *Comprehensive Plan Amendments.* New development applications or pre-applications which are inconsistent with the comprehensive plan shall not be accepted by the city, until the planning commission recommends approval of a comprehensive plan amendment or in the event that planning commission recommends denial, until the effective date of final action by the city council approving the comprehensive plan amendment on appeal.

## 20.210.030 Exempt Activities.

A. *Exemptions.* Unless specified elsewhere in this title, the following development activities are exempt from the procedural requirements of this chapter:

1. Landscaping or landscape alterations, unless such landscaping or alterations would require a permit or approval pursuant to this title or modify or violate an approved plan, plat or a condition of approval of a prior permit. In such instance of modification, the permit shall be processed as a modification of the prior permit under VMC 20.210.140, a plat alteration or other applicable procedure.
2. Normal or emergency repair or maintenance of public or private buildings, structures, landscaping or utilities.
3. A change of any legally-established use except if the change of use requires an increase in the number of parking spaces provided, requires a conditional use permit under Chapter 20.245 VMC, requires Type I or Type II site plan approval under Chapter 20.280 VMC, Site Plan Review, or is otherwise classified in this title as a Type I, II, III or IV action.
4. Building permits required pursuant to the city-adopted building code for construction not requiring a development application under VMC Title 20.
5. On-site utility permits not obtained in conjunction with a specific development application, including but not limited to sewer hook-ups, water hook-ups, right-of-way permits, grading permits, and fire department permits.
6. Home occupation permits.
7. Sign permits.
8. Approval of escrow agreements/accounts.
9. All developments and buildings that are engaged in agriculture as defined in Chapter 20.160 VMC, Use Classifications.

10. Interior remodeling and tenant improvements unless site plan review is triggered under VMC 20.280.020(C) or (D).
11. Independent archaeological predeterminations or surveys not associated with a development application.
12. Short-term rental permits.
13. Middle housing developments, 6 or fewer dwelling units on a parent parcel.

B. *Other regulations apply*. Exemptions in subsection A of this section are subject to all other applicable standards and requirements of the Vancouver Municipal Code.

## 20.210.040 Type I Applications.

A. *Pre-application conference.* A pre-application conference is required for any Type I application that includes 7 or more dwelling units or involves land which contains a Critical Area or Buffer, as defined by 20.720 VMC, unless waived pursuant to Section 20.210.080(B) VMC prior to submittal of an application. A pre-application conference is not required for any other Type I application.

B. *Application requirements.*

1. *Application forms.* Type I applications shall be made on forms provided by the Planning Official.
2. *Submittal information.* Type I applications shall:
    a. Include the information set forth in the chapter of this title governing the permit requested; and
    b. Address the relevant criteria applicable to the permit requested in sufficient detail for review and action; and
    c. Be accompanied by the required fees.

C. *Posting/Public Notice for Site Plan Applications only*.

1. *Sign*. The applicant must post at least one sign on the proposed development site at least 35 days, but not more than one year, before applying for a land use review or building permit. Sites with no street frontage are not subject to this requirement.

a. A sign must be placed on each street frontage of the site. If the street frontage is over 600 feet long, a sign is required for each 600 feet or fraction thereof. Signs must be posted within 10 feet of a street lot line and must be visible. Signs may not be posted in a public right-of-way. Signs are not required along street frontages that are not improved and do not allow motor vehicle access.

b. The required signs must remain on the site until the land use appeal period is complete or one year has passed since the application that triggers the sign requirement was submitted, whichever is less.

c. The Planning Official has the authority to adopt administrative rules to determine the size and layout of the sign.

d. A photograph of the required signs posted on the site must be submitted as part of the application for a land use review or building permit.

e. The signs must contain the following information:

i. The name, telephone number and email address of the applicant;

ii. The name and email address of the neighborhood association that includes the site;

iii. The name, telephone number and email address of any recognized neighborhood that includes the site;

iv. A written summary of the proposed development;

v. A site plan that includes the proposed development; and

vi. Procedural information provided by Vancouver Community Development Department

2. *Neighborhood notification*. The applicant must send a letter or email to any city recognized neighborhood association whose boundaries include the site. The email or letter must be sent at least 35 days, but not more than one year, before applying for a land use review or building permit. A copy of the email or letter, and a list of the email or postal addresses to which the email or letter was sent, must be submitted as part of the application for a land use review or building permit. The email or letter must contain the following information:

a. The name, telephone number and email address of the applicant;

b. The address of the site of the proposed development;

c. A summary of the proposed development; and

d. A site plan that includes the proposed development.

3. *Required information*.

a. The applicant must contact Vancouver Community Development Department via email, or an online information submittal tool, at least 35 days, but not more than one year, before applying for a land use review or building permit. The email, or online submittal, must contain the following information:

i. The name, telephone number, and email address of the applicant;

ii. The address of the site of the proposed development;

iii. A summary of the proposed development; and

iv. A site plan that includes the proposed development.

b. The following information must be submitted as part of the application for a land use review or building permit:

i. A copy of the email or letter that was sent as required by Paragraph C.2.;

ii. A list of the email or postal addresses to which the email or letter required by Paragraph C.2. was sent;

iii. A photograph of the sign required by Paragraph C.1. posted on the site;

iv. A signed statement certifying that the required email or letter was sent, and the required signs were posted, at least 35 days, but not more than one year, before applying for a land use review or building permit

D. *Counter-complete determination*. At the time of application submittal, the city shall make a determination of counter-complete status pursuant to Section 20.210.090 VMC.

E. *Fully-complete determination*. No later than 21 calendar days after receipt of a counter-complete Type I application, the Planning Official shall notify the applicant as to the completeness of the application. The city shall make a determination of fully-complete status pursuant to Section 20.210.100 VMC. An application shall not be deemed fully complete until all information required by the code applicable to the permit sought is submitted.

F. *Review by Planning Official.* Unless accompanied with a SEPA checklist review the Planning Official shall approve, approve with conditions, or deny a Type I application within 28 calendar days after the date the application was accepted as fully complete; provided, that an applicant may agree in writing to extend the time in which the Planning Official shall issue a decision. Qualifying Planned Actions and other projects which involve a SEPA Review shall be reviewed within 60 days of a fully complete determination. Time spent by the applicant to revise plans or provide additional studies or materials requested by the city shall not be included in the maximum permitted review period. The Planning Official may consider new evidence the applicant introduces with or after such a written request for extension. The Planning Official's decision shall address all of the relevant approval criteria applicable to the development application.

G. *Final Decision.* The final decision on a Type I application shall be mailed to the applicant, the property owner, and the applicant's representative by regular mail. The final decision on a Type I application shall contain the following information:

1. A statement of the applicable criteria and standards pursuant to the Vancouver Municipal Code and other applicable law;
2. A statement of the facts demonstrating how the application does or does not comply with applicable approval criteria;
3. The reasons for a conclusion to approve, approve with conditions or deny the application;
4. The decision to approve or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with applicable law; and
5. The date the final decision is signed and the date the appeal period expires.

H. *Appeal of Final Decision.* A Type I decision becomes effective on the day after the appeal period expires unless an appeal is filed, in which case the procedures of Section 20.210.130 VMC shall apply. The applicant and owner have the right to waive their appeal rights, and in such cases where a waiver is submitted in writing to the Planning Official, the Type I decision is considered final on the day it is signed by the Planning Official or on the day the waiver is approved, whichever is later.

## 20.210.050 Type II Applications.

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

B. *Application requirements*.

1. *Application forms.* Type II applications shall be made on forms provided by the Planning Official.

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

a. Include the information set forth in the chapter of this title governing the permit requested;

b. Address the relevant criteria applicable to the permit requested in sufficient detail for review and action; and

c. Be accompanied by the required fees.

C. *Posting/Public Notice*.

1. Sign. The applicant must post at least one sign on the proposed development site at least 35 days, but not more than one year, before applying for a land use review or building permit. Sites with no street frontage are not subject to this requirement.

a. A sign must be placed on each street frontage of the site. If the street frontage is over 600 feet long, a sign is required for each 600 feet or fraction thereof. Signs must be posted within 10 feet of a street lot line and must be visible. Signs may not be posted in a public right-of-way. Signs are not required along street frontages that are not improved and do not allow motor vehicle access.

b. The required signs must remain on the site until the land use appeal period is complete or one year has passed since the application that triggers the sign requirement was submitted, whichever is less.

c. The Planning Official has the authority to adopt administrative rules to determine the size and layout of the sign.

d. A photograph of the required signs posted on the site must be submitted as part of the application for a land use review or building permit.

e. The signs must contain the following information:

i. The name, telephone number and email address of the applicant;

ii. The name and email address of the neighborhood association that includes the site;

iii. The name, telephone number and email address of any recognized neighborhood that includes the site;

iv. A written summary of the proposed development;

v. A site plan that includes the proposed development; and

vi. Procedural information provided by Vancouver Community Development Department

2. *Neighborhood notification*. The applicant must send a letter or email to any city recognized neighborhood association whose boundaries include the site. The email or letter must be sent at least 35 days, but not more than one year, before applying for a land use review or building permit. A copy of the email or letter, and a list of the email or postal addresses to which the email or letter was sent, must be submitted as part of the application for a land use review or building permit. The email or letter must contain the following information:

a. The name, telephone number and email address of the applicant;

b. The address of the site of the proposed development;

c. A summary of the proposed development; and

d. A site plan that includes the proposed development.

3. Required information.

a. The applicant must contact Vancouver Community Development Department via email, or an online information submittal tool, at least 35 days, but not more than one year, before applying for a land use review or building permit. The email, or online submittal, must contain the following information:

i. The name, telephone number, and email address of the applicant;

ii. The address of the site of the proposed development;

iii. A summary of the proposed development; and

iv. A site plan that includes the proposed development.

b. The following information must be submitted as part of the application for a land use review or building permit:

i. A copy of the email or letter that was sent as required by Paragraph C.2.;

ii. A list of the email or postal addresses to which the email or letter required by Paragraph C.2.was sent;

iii. A photograph of the sign required by Paragraph C.1. posted on the site;

iv. A signed statement certifying that the required email or letter was sent, and the required signs were posted, at least 35 days, but not more than one year, before applying for a land use review or building permit

D. *Counter-complete determination*. At the time of application submittal, the city shall make a determination of counter-complete status pursuant to Section 20.210.090 VMC.

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

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

1. The case file number(s), the date of application, and the date a fully complete application was filed;

2. A description of the proposed project, and a list of project permits included with the application, as well as the identification of other permits not included in the application, to the extent known to the city;

3. The proposed SEPA threshold determination, if the optional SEPA process is used; whether the application is categorically exempt from SEPA, the deadline for submitting comments or appeals under Chapter 20.740 VMC, if applicable, or other matters covered by SEPA;

4. The identification of any existing environmental documents that may be used to evaluate the proposed project;
5. A statement of the public comment period, a statement that the public has the right to comment on the application, receive notice of the decision, request a copy of the decision once made, and a notice of any appeal rights;
6. An indication that failure of any party to address the relevant approval criteria with sufficient specificity may preclude subsequent appeals on that issue. Comments directed at the relevant approval criteria are what constitute relevant evidence;
7. An indication that all evidence relied upon by the Planning Official to make the decision shall be contained within the record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the Planning Official;
8. The name of the applicant or applicant's representative and the name, address, and telephone number of a contact person for the applicant, if any;
9. A description of the site, including current zoning and nearest road intersections, sufficient to inform the reader of its location and zoning;
10. A map showing the subject property in relation to other properties or a reduced copy of the site plan;
11. The date, place, and times where information about the application may be examined and the name and telephone number of the city representative to contact about the application;
12. An indication that after the comment period closes, the Planning Official shall issue a Type II notice of decision; and
13. Any additional information determined appropriate by the Planning Official.

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

1. The applicant and all owners of the site which is the subject of the application;
2. All owners and residents of record of property as shown on the most recent property tax assessment roll, located within 300 feet of the site;
3. Any city recognized neighborhood association whose boundaries include the site;

4. City-recognized neighborhood associations adjacent to the city-recognized neighborhood association whose boundaries include the site;
5. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the city which includes provision for such notice or which is otherwise entitled to such notice;
6. Any person who requested, in writing, to receive a copy of the notice of application.

H. *Comment period.* The Planning Official shall allow 14 calendar days from a fully complete determination to submit comments. Within seven calendar days after the close of the public comment period, the Planning Official shall mail to the applicant a copy of written comments, including email communications, timely received in response to the notice of application together with a statement that the applicant may submit a written response to the comments of the Planning Official within 14 calendar days from the date the comments are mailed. The Planning Official in making his decision shall consider written comments timely received in response to the notice of application and timely written responses to those comments, including e-mail communications, submitted by the applicant.

I. *Timeline to make Final Decision.* The final decision on a Type II application shall be made and mailed pursuant to subsection I of this section not more than 100 calendar days (90 days for short subdivisions) after the date a fully complete determination is made. This period shall not include:

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

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

1. The nature of the application in sufficient detail to apprise persons entitled to notice of the applicant's proposal and of the decision;
2. The address or other geographic description of the subject property, including a map of the site in relation to the surrounding area, where applicable;

3. The date the Planning Official's decision shall become final, unless appealed;
4. A statement that all persons entitled to notice or who have standing under VMC may appeal the decision; Section 20.210.130(B)(2) may appeal the decision;
5. A statement in boldface type briefly explaining how an appeal can be filed, the deadline for filing such an appeal, and where further information can be obtained concerning the appeal;
6. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list the place, days and times where the case file is available and the name and telephone number of the city representative to contact about reviewing the case file;
7. A statement of the applicable criteria and standards pursuant to the Vancouver Municipal Code and other applicable law;
8. A statement of the facts demonstrating how the application does or does not comply with applicable approval criteria;
9. The reasons for a conclusion to approve, approve with conditions or deny the application;
10. The decision to approve or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with applicable law;
11. The date the final decision is mailed; and

K. *Distribution of the Final Decision*. The final decision shall indicate the date the final decision was mailed and demonstrate that the required final decision was mailed to the necessary parties in a timely manner. A final decision shall be sent by mail to:

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

L. *Notice of Decision.* A notice of decision shall include the information contained in subsections (I)(1) through (I)(6), (I)(10) and (I)(11) of this section.

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

1. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the city which includes provision for such notice or who is otherwise entitled to such notice;

2. Any person who provided written comments on the application during the public comment period and provided a mailing address.

N. *Final Decision and effective date.* A Type II decision is subject to the required appeal period when the final decision and the notice of decision are mailed. A Type II decision becomes effective on the day after the appeal period expires, unless an appeal is filed, in which case the procedures of Section 20.210.130 VMC shall apply.

## 20.210.060 Type III Applications.

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

B. Application requirements.

1. *Application forms.* Type III applications shall be made on forms provided by the Planning Official.

2. *Required submittals.* Type III applications shall:

a. Include the information set forth in the chapter of this title governing the action requested;

b. Address the relevant criteria applicable to the action requested in sufficient detail for review and action; and

c. Be accompanied by the required fees.

C. *Posting/Public Notice.*

1. Sign. The applicant must post at least one sign on the proposed development site at least 35 days, but not more than one year, before applying for a land use review or building permit. Sites with no street frontage are not subject to this requirement.
    a. A sign must be placed on each street frontage of the site. If the street frontage is over 600 feet long, a sign is required for each 600 feet or fraction thereof. Signs must be posted within 10 feet of a street lot line and must be visible. Signs may not be posted in a public right-of-way. Signs are not required along street frontages that are not improved and do not allow motor vehicle access.
    b. The required signs must remain on the site until the land use appeal period is complete or one year has passed since the application that triggers the sign requirement was submitted, whichever is less.
    c. The Planning Official has the authority to adopt administrative rules to determine the size and layout of the sign.
    d. A photograph of the required signs posted on the site must be submitted as part of the application for a land use review or building permit.
    e. The signs must contain the following information:
        i. The name, telephone number and email address of the applicant;
        ii. The name and email address of the neighborhood association that includes the site;
        iii. The name, telephone number and email address of any recognized neighborhood that includes the site;
        iv. A written summary of the proposed development;
        v. A site plan that includes the proposed development; and
        vi. Procedural information provided by Vancouver Community Development Department

2. *Neighborhood notification*. The applicant must send a letter or email to any city recognized neighborhood association whose boundaries include the site. The email or letter must be sent at least 35 days, but not more than one year, before applying for a land use review or building permit. A copy of the email or letter, and a list of the email or postal addresses to which the email or letter was sent, must be submitted as part of the application for a land use review or building permit. The email or letter must contain the following information:
    a. The name, telephone number and email address of the applicant;
    b. The address of the site of the proposed development;
    c. A summary of the proposed development; and
    d. A site plan that includes the proposed development.
3. Required information.
    a. The applicant must contact Vancouver Community Development Department via email, or an online information submittal tool, at least 35 days, but not more than one year, before applying for a land use review or building permit. The email, or online submittal, must contain the following information:
        i. The name, telephone number, and email address of the applicant;
        ii. The address of the site of the proposed development;
        iii. A summary of the proposed development; and
        iv. A site plan that includes the proposed development.
    b. The following information must be submitted as part of the application for a land use review or building permit:
        i. A copy of the email or letter that was sent as required by Paragraph C.2.;
        ii. A list of the email or postal addresses to which the email or letter required by Paragraph C.2.was sent;
        iii. A photograph of the sign required by Paragraph C.1. posted on the site;
        iv. A signed statement certifying that the required email or letter was sent, and the required signs were posted, at least 35 days, but not more than one year, before applying for a land use review or building permit

D. *Counter-complete determination*. Section 20.210.050(C) VMC shall apply to Type III applications.

E. *Fully complete determination*. Section 20.210.050(D) VMC shall apply to Type III applications.

F. *Notice of Application/Hearing*. Within 14 calendar days after the date a Type III application is determined fully complete, the Planning Official shall issue a notice of application to a newspaper of local circulation and to the parties listed in Section 20.210.050(G) VMC which shall include:

1. The case file number(s), the date of application, and the date a fully complete application was filed;
2. A description of the proposed project and a list of project permits included with the application, as well as the identification of other permits not included in the application, to the extent known to the city;
3. The proposed SEPA Threshold Determination, if the Optional SEPA Process is used; whether the application is categorically exempt from SEPA, the deadline for submitting comments or appeals under Chapter 20.740 VMC, if applicable, or other matters covered by SEPA;
4. The identification of any existing environmental documents that may be used to evaluate the proposed project;
5. A statement of the public comment period; a statement that the public has the right to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made; and a notice of any appeal rights;
6. The date, time, place, and type of hearing, if established at the time of the notice of application. If the hearing date has not been established at the time of issuance of the notice of application, the notice of hearing procedures of Section 20.210.120(B)(1)and (B)(2) VMC shall apply;
7. A statement that a consolidated staff report and SEPA review will be available for inspection at no cost at least 10 calendar days before the public hearing and the deadline for submitting written comments;
8. The name of the applicant or applicant's representative and the name, address and telephone number of a contact person for the applicant, if any;

9. A description of the site, including current zoning and nearest road intersections, reasonably sufficient to inform the reader of its location and zoning;
10. A map showing the subject property in relation to other properties or a reduced copy of the site plan;
11. The date, place, and times where information about the application may be examined and the name and telephone number of the city representative to contact about the application;
12. The designation of the review authority, and a statement that the hearing will be conducted in accordance with the rules of procedure adopted by the review authority;
13. Any additional information determined appropriate by the Planning Official.

G. *Comment period.* The Planning Official shall allow 30 calendar days after the date of notice of application is mailed and published in the paper for individuals to submit comments. Within seven calendar days after the close of the public comment period, the Planning Official shall mail to the applicant a copy of written comments, including email communications, timely received in response to the notice of application together with a statement that the applicant may submit a written response to the comments of the Planning Official within 14 calendar days from the date the comments are mailed. The Planning Official in making his decision shall consider written comments timely received in response to the notice of application and timely written responses to those comments, including e-mail communications, submitted by the applicant.

H. *Timeline to Make Final Decision.* The final decision on a Type III application shall be made and mailed pursuant to Section 20.210.050(H)(1) VMC not more than 170 calendar days (90 days for subdivisions) after the date a fully complete determination is made. This period shall not include:

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

I. *Hearing Procedures and Final Decision*. Section 20.210.120(B)(1)(b) through (B)(1)(d) and (B)(3) through (B)(14) shall govern the hearing procedures and final decision for a Type III application.

J. *Distribution of Final Decision*. Section 20.210.120(B)(11) VMC shall govern distribution of a final decision on a Type III application.

K. *Distribution of Notice of Decision*. Section 20.210.120(B)(13) VMC shall govern distribution of notice of decision on a Type III application.

L. *Appeal*. Section 20.210.130 VMC shall govern an appeal of a final decision on a Type III application.

## 20.210.070 Type IV Applications.

A. *Purpose and findings*. Type IV applications are legislative land use actions as well as site-specific rezones and planned developments to be reviewed by the Hearing Examiner or Planning Commission and City Council. Specific Type IV applications are subject to the procedures and review criteria set forth in the applicable sections of the code. The full list of Type IV applications is set forth in Section 20.210.020(C) VMC, Table 20.210.-1.

B. *Initiation of Type IV applications*. Type IV applications may be initiated by any of the following if authorized by this code:

1. Property owner(s) or their representatives;
2. Any citizen, agency, neighborhood association or other party; or
3. City staff, Planning Commission or City Council.

C. *Exception from consolidated review*. Type IV applications, except planned developments, shall be considered exempt from 36.70B.120 RCW requirements which mandate consolidation of all related project permits into a single application review if requested by the applicant. Projects involving a Comprehensive Plan amendment and associated change of zone shall not be processed using concurrent review under Section 20.210.020(D).

1. Type IV Map amendments: Refer to Chapter 20.285 VMC.
2. Type IV Text amendments: Refer to Chapter 20.285 VMC.

## 20.210.080 Pre-application Conference.

A. Purpose.

1. To acquaint city and other agency staff with a sufficient level of detail about the proposed development to enable staff to advise the applicant of applicable approvals and requirements; and
2. To acquaint the applicant with the applicable requirements of the Vancouver Municipal Code and other laws and to identify issues and concerns in advance of a formal application to save the applicant time and expense through the process. However, the conference is not intended to provide an exhaustive review of all the potential issues. The pre-application conference does not prevent the city from applying all relevant laws to the application.
3. To inform applicable city recognized neighborhood associations of potential development activity within their neighborhoods.

B. *Pre-application waivers*.

1. A pre-application conference is required for all Type II, Type III and applicant-initiated Type IV applications, and certain Type I applications, unless waived by the Planning Official. Generally, the Planning Official may waive the pre-application conference if a determination is made that the proposal is relatively simple (e.g., has few, if any, development-related issues), or it involves subsequent phases of an approved development where requirements are known, or an application is substantially similar to a prior proposal affecting substantially the same property, as determined by the Planning Official. Planning Official shall notify affected Neighborhood Associations of proposed development application and copy of pre-application waiver letter.
2. To request a waiver of a pre-application conference, the applicant shall submit:
   a. A completed pre-app waiver request form provided by the Planning Official;
   b. A written narrative justifying the request for pre-application waiver; and
   c. Required fee.

C. *Information required for contingent vesting.* To qualify for contingent vesting under Section 20.210.110 VMC, the applicant shall submit at a minimum the pre-application items listed in Sections 20.210.080(D)(1)-(6) VMC; provided, that an applicant shall not contingently vest unless the applicant submits all of the information required for the actual application within the timeframe set forth in Section 20.210.110 VMC. The Planning Official may modify requirements for pre-application materials and may conduct a pre-application conference with less than all of the required information. However, failure to provide all of the required information may prevent the Planning Official from identifying all applicable issues or providing the most effective pre-application conference and may preclude contingent vesting under Section 20.210.110 VMC. Review for completeness of the pre-application submittal will not be conducted by staff at the time of submittal and completeness is the responsibility of the applicant.

D. *Application for a pre-application conference – Application – Fees.* The applicant must submit a completed application form as prescribed by the Planning Official with applicable fee per Chapter 20.190 VMC. The Planning Official may waive submittal requirements upon request if found to be inapplicable to the proposed development:

1. Completed and signed pre-application conference request form provided by the Planning Official.
2. Information legible for digital reproduction and clearly marked with the following: project name; vicinity map; scale; north arrow; date; applicant's name, phone and fax numbers; contact person's name, phone and fax numbers.
3. A narrative description of the following:
    a. Uses proposed for the site.
    b. Hours of operation.
    c. Estimated vehicular traffic to and from the site.
4. *Preliminary architectural information.* A brief narrative description of the following:
    a. Gross square footage of each structure and outdoor activity center proposed to be built or retained on site.
    b. Proposed and potential uses and occupancy group of each structure proposed to be built or retained on site.

c. Number of floors, building height, and construction type of each structure and outdoor activity area proposed to be built on site.

d. Conceptual plans showing at least the gross square footage of each structure proposed to be built or retained on site.

e. Conceptual elevation drawing of each structure proposed to be built or retained on site.

f. Show the dimensions and area of the project site.

5. Existing and Proposed on-site Structures and Improvements:

a. Identify use(s) of all existing and proposed structures.

b. Location, dimensions, and height of all existing and proposed buildings and structures.

c. Location and dimensions of existing and proposed recreation areas and open space.

d. Location of existing and proposed driveways, off-street parking and loading areas, bicycle parking, and pedestrian and bicycle pathways.

e. Location, dimensions, and screening of proposed storage areas for solid waste, including recyclable materials and organics.

f. *Existing or conceptual plan showing lighting and landscaping.* Landscape plan should include location of driveways and buffering off-street parking and loading areas.

g. Location and dimensions of existing and proposed streets, rights-of-way and public and private access easements on and adjoining the site.

h. Location and dimensions of all existing and proposed above ground and below ground utilities.

6. *Preliminary engineering information.* Provide a conceptual drawing or sketch showing the following:

a. Approximate location of existing fire hydrants within a one-hundred foot (100') radius of the site.

b. Preliminary assessment of low impact development implications and proposed method of providing storm-water drainage on the site as required in VMC 14.25.

c. Strategy narrative for proposed erosion control measures as required in VMC 14.24.

d. Proposed grading activity for the site, indicating areas of native soil preservation, compaction prevention, and proposed cuts and fills.

E. *Notice.* Within 14 calendar days after receipt of an application for a pre-application conference, the Planning Official shall mail written or electronic notice to the applicant and to other interested agencies and parties. The notice shall state the date, time, location, and purpose of the pre-application conference.

F. *Planning Official's role.* The Planning Official shall coordinate the involvement of agency staff responsible for planning, development review, roads, drainage, parks and other subjects, as appropriate, in the pre-application conference process. Relevant staff shall attend the pre-application conference or shall take other steps to fulfill the purposes of the pre-application conference.

G. *Scheduling.* The pre-application conference shall be conducted at least five calendar days after the notice is mailed but not more than 28 calendar days after the Planning Official accepts the application for pre-application conference. The Planning Official shall reschedule the conference and give new notice if the applicant or applicant's representative cannot or does not attend the conference when scheduled.

H. *Pre-application conference summary.* The Planning Official shall provide to the applicant, other attending parties, and those who request a copy of the pre-application report in writing. The preapp report shall provide the following to the extent possible given the information provided by the applicant:

1. Summarize the proposed application(s);

2. Identify the relevant approval criteria and development standards in the Vancouver Municipal Code or other applicable law and exceptions, adjustments or other variations from applicable criteria or standards that may be necessary;

3. Evaluate submitted information the applicant offered to comply with the relevant criteria and standards, and identify specific additional information that is needed to respond to the relevant criteria and standards or is recommended to respond to other issues;

4. Identify applicable application fees in effect at the time, with a disclaimer that fees may change;

5. Identify information relevant to the application that may be in the possession of the city or other agencies of which the city is aware, such as:
    a. Comprehensive plan map designation and zoning on and in the vicinity of the property subject to the application;
    b. Physical development limitations, such as steep or unable slopes, wetlands, well-head protection areas or water bodies, that may exist on and in the vicinity of the property subject to the application;
    c. Those public facilities that will serve the property subject to the application, including fire services, roads, storm drainage, and, if residential, parks and schools, and relevant service considerations, such as minimum access and fire-flow requirements or other minimum service levels and impact fees; and
    d. Confirm the application submittal requirements and what submittal information is waived.
    e. Where applicable, indicate whether the pre-application submittal was complete so as to trigger contingent vesting under Section 20.210.110 VMC.

I. *Request for second conference.* An applicant may submit a written request for a second pre-application conference within one calendar year after an initial pre-application conference. There is no additional fee for a second conference if the proposed development is substantially similar to the one reviewed in the first pre-application conference or if it reflects changes based on information received at the first pre-application conference. A request for a second pre-application conference shall be subject to the same procedure as the request for the initial pre-application conference.

J. *Expiration.* The pre-application comments from the city shall expire one year from the date the pre-application conference is held. A counter-complete application that the Planning Official finds is substantially similar to the subject of a pre-application conference must be submitted within one calendar year after the last pre-application conference or after approval of waiver of pre-application conference. Once the pre-application comments have expired the applicant must file a new request for a pre-application conference or receive approval of a pre-application waiver request in order to submit a development application.

### 20.210.090 Review For Counter-Complete Status.

A. *Prior to acceptance of application.* Before accepting Type I, II, or III applications or applicant-initiated Type IV applications Map Amendments, a planning staff member from the city shall determine that the application is counter-complete. Review for counter-complete status does not include an evaluation of the substantive adequacy of the information in the application.

B. *Complete application.* If the planning staff member decides that the application is counter-complete at the time of application, the application shall be accepted for review for fully-complete status.

C. *Incomplete application.* If the planning staff member decides the application is not counter-complete, the application shall be rejected and missing items identified that are needed to make the application counter-complete.

D. *Application content.* A counter-complete application shall include all of the items listed in the chapter of the code applicable to the type of development proposed, unless waived in writing by the Planning Official.

### 20.210.100 Review For Fully Complete Status.

A. *Determination.* Within 28 calendar days after receiving a counter-complete Type II or III application or applicant-initiated Type IV Map Amendment application, the Planning Official shall mail or provide in person a written determination to the applicant stating either:

1. That the application is fully complete; or
2. That the application is not fully complete and what is necessary to make the application complete.

B. *Application content.* An application shall include all of the information listed as application requirements in the application form; provided, that:

1. The Planning Official may upon written request waive application requirements that are clearly not necessary to show an application complies with relevant criteria and standards and may modify application requirements based on the nature of the proposed application, development, site or other factors. Requests for waivers shall be reviewed before applications are submitted for counter-complete review, or discussed at the pre-application conference, and confirmed in the pre-application conference summary.

2. The decision about the fully-complete status of an application, including any required engineering, traffic or other studies, shall be based on the criteria for completeness and methodology set forth in the Vancouver Municipal Code or in implementing measures adopted in a timely manner by the Planning Official and shall not be based on differences of opinion as to quality or accuracy.
3. An application's fully-complete and vesting status may be revoked if the Planning Official determines that the applicant intentionally submitted false information.

C. *Incomplete application.* If the Planning Official decides an application is not fully complete, then, within the time provided in Subsection (A) of this section, the Planning Official shall send the applicant a written statement indicating that the application is incomplete based on a lack of information and listing what is required to make the application fully complete.

1. The statement shall specify a date by which the required missing information must be provided to restart the fully-complete review process. The statement shall state that an applicant can apply to extend the deadline for filing the required information and explain how to do so.
2. The statement also may include recommendations for additional information that, although not necessary to make the application fully complete, will be required to address other issues that are relevant to the review.
3. If the required information is not submitted by the date specified and the Planning Official has not extended that date, within seven calendar days after that date, the Planning Official may take the action in subsections 3(a) and 3(b) of this section. If the required information is submitted by the date specified, then within 14 calendar days, the Planning Official shall decide whether the application is fully complete and, if not, the Planning Official may:
    a. Reject and return the application and an amount up to 80% of the application fees by mail, together with a written statement that lists the remaining additional information needed to make the application fully complete; or

b. *Issue a decision denying the application, based on a lack of information.* Provided, the Planning Official may allow the applicant to restart the fully-complete review process a second time by providing the required missing information by a date specified by the Planning Official, in which case the Planning Official shall retain the application and fee pending expiration of that date or a fully-complete review of the application as amended by that date.

D. *Fully-complete application.* If the Planning Official determines that a Type I, II, or III application is fully complete, he or she shall:

1. If a Type I application, issue a Notice of Decision within 28 calendar days pursuant to Section 20.210.040(F) VMC;
2. If a Type II application, issue a Notice of Application within 14 calendar days pursuant to Section 20.210.050(E) VMC.
3. If a Type III application, issue a Notice of Application/Hearing within 14 days pursuant to Section 20.210.060(E) VMC.

E. *Automatic determination.* A Type I, II, or III application and applicant-initiated Type IV-Map Amendment application shall be determined fully complete if a written determination has not been mailed to the applicant within 28 calendar days of the date the counter-complete application is received by the city. An application shall be determined fully complete if a written determination has not been mailed to the applicant within 14 calendar days of the date that the necessary additional information is submitted pursuant to subsection (C).

F. *Fully complete date.* The date a fully-complete application is filed for purposes of vesting is the date the counter-complete application is originally filed or the date any necessary additional information is submitted pursuant to subsection (C), whichever is later, regardless of whether the application is determined to be fully complete under subsection (A)(1) or automatically determined fully complete under subsection (E).

G. *Request for additional information.* A fully-complete determination shall not preclude the city from requesting additional information, studies or changes to submitted information or plans if new information is required or substantial changes to the proposal occur.

## 20.210.110 Vesting of Applications.

A. *Vested application.* Type I, II, or III applications shall be considered under this chapter and the zoning, development and other land use control ordinances contained in the VMC, and any uncodified ordinances modifying the same, in effect on the date a fully complete application is filed with the city. For the purposes of this section, a vested application shall mean that the applicant is entitled to implement the development proposal described in the application, under the zoning, development and land use ordinances applied by the city in its review of the application without being subject to changes in development regulations subsequent to the submittal date except to the extent allowed by the city's police power to protect the public health, safety, and welfare.

   Once an application is approved and if the approval contains a detailed description of the uses, including a detailed site plan drawn to scale, specifying the location of all buildings and improvements to be constructed in conjunction with the use(s), and such site plan is consistent with all laws and regulations in effect at the time the original application vested, then all land use applications in connection with the approved use(s) and/or site plan are vested to the laws and regulations in effect at the time of the vesting of the original permit application, until the land use approval expires.

B. *Contingent vesting.* An application which is subject to a pre-application conference shall contingently vest on the date a complete pre-application is filed, if a fully-complete application for substantially the same proposal is filed within 180 calendar days of the date the review authority issues its written summary of the pre-application conference, and provided the pre-application submittal met the requirements of 20.210.080(C).

C. *Subsequent Regulations.* An applicant may have the option of subjecting its development to any subsequently enacted land use ordinances. However, should an applicant choose to subject its development to a subsequently enacted land use ordinance, this shall have the effect of subjecting the development to all land use ordinances enacted after the application is vested, unless the city and applicant agree otherwise. In order for the Planning Official to grant such a request, the applicant must demonstrate how later enacted ordinance(s) will benefit both the project, and the city while maintaining consistency with the comprehensive plan. Applicant must also demonstrate that use of later enacted ordinances will not conflict with other ordinances the development remains subject to and will not be significantly detrimental to the health, safety, or general welfare of the city. Planning Official shall review and either approve the request or determine if a new application must be submitted.

D. *Exception to vesting.* Unless expressly authorized elsewhere in this title, vested rights shall apply only to development regulations and shall not be applied to development review fees or impact fees.

## 20.210.120 Public Hearing Procedures.

A. *Assignment of review bodies*.

1. Proposed land use actions shall be reviewed as indicated in Table 20.210.020-1. All listed actions reviewed by the Hearing Examiner, Planning Commission, and City Council shall be conducted at a public hearing according to the applicable procedures in the Vancouver Municipal Code, and decisions shall be issued based on compliance with applicable standards, pursuant to this title.

2. The Planning Official shall have the authority to assign the review body in cases in which this chapter and the Vancouver Municipal Code do not clearly identify the appropriate review body. The act of assigning the review body shall be a Type I decision.

B. *Hearing requirements*. Hearing requirements applicable to the Hearing Examiner and Planning Commission actions (appeals of Type I and II applications and initial review of Type III applications and applicant-initiated Type IV Map Amendment applications).

1. *Notice of hearing*. Notice of a Type I or II appeal hearing shall be given by the Planning Official in the following manner (notice of hearing for a Type III application or applicant-initiated Type IV Map Amendment application is governed by Section 20.210.060(E) VMC:

a. At least 10 calendar days prior to the hearing date, notice shall be sent by mail to:

i. The applicant and all owners of the site that is the subject of the application;

ii. All parties of record;

iii. Any neighborhood or community organization recognized by the City Council and whose boundaries include the site;

iv. Any person who has submitted a written request to be notified; and

v. The appellant and all parties to the appeal.

b. The Planning Official shall cause an affidavit of mailing of notice to be prepared and made a part of the file, which demonstrates the date that the required notice was mailed to the necessary parties.

c. At least 10 calendar days prior to the hearing, notice of the hearing shall be given in a newspaper of general circulation in the city. An affidavit of publication concerning such notice shall be made part of the administrative record.

d. At least 10 calendar days prior to the hearing, notice of the hearing shall be posted on the site, pursuant to subsection (2) below. An affidavit of posting concerning such notice shall be prepared and shall be submitted and made part of the administrative record.

2. *Content of notice*. Notice of a Type I or II appeal hearing shall contain the following information:

a. Explain the nature of the appeal.

b. List the applicable criteria that apply to the appeal issues.

c. Set forth the street address or other easily understood geographical reference to the subject property.

d. State the date, time, and location of the hearing.

e. State that the failure to raise an issue at the hearing, in person, or by letter, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue may preclude further appeal based on that issue.

f. Include the name of a city representative to contact and the telephone number where additional information may be obtained.

g. State that a copy of the appeal and all documents and evidence submitted by or on behalf of the appellant and the applicable criteria are available for inspection at no cost and that copies shall be provided at a reasonable cost.

h. State that a copy of the staff report shall be available for inspection at least 10 calendar days prior to the hearing, and that a copy shall be provided at a reasonable cost.

i. Include a general explanation of the requirements for submission of testimony and the procedure for conducting hearings.

3. *Staff report issuance.* At least 10 calendar days before the date of the hearing for a Type III application, an applicant-initiated Type IV Map Amendment application or Type I or II appeal hearing, the Planning Official shall issue a written staff report and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and shall mail a copy of the staff report and recommendation without charge to the applicant and applicant's representative. The Planning Official shall mail or provide a copy of the staff report at reasonable charge to other parties who request it. If the Planning Official does not issue the staff report at least 10 days before the date of the hearing, the applicant or appellant shall be entitled to ask for a continuance without penalty.
4. *Conduct of the hearing.* At the commencement of the hearing, a statement shall be made to those in attendance that:
    a. The Hearing Examiner or chair of the Planning Commission, as the case may be, shall:
        i. State that testimony and evidence shall be directed toward the relevant criteria described in the staff report or other criteria in the plan or land use regulation that the person testifying believes to apply to the decision;
        ii. State that failure to raise an issue at the hearing may limit the issues that can be considered at the City Council hearing.
    b. Staff shall present a staff report, containing a summary of the proposal or appeal, and recommended findings and conclusions. Conditions of approval for a Type III application may be recommended.
    c. The applicant or appellant shall be entitled to present evidence and argument in support of the application(s) or appeal.
    d. Any participant may present evidence and argument for or against the proposal or appeal.
    e. The applicant or appellant shall have the final opportunity to conclude its case before close of the public hearing.
    f. The Hearing Examiner or chair of the Planning Commission shall declare the public hearing closed and may have questions for staff, the applicant/appellant, or any member of the public who testified.

5. *Additional evidence*. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional relevant evidence or testimony regarding the application so long as that evidence and testimony is within the scope of the hearing. The Hearing Examiner or the Planning Commission may grant such a request by continuing the public hearing pursuant to Subsection 5 (a) below or by leaving the record open for additional written evidence or testimony pursuant to Subsection 5(b) below.

   a. *Continuance*. If the Hearing Examiner or the Planning Commission grants a continuance, the hearing shall be continued to a date, time, and place certain at least seven calendar days from the date of the initial evidentiary hearing. Further notification is not required in such cases. Continuation of hearings to time or place uncertain is also permitted, provided that new notice is given pursuant to this chapter. If the applicant initiates a hearing continuance after public notice is mailed, or causes a continuance by providing inadequate information, fees as per Chapter 20.190 VMC shall apply. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven calendar days to allow the submittal of written evidence or testimony for the purpose of responding to the new written evidence;

   b. *Record left open*. If the Hearing Examiner or Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven calendar days. The Hearing Examiner or Planning Commission shall state where additional written evidence and testimony can be sent, and shall announce any limits on the nature of the evidence that will be received after the hearing. Any participant may file a written request with the Hearing Examiner or Planning Commission for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Hearing Examiner or Planning Commission shall reopen the record pursuant to this subsection. Unless waived by the applicant, the Hearing Examiner or Planning Commission shall allow the applicant at least seven calendar days after the record is closed to all other parties to submit final written arguments in support of the application period. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.

6. Content and custody of the record.
    a. The record shall contain all testimony and evidence that is submitted and not rejected;
    b. The Hearing Examiner or Planning Commission may take official notice of judicially-cognizable facts pursuant to the applicable law. If the Hearing Examiner or Planning Commission takes official notice, the Hearing Examiner or Planning Commission must announce this intention and allow the parties to the hearing to present evidence concerning the fact;
    c. The Hearing Examiner or Planning Commission shall retain custody of the record as appropriate, until a final decision is rendered.
7. *Impartiality*. Parties to a Type III application or applicant-initiated Type IV Map Amendment hearing and Type I or II appeal hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts as reasonably possible. It is recognized, however, that the public has a countervailing right of free access to public officials. Therefore:
    a. The Hearing Examiner or any member of the Planning Commission shall disclose the substance of any pre-hearing ex parte contacts (excluding de minimis contacts) with regard to the matter at the commencement of the public hearing on the matter. The Hearing Examiner or member of the Planning Commission shall state whether the contact has impaired the impartiality or ability of the examiner to decide, or the Planning Commission member to vote on, the matter and shall participate or abstain accordingly;
    b. The Hearing Examiner or member of the Planning Commission shall not participate in any proceeding or action in which any of the following has a direct financial interest excluding de minimis interests: The Hearing Examiner or member of the Planning Commission or said person's spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed by the Hearing Examiner or member of the Planning Commission at the hearing where the action is being taken;

c. In cases involving the disqualification or refusal of a Hearing Examiner, the city shall provide a substitute Hearing Examiner in a timely manner subject to the above impartiality rules. In cases involving the disqualification or refusal of a member of a Planning Commission, the remaining members of the Planning Commission shall hear the case.

8. Ex parte communications.

a. The Hearing Examiner or member of the Planning Commission shall not:

i. Communicate, directly or indirectly, with any party or representative of a party in connection with any issue involved in a hearing, except upon giving notice, and an opportunity for all parties to participate.

ii. Take notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case.

b. No decision or action of the Hearing Examiner or Planning Commission shall be invalid due to ex parte contacts or bias resulting from ex parte contacts with the Hearing Examiner or member of the Planning Commission if the Hearing Examiner or member of the Planning Commission:

i. Places on the record the substance of any written or oral ex parte communications concerning the decision or action; and

ii. Makes a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication made at the first hearing following the communication where action shall be considered or taken on the subject to which the communication is related.

c. Communication between city staff and the Hearing Examiner or Planning Commission as part of a Type III application or an applicant-initiated Type IV-Map Amendment application or appeal of a Type I or II appeal hearing shall not be considered ex-parte contact.

9. Presenting and receiving evidence.

a. The Hearing Examiner or Planning Commission may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony;

b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, but only pursuant to the schedule and procedure announced by the Hearing Examiner or chair of the Planning Commission prior to the close of the public hearing, or as otherwise provided by this section;

c. The Hearing Examiner or members of the Planning Commission may visit the site and the surrounding area, and may use information obtained during the site visit to support his or her decision, provided the information relied upon is disclosed at the hearing and that an opportunity is provided to rebut such evidence. In the alternative, a site visit may be conducted by the Hearing Examiner or the Planning Commission for the purpose of familiarizing the reviewing body with the site and the surrounding area, but not for the purpose of independently gathering evidence. In such a case, at the commencement of the hearing, the Hearing Examiner or members of the Planning Commission shall disclose the circumstances of the site visit and shall provide the parties with an opportunity to question the Hearing Examiner or members of the Planning Commission concerning the site visit.

10. The decision process.

a. *Basis for decision.* Approval, conditional approval or denial of a Type III application, an applicant-initiated Type IV Map Amendment application or a Type I or II appeal shall be based on standards and criteria, which shall be set forth in the Vancouver Municipal Code or in uncodified ordinances.

b. *Final Decision.* The Hearing Examiner or Planning Commission shall issue a final order containing the following information:

i. The nature of the application or appeal in sufficient detail to apprise persons entitled to notice of the decision;

ii. The address or other geographic description of the subject property;

iii. If the actual decision is not mailed, a statement of where the Final Decision can be obtained;

iv. The date the decision shall become final, unless appealed.

v. A statement that all persons entitled to notice or who have standing under Section 20.210.130(B)(2) VMC may appeal the decision;

vi. A statement in boldface type briefly explaining how an appeal can be filed, the deadline for filing such an appeal, and where further information can be obtained concerning the appeal;

vii. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list the place, days and times where the case file is available and the name and telephone number of the city representative to contact about reviewing the case file;

viii. A statement of the applicable criteria and standards pursuant to the Vancouver Municipal Code and other applicable law;

ix. A statement of the facts demonstrating how the application or appeal does or does not comply with applicable approval criteria;

x. The reasons for a conclusion to approve, deny or condition the application or appeal;

xi. The decision to approve or deny the application or appeal, and if approved, conditions of approval necessary to ensure the proposed development will comply with the applicable law;

xii. The date the Final Decision is mailed; and

xiii. A statement regarding any procedural issues decided in the case, with the reasons to approve or deny said procedural request, if any.

c. *Decision-making time limits.* A Final Decision for any Type III application, applicant-initiated Type IV Map Amendment application, or Type I or II appeal decisions shall be filed with the Planning Official within 14 calendar days after the close of the record.

11. *Distribution of Final Decision.* A Final Decision on a Type III application or, applicant-initiated Type IV Map Amendment application, or Type I or II appeal decision shall be mailed, to the following persons:

a. The applicant and/or appellant;

b. The owner(s) of the property included in the subject application or appeal;

c. Any city-recognized neighborhood group whose boundaries include the site;

d. Anyone who requested in writing a notification of the decision on a particular matter.

e. The Planning Official shall cause an affidavit of mailing of such Final Decision to be prepared and made a part of the file, which indicates the date the notice was mailed and demonstrates that the required notice was mailed to the necessary parties in a timely manner.

12. *Contents of Notice of Decision.* A Notice of Decision shall include the information contained in Section 20.210.120(B)(10)(b)(1)-(12) VMC.

13. *Distribution of the Notice of Decision.* A Notice of Decision of a Type III application, applicant-initiated Type IV Map Amendment application, or Type I or II appeal decision shall be mailed on the same day as the Final Decision to the following persons:

a. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the city that includes provision for such notice or which is otherwise entitled to such notice;

b. Anyone who provided oral or written testimony entered into the record at the public hearing.

14. *Final Decision and effective date.* A Hearing Examiner or Planning Commission decision is final for purposes of appeal when the Final Decision and Notice of Decision is mailed. Such decision becomes effective on the day after the appeal period expires, unless an appeal is filed, in which case the procedures of Section 20.210.130 VMC shall apply.

C. Hearing requirements applicable to City Council hearings.

1. Unless otherwise provided in the rules of procedure adopted by the City Council, for both closed-record hearings and open-record hearings:

a. The Mayor or Mayor pro tem shall have the authority to:

i. Regulate the course, sequence, and decorum of the hearing;

ii. Dispose of procedural requirements or similar matters; and

iii. Impose reasonable time limits for oral presentations.

b. No person shall address the council without:

i. Receiving recognition from the Mayor or Mayor pro tem; and

ii. Stating their full name and residence address.

iii. Disruptive conduct such as audience demonstrations in the form of applause, cheering or display of signs may be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing or other appropriate action determined by the Mayor or Mayor pro tem.

2. Unless otherwise provided in the rules of procedures adopted by the City Council, the Mayor or Mayor Pro Tem shall conduct the hearing as follows:

a. The hearing shall be opened by a statement from the Mayor and/or City Attorney setting forth the nature of the matter before the body, a general summary of the procedures applicable to the hearing, and a summary of the standards for decision-making;

b. A presentation of the staff report shall be given;

c. For open-record hearings, the public shall be invited to testify;

d. For open-record hearings, the public hearing may be continued to allow additional testimony or it may be closed; and

e. The City Council's deliberation may include questions to the staff, comments from the staff, or inquiries directed to any person present.

## 20.210.130 Appeals.

A. *Appeal submittal.* Any party with standing under Section 20.210.130(B) VMC may submit a written appeal of any Type I, II or III decision to the Planning Official containing the following items listed below. The appeal must be received no later than 14 calendar days after written notice of the decision is mailed. Receipt of a complete appeal submittal shall stay the original decision until the city reaches a final decision on the appeal, except as provided for by Section 20.210.040(G) VMC.

1. The case number designated by the city and the name of the applicant;

2. The name and signature of each petitioner or their authorized representative and a statement showing that each petitioner has standing to file the appeal under this chapter. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative for all contact with the Planning Official. All contact with the Planning Official regarding the appeal, including notice, shall be with the contact representative;
3. The specific aspect(s) of the decision or determination being appealed, and the specific reasons why each aspect is in error as a matter of fact or law;
4. A statement demonstrating that the specific issues raised on appeal were raised during the period in which the record was open;
5. The appeal fee as per Chapter 20.195 VMC, Fees. The fee shall be refunded if the appellant requests withdrawal of the appeal in writing at least 14 calendar days before the scheduled appeal hearing date.

B. *Standing to appeal*.

1. *Type I decision*. Only the applicant and property owner have standing to appeal a Type I decision, unless otherwise specified in this title.
2. *Type II decision*. The following parties have standing to appeal a Type II decision:
   a. The applicant or owner of the subject property;
   b. Any other party who demonstrates that they participated in the decision process through the submission of written testimony.
3. *Type III decision*. The following parties have standing to appeal a Type III decision:
   a. The applicant or owner of the subject property;
   b. Any party who testified verbally or in writing at the public hearing;
   c. Any other party, who demonstrates that they participated in the decision process through the submission of written testimony;
   d. Any party who provides a written request for a copy of the notice of decision; and
   e. City staff.
4. *Type IV Map Amendment Decision*. The following parties have standing to appeal a Type IV Map Amendment decision:

a. The applicant or owner of the subject property;

b. Any party who testified verbally or in writing at the public hearing;

c. Any other party, who demonstrates that they participated in the decision process through the submission of written testimony;

d. Any party that provides a written request for a copy of the notice of decision; and

e. City staff.

C. *Appeal review process*.

1. All complete appeals submitted which are eligible as specified in this chapter shall be scheduled for review at a public hearing such that a final decision can be rendered within 60 calendar days for closed-record appeals, and within 90 calendar days for open-record appeals. Further extensions are permitted upon mutual agreement of the appellant, the applicant, and the Planning Official. If a final decision is not reached within this time, the Planning Official shall so notify the appellant and shall provide a reason for the delay and an estimated date of final decision issuance.

2. Notice of the appeal hearing shall be mailed to all parties listed in Section 20.210.120(B)(11) and (13) VMC.

3. Appeal hearings shall be open or closed record as indicated in Table 20.210.130 -1 below.

a. An open-record appeal hearing before the Hearing Examiner shall be conducted according to the procedures set forth in Section 20.210.120-B VMC.

b. A closed-record appeal hearing before the City Council shall be limited to argument from the appellant, the applicant and city staff, and deliberation by the City Council. Argument and deliberation shall be limited to the record established at the original open-record hearing. The record shall consist of testimony and deliberation at the original hearing as recorded by an audio/visual tape or transcript certified as accurate and complete, any other materials submitted into the record, and the final order being appealed.

c. Hearing rules shall otherwise be as specified by the review body.

d. Notice of appeal decisions shall be mailed to all parties listed under Section 20.210.130(C)(2) VMC.

4. See Section 20.285 VMC for additional rules applicable to appeals for Type IV decisions.

**TABLE 20.210.130-1. APPEAL BODIES**

| Land Use Action | Review Authority if Appealed, and Open (O) or Closed (C) Record Hearing |
|---|---|
| Type I Applications | Hearing Examiner (O); Further appeal to Superior Court |
| Type II Applications | Hearing Examiner (O); Further appeal to Superior Court |
| Type III Applications | City Council (C); Further appeal to Superior Court |
| Type IV Applications | Superior Court |

D. *Subsequent appeals*.

1. Appeal decisions by any review body may be subsequently appealed to Superior Court within 21 calendar days after the date of decision, subject to compliance with appeal eligibility and notice provisions as specified by Chapter 36.70C RCW.

2. Appeal decisions by the Hearing Examiner or City Council on shoreline substantial development permits, shoreline variance permits, and shoreline conditional use permits may be subsequently appealed to the State Shoreline Hearings Board pursuant to applicable law.

## 20.210.140 Post Decision Review.

A. Applicability.

1. Except for recorded short subdivision and subdivision plats, master plans and public facility master plans, post-decision procedures may modify the development without necessarily subjecting the change to the same procedure as the original application. Such changes may be warranted by ambiguities or conflicts in a decision and by new or more detailed information, permits or laws.

2. At any time, a party to a final decision made under this chapter or their successor in interest may file with the Planning Official an application for post-decision review of a Type I, II or III decision, describing the nature of the proposed change to the decision and the basis for that change, including the applicable facts and law, together with the fee prescribed for that application, as provided in Chapter 20.190 VMC, Fees.

3. An application for post-decision review is not subject to pre-application review. It is subject to counter-complete and fully-complete determinations; provided, that the Planning Official shall not require an application for post-decision review to contain information that is not relevant and necessary to address the requested change or the facts and law on which it is based.

4. As part of a determination of completeness of an application for post-decision review of a Type I, II or III decision, the Planning Official shall classify the application as a Type I, II or III procedure and advise the applicant in writing of that classification. In addition, all Parties of Record from the original decision shall also be notified of the decision in writing. The classifications in the table are recommended, but the classification of each post-decision review shall be based on the circumstances of that decision and the guidelines in subsection (B) of this section. The decision classifying the application shall be subject to appeal as part of the decision on the merits of the post-decision review.

5. Post-decision review cannot substantially change the nature of development proposed pursuant to a given decision. As part of a determination of completeness of an application for post-decision review of a Type I, II or III decision, the Planning Official may issue a decision that the proposed change in a decision should not be subject to post-decision review; it should be subject to a new application on the merits of the request. That decision may be appealed to the Hearing Examiner pursuant to Section 20.210.130 VMC.
6. An application for post-decision review does not extend the deadline for filing an appeal of the decision being reviewed and does not stay appeal proceedings.
7. Post-decision review can only be conducted in regard to a decision that approves or conditionally approves an application. An application that is denied is not eligible for post-decision review.

B. Exceptions. The modification provisions in this section do not apply to the following:
   1. Recorded subdivision plats. See Section 20.320.080(D) VMC.
   2. Master plans. See Section 20.260.060.
   3. Public facility master plans. See Section 20.270.040(C).

C. Classification of post-decision review.
   1. An application for post-decision review of a Type I decision shall be subject to a Type I review procedure.
   2. An application for post-decision review of a Type II decision shall be subject to a Type I review procedure if the review authority finds the requested change in the decision:
      a. Does not increase the potential adverse impact of the development authorized by the decision; and
      b. Is consistent with the applicable law or variations permitted by law, including a permit to which the development is subject; and
      c. Does not involve an issue of broad public interest, based on the record of the decision; and
      d. Does not require additional SEPA review.

3. An application for post-decision review of a Type II decision shall be subject to a Type II review procedure if it is not subject to Type I review.
4. An application for post-decision review of a Type III decision shall be subject to a Type I review procedure if the review authority finds the requested change in the decision:
    a. Reduces the potential adverse impact of the development authorized by the decision; and
    b. Is consistent with the applicable law or variations permitted by law, including a permit to which the development is subject; and
    c. Does not involve an issue of broad public interest, based on the record of the decision.
5. An application for post-decision review of a Type III decision shall be subject to a Type II review procedure if the review authority finds the requested change in the decision:
    a. Does not increase the potential adverse impact of the development authorized by the decision or SEPA determination; and
    b. Is needed to address a minor change in the facts or the law, including a permit to which the development is subject; and
    c. Does not involve an issue of broad public interest, based on the record of the decision.
6. An application for post-decision review of a Type III decision shall be subject to a Type III review procedure if it is not subject to a Type I or II procedure.
7. When a post-decision request for a change involves a condition of approval that was imposed in the original decision to address a specific potential impact of the proposed development, then that condition of approval can be changed only using the same type process as the original decision.

D. Modification. Modification of a decision other than by a timely appeal or post-decision review shall be accomplished by means of new application; provided, that a new application cannot be filed within one calendar year after the date of a decision denying a substantially similar application, unless such earlier decision provided otherwise.

E. Vesting. Applications which qualify for post decision review shall remain vested to the laws in place at the time of the original application vested.

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# Chapter 20.220
# Review Bodies

## Sections:

20.220.010 Planning Commission.

20.220.020 Hearing Examiner.

20.220.030 City Council.

20.220.050 Clark County Historic Preservation Commission.

## 20.220.010 Planning Commission.

A. *Establishment*. Pursuant to Article XI, Section 11 of the Washington State Constitution and Section 8.01 of the City Charter, a Vancouver Planning Commission shall be established and maintained consisting of seven residents of the city or Vancouver Urban Growth Area to be appointed by the mayor with the approval of the City Council.

B. *Representative membership*. In selecting members for appointment to the Planning Commission, the mayor and City Council shall seek to provide representation to a wide variety of neighborhoods, businesses and other interests concerned with the land use, development and quality of life in Vancouver. No more than one member of the Planning Commission may represent the unincorporated urban growth area intended to annex and develop as a part of the city of Vancouver.

C. Authority and responsibilities.

1. The Planning Commission shall have such powers and perform such duties as are prescribed by Chapter 35.63 RCW, other applicable state law, and the city code. The Planning Commission shall review and make recommendations to City Council on master plans greater than 25 acres in size, amendments to the comprehensive land use plan, amendments to the zoning map of 25 acres or greater in size, and implementing standards and regulations that are generally legislative in nature.

2. The Planning Commission is specifically responsible for the following:

a. Formal review of actions listed under Chapters 20.210 and 20.285 VMC, and review of SEPA appeals filed pursuant to such actions.

b. Informal or advisory review of studies, analysis or reports related to land use matters as directed by City Council.

c. Other duties related to land use matters as directed by City Council, provided they are not inconsistent with state law.

D. *Terms.* Except as provided in this section, the term of office for each member shall be four years, running from January 1st to December 31st. No member may serve more than three consecutive terms. Any vacancy that is not a result of the expiration of a term shall be filled for the unexpired term. Members may be removed by the mayor with the concurrence of City Council, for misconduct or neglect of duties or for three consecutive unexcused absences.

E. *Organization.*

1. In December of each year, the Planning Commission shall elect a chair, vice-chair and such other officers as the Planning Commission determines it requires. The term of office for each officer shall run until the subsequent election; provided, that vacancies caused by resignation or removal shall be filled for the remaining term of office.

2. The Planning Commission shall adopt rules for the transaction of its business.

3. The Planning Commission may appoint standing or special committees to which it may assign specific responsibilities, provided that such committee(s) shall make no recommendations except to the Planning Commission.

F. *Meetings.* The Planning Commission shall establish regular monthly or twice-monthly meetings dates pursuant to Chapter 42.30 RCW; provided, that, if no matters are pending, a regular meeting may be canceled. Special meetings of the Planning Commission may be called pursuant to the provisions of state law.

G. *Actions.* All actions of the Planning Commission shall be determined by a majority vote in a meeting at which a quorum is present. A majority of total appointed membership of the Planning Commission shall constitute a quorum.

## 20.220.020 Hearing Examiner.

This title utilizes a Hearing Examiner, as created and authorized in Chapter 2.51 VMC.

## 20.220.030 City Council.

A. *Role of City Council.* The role of the City Council in carrying out the provisions of Title 20 VMC is to:

1. Render final decisions on all master plans over 25 acres, final subdivision plats, and text and map amendments;
2. Adopt new comprehensive land use plans, subarea plans, planned actions and area-wide rezoning;
3. Render decisions on annexations under Chapter 20.220 VMC;
4. Render decisions on development agreements; and
5. Hear and decide appeals of certain land use decisions as set forth in Chapter 20.210 VMC.

B. *Additional authority.* The City Council shall have the authority to adopt any other land use related plans and ordinances authorized by law.

## 20.220.050 Clark County Historic Preservation Commission.

A. *Authority.* The City of Vancouver is established as a "certified local government" as determined by state and federal historic preservation standards. The standards require a commission to serve as the review authority on matters of historic preservation. The Clark County Historic Preservation Commission, as provided in Clark County Code, Section 40.250.030, shall serve as the review authority on matters of historic preservation as outlined in subsection D of this section for properties within the city of Vancouver.

B. Composition of the Commission.

1. The Clark County Historic Preservation Commission shall consist of seven members. Five members of the commission shall be appointed by the Clark County Council and shall be residents of the county and two members of the commission shall be appointed by the Vancouver City Council and shall be residents of the city except as provided for in subsection (B)(2) of this section.

2. The Vancouver City Council and the Clark County Council shall coordinate to ensure that the commission includes at least two professionals who have experience in identifying, evaluating and protecting historic and cultural resources and are selected from among the disciplines of history, public history, architecture, architectural history, historic preservation, planning, cultural anthropology, cultural geography, American studies or the practice of historic rehabilitation or restoration. The commission may take action even if there is a temporary vacancy in one or all of the professional positions. An exception to the residency requirement of the commission members may be granted by the Vancouver City Council for the commission members appointed by the City Council in order to obtain representatives from these disciplines.

C. *Terms.* The terms shall be for three years. Membership on the commission shall be limited to two full consecutive three-year terms. Reappointment after two consecutive terms may be made after at least a one-year absence. Vacancies occurring other than through the expiration of terms shall be filled for the unexpired term. Members may be removed by the city or county councils for inefficiency, neglect of duty or malfeasance in office.

D. *Powers and Duties.* The major responsibilities of the commission are to identify and actively encourage the conservation of the city and county's historic and cultural resources by initiating and maintaining a register of historic places and reviewing proposed changes to register property(ies); to raise community awareness of the county's historic and cultural resources; and to serve as the county's primary resource in matters of historic preservation. In carrying out these responsibilities, the commission shall engage in the following activities:

1. Conduct and maintain a comprehensive inventory of historic and cultural resources within the boundaries of the city of Vancouver to be included in the Clark County cultural resources inventory; publicize, and periodically update, inventory results;

2. Maintain the Clark County heritage register (CCHR). This official register shall be comprised of buildings, structures, sites, objects and districts identified by the commission as having historic significance worthy of recognition by the county and encouragement of efforts by owners to maintain, rehabilitate, and preserve properties;

3. Review nominations to the Clark County heritage register according to criteria in 17.39.060 and 17.39.070 VMC and adopt standards in its rules and procedures to be used to guide this review;
4. Review proposals to construct, change, alter, modify, remodel, move, demolish or significantly affect properties or districts on the Clark County heritage register as provided in VMC 17.39.080; and adopt standards in its rules and procedures to guide this review and the issuances of a certificate of appropriateness or waiver;
5. Submit nominations to the Washington State Heritage Register and National Register of Historic Places;
6. Review nominations to the National Register of Historic Places and provide recommendations to the applicable agency;
7. Provide for comment by the commission on all applications for approvals, permits, environmental assessments or impact statements, and other similar documents pertaining to identified historic or cultural resources or adjacent property(ies) upon staff request;
8. Provide information, comment, and support to the public and agencies on matters related to historic preservation;
9. Encourage recognition of noteworthy efforts in the rehabilitation or maintenance of historic buildings, structures, sites, and districts, and new construction in historic areas;
10. Serve as the local review board for special valuation pursuant to Chapter 84.26 RCW;
11. Conduct all commission meetings in compliance with Chapter 42.30 RCW, Open Public Meetings Act, to provide for adequate public participation.

E. *Rules and Officers*.

1. The commission shall establish and adopt its rules and procedures not inconsistent with this chapter.
2. The commission shall select from among its membership a chair and vice-chair to conduct the commission's business.
3. All official actions of the commission shall require a majority vote of the members present. No member shall be eligible to vote upon a matter unless that member attended the hearing.

F. *Commission Staff.* Staffing for the commission shall be provided by the Clark County community planning department and the city of Vancouver.

G. *Interlocal Agreement Required.* An interlocal agreement shall be established between the city of Vancouver and Clark County implementing the provisions of this chapter.

H. *City Review Staff.* City staff with knowledge of the local resources and the designation and review processes will prepare staff reports and recommendations, and will attend commission work sessions and public hearings concerning properties within the Vancouver urban area.

I. *Appeals.* Appeals of decisions rendered by the Clark County Historic Preservation Commission pertaining to property(ies) within the city of Vancouver shall be heard by the Vancouver City Council.

J. *Education Services.* The city shall provide heritage education services, including but not limited to public workshops, lectures, seminars and educational materials and professional education for commissioners and staff, for both the city of Vancouver and Clark County as agreed to in the interlocal agreement.

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# Chapter 20.225
# Summary of Land Use Permits

## Sections:

20.225.010 Purpose.

20.225.020 Summary.

## 20.225.010 Purpose.

*Purpose*. The purpose of this chapter is to provide a summary of all land use permits in this title in alphabetical order to provide the user information about procedure type and approval criteria.

## 20.225.020 Summary.

*Summary*. A summary of permits is provided in Table 20.225.020-1 below. All references refer to chapters and sections with the Vancouver Municipal Code (VMC).

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

| Permit/ Action | Procedure Type | Procedural Requirements | Approval Criteria | Other Development Regulations |
|---|---|---|---|---|
| Adult Entertainment siting | II | 20.210.050 | 20.430 | ---- |
| Annexation | IV | 20.210.070 | 20.230.020 | ---- |
| Binding Site Plan | II | 20.210.050 | 20.330.020(B) | ---- |
| Boundary Adjustments | I | 20.210.040 | 20.310.040 | ---- |
| Conditional Use | | | | |

| Permit/ Action | Procedure Type | Procedural Requirements | Approval Criteria | Other Development Regulations |
|---|---|---|---|---|
| -Initial | III/HE | 20.210.060 | 20.245.040 | ---- |
| -Major Modification | III/HE | 20.210.060 | 20.245.040 | ---- |
| -Minor Modification | I | 20.210.040 | 20.245.040 | ---- |
| **Critical Areas Permit** | | | | |
| -Statement of Exemption | I | 20.210.040 | 20.720.030 | |
| -Fish and Wildlife Habitat Conservation Areas | I, or same as development | 20.210.040 | 20.720.060; 20.720.110 | |
| -Frequently Flooded Areas | I, or same as development | 20.210.040 | 20.720.060; 20.720.120 | |
| -Geological Hazards | I, or same as development | 20.210.040 | 20.720.060; 20.720.130 | |
| -Wetlands | I, or same as development | 20.210.040 | 20.720.060; 20.720.140 | |
| -Minor Exceptions | II | 20.210.050 | 20.720.060; 20.720.070 | |

| Permit/ Action | Procedure Type | Procedural Requirements | Approval Criteria | Other Development Regulations |
|---|---|---|---|---|
| -Reasonable Use Exceptions | III/HE | 20.210.060 | 20.720.060; 20.720.080 | |
| **Design Review** | | | | |
| Site Plan Required | I/II | 20.210.040, -.050 | 20.265.040 | 20.265 |
| -Exempt from Site Plan Review | I | 20.210.040 | 20.265.040 | |
| **Development Agreements** | | | | |
| -Concurrent w/ application | Same as development | Same as development | 20.250 | If applicable, 20.790 |
| -Not concurrent w/ application | City Council | 20.250.050 | 20.250 | If applicable, 20.790 |
| **Escrow Agreements** | I | 20.210.040 | 20.450.001 | ---- |
| **Essential Public Facilities** | III/HE | 20.210.060 | 20.450.065 | 20.245 |
| **Manufactured Home Developments** | III/HE<br>Conditional Use | 20.210.060 | 20.450.085 | 20.245 |

| Permit/ Action | Procedure Type | Procedural Requirements | Approval Criteria | Other Development Regulations |
|---|---|---|---|---|
| **Master Plan** | | | | |
| -Initial plan 25 acres or less | II | 20.210.050 | 20.260.040 | ---- |
| -Initial plan greater than 25 acres | IV/PC | 20.210.060 | 20.260.040 | ---- |
| -Modification | I, II, III/HE | 20.210.040, - .050, - .060 | 20.260.060 | ---- |
| **Nonconforming Status Confirmation** | I | 20.210.040 | 20.195 | ---- |
| **Public Facility Master Plans** | | | | |
| -Initial approval | III/HE | 20.210.060 | 20.268.040(A) | ---- |
| -Subsequent approval<br><br>-Detailed Master Plan<br><br>-Concept Master Plan<br><br>-Hybrid Master Plan | I<br><br>II | 20.210.040<br><br>20.210.050 | 20.268.050(A) | ----<br><br>----<br><br>---- |

| Permit/ Action | Procedure Type | Procedural Requirements | Approval Criteria | Other Development Regulations |
|---|---|---|---|---|
| -Modification<br><br>-Detailed/Hybrid Master Plan<br><br>-Concept Master Plan | I, II, III/HE<br><br>II, III/HE | 20.210.040, -.050, -.060<br><br>20.210.040, -.050 | 20.268.050(A)<br><br>20.268.050(A) | -----<br><br>----- |
| **Signs** | I | 20.210.040 | 20.450.050 | |
| **Site Plan Review** | | | | |
| -New development or redevelopment | I/II | 20.210.040 or 20.210.050 | 20.270.040 or 20.270.050 | ---- |
| -Modifications not exceeding thresholds for Type II review at 20.270.020(B)(4) | I | 20.210.040 | 20.270.050 | ---- |
| - Modifications exceeding thresholds for Type II review at 20.270.020(B)(4) | II | 20.210.050 | 20.270.050 | |
| -Extension | I | 20.210.040 | 20.270.030(D) | ---- |

| Permit/ Action | Procedure Type | Procedural Requirements | Approval Criteria | Other Development Regulations |
|---|---|---|---|---|
| -Phasing Plan approval | I | 20.210.040 | 20.270.030(E) | ---- |
| **Subdivisions** | | | | |
| Lot Split | I | 20.210.040 | 20.320.110 | |
| Unit Lot Subdivision | II | 20.210.050 | 20.320.100 | |
| -Short Subdivisions | II | 20.210.050 | 20.320.040 | ---- |
| -Subdivisions | III/HE | 20.210.060 | 20.320.040 | ---- |
| -Phasing plan approval | I | 20.210.040 | 20.320.020(C) | ---- |
| **Extensions** | | | | |
| -One-year | I | 20.210.040 | 20.320.020(D | ---- |
| -Two-year | II | 20.210.050 | 20.320.020(D) | ---- |
| **Temporary Uses** | | | | |
| -Seasonal or special events | I | 20.210.040 | 20.430 | ---- |
| -Unforeseen emergency situations | I | 20.210.040 | 20.430 | ---- |

| Permit/ Action | Procedure Type | Procedural Requirements | Approval Criteria | | Other Development Regulations |
|---|---|---|---|---|---|
| -Extension | I | 20.210.040 | 20.430 | | ---- |
| **Text/Map Amendments** | | | | | |
| -Legislative | IV | 20.210.070 | 20.285.040 | | ---- |
| **Tree Removal Permit (On-site)** | | | | | |
| -Tree Plan w/Site Plan Review | II | 20.210.050 | 20.450.035 | | ---- |
| -Tree Plan w/o Site Plan Review | I | 20.210.040 | 20.450.035 | | ---- |
| **Variances** | | | | | |
| -Type I | I | 20.210.040 | 20.290.040(A) | | ---- |
| -Type II | II | | 20.210.050 | 20.290.040(B) | ---- |
| **Wireless Communication Facilities** | | | | | |
| -Conditional Uses | II, III/HE | | 20.210.050, -.060 | 20.450.085 | 20.245 |

| Permit/ Action | Procedure Type | Procedural Requirements | Approval Criteria | | Other Development Regulations |
|---|---|---|---|---|---|
| -Setback reduction | I | | 20.210.040 | 20.450.085 | ---- |

KEY
Type I: Ministerial permits
Type II: Quasi-judicial permits/Planning Official (PO) decision
Type III/HE: Quasi-judicial permits/Hearing Examiner (HE) decision
Type III/PC: Quasi-judicial permits/Planning Commission (PC) decision
Type IV: Legislative

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# Chapter 20.230
# Annexations

## Sections:

20.230.010 Purpose.

20.230.030 Comprehensive Land Use Plan.

## 20.230.010 Purpose.

Purpose. The purpose of this chapter is to identify the procedures applicable to annexations by the city.

## 20.230.020 Approval Process.

A. *Annexations by election method.* An annexation request may be initiated by the City Council or by petition of property owners requesting the matter be put to a vote pursuant to Sections 35.13.015 RCW through 35.13.120 RCW, as may be amended or re-codified from time to time.

B. *Annexations by petition method.* An annexation request may be initiated by petition method pursuant to Sections 35.13.125 RCW through 35.13.170 RCW, as may be amended or recodified from time to time.

C. *Other procedures.* All procedures of Chapter 35.13 RCW shall apply to annexations by the city.

## 20.230.030 Comprehensive Land Use Plan.

A. *Assignment of Comprehensive Plan and zoning designations.* Assigning City Comprehensive Plan and zoning designations to annexed areas may occur through one of the following processes:

1. Conversion. The city shall convert the County's Comprehensive Plan map and zoning designations to the city designations that are the most similar. The assignment of these designations shall occur automatically and concurrently with the annexation.

   *Conversion table.* Table 20.230.030-1 summarizes the conversion of the County's plan and zoning designations to city designations that are most similar.

**TABLE 20.230.030-1. CONVERSION OF COUNTY PLAN AND ZONE DESIGNATIONS TO CITY ZONE DESIGNATIONS**

| Clark County Comprehensive Plan Designation | Clark County Zoning District | Most equivalent City of Vancouver Zoning District |
|---|---|---|
| Urban Low Density Residential | R1-20 | Low Scale Neighborhood |
| | R1-10 | |
| | R1-7.5 | |
| | R1-6 | |
| | R1-5 | |
| Urban Medium Density Residential | R-24 | Medium Scale Neighborhood |
| | R-36 | Mixed Use Neighborhood |
| Urban High Density Residential | R-50 | Mixed Use Neighborhood |
| Urban Medium Density Residential | OR-24 | Mixed Use Neighborhood |
| | OR-36 | |
| | OR-36 | |
| Urban High Density Residential | OR-50 | |
| | OR-50 | |
| Commercial (C) | NC | Industrial/Employment |
| Commercial (C) | CC | |
| | CC | |
| General Commercial (C) | GC | |

| Clark County Comprehensive Plan Designation | Clark County Zoning District | Most equivalent City of Vancouver Zoning District |
|---|---|---|
| Mixed Use | MX | Mixed Use Neighborhood |
| Industrial (I) | OC | Industrial/Employment |
| Industrial (I) | BP | |
| Industrial (I) | IL | |
| Heavy Industrial | IH | Heavy Industrial |
| Airport | A | |
| All Categories – Except Mixed Use | U(niversity) | Institutional/Campus |
| Parks/Open Space P/OS | Parks/WL | Parks and Open Space or Natural Areas, as determined by City of Vancouver |
| Surface Mining Overlay | S | Heavy Industrial |
| Airport Environs Overlay | AE-1, AE-2 | Pick from existing designations & zones based on footnote 1 below |
| Historic Preservation Overlay | Site Specific | |

[1] Final determination to be based on a comprehensive land use plan meeting the requirements of VMC 20.230.030.C, or written findings that address existing uses, abutting uses, zone purpose, zone location criteria, allowed uses, and identify a zone designation that would allow desired existing uses, approved uses, or in-process development plans to continue as conforming uses.

2. *New comprehensive land use plan.* The Planning Commission and City Council may prepare a land use plan to become effective upon the annexation of any area which might reasonably be expected to be annexed by the City at any future time pursuant to the Type IV procedures contained in Section 20.285.070 VMC. To the extent deemed reasonably necessary by the City to be in the interest of health, safety, and the general welfare, the Review Authority may provide, among other things, for:
    a. The regulation and restriction of building types, uses, development standards, design and open space requirements, subdivision process and allowances, and additional provisions of the Vancouver Municipal Code as applicable.
    b. The division of the area to be annexed into districts or zones of any size or shape, and within such districts or zones regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land; and
    c. The time interval following an annexation during which the ordinance or resolution adopting any such plan or regulations, or any part thereof must remain in effect before it may be amended, supplemented or modified by subsequent ordinance or resolution adopted by the City.

B. *Objectives of regulations and restrictions.* All such regulations and restrictions shall be designed, among other things, to encourage the most appropriate use of land throughout the area to be annexed; coordinate future development; protect health and safety; promote access and mobility; conserve and restore natural resources and systems; and to facilitate adequate provision of public facilities and services.

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# Chapter 20.245
# Conditional Use Permits

## Sections:

20.245.010 Purpose.

20.245.020 Approval Process.

20.245.030 Submission Requirements.

20.245.040 Approval Criteria.

20.245.050 Appeals.

20.245.060 Revocation of Conditional Use Permits.

20.245.070 Limitation on New Applications.

## 20.245.010 Purpose.

*General*. In many zones there are uses that may be compatible but because of their size, operating characteristics and/or potential off-site impacts warrant review on a case-by-case basis. The purpose of the conditional use review process is to determine if the use is appropriate at the proposed location and, if appropriate, to identify any additional conditions of approval necessary to mitigate potentially adverse impacts.

## 20.245.020 Approval Process.

A. *Initial applications.* A request for approval for a new conditional use shall be processed as a Type III procedure, using approval criteria contained in Section 20.245.040 VMC and subject to other requirements in this Chapter.

B. *Major modification of an approved or existing conditional use*.

1. The Planning Official shall determine that a major modification(s) has resulted if one or more of the changes listed below have been proposed:

a. A change of any applicable condition of approval;

b. A change in use classification as defined in Chapter 20.160 VMC;

c. A 10 percent increase in dwelling unit density, providing the proposed density does not exceed the maximum density established in the underlying base zoning district;

d. An increase in the approved floor area proposed for nonresidential use by more than 25 percent, except for schools, which shall have a threshold of 50 percent increase in floor area;

e. A change in the operational use deemed to be a possible adverse impact to adjacent properties by the Planning Official.

2. Upon the Planning Official determining that the proposed modification to the conditional use plan is a major modification, the applicant shall submit a new application to be processed as a Type II application, pursuant to Section 20.210.050 VMC.

C. *Minor modification of approved or existing conditional use*.

1. Any modification that is not within the description of a major modification as provided in Subsection (B)(2) above shall be considered a minor modification.

2. An applicant shall request approval of a minor modification by means of a Type I procedure, Section 20.210.040 VMC, using approval criteria in Subsection (3) below.

3. A minor modification shall be approved, approved with conditions, or denied following the Planning Official's review based on the findings that the proposed development is in compliance with all applicable requirements of this Title.

D. *Time Limit of Approval*.

1. *Time Limit*. Authorization of a conditional use permit shall be void after five years, unless a building permit has been issued and substantial construction has taken place.

2. *Extension*. Upon written request by the applicant and payment of the required fee pursuant to Chapter 20.190 VMC, the Planning Official may extend the authorization for a maximum of one year.

E. *Concurrent review.* An applicant may request other land use reviews, such as a variance or site plan review, at the same time that a request for conditional use approval is submitted. The applications for multiple reviews may be consolidated. The review procedure for consolidated applications shall be that of the application requiring the highest level of review, under Section 20.210.020(D) VMC.

## 20.245.030 Submission Requirements.

A. *Submission requirements.* The applicant must submit a completed application form as prescribed by the Planning Official with applicable fee per Chapter 20.190 VMC, containing the following information:

1. Narrative describing the proposed uses for the site, hours of operation, hours and the frequency of deliveries, and construction schedule.
2. Drawn to scale site plan, legible for digital reproduction, showing accurate representation of the size and shape of the parcel(s), including easements of any kind, all dimensions, and parcel orientation. Include north arrow.
3. Locations, dimensions, and height of all existing and proposed buildings and structures, including garages, carports, decks, patio covers, and other accessory structures. Include dimensions from each other and from all property lines. Show dimensions from each other and from all property lines. Show dimension of eaves projecting beyond a wall or supporting post. Indicate usage of all structures.
4. Location, height, and material of fences, buffers, berms, walls, and other proposed screening. Note the location and dimensions of area of terraces, decks, shelters, and play areas.
5. *Lighting plan*. This plan shall show all proposed fixtures on site and within rights-of-way. Show all existing above and underground power lines. (This plan will be routed to Clark County PUD by a city workgroup for comments and compliance with standards.)

6. Location and detailed layout of vehicle access, site circulation, off-street parking and loading areas, lighting, landscaping, and buffering as required by Chapter 20.450 VMC. Include accessible parking stalls and disembarking areas, accessible route of travel, proposed ramp, and signage, as required by the most current version of the Washington Administrative Code governing accessibility for disabled persons. Include location and screening for proposed storage areas for solid waste, including recyclable materials and organics.
7. Summary table which includes parcel zone, total site area, gross floor area by use (e.g., manufacturing, office, retail, storage), itemized number of full size, compact and accessible parking stalls and the collective total number, total lot coverage proposed, and amount of landscaped area.
8. *Certified mailing list.* Current Clark County assessor map(s) showing the property(ies) within a 300-foot radius of the site, per the requirements in VMC 20.210.050 and 20.210.060, decision-making procedures, and one set of stamped and addressed envelopes and one set of mailing labels with the names and addresses of owners of all properties within the 300-foot radius. Such list shall be certified as accurate and complete by the Clark County assessor or a title company. For non-owner-occupied properties, provide one set of stamped and addressed envelopes and one set of mailing labels addressed to "occupant" as can be determined from available county assessor records.
9. Floor plan showing the gross square footage of each structure and outdoor activity area proposed on the site, including existing structures and outdoor activity areas to be retained. Include a description of the proposed uses of each structure or portions of a structure and each outdoor activity area. Include location of aboveground utilities and typical elevation drawings of each structure.
10. Completed SEPA (State Environmental Policy Act) checklist (as required), on city-provided form. Include SEPA processing fee, pursuant to Chapter 20.190 VMC, Fees.
11. Required processing fee for conditional use permit (see Chapter 20.190 VMC).
12. Concurrency letter, addressed to transportation manager, with summary of project with projected traffic impacts and appropriate fee. (See Chapter 20.190 VMC.)
13. Any information deemed necessary to address mitigation for the specific development circumstances.

## 20.245.040 Approval Criteria.

A. *Approval standards.* The Hearing Examiner shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:

1. The site size and dimensions provide adequate area for the needs of the proposed use;
2. The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography and natural features;
3. All required public facilities have adequate capacity to serve the proposed development;
4. The applicable requirements of the zoning district, and other applicable documents are met except as amended by the conditional use permit or variances requested pursuant to Chapter 20.290 VMC; and
5. Identified impacts on adjacent properties, surrounding uses and public facilities have been adequately mitigated.

B. *Conditions of approval.* The Hearing Examiner may impose conditions on the approval of a conditional use in addition to or above and beyond those required elsewhere in this Title, which are found necessary to ensure the use is compatible with other uses in the vicinity. These conditions may include, but are not limited to the following:

1. Limiting the hours, days, place and/or manner of operation;
2. Requiring design features which minimize environmental impacts such as noise, vibration, air, pollution, glare, odor and/or dust;
3. Requiring additional setback areas, lot area and/or lot depth or width;
4. Limiting the building height, size or lot coverage, and/or location on the site;
5. Designating the size, number, location and/or design of vehicle access points;
6. Requiring street right-of-way to be dedicated and street(s) to be improved;
7. Requiring additional landscaping, screening, drainage and/or surfacing of parking and loading areas;
8. Limiting the number, size, location, height and/or lighting of signs;
9. Limiting or setting standards for the location and/or intensity of outdoor lighting;

10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and/or drainage areas;
13. Requiring the construction of pedestrian/bicycle pathways in accordance with the adopted pedestrian/bicycle pathway plan.

### 20.245.050 Appeals.

The appeal procedures are set forth in Chapter 20.210.130. Parties with standing to appeal per 20.210.130 may appeal a decision of the Hearing Examiner to the City Council.

### 20.245.060 Revocation of Conditional Use Permits.

It shall be unlawful and punishable for any person to violate any condition imposed by a conditional use permit. The Hearing Examiner may revoke any conditional use permit for noncompliance with conditions imposed in the granting of the permit after first holding a public hearing and giving notice of such hearing as provided in Section 20.210.120 VMC.

### 20.245.070 Limitation on New Applications.

In a case where an application is denied by the Hearing Examiner, or denied by the City Council on appeal from the Hearing Examiner, unless specifically stated to be without prejudice, it shall not be eligible to be resubmitted for a period of 1 year from the date of the denial, unless, in the opinion of the Planning Official, new evidence is submitted showing that conditions have changed to an extent that further consideration is warranted. Reconsideration of an application shall be subject to the same fee as a continuance per Chapter 20.190 VMC, Fees.

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# Chapter 20.250
# Development Agreements

## Sections:

20.250.010 Development Agreements Authorized

20.250.020 Purpose and Limitations

20.250.030 Pre-Existing Agreements

20.250.040 Effect and Vesting.

20.250.050 Procedure.

20.260.060 Term of Agreement.

20.260.070 Recording.

## 20.250.010 Development Agreements Authorized

A. *Property within city limits.* The City may enter into a development agreement pursuant to this Chapter 20.250 VMC and Sections 36.70B.170 RCW et seq., with a person having ownership or control of real property within its jurisdiction.

   1. *Property outside city limits.* The City may enter into a development agreement pursuant to this Chapter 20.250 VMC and Sections 36.70B.170 RCW et seq., with a person having ownership or control of real property outside of its boundaries as part of a proposed annexation or service agreement.

   2. *Nature of City action.* The execution of a development agreement in and of itself is an administrative act, as opposed to a quasi-judicial or a legislative act, and is a proper exercise of the City's police power and contract authority.

## 20.250.020 Purpose and Limitations

A. *Contents.* Where applicable, development agreements shall set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with all applicable development regulations. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. For the purposes of this Section, "development standards" include, but are not limited to:

1. Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;
2. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of State law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;
3. Mitigation measures, development conditions, and other requirements under Chapter 20.740 VMC, SEPA Regulations;
4. Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping and other development features;
5. Affordable housing;
    a. Parks and open space preservation;
    b. Phasing;
    c. Review procedures and standards for implementing decisions;
    d. A build-out or vesting period for applicable standards; and
    e. Any other appropriate development requirement or procedure.

B. *Expectation of Public Benefit.* City Council shall consider the relative public benefits from the proposed agreement and may approve or deny a proposed development agreement based on the proportionality of expected benefits to the public and to the development project or property.

C. *Unauthorized fees prohibited.* Nothing in this Chapter is intended to authorize the City to impose impact fees, inspection fees, or dedications or to require any other financial contributions or mitigation measures except as expressly authorized by other applicable provisions of law.

### 20.250.030 Pre-Existing Agreements

General. Nothing in this Chapter affects the validity of a contract rezone, concomitant agreement, annexation agreement, or other agreement in existence on June 1, 2026, or any agreement adopted at any time under separate authority, that includes some or all of the development standards provided in Section 20.250.020 VMC. Nothing in this Chapter affects the applicability of any State or Federal law or regulation.

### 20.250.040 Effect and Vesting.

A. *General*. Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period of the project specified in the agreement, and the project may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. A permit or approval issued by the City after the execution of the development agreement must be consistent with the development agreement. A development agreement shall reference by ordinance or code provision the land use regulations under which the project described in the development agreement is vested.

1. *Vesting*. Under subsection (A), a development agreement provides an alternative to vesting rights provided for under Section 20.210.110 VMC.
2. *Concurrency*. A development agreement may reserve capacity in the transportation system for the proposed development's trip generation and, in such case, the proposed development shall be deemed to have achieved transportation concurrency under the concurrency rules and regulations in effect on the effective date of the development agreement. The term for the concurrency determination shall be set forth in the development agreement.
3. *Modifications*. The City shall reserve authority in each development agreement to impose new or different regulations only if necessary, and to the extent necessary, to address a serious threat to public health and safety.

## 20.250.050 Procedure.

A. *Initiation*. A request for approval of a development agreement may be initiated by a person having ownership or control of real property or the City. The review fee per Chapter 20.190 VMC shall be paid by the requesting party at the time of submission of the request. In the case of a development agreement requested by both the City and a person having ownership or control of real property, the fee may be split between the parties.

1. *Approval process for agreement not associated with a land use application*. If a development agreement is not proposed in conjunction with a Type II, III or IV land use application under Chapter 20.210 VMC, the development agreement shall be presented to City Council at a public hearing for approval by ordinance or resolution pursuant to the public hearing procedures of Section 20.210.120 VMC.

2. *Approval process for agreement associated with a Type II, III or IV land use application*. If a development agreement is proposed in conjunction with a Type II, III or IV land use application under Chapter 20.210 VMC, Decision-Making Procedures, the development agreement shall be presented to City Council at a public hearing for approval by ordinance or resolution, after approval of the Type II or III application or after Planning Commission action on a Type IV application. The review body for the Type II, III or IV application shall not make a recommendation on that portion of the application related to the development agreement to City Council. If no appeal is filed on the underlying land use application, the Planning Official shall send written notice of the public hearing at least 10 days prior to City Council consideration of the development agreement to all parties entitled to a Notice of Decision for the applicable application under Section 20.210.050(I) VMC or 20.210.120(B)(11) VMC.

3. *Appeal*. As an exception to the appeal procedures of Section 20.210.130 VMC, any appeal of a Type II or III application processed together with a development agreement shall be heard by the City Council in conjunction with Council's consideration of the development agreement. Notice of the appeal hearing shall be sent to all persons entitled to notice of the appeal hearing under Section 20.210.130 VMC.

4. *Further appeals*. Further appeals after final action by City Council of a Type II or III application processed in conjunction with a development agreement shall be governed by Section 20.210.130(D)(1) VMC. Further appeals, after final action by City Council of a Type IV application processed in conjunction with a development agreement shall also be governed by Section 20.210.130(D)(1) VMC.

### 20.260.060 Term of Agreement.

The development agreement shall set forth the term of approval as agreed to by the parties. Development agreements may not be approved for more than ten (10) years initially, however a party to an approved development agreement may request subsequent Council approval of an extension of an unexpired agreement by up to five (5) years, provided substantial progress toward fulfilling the terms of the agreement have been demonstrated.

### 20.260.070 Recording.

General. Within 30 days after approval by City Council, the requestor shall ensure that the signed development agreement is recorded with the real property records office of Clark County. Requestor shall be responsible for payment of any recording fee and transmitting a copy of the recorded agreement to the City Manager's Office at 415 W. 6th Street, Vancouver, WA 98660.

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# Chapter 20.255
# Interpretations and Minor Adjustments

## Sections:

20.255.010 Purpose and Responsibility.

20.255.020 Procedure.

20.255.030 Rules of Construction.

20.255.040 Minor Adjustments.

## 20.255.010 Purpose and Responsibility.

A. *Purpose*. The purpose of this Chapter to provide a process for interpreting and applying the provisions of Title 20 VMC.

B. *Responsibility*. It shall be the responsibility of the Planning Official to review and resolve any questions regarding the proper interpretation or application of the provisions of Title 20 VMC pursuant to the procedures set forth in this Chapter. The Planning Official's decision shall be in keeping with the spirit and intent of this title and of the Comprehensive Plan. The Planning Official's decision shall be in writing and kept on permanent file.

## 20.255.020 Procedure.

A. *Application*. Any person may request in writing the Planning Official's interpretation of a code provision of Title 20 VMC when it pertains to a specific property or project by means of a Type I application pursuant to Section 20.210.040 VMC. The Planning Official may independently initiate an interpretation of any conflicting or unclear provisions of this Title.

B. *Multiple applications*. If an application for an interpretation is associated with any land use application(s) subject to Title 20 VMC, then the application for the interpretation may be combined with the associated application(s) and is subject to the highest level of procedure that applies to any of the applications, Section 20.210.020(D) VMC.

C. *Codification.* To ensure that Planning Official interpretations are applied consistently over time, the Planning Official shall on an annual basis initiate a Type IV text amendment to this Code for the purpose of codifying interpretations pursuant to Chapter 20.210 VMC, Text and Map Amendments. The codified interpretations shall be located in Section 20.450.015 VMC, Exceptions and Interpretations, or in the Chapter of the Code governing the subject matter of the interpretation, whichever may be more appropriate.

D. *Appeals.* Any official interpretation of the provisions of Title 20 VMC may be appealed by any aggrieved party, pursuant to the appeal procedures set forth in Section 20.210.130.

### 20.255.030 Rules of Construction.

Guiding principles. In interpreting Title 20 VMC, either when an application is filed under this Chapter or when any application is filed under Chapter 20.210 VMC, Decision-Making Procedures, the Planning Official shall adhere to the following rules of construction in interpreting and applying the Code:

A. *Meaning.* All words used in the Code shall have their normal and customary meaning, unless specifically defined in this Code.

B. *Tense.* Words used in the present tense include the future tense.

C. *Plural.* The plural includes the singular and vice versa.

D. *Mandatory.* The words will and shall are mandatory.

E. *Permissive.* The word may is permissive.

F. *Context.* In determining the meaning of a word as used in the Code, regard shall be made for the context in which the word is used.

G. *Specification.* General terms which follow specific terms are limited to matters similar to those specified.

H. *Exclusion.* Express mention of one thing implies exclusion of another.

I. *Antecedent.* A qualifying phrase refers back both grammatically and legally to the last antecedent.

J. *Conjunctions.* The word or is not to be construed as and.

K. *Superfluous words.* No clause or individual words of the Code should be deemed superfluous.

L. *Binding case law*. Other applicable rules of construction employed by Washington appellate courts in interpreting legislative enactments shall apply.

## 20.255.040 Minor Adjustments.

A. *Purpose*. Each area of land is, to some degree, unique as to its suitability for and constraints on development. Development standards and procedures imposed under this zoning code cannot foresee all conceivable situations peculiar to the development of every property at every moment, but are designed as standards applicable to most situations. It is the intent of the adjustment to provide flexibility, adaptability, and reasonableness in the application and administration of this Title where special conditions exist and the strict application of the standard or procedure would not serve a public purpose.

B. *Planning Official Authority*. In the event the strict application of a development standard or procedural requirement of this Title would result in unforeseen consequences or an excessive burden given the nature of the proposed development, the Planning Official is authorized to make a minor adjustment in said standard or procedure, upon making a written finding that no person of average sensibilities would be negatively impacted by such an adjustment, and that said adjustment would be consistent with the spirit and intent of this title and the Comprehensive Plan. No adjustment shall allow a use not otherwise permitted for the subject property, nor shall a minor adjustment be used in place of a variance procedure, where applicable. The Planning Official shall maintain a record of such decisions and associated findings, and periodically forward them to the Planning Commission for their information.

C. *Appeal*. Any minor adjustment issued pursuant to this Chapter may be appealed by any aggrieved party, pursuant to the appeal procedures set forth in Section 20.210.130.

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# Chapter 20.260
# Master Plans

## Sections:

20.260.010 Purpose.

20.260.020 Types of Master Plans

20.260.030 Applicability.

20.260.040 Development Standards.

20.260.050 Approval Criteria.

20.260.060 Approval Process.

20.260.070 Modification Process.

20.260.080 Submittal Requirements.

20.260.090 Vesting.

20.260.100 Term.

## 20.260.010 Purpose.

Master planning is intended to provide for the coordinated and integrated development of multiple buildings and land uses within a site. Master planning facilitates the efficient use of land and public services, promotes human interaction and a sense of place, creates safe, attractive, and convenient environments, and expands development opportunities.

The purpose of this chapter is to:

A. Promote the cohesive planning of larger development sites that may develop in phases under the same set of development regulations;

B. Promote the preservation and sensitive treatment of significant natural features, including vegetation, waterways, views, and viewsheds;

C. Provide and maintain usable open spaces for the benefit of residents, employees, and patrons;

D. Encourage a compatible and integrated mix of building types, including mixed-use development and ground-oriented residential buildings;

E. Promote efficient street and circulation layouts, including the use of complete streets that accommodate pedestrians, bicyclists, transit, utilities, and related infrastructure;

F. Promote sustainable and environmentally responsible development through innovative building design, energy and water conservation, and low-impact development practices; and

G. Provide appropriate buffering and transitions between potentially incompatible land uses.

## 20.260.020 Types of Master Plans

A. *Detailed master plan.* A detailed master plan is one in which the initial and subsequent phases of development are described in substantial detail including the size, location and use of specific buildings; location of pedestrian/vehicular circulation; size and location of parking facilities; projection of existing and future infrastructure capacity and demand; and architectural and landscaping design standards and materials. If change to an approved project or phase is necessary, additional review is required, the extent of which is to be determined by the magnitude of the change. Therefore, the detailed master plan offers substantial certainty but less flexibility.

B. *Concept master plan.* A concept master plan is one in which the applicant gets initial approval of the concept of development by identifying a series of "building envelopes." Within each building envelope the range of primary and secondary uses; total gross area of development; total number of vehicular trips and parking space; infrastructure requirements; and other off-site impacts are estimated but without identifying the exact size, location and design of specific buildings. The concept plan also contains overall site design and development standards and architectural/landscaping principles and materials. At the time a specific building or phase is to be constructed, the applicant must request a land use review to provide the specific information not previously available and to ensure that the proposal is in keeping with the initially approved concept. A concept master plan offers substantial flexibility to alter specific buildings up until the time they are constructed while reducing the amount of information needed at the time since a substantial proportion of the development already has been approved. Thus, this option offers substantial flexibility but less certainty.

C. *Hybrid master plan.* In the hybrid master plan, the applicant provides a detailed master plan of the initial and one or more subsequent phases of development, so as to get approvals for several projects at once, but requests only conceptual approval for later phases, where there currently is inadequate information to project future applicant needs and mitigation measures. This option offers a balance of certainty and flexibility.

## 20.260.030 Applicability.

In the Regional Activity Center (RA) and the Mixed-Use Neighborhood (MX) districts, developments consisting of ten (10) acres or more in size shall be processed as a master plan. In any base zoning district, developments five (5) acres or greater in size may, but are not required to, opt into master planning.

## 20.260.040 Development Standards.

A. Uses. Uses shall be allowed as per Chapter 20.430 VMC in the base zoning in which the property to be master planned is located.

B. Building Types. Building Types shall be allowed as per Chapter 20.430 VMC in the base zoning in which the property to be master planned is located. Additional Building Types shall be allowed as long as the base zoning minimum density is met.

C. Mix of Uses.

1. At least 20% of the combined gross floor area of the buildings proposed on the site shall be devoted to residential uses, and at least 20% to nonresidential uses. Parking garages or portions of garages devoted to residential or nonresidential uses may be counted towards this requirement, but surface parking may not.
2. For sites with existing development that is functionally integrated into the master plan, the gross square footage of existing development that is to remain as part of the master plan development shall count towards the mix of uses requirement.
3. For phased projects, the mix of residential and non-residential uses may vary from the mix of use standards by phase, provided the overall mix of uses within the master plan meets the mix of uses on full build out.

D. *Functional integration of uses.* Land uses in master plan sites shall be selected and designed to encourage interaction among uses. Examples include but are not limited to commercial developments that create consistent and diverse foot traffic from on-site or adjacent residents, workers and visitors.

E. *Physical integration of uses.* All buildings and improvements on the site shall be located and designed to function as an integrated development and to encourage pedestrian travel between buildings and uses.

1. Separate buildings shall be connected through pedestrian linkages delineated through landscaping, differentiated surface materials or texture. Delineation through striping alone shall not be considered sufficient.

2. One or more similar design characteristics among separate structures shall be provided, including but not limited to similar or complimentary building facades, surface materials, colors, landscaping, or signage.

F. One or more outdoor publicly accessible features shall be provided to encourage interaction among residents or users of the site, including but not limited to courtyards, delineated gathering spaces, or seating areas. These areas may be paved and/or landscaped, and shall comprise at least 10% of the total site area and be centrally located within the site to fullest extent possible.

G. *Frontage standards*. Buildings shall be placed to encourage pedestrian activity within and along the site. No more than 50% of each site frontage along arterial or collector streets shall be devoted to off-street parking or vehicular access. Portions of site frontages devoted to off-street parking or access shall include design features such as landscaping or screening so as to maintain visual continuity of the street and sidewalk to the fullest extent possible.

H. Master plans in excess of 25 acres with the Urban Mixed Use comprehensive plan designation may establish alternative development standards as part of the master planning process, provided such standards meet the intent of the applicable comprehensive plan policies for the Urban Mixed-Use designation.

I. *Underlying Zoning District*. As part of the master planning process, the underlying base zoning boundaries can be amended.

## 20.260.050 Approval Criteria.

A. To receive approval for a master plan, the applicant shall demonstrate compliance with all of the following criteria:

1. *Content.* The master plan contains all of the components required in Section 20.260.060. Compliance with all applicable standards. The proposed development and uses comply with all applicable standards of the Title, except where adjustments are being approved as part of the master plan application, pursuant to Section 20.260.040B.
2. *Architectural and site design.* The proposed development demonstrates the use of innovative, aesthetic, energy-efficient and environmentally-friendly architectural and site design.
3. *Transportation system capacity.* There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.
4. *Availability of public services.* There is either sufficient capacity within public facilities and services to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase of development is completed.
5. *Protection of designated resources.* City-designated resources such as historic landmarks, significant trees and sensitive natural resources are protected in compliance with the standards in this and other Titles of the VMC.
6. *Compatibility with adjacent uses.* The concept plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the master plan and adjacent uses.
7. *Mitigation of off-site impacts.* All potential off-site impacts including litter, noise, shading, glare and traffic, will be identified and mitigated to the extent practicable. For phased master plans, mitigations appropriate to the impact of individual phases shall be tied to each relevant phase.

B. *Adjustment approval criteria.* Adjustments to numerical development standards may be processed as part of the request for master plan approval if the applicant demonstrates compliance with all of the following approval criteria:

1. The adjustment(s) is warranted given site conditions and/or characteristics of the design.
2. The benefits accruing from the implementation of the adjustment outweigh any potential adverse impacts.

3. Any impacts resulting from the adjustment are mitigated to the extent practical.

## 20.260.060 Approval Process.

A. *Initial Approval*. In the Regional Activity Center (RA) and Mixed-Use Neighborhood (MX) zoned sites, developments twenty-five (25) acres or greater shall be reviewed as a Type IV application with the initial review by the Planning Commission and final review by the City Council. Master plans in any zone on properties less than twenty-five (25) acres shall be reviewed as a Type II application.

B. *Subsequent phases*. The type of development review required for subsequent phases of a master plan for which initial approval has been obtained depends on the type of master plan selected.

## 20.260.070 Modification Process.

A. The type of approval process required to address requested modifications of an approved master plan depends upon the magnitude of the proposed change. Modifications to approved master plans shall demonstrate compliance with the approval criteria contained in 20.260.050.A. Modifications include requests to add, remove or change any aspect of the approved master plan.

1. *Allowed without subsequent review*. The following improvements do not require subsequent land use review and are allowed upon issuance of a building permit, if required:

   a. Interior improvements.

   b. Exterior improvements associated with existing buildings that do not involve an expansion of floor area, subject to all applicable base zone development and design standards, as modified in the initial plan approval, and relevant conditions of approval.

   c. Installation of new or modification of existing mechanical or electrical equipment, subject to all applicable base zone development and design standards, as modified in the initial master plan approval, and relevant conditions of approval.

   d. Maintenance of existing facilities, when a building permit is required.

2. *Type I procedure*. The following modifications shall be reviewed by means of a Type I review, using procedures contained in Section 20.210.040 VMC:

a. Modification of the location of an approved building or building addition, providing the modification complies with the applicable base zone development and design standards, as modified in the initial master plan approval, and all relevant conditions of approval.

b. Modification of use or design and development standards including architecture, landscape architecture, pedestrian and bicycle facilities; signs and/or lighting elements approved in the initial plan.

c. A new building of any size in any location that replaces a building approved but not constructed, providing there is: 1) no net increase in total building coverage, and 2) compliance with the applicable base zone design and development standards, as modified in the initial master plan approval, and all relevant conditions of approval.

d. New buildings or building additions up to 10,000 gsf not anticipated and, therefore, not contained in the initial master plan approval, except in locations within 100' of the master plan boundary abutting residentially-zoned property, in which case such new buildings or building additions shall not exceed 3,000 gsf, providing the modification complies with the applicable base zone design and development standards, as modified in the initial master plan approval, and all relevant conditions of approval. Under this provision, new construction of such unanticipated buildings or building additions shall not exceed 10,000 gsf in any one year, and shall not exceed 30,000 gsf in any four years. As part of the Type I review, the applicant shall provide information on the amount of floor area built to-date for the year in which the application is submitted, and the amount of floor area built within the four-year period preceding the request.

e. An increase of up to 10% in the total number of total number of parking spaces approved in the initial master plan approval.

3. *Type II review*. The following modifications shall be reviewed by means of a Type II review, using procedures contained in Section 20.210.050 VMC.

a. A change in the approved master plan boundary resulting in the exchange of properties where the total amount of land in the approved boundary remains the same or is decreased.

b. New building or building addition exceeding 10,000 gsf but less than 50,000 gsf, not anticipated and, therefore, not contained in the initial master plan approval, located more than 100' from the campus boundary abutting residentially-zoned property. The request must comply with the applicable base zone design and development standards, as modified in the initial master plan approval, and all relevant conditions of approval. For new buildings or building additions exceeding 25,000 gsf under this provision, the applicant shall provide traffic and parking analyses of the proposal as part of the Type II application.

c. New building or building addition exceeding 3,000 gsf but less than 25,000 gsf, not anticipated and, therefore, not contained in the initial master plan approval, located within 100' of the campus boundary abutting residentially-zoned property. The request must comply with all applicable base zone design and development standards, as modified in the initial master plan approval, and all relevant conditions of approval.

d. An increase of more than 10% in the total number of parking spaces approved in the initial master plan approval.

4. *Type III review*. The following modifications shall be reviewed by means of a Type III review unless the original approval was a Type II review in which case the modifications shall be reviewed as a Type II review, using procedures contained in Section 20.210.060 VMC.

   a. New building or building additions of 50,000 gsf or more, not anticipated and, therefore, not contained in the initial master plan approval, except within 100' of the master plan boundary abutting residentially-zoned property where this review shall be required for new buildings or building additions that exceed 25,000 gsf.

   b. Proposals that result in a cumulative increase of over 10% of total building floor area contained in the initial master plan approval.

5. *Type IV review*. The following modifications shall be reviewed by means of a Type IV review unless the original approval was a Type II review in which case the modifications shall be reviewed as a Type II review, using procedures contained in Section 20.210.060 VMC.

   a. Expansion of the originally approved boundary beyond that contained in the initial master plan approval.

b. A proposed use or development that was denied in the initial master plan approval.

B. *Concurrent review.* An applicant may submit applications for initial review and one or more subsequent phases of development concurrently.

### 20.260.080 Submittal Requirements.

An application for a master plan development shall contain the following information related to existing conditions on the site, presented in narrative, tabular and/or graphic formats. The level of detail of the master plan submittal is dependent and may vary upon the type of master plan being submitted (detailed, conceptual and hybrid).

A. *Existing conditions plan.* An existing conditions plan shall include the following information:

1. A vicinity map showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations within a given radius of the site.
2. The site size, dimensions and orientation relative to North.
3. The location, name and dimensions of all streets adjoining the site indicating whether privately or publicly owned.
4. The location of existing structures and other improvements on the site, including structures, driveways, parking, loading, pedestrian and bicycle paths, passive or active recreational facilities or open space, and utilities.
5. Elevation of the site at two-foot contour intervals for grades zero percent to 10 percent and at five-foot contour intervals for grades more than 10 percent.
6. The approximate location of significant natural conditions, such as:
   a. The 100-year floodplain.
   b. The location of drainage patterns and drainage courses.
   c. Slopes in excess of 15 percent.
   d. Unstable ground, e.g., land subject to slumping, slides or movement.
   e. High seasonal water table or impermeable soils.
   f. Areas having severe soil erosion potential.
   g. Areas having severe weak foundation soils.

h. Significant wildlife habitat or vegetation.

i. Rock outcroppings.

B. Detailed description of the transportation system within and adjacent to the site including:

1. Street classification of all internal and adjacent streets.
2. Transit service availability.
3. Baseline traffic impact study prepared by a licensed engineer to include information as required by the City's Traffic Engineer.

C. Analysis of existing infrastructure capacity on and in the vicinity of the site.

D. SEPA checklist.

E. Applicable review fees.

F. *Proposed development plan*. Description of all proposed development within the master plan development, presented in narrative, tabular and graphic formats:

1. *Underlying zoning district boundaries*. If these are shifted around the site as permitted by Section 20.260.030, the existing and proposed configuration of zoning districts shall be illustrated.
2. Description of the mix of uses, including number of units and/or total gross square feet devoted to each, and approximate location on the site.
3. All other site improvements including the approximate size and location of walls, barriers and fences; surface and structured parking facilities; bicycle parking facilities; on-site pedestrian, transit and vehicular circulation; transit stops and pedestrian/transit amenities; and open space and landscaped areas.
4. The conceptual location of new and/or expanded existing public and private infrastructure including water, sanitary sewer, stormwater management facilities; and electrical, telephone and data transmission lines. This includes wireless telecommunications facilities.

G. Phasing plan for implementation of the proposed development.

H. Summary of development intensity at full build-out including lot coverage.

I. Summary of transportation facilities including:

1. Traffic impact study prepared by a licensed engineer that describes traffic impacts associated with each phase of development and at full build-out of the project, and a plan for accommodating this traffic in compliance with Title 11. The specific content of the traffic impact study shall be determined by the City' s Traffic Engineer.
2. Parking impact study describing the parking demand associated with each phase of the development and at full build-out of the project, and a mitigation plan for accommodating parking demand on the site.
3. Concurrent or proposed street vacations, with a description of potential parking and traffic/pedestrian impacts, if any, and appropriated measures to mitigate these impacts.

J. Plan for protecting designated environmental, historic/cultural and open space resources.

K. Design standards that will govern the orientation and design of buildings and other improvements include but are not limited to the following.

1. Architecture, including design standards and building materials board(s), for buildings, fences, walls and other structures.
2. Landscaping, including design standards and standard plant list. Native plant materials are preferred.
3. Pedestrian circulation, including development standards, amenities and materials.
4. Bicycle parking facilities, including specifications.
5. Signs.
6. Lighting.

## 20.260.090 Vesting.

A. *Applicability.* A master plan shall be reviewed under this chapter and the zoning, development and other land use control ordinances contained in the Vancouver Municipal Code and any uncodified ordinances modifying the same, in effect on the date a master plan application has been deemed fully complete by the city. For the purposes of this section, a vested master plan application shall mean that the applicant is entitled to implement the master plan, or any portion of it, described in the application, under the zoning, development and land use ordinances applied by the city in its review of the master plan application. An application shall be vested for the term of the master plan as governed by Section 20.260.090 VMC.

B. *Subsequent Regulations.* An applicant may have the option of subjecting its development to any subsequently enacted land use ordinances. However, should an applicant choose to subject its development to a subsequently enacted land use ordinance, this shall have the effect of subjecting the development to all land use ordinances enacted after the application is vested, unless the city and applicant agree otherwise. In order for the Planning Official to grant such a request, the applicant must demonstrate how later enacted ordinance(s) will benefit both the project and the city while maintaining consistency with the comprehensive plan. Applicant must also demonstrate that use of later enacted ordinances will not conflict with other ordinances the development remains subject to and will not be significantly detrimental to the health, safety, or general welfare of the city. Planning Official shall review and either approve the request or determine if a new application must be submitted.

## 20.260.100 Term.

A. *General.* The initial term of a master plan approval shall be no longer than 10 years except for master plans approved prior to the adoption of this ordinance. Extensions may be granted in accordance with the criteria and procedures provided hereinafter.

B. *Extension.* If all phases of development approved in the initial approval have been not built out within the approved term, the applicant may request an extension using procedures contained in Section 20.210.050 VMC. Two one-year extension requests may be reviewed in accordance with the following criteria:

1. The applicant has pursued submitting the development applications and pursuing their approval in good faith; and

2. There have been no changes to the comprehensive plan, zoning ordinance, development standards or other applicable codes which are inconsistent with the approved master plan.
3. There are no other significant changed conditions which would render filing of the public facilities master plan contrary to the public health, safety or general welfare.
4. An extension request shall be filed in writing with the Planning Official at least 30 days prior to the expiration of the initial ten-year period or any subsequently approved extensions.
5. The Planning Official shall render a decision on the request pursuant to the Type I

C. For master plans 25 acres or greater, the term of validity of the master plan approval may be extended beyond 10 years, and the conditions under which future extensions may be approved, shall be established by a development agreement as provided for in VMC 20.250 and RCW 36.70b.170.

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# Chapter 20.265
# Design Review

## Sections:

20.265.010 Purpose.

20.265.020 Applicability.

20.265.030 Procedure.

20.265.040 Review Criteria.

20.265.050 Limitations.

## 20.265.010 Purpose.

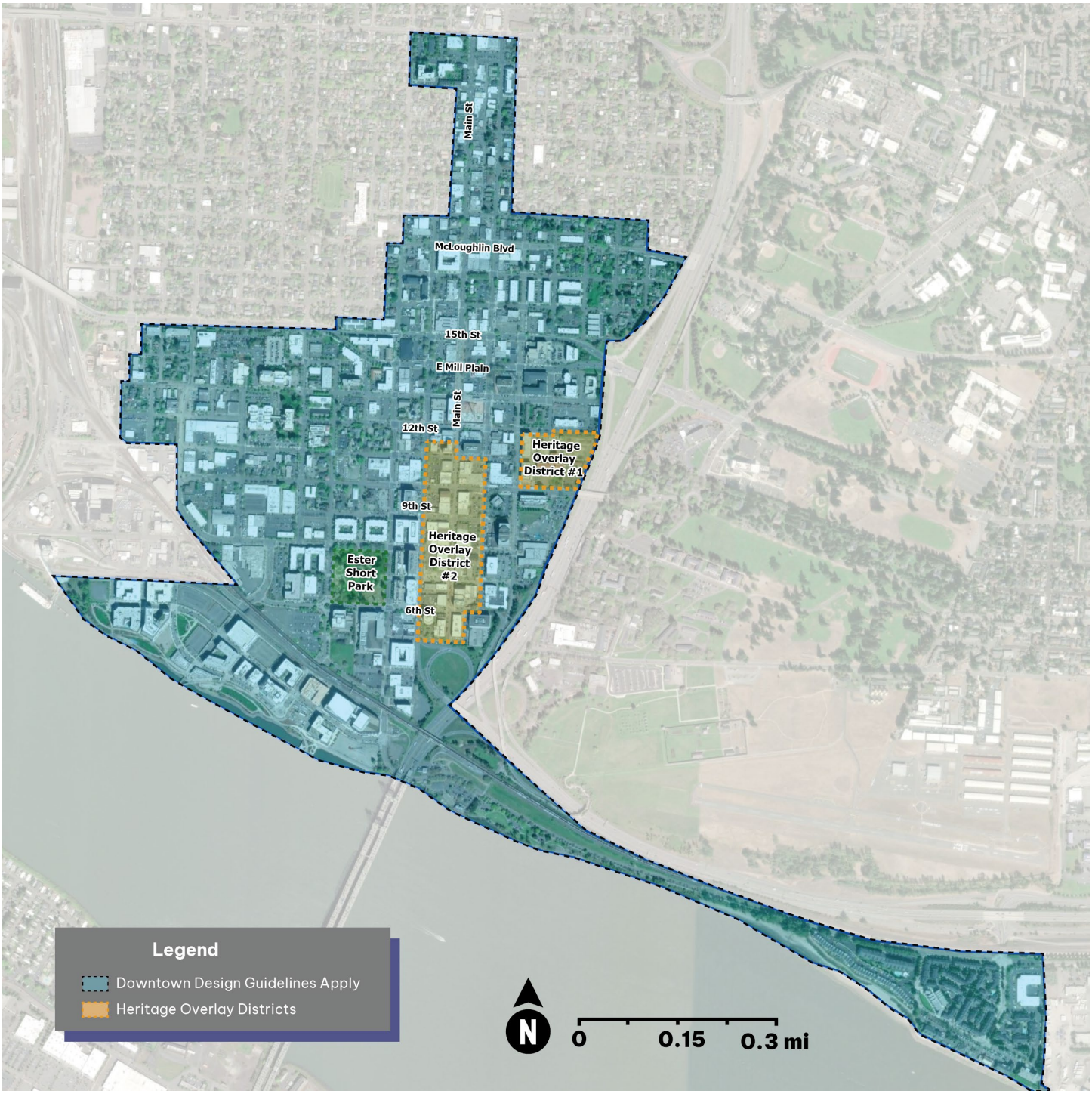
A. *Purpose.* The purpose of the design review process is to allow for architectural and design review of new construction and exterior improvements to buildings and developments in the downtown area prior to or in conjunction with a formal land use approval. Specifically, this chapter's purpose is to:

1. Preserve the character and quality of the City's cultural, historical and architectural heritage.
2. Protect certain public investments and ensure compatibility between public and private developments.
3. Encourage innovation and flexibility in design of new developments while maintaining standards necessary to protect the public interest.
4. Ensure design compatibility between existing and new development.
5. Promote qualities in the built environment that enhance the value of the area to the community.
6. Ensure development projects comply with adopted City design guidelines and plans.

## 20.265.020 Applicability.

A. *Location.* The provisions of this chapter shall apply to projects located in the downtown area and areas of the Columbia River waterfront, as illustrated in Figure 20.265-1.

**FIGURE 20.265-1: DOWNTOWN DESIGN GUIDELINES PLAN AREA**




B. *Exemptions.* The following activities shall be administratively exempt from design review:

1. Exterior work not visible from the public way;
2. Placement of permanent signs, unless: a) located within a heritage overlay district; b) are inconsistent with adopted design guidelines, such as pole signs; or c) potentially inconsistent with nearby uses;
3. Public art; and
4. Other minor construction such as replacement of doors, windows, awnings, etc., determined by the Planning Official to be exempt.

C. *Types of projects.* All projects that involve new construction, modification of the exterior of an existing building or parking lot located within the area defined in Subsection (A) shall be subject to approval by the Planning Official pursuant to this Chapter.

## 20.265.030 Procedure.

A. *Application requirements*. Any owner or representative intending to construct any new development or building, modify the exterior of any existing building, or make any improvements not exempt by 20.265.020(B) shall submit preliminary plans, sketches, elevations and concepts prior to, or submit final plans at the time of, application for a building permit or preliminary site plan review, as applicable. The Planning Official's decision regarding approval of the architectural design of the proposed construction shall be based on the requirements of this chapter. If the Planning Official identifies design-related issues or impacts resulting from a proposed project, the Planning Official shall inform the applicant in writing so that necessary corrections may be made prior to approval of the preliminary site plan review application, or building permit, if exempt from site plan review.

B. *Approval requirements.* Approval by Planning Official under Subsection (A) must precede the issuance of a development permit.

C. *Coordination with Historic Preservation Commission.* Properties that are on the local, state or national historic register may require review by the Historic Preservation Commission. The design review process for properties located on a historic register are contained in Section 20.550. 030 VMC.

D. *Appeals.* All final decisions of the Planning Official in regard to design review for projects not subject to a Type II site plan review process may be appealed to the City Council by the property owner or his agent only. Appeals of design-related decisions for projects that are subject to a Type II site plan review process shall be consolidated with an appeal of the site plan review decision pursuant to Section 20.210.130 VMC.

## 20.265.040 Review Criteria.

A. *Design review criteria.* The Planning Official, or the City Council if on appeal, shall base all reviews of the design of any proposed construction, remodeling or development according to the following criteria:

1. The requirements, guidelines, and applicable provisions of this Title that are applicable to the zoning district where the property is located and including all additional zoning regulations which may apply to the use or to its area by provision for overlay district, or made applicable by any conditional use or variance approval;
2. The Downtown Design Guidelines Manual kept on file and available for public inspection at the Community Development Department, as applicable;
3. The relationship found to exist between existing structures and open space, and between existing structures and other structures in the vicinity, and the expected effect of the proposed construction upon such relationships;
4. The impact of the proposed construction on adjacent uses, including impact of new or revised parking and pedestrian uses; and
5. The protection of neighboring uses from identifiable adverse effects of the design of the proposed construction.

## 20.265.050 Limitations.

A. *General.* In carrying out the authority and duties assigned by this chapter, the Planning Official shall observe the following limitations:

1. Review by the Planning Official shall be restricted to a prompt, reasonable and professional review of the proposal and plans, leaving full responsibility for design and development to the applicant. Required changes to plans must be made by the applicant, not by staff.
2. Individual initiative and innovation are to be encouraged.

3. Only the applicant's failure to comply with design review criteria described in Section 20.265.040 VMC shall justify disapproval of a proposal with regard to design matters.
4. Due account shall be taken of cost considerations, but these shall not be overriding.
5. The Planning Official shall take account of state and local legislation on shorelines and environmental protection; of access for persons with disabilities; and of all local regulations concerning construction, utilities, streets, and related matters.

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# Chapter 20.270
# Public Facilities Master Plans

## Sections:

20.270.010 Purpose.

20.270.020 Types of Master Plans.

20.270.030 Applicability.

20.270.040 Approval Process.

20.270.050 Approval Criteria.

20.270.060 Development Standards.

20.270.070 Master Plan Components.

20.270.080 Vesting.

20.270.090 Concurrency.

20.270.100 Term.

## 20.270.010 Purpose.

A. *For public facilities*. Recognizes the valuable role played by public facilities in serving governmental, medical, educational, cultural and religious needs of the community by facilitating their siting and development over time. Master plan regulations provide the vehicle for large-scale, multi-phased public facilities by obtaining approval of several projects at one time and coordinating future provision of infrastructure capacity.

B. *For adjacent property owners and neighborhood associations*. Permits local property owners and neighborhood associations to evaluate the cumulative impacts associated with the full build-out of large-scale public facilities and to influence the design and development standards and conditions of operation necessary to minimize these impacts so as to protect the character of the surrounding areas.

C. *For the City*. Permits the city to ensure a full range of public facilities and services are available throughout the community to meet the governmental, medical, educational, cultural and religious needs of its citizens; to plan the extension of public infrastructure in a timely and efficient manner; and to ensure that the development of public facilities are compatible with community character and values.

## 20.270.020 Types of Master Plans.

A. *Detailed master plan*. A detailed master plan is one in which the initial and subsequent phases of development are described in substantial detail including the size, location and use of specific buildings; location of pedestrian/vehicular circulation; size and location of parking facilities; projection of existing and future infrastructure capacity and demand; and architectural and landscaping design standards and materials. If change to an approved project or phase is necessary, additional review is required, the extent of which is to be determined by the magnitude of the change. Therefore, the detailed master plan offers substantial certainty but less flexibility.

B. *Concept master plan*. A concept master plan is one in which the applicant gets initial approval of the concept of development by identifying a series of "building envelopes." Within each building envelope the range of primary and secondary uses; total gross area of development; total number of vehicular trips and parking space; infrastructure requirements; and other off-site impacts are estimated but without identifying the exact size, location and design of specific buildings. The concept plan also contains overall site design and development standards and architectural/landscaping principles and materials. At the time a specific building or phase is to be constructed, the applicant must request a land use review to provide the specific information not previously available and to ensure that the proposal is in keeping with the initially approved concept. A concept master plan offers substantial flexibility to alter specific buildings up until the time they are constructed while reducing the amount of information needed at the time since a substantial proportion of the development already has been approved. Thus, this option offers substantial flexibility but less certainty.

C. *Hybrid master plan*. In the hybrid master plan, the applicant provides a detailed master plan of the initial and one or more subsequent phases of development, so as to get approvals for several projects at once, but requests only conceptual approval for later phases, where there currently is inadequate information to project future applicant needs and mitigation measures. This option offers a balance of certainty and flexibility.

## 20.270.030 Applicability.

A. *Public facilities governed by these regulations*.

1. Governmental facilities such as civic centers; libraries; auditoriums; police, fire and other public safety facilities; and water, sewer and storm water treatment facilities.
2. Public transit facilities including train stations and transit centers.
3. Publicly- and privately-owned medical centers.
4. Public and private elementary, middle and high schools.
5. Public and private colleges and universities.
6. Religious institutions.

B. *When required*. The use of this chapter is voluntary. However, when this chapter is used all provisions of the chapter shall be applied.

C. *Type of master plan*. Public facilities that employ the provisions in this chapter, whether or not on a mandatory or voluntary basis, may select the type of master plan, as described in Section 20.70.020 VMC above, that best reflects its development needs.

## 20.270.040 Approval Process.

A. *Initial approval*. The initial approval of all public facilities master plans, regardless of type, shall be reviewed by means of a Type III procedure heard before the Hearings Examiner as contained in Section 20.210.060 VMC using the approval criteria contained in Section 20.270.050 VMC.

B. *Subsequent phases*. The type of development review required for subsequent phases of a master plan for which initial approval has been obtained depends on the type of master plan selected.

1. *Detailed master plan*. At the time of construction of a project or phase of development that was approved as part of the initial master plan, the applicant shall submit documentation demonstrating that the proposed project or phase is in substantial compliance with that contained in the original approval at the time the applicant submits the project for a building permit. An application submitted for a public facility master plan shall include the information listed below:

a. Detailed site plan;

b. Elevations of all buildings;

c. Landscape plan;

d. Erosion control plan;

e. Stormwater management plan;

f. *Narrative documenting the following.* Modification(s) to a project or phase of development shall require further review, dependent upon the extent of the modifications(s) as described in Subsection (C) below, subject to the approval criteria contained in Section 20.270.050 VMC:

i. Compliance with all development and design standards in the base zone, or as modified in the initial master plan approval;

ii. Compliance with all conditions of approval; and

iii. Consistency with traffic, parking and infrastructure plans contained in the initial master plan approval.

2. *Concept master plan.* All subsequent projects or phases of development conceptually approved in the initial approval are subject to a Type II review, using the procedures contained in Section 20.210.050 VMC at the time of development. An application submitted for a public facility master plan shall include the information listed below:

a. Detailed site plan;

b. Elevations of all buildings;

c. Landscape plan;

d. Erosion control plan;

e. Stormwater management plan; and

f. Narrative documenting how the project or phase of development complies with the approved concept plan including:

i. Proposed mix of uses; development cap for square footage, floor-to-area ratio (FAR) and lot coverage; design and development standards; and mitigation of off-site impacts;

ii. All development and design standards in the base zone, as modified in the initial master approval;

iii. All relevant conditions of approval;

iv. Approved transportation, parking and infrastructure plans contained in the initial master plan approval.

g. As part of the Type II application, the applicant may introduce any modifications necessary to a specific project or phase of development as specified in Subsections (C)(2) and (C)(3), subject to the approval criteria contained in Section 20.270.050 VMC. Modifications of the intensity contained in Subsection (C)(4) shall require a Type III application per 20.210.060 VMC, subject to the approval criteria contained in Section 20.270.050 VMC.

3. *Hybrid master plan.* For subsequent projects or phases of development for which detailed approval has been granted as part of the initial master plan approval, the applicant shall use the procedures described in Subsection (B)(1) above. For subsequent projects or phases of development for which conceptual approval has been granted as part of the initial master plan approval, the applicant shall use the procedures described in Subsection (B)(2) above.

C. *Modification of approved detailed or hybrid master plans.* The type of approval process required to address requested modifications of an approved detailed or detailed phases of a hybrid master plan depends upon the magnitude of the proposed change. Modifications include requests to add, remove or change any aspect of the approved master plan.

1. *Allowed without subsequent review.* The following do not require subsequent land use review and are allowed upon issuance of a building permit, if required:

a. Interior improvements.

b. Exterior improvements associated with existing buildings that do not involve an expansion of floor area, subject to all applicable base zone development and design standards, as modified in the initial plan approval, and relevant conditions of approval.

c. Installation of new or modification of existing mechanical or electrical equipment, subject to all applicable base zone development and design standards, as modified in the initial master plan approval, and relevant conditions of approval.

d. Maintenance of existing facilities, when a building permit is required.

2. *Type I procedure*. The following shall be reviewed by means of a Type I review, using procedures contained in Section 20.210.040 VMC:
   a. Modification of the location of an approved building or building addition, providing the modification complies with the applicable base zone development and design standards, as modified in the initial master plan approval, and all relevant conditions of approval.
   b. Modification of use or design and development standards including architecture, landscape architecture, pedestrian and bicycle facilities; signs and/or lighting elements approved in the initial plan.
   c. A new building of any size in any location that replaces a building approved but not constructed, providing there is: 1) no net increase in total building coverage, and 2) compliance with the applicable base zone design and development standards, as modified in the initial master plan approval, and all relevant conditions of approval.
   d. New buildings or building additions up to 10,000 gsf not anticipated and, therefore, not contained in the initial master plan approval, except in locations within 100' of the campus boundary abutting residentially-zoned property, in which case such new buildings or building additions shall not exceed 3,000 gsf, providing the modification complies with the applicable base zone design and development standards, as modified in the initial master plan approval, and all relevant conditions of approval. Under this provision, new construction of such unanticipated buildings or building additions shall not exceed 10,000 gsf in any one year, and shall not exceed 30,000 gsf in any four years. As part of the Type I review, the applicant shall provide information on the amount of floor area built to date for the year in which the application is submitted, and the amount of floor area built within the four-year period preceding the request.
3. *Type II review*. The following shall be reviewed by means of a Type II review, using procedures contained in Section 20.210.050 VMC.
   a. A change in the approved campus boundary resulting in the exchange of properties where the total amount of land in the approved boundary remains the same or is decreased.

b. New building or building addition exceeding 10,000 gsf but less than 50,000 gsf, not anticipated and, therefore, not contained in the initial master plan approval, located more than 100' from the campus boundary abutting residentially-zoned property. The request must comply with the applicable base zone design and development standards, as modified in the initial master plan approval, and all relevant conditions of approval. For new buildings or building additions exceeding 25,000 gsf under this provision, the applicant shall provide traffic and parking analyses of the proposal as part of the Type II application.

c. New building or building addition exceeding 3,000 gsf but less than 25,000 gsf, not anticipated and, therefore, not contained in the initial master plan approval, located within 100' of the campus boundary abutting residentially-zoned property. The request must comply with all applicable base zone design and development standards, as modified in the initial master plan approval, and all relevant conditions of approval.

d. An increase or decrease of up to 10% in the total number of parking spaces approved in the initial master plan approval. The applicant shall provide a parking analysis related to the proposal as part of the Type II application.

4. *Type III review.* The following shall be reviewed by means of a Type III review, using procedures contained in Section 20.210.060 VMC.

a. Expansion of the public facility's campus boundary beyond that contained in the initial master plan approval.

b. New building or building additions of 50,000 gsf or more, not anticipated and, therefore, not contained in the initial master plan approval, except within 100' of the campus boundary abutting residentially-zoned property where this review shall be required for new buildings or building additions that exceed 25,000 gsf.

c. Proposals that result in a cumulative increase of over 10% of total building floor area contained in the initial master plan approval.

d. Proposals that result in an increase of 10% or more of site-generated vehicular trips.

e. An increase or decrease greater than 10% in the total number of parking spaces contained in the initial master plan approval.

f. Existing utilization that summarizes the total number of employees and patrons, e.g., students, patients, citizens, routinely served on the site. This utilization can be expressed in terms that are appropriate to the use such as total full-time equivalent (FTE) students and total patient visits.

g. A proposed use or development that was denied in the initial master plan approval.

h. *Concurrent review*. An applicant may submit applications for initial review and one or more subsequent phases of development concurrently.

## 20.270.050 Approval Criteria.

A. *Approval criteria*. To receive approval for a public facility master plan, the applicant must demonstrate compliance to all of the following approval criteria:

1. *Content*. The master plan contains all of the components required in Section 20.270.070 VMC.

2. *Compliance with all applicable standards*. The proposed development and uses comply with all applicable standards of the title, except where variances are being approved as part of the master plan application.

3. *Transportation system capacity*. There is either sufficient capacity in the transportation system to support the development proposed in all future phases safely or there will be adequate capacity by the time each phase of development is completed.

4. *Availability of public services*. There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and storm water disposal, to support the development proposed in all future phases adequately, or there will be adequate capacity available by the time each phase of development is completed.

5. *Protection of designated resources*. City-designated resources such as historic landmarks, significant trees and sensitive natural resources (as identified on the city's inventories) are protected and enhanced in compliance with the regulations in this and other titles of the Municipal Code.

6. *Compatibility with adjacent uses*. The master plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the public facility campus and adjacent uses.

7. *Mitigation of off-site impacts.* All potential off-site impacts including litter, noise, shading, glare and traffic, will be identified and mitigated to the extent practicable.
8. *Balance of benefits and impacts.* The public benefits of the proposed public facility outweigh any impacts that cannot be mitigated after considering the alternatives.

B. *Conditions of approval.* The review authority shall impose any conditions of approval necessary to mitigate potentially adverse impacts on surrounding properties to the greatest extent practicable.

## 20.270.060 Development Standards.

A. *Applicability.* The development standards in Subsection B below are established for public facilities located in residential zones.

B. *Development standards.*

1. For portions of an institutional campus abutting all residential zones and the CC and WX zones (not separated by a street):
   a. Minimum building setback: 35';
   b. Maximum height: 35' at the setback increasing 1' for every one foot of additional setback for a maximum height of 90'; and
   c. Minimum landscaped buffering between use and adjacent residential or commercial development: 15'.
2. The development standards in Subsection (1) above do not apply to existing buildings.
3. All other development standards, including minimum and maximum setbacks, height, lot coverage, floor-to-area (FAR) ratio and minimum landscaping, will be developed as part of the master plan. Concurrent variances, as regulated by Chapter 20.290 VMC are not required.

## 20.270.070Master Plan Components.

A. *Existing conditions.* An existing public facility that wishes to expand shall provide all of the following information regardless of the type of master plan format selected. A new public facility shall be provided the following information as appropriate:

1. Mission statement that identifies the purposes and scope of services provided by the public facility.

2. List of existing primary and accessory uses associated with the public facility.
3. Existing utilization that summarizes the total number of employees and patrons, e.g., students, patients, citizens, routinely served on the site. This utilization can be expressed in terms that are appropriate to the use such as total full-time equivalent (FTE) students and total patient visits.
4. *Establishment of the existing campus boundary.* The campus boundary may include properties not in the applicant's ownership with the understanding that these cannot be used for public facility uses until they come into the applicant' s ownership or control. Information shall include: 1) total acreage within the boundary; 2) list of all properties within the boundary by size, legal description and ownership, presented in both tabular and graphic formats; 3) calculation of the percentage by acreage of property within the campus boundary in the applicant's ownership or control; and 4) list of all properties by size and legal description within the applicant's ownership or control outside the campus boundary within 400', presented in both tabular and graphic formats.
5. Vicinity map that identifies surrounding uses within 400' of the campus boundary.
6. Zoning map that identifies base and overlay zoning designations for the campus and surrounding properties uses within 400'of the campus boundary.
7. Site description for all property in the applicant's ownership and control within the campus boundary including the following information provided in narrative, tabular and/or graphic formats:
    a. Topography and natural resources including 100-year flood plain; drainage patterns and courses; wetlands, rivers, springs and other water bodies; significant stands of trees and individual trees with a caliper greater than 6" as measured 4' above grade; significant fish and wildlife habitat, and natural hazards such as steep slopes greater than 15%, and unstable, impermeable or weak soils. Exhibit must include a site plan with no greater than 2' contours for slopes of 0 – 10% and no greater than for slopes greater than 10%.
    b. Open space inventory including all natural and landscaped areas.
    c. Inventory of cultural, historic and/or archeological resources on the site, if any.
    d. Existing building inventory including use, location, size and date of construction.
    e. Existing on-site pedestrian, bicycle and vehicular circulation system.

f. Inventory of existing vehicular and bicycle parking spaces and location of surface and structured parking facilities.

g. Location and size of all public and private utilities on the campus including water, sanitary sewer, storm water retention/treatment facilities, and electrical, telephone and data transmission lines.

h. Location of all public and private easements.

8. Calculation of existing development intensity including average total site coverage (including building footprints, parking/roadways and sidewalks/pedestrian paths); total open space by acreage and percentage; and average floor-to-area (FAR) ratio.

9. Detailed description of the transportation system within and adjacent to the campus including:

a. Street classification of all internal and adjacent streets.

b. Transit service availability.

c. Description of transportation demand management plan to reduce dependence on single-occupant vehicle (SOV) use, if any.

d. Existing modal split data for employees and, if available, for patrons and visitors to the site.

e. Baseline traffic impact study prepared by a licensed engineer to include information as required by the city's Traffic Engineer.

f. Baseline parking demand study prepared by a licensed engineer to include information as required by the city's Traffic Engineer.

10. Analysis of existing infrastructure capacity on and in the vicinity of the campus.

11. Completed SEPA checklist on city-provided form with applicable fee.

B. *Planning history.* All existing and new public facilities, regardless of the type of master plan format selected, shall provide the following information:

1. Summary that describes the public involvement/neighborhood planning process used by the applicant in the development of the master plan application including written agreements, meetings and other outreach efforts. The applicant shall have at least one meeting with the affected recognized neighborhood and business associations prior to the submission of the application with city staff in attendance. However, the applicant is encouraged to meet with affected property owners on a regular basis as the master plan is developed.
2. Summary of all previous known land use cases affecting the applicant's property within the campus boundary and a list of all outstanding conditions of approval that either have not been addressed in the past and/or that remain in force at the time of the application.

C. Proposed development plan.

1. *Detailed master plan.* The following information is required for a detailed master plan:
   a. *Description of anticipated growth during the master plan's term that justifies additional development.* This includes projections related to the increase in the number of employees, patrons and visitors to the site; increases in programming and events; and/or other indices of increased utilization.
   b. *Description of the ultimate campus boundary.* If the applicant proposed to expand the boundary from its current configuration, information about the expansion area shall be provided including: 1) total additional acreage; 2) list of all properties within the expansion boundary by size, legal description and ownership, presented in both tabular and graphic formats; and 3) calculation of the percentage of acreage within the expansion area in the applicant's ownership or control. The expansion area may include properties not in the applicant's ownership with the understanding that these cannot be used for the public facility's use until they come into the applicant's ownership or control.
   c. Description of all proposed development within the term of the master plan, presented in narrative, tabular and graphic formats:
      i. Description of expansions of existing buildings and new buildings anticipated during the term of the master plan, including size, location, approximate footprint and use.

ii. All other site improvements including new or expanded surface and structured parking facilities; bicycle parking facilities; on-site pedestrian, bicycle and vehicular circulation; transit stops and pedestrian/transit amenities; and open space and landscaped areas.

iii. The location of new and/or expanded existing public and private infrastructure including water, sanitary sewer, storm water retention/treatment facilities, and electrical, telephone and data transmission lines.

d. Phasing plan for implementation of proposed development.

e. Summary of development intensity at full build-out of the master plan including average FAR and lot coverage.

f. Summary of transportation facilities, including:

i. Traffic impact study prepared by a licensed engineer that describes traffic impacts associated with each phase of development and at full build-out under the master plan, and mitigation plan for accommodating this traffic in compliance with regulations for transportation concurrency contained in Title 11.95 VMC. The specific content of the traffic impact study shall be determined by the city's Traffic Engineer.

ii. Parking impact study describing the parking demand associated with each phase of the development and at full build-out under the master plan, and a mitigation plan for accommodating this parking demand within the site.

iii. Transportation demand management plan to encourage employees and patrons to use active modes of transportation including carpooling/vanpooling, walking, biking, transit and telecommuting. The plan shall comply with the requirements of the Washington Commuter Trip Reduction Rule, if applicable.

iv. Concurrent or proposed street vacations, with a description of potential parking and traffic/pedestrian circulation impacts, if any, and appropriate measures to mitigate these impacts.

g. Plan for protecting city-designated environmental, historic/cultural and open space resources, if any.

h. Design standards that will govern the orientation and design of buildings and other improvements including but not limited to the following. Public facilities shall be encouraged to use building techniques and materials that result in projects that are architecturally sound, durable and energy-efficient.

   i. Architecture, including design standards and building materials board.

   ii. *Landscaping, including design standards and standard plant list*. Native plant materials are preferred.

   iii. Pedestrian circulation, including development standards and materials.

   iv. Bicycle parking facilities, including specifications.

   v. Signs.

   vi. Lighting.

i. Neighborhood communication and coordination plan to ensure that the public facility institutionalizes an on-going process for communicating and problem-resolution with neighbors. This includes the following:

   i. An annual meeting hosted by the public facility with representatives from the recognized neighborhood and business associations and other interested parties within whose boundaries the public facility is located. The purpose of the meeting is to discuss short- and long-term plans for campus development. The public facility must extend the invitation, and have documentation therein, even if the affected associations choose not to meet with the public facility representatives. This information shall be provided to the city.

   ii. A process for meeting with neighborhood and business associations to provide the opportunity to review and comment in a timely fashion prior to construction of specific buildings or other development, to be coordinated with the appropriate land use review as described in Section 20.270.040(B) VMC.

2. *Concept master plan.* The following information is required for a concept master plan:

a. All of the same information as required for a detailed master plan described in Subsection 1 above except (1)(c) that shall be replaced with the information contained in Subsection (b)-(e) below.

b. Creation of a pedestrian, bicycle and vehicular circulation framework for the entire site at full build-out of the master plan.

c. Creation of an open space framework for the entire site at full build-out of the master plan.

d. Using the circulation and open space as a framework, division of the proposed development area into a series of phases. For each phase, provide the following information:

i. The approximate mix of uses by percentage;

ii. The total gross square footage of development, FAR and lot coverage anticipated without detailing the specific location, size and footprint of specific buildings or surface/structured parking facilities;

iii. The proportion of the phase to be devoted to circulation and open space.

3. *Hybrid master plan.* All of the same information as required for a detailed master plan described in Subsection (1) above will be required in the hybrid master plan for phases where detailed design/development approval is sought. For phases where only concept design/development approval is sought, the requirements of Subsection (2) above shall apply.

## 20.270.080 Vesting.

A. *Applicability.* A detailed, concept or hybrid master plan shall be reviewed under this chapter and the zoning, development and other land use control ordinances contained in the Vancouver Municipal Code and any uncodified ordinances modifying the same, in effect on the date a master plan application has been deemed fully complete by the city. For the purposes of this section, a vested master plan application shall mean that the applicant is entitled to implement the master plan, or any portion of it, described in the application, under the zoning, development and land use ordinances applied by the city in its review of the master plan application. An application shall be vested for the term of the master plan as governed by 20.270.100 VMC.

B. *Subsequent Regulations.* An applicant may have the option of subjecting its development to any subsequently enacted land use ordinances. However, should an applicant choose to subject its development to a subsequently enacted land use ordinance, this shall have the effect of subjecting the development to all land use ordinances enacted after the application is vested, unless the city and applicant agree otherwise. In order for the Planning Official to grant such a request, the applicant must demonstrate how later enacted ordinance(s) will benefit both the project and the city while maintaining consistency with the comprehensive plan. Applicant must also demonstrate that use of later enacted ordinances will not conflict with other ordinances the development remains subject to and will not be significantly detrimental to the health, safety, or general welfare of the city. Planning Official shall review and either approve the request or determine if a new application must be submitted.

## 20.270.090 Concurrency.

A. *Applicability.* An applicant for a detailed, concept or hybrid plan shall be entitled to reserve capacity in the transportation system for the proposed development's trip generation and shall be deemed to have achieved transportation concurrency, under the concurrency rules and regulations in effect at the time that the master plan application is vested under Section 20.270.070 VMC above, if 1) the applicant obtains a certificate of concurrency for all or any portion of its proposed development under Title 11.95 VMC, Transportation Concurrency; or 2) the applicant and the city enter into a development agreement as regulated by Chapter 20.250 VMC, Development Agreements, which by its terms reserves capacity in the transportation system and includes a finding of transportation concurrency. The term for the concurrency determination shall be set as the term in the certificate of concurrency or the development agreement, as the case may be.

## 20.270.100 Term.

A. *General.* The term of a public facilities master plan shall be no longer than 10 years. Extensions may be granted in accordance with the criteria and procedures provided hereinafter.

B. *Extension*. If not all phases of development approved in the initial approval have been built out within the approved term, the applicant may request an extension using procedures contained in Section 20.210.050 VMC. Two one-year extension requests may be reviewed in accordance with the following criteria:

1. The applicant has pursued submitting the master plan in good faith; and
2. There have been no changes to the comprehensive plan, zoning ordinance, development standards or other applicable codes which are inconsistent with the approved master plan.
3. There are no other significant changed conditions which would render filing of the public facilities master plan contrary to the public health, safety or general welfare.
4. An extension request shall be filed in writing with the Planning Official at least 30 days prior to the expiration of the initial ten-year period or any subsequently approved extensions.
5. The Planning Official shall render a decision on the request pursuant to the Type I procedures.

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# Chapter 20.280
# Site Plan Review

## Sections:

20.280.010 Purpose.

20.280.020 Applicability.

20.280.030 Approval Process.

20.280.040 Submission Requirements.

20.280.050 Approval Criteria.

20.280.060 Escrow and Assurances.

## 20.280.010 Purpose.

*Purpose*. The purpose of this Chapter is to establish procedures, criteria and timelines for reviewing certain development applications within the City of Vancouver. More specifically, this chapter is intended to achieve the following:

A. *Compliance with applicable standards*. Establish procedures to ensure that the design of site improvements and building improvements are consistent with applicable standards, minimize adverse impacts on surrounding land uses, and allow for and encourage flexibility in the design and layout of site improvements and buildings, and innovation in design and construction.

B. *Public review*. Provide opportunity for public review and comment on development proposals.

## 20.280.020 Applicability.

C. *General*. All new developments and modifications to existing developments shall require site plan review and approval prior to the issuance of any building permits, establishment of any new uses, or commencement of any site work unless otherwise exempted in this title. Developments subject to site plan review shall comply with the Vancouver Municipal Code and all other State statutes and applicable laws and regulations.

D. *Exemptions.* The following developments and land use categories shall be exempt from Site Plan Review:

1. Land divisions and boundary line adjustments pursuant to Chapter 20.320 VMC.
2. All new developments and buildings that are engaged in agriculture/horticulture as defined in Chapter 20.160 VMC Use Classifications.
3. Other activities including:
    a. Landscaping or landscape alterations, unless such landscaping or alterations would modify or violate a condition of approval. In such instance, the activity shall be processed as a modification of the existing land use approval pursuant to Section 20.210.140 VMC, Post Decision Review.
    b. Normal or emergency repair or maintenance of public or private buildings, structures, landscaping or utilities.
    c. New parking lots having 10 or fewer parking spaces.
    d. Any change in commercial or industrial land use to another commercial or industrial land use permitted in the applicable zoning district, provided any site alteration is below the thresholds in subsection D below.
    e. Building permits required pursuant to the City's adopted building code not requiring a development land use permit pursuant to this title, including interior remodeling and tenant improvements.
    f. On-site utility permits, e.g., sewer hook-ups, water hook-ups, Fire Department permits.
    g. Comprehensive Plan map and text amendments and associated zone changes pursuant to 36.70A.130 RCW or Section 20.210 VMC.
    h. New construction of or modification to existing single-family and middle housing (six units or less on a parent parcel) not requiring an environmental review. Middle housing shall be limited to three (3) or less floors above grade.
    i. Site-specific rezoning requests not associated with any other land use permit.
    j. Projects processed under an approved, detailed Public Facilities Master Plan.
    k. Six units or less on a parent parcel.

I. Notwithstanding the provisions of 20.280.020 (A), (C) and (D), any development that the Planning Official finds should be exempt because it does not result in an substantive increase in land use activity or intensity or in any adverse off-site impact perceptible to a person of average sensibilities, and because the City can assure the development complies with applicable standards without site plan review.

E. *Development subject to Type I Site Plan Review*. New development or modifications to an existing permitted development or existing legal nonconforming use shall require a Type I review if the proposal would result in any of the following:

1. New residential developments of between seven and 200 dwelling units, including additions of at least seven units, provided the cumulative total does not exceed 200 dwelling units;
2. Nonresidential development of less than 30,000 square feet or, if existing, an increase in the floor area of a nonresidential structure or use by up to 6,000 square feet;
3. For existing developments a reduction in the area reserved for open space, recreational facilities and/or landscaped areas by up to 20 percent;
4. New parking lots of 11 to 89 parking spaces or, if existing, an increase in the number of existing parking spaces by up to 20 percent;
5. Modular school classrooms on an established public or private school site shall be reviewed under a Type I site plan process.
6. A change in the location of access ways to frontage roads where off-site traffic would be affected.
7. Projects which qualify as a planned action shall be processed under a Type I process, subject to any additional requirements, as applicable, of Chapter 20.790 VMC, Planned Action Review.

F. *Development subject to Type II Site Plan Review*. New development or modifications to an existing permitted development or existing legal nonconforming use shall require a Type II review if the proposal would result in any of the following:

1. New residential development of 201 units or more;

2. New nonresidential developments of 30,001 square feet or more of, if existing, an increase in the floor area of a nonresidential structure or use by more than 6,000 square feet;
3. For existing developments, a reduction in the area reserved for open space, recreational facilities and/or landscaped areas by more than 20 percent; or
4. New parking lots of 90 or more spaces or, if existing, an increase in the number of existing parking spaces by more than 20 percent or an increase of more than 40 parking spaces, whichever is greater.

## 20.280.030 Approval Process.

A. *New development or redevelopment*. Site plan development review for a new development or redevelopment shall be processed by means of a Type I or Type II procedure, as governed by Section 20.210.040 or .050 VMC, using approval criteria contained in Section 20.270.040 VMC.

B. *Modifications*. Modifications of an approved site plan shall be processed pursuant to Section 20.210.140 VMC, Post-Decision Review.

C. *Approval period*. Site plan review approval shall be effective for a period of 5 years from the date of approval. The site plan review approval shall expire if:

1. Substantial construction of the approved plan has not begun within a five-year period; or
2. Construction on the site is a departure from the approved plan.

D. *Extension*. The Planning Official may grant an extension of the approval period by means of a Type I procedure, pursuant to Section 20.210.040 VMC, provided that:

1. A three-year extension may be granted for projects which received preliminary land use approval on or before June 30, 2026; any project approved after such date shall be eligible for a one-year extension; and
2. There have been no changes to the original site plan as approved by the Planning Official;
3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and
4. The applicant has demonstrated a good faith effort to proceed with the activity.

E. Phased development.

1. Upon request The Planning Official may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 6 years without reapplying for site plan review. Phasing plans shall be reviewed by means of a Type I procedure, using the approval criteria contained in Subsection (2) below.
2. The criteria for approving a phased site plan review application shall be as follows:
    a. The public facilities are necessary to serve the phase constructed in conjunction with or prior to each phase;
    b. The development and occupancy of any phase is not dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or District standard; and
    c. The phased development shall not result in requiring the City, other property owners, or latecomers, to construct public facilities that were required as part of the approved development proposal.

### 20.280.040 Submission Requirements.

Unless waived in writing and in advance by the Planning Official, an applicant shall submit all of the following items with an application for a Type I or Type II site plan review:

A. General.
    1. A completed application form provided by the Planning Official.
        a. An existing conditions plan described in subsection B of this section.
        b. A site plan described in subsection C of this section.
        c. A preliminary stormwater and erosion control plan or plans described in subsection D of this section.
        d. Architectural plans and elevations described in subsection E of this section.
        e. e. A landscape and tree plan described in subsection F of this section.
    2. A narrative describing the development including uses proposed for the site, hours of operation, hours and frequency of deliveries, and construction schedule.
    3. Payment of all applicable review fees.

4. Certified mailing list (not applicable for Type I applications). Current Clark County assessor map(s) showing the property(ies) within a 300-foot radius of the site, per the requirements in VMC 20.210.050 and 20.210.060, decision-making procedures, and one set of stamped and addressed envelopes and one set of mailing labels with the names and addresses of owners of all properties within the 300-foot radius. Such list shall be certified as accurate and complete by the Clark County assessor or a title company. For non-owner-occupied properties, provide one set of stamped and addressed envelopes and one set of mailing labels addressed to "occupant" as can be determined from available county assessor records .
5. The location of natural conditions, such as:
    a. Waterbodies, the 100-year floodplain, aquatic habitats, natural drainage courses, wetlands, spring seeps, closed depression areas, groundwater elevations, aquifers, and wellhead protection areas.
    b. Geological hazard areas such as slopes in excess of 15 percent unstable or weak soils, soils with high erosion potential, rock outcroppings, and areas of healthy native soils and hydraulic conductivity.
    c. Existing vegetation including stands of trees and individual trees with a caliper greater than six inches, additional information necessary to comply with Chapter 20.450.035 VMC, Landscaping and Tree Conservation, and areas of wildlife habitat.

B. *Existing conditions plan.* An existing conditions plan shall include the following information:

1. A vicinity map showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations within a given radius of the site.
2. The site size, dimensions and orientation relative to north.
3. The location, name and dimensions of all streets adjoining the site indicating whether privately or publicly owned.
4. The location of existing structures and other improvements on the site, including structures, driveways, parking, loading, pedestrian and bicycle paths, passive or active recreational facilities or open space, and utilities.
5. Elevation of the site at two-foot contour intervals for grades zero percent to 10 percent and at five-foot contour intervals for grades more than 10 percent.

6. The approximate location of significant natural conditions, such as:
    a. The 100-year floodplain.
    b. The location of drainage patterns and drainage courses.
    c. Slopes in excess of 15 percent.
    d. Unstable ground, e.g., land subject to slumping, slides or movement.
    e. High seasonal water table or impermeable soils.
    f. Areas having severe soil erosion potential.
    g. Areas having severe weak foundation soils.
    h. Significant wildlife habitat or vegetation.
    i. Rock outcroppings.
    j. Information necessary to comply with Chapter 20.450.035 VMC, Landscaping and Tree Conservation, where applicable.

C. *Proposed site development plan.* The proposed site plan shall be drawn at the same scale as the existing conditions plan and shall include the following information:
    1. The proposed site and its dimensions and area, orientation relative to north.
    2. Abutting properties or, if abutting properties extend more than 100 feet from the site, the portion of abutting properties within 100 feet of the site, and the approximate location of structures and uses on abutting property or portion of the abutting property.
    3. The location and dimensions of proposed development, including the following:
        a. Streets and other rights-of-way and public or private access easements on and adjoining the site;
        b. Vehicle, pedestrian and bicycle parking and circulation areas, including bicycle racks/lockers and accessible parking stalls and disembarking areas, accessible route of travel, proposed ramp and signage as required by Chapter 51-40 WAC;
        c. Loading and service areas;
        d. Active or passive recreational or open space features;
        e. Above-ground utilities;

f. Existing structures to be retained on the site and their distance from property lines;

g. Proposed structures on the site, including signs, fences, etc., and their distance from property lines;

h. The location and type of proposed outdoor lighting and existing lighting to be retained; and

i. The size and location of storage areas for solid waste, including recyclable materials and organics.

j. The location of all Building Types indicating their relation to primary streets and side streets, lot lines, and all other requirements for each Building Type per Chapter 20.420 VMC.

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

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

D. Grading, Erosion Prevention, and Stormwater Plans.

1. Grading Plan indicating areas of soil protection and compaction prevention;

2. Erosion Prevention measures as required in Chapter 14.24 VMC; and

3. Stormwater Site Plan as required in Chapter 14.25 VMC, including identification of areas and types of vegetation preserved as part of low impact development plan.

E. *Architectural plans and elevations.* The following architectural plans and elevations shall be provided:

1. Floor plans showing at least the gross square footage of each structure and outdoor activity area proposed on the site, including existing structures and outdoor activity areas to be retained.

2. A description of the proposed and potential uses of each structure or portions of a structure and each outdoor activity area.

3. Typical elevation drawing of each structure.

4. Identify locations of walls, exits and openings.

F. *Landscape plan.* The landscape plan shall be drawn at the same scale as the existing conditions plan, or a larger scale if necessary. A landscape plan shall show the following:

1. The location, species and size, i.e., diameter and/or height, of existing landscape material, identifying the material to be removed and to be retained;
2. The location, species, size at planting and spacing of proposed plant materials;
3. The proposed landscape area of the site (i.e., in terms of square feet and a percentage of the net site area);
4. The location, height and material of fences, buffers, berms, walls and other proposed screening;
5. The location and dimensions or area of terraces, decks, shelters, play areas and open spaces; and
6. Surface water management features that are integrated with landscape, recreation or open space areas including stormwater facility planting plans and areas of vegetation preserved as part of a low impact development plan.

G. *Tree, Vegetation, and Soil Plan.* As required by Chapter 20.450.035 VMC, Landscape and Tree Conservation. Tree plan may be combined with the landscape plan.

H. *Other.* Other information shall be provided as needed to show the development complies with other applicable standards and with conditions of approval of related SEPA determinations and land use actions and permits.

I. *Fees payable.* Applicable fees as specified in Table 20.180.060, Planning Fees, shall be paid at the time of application for Site Plan Review.

## 20.280.050 Approval Criteria.

A. *Compliance with applicable standards.* The proposed development shall comply with all applicable design and development standards contained in this Title and other applicable regulations.

B. *Adequacy of public facilities.* The applicant shall demonstrate availability of adequate public services, e.g., roads, sanitary and storm sewer and water, available to serve the site at the time development is to occur, unless otherwise provided for by the applicable regulations.

### 20.280.060 Escrow and Assurances.

*Requirements*. The Planning Official may require the use of escrow or other assurances to ensure that the completed project will be in compliance with the approved plan.

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# Chapter 20.285
# Text and Map Amendments

## Sections:

20.285.010 Purpose.

20.285.020 Applicability.

20.285.030 Initiation.

20.285.040 Review Process.

20.285.050 Approval Criteria – Comprehensive Plan and Concurrent Zoning Map Amendments.

20.285.060 Approval Criteria – Standalone Zoning Map Amendments.

20.285.070 Approval Criteria – Comprehensive Plan or Zoning Code Text Amendments.

20.285.080 Notice Provisions.

20.285.090 Appeals of Final Decisions.

20.285.100 Amendments within the Unincorporated Vancouver Urban Growth Area.

20.285.110 Record of Amendments.

## 20.285.010 Purpose.

This chapter provides standards and processes to review amendments to maps or text of the Comprehensive Plan and Title 20 zoning code. Such amendments may be periodically necessary to reflect changing conditions and needs or to address legal considerations.

## 20.285.020 Applicability.

A. *Types of proposals.* The following types of proposals are reviewed under this chapter:

1. Map amendments to the Comprehensive Plan or to VMC Title 20 zoning designations applying to one or more properties.

2. Development agreements components pertaining to policy and regulations that are included with property specific Comprehensive Plan or zoning map changes being reviewed under this chapter.
3. Text changes to the Comprehensive Plan or to this title, except fees under Chapter 20.190 VMC.
4. Other development proposals which the city manager or designee determines warrant consideration under this chapter by virtue of their size, complexity, or impact on area wide planning policies.

## 20.285.030 Initiation.

A. Proposals reviewed under this chapter may be initiated by property owners or their representatives, the City of Vancouver, or private citizens or groups as follows:

1. *Map Changes*. Property owners or any party may initiate Comprehensive Plan and associated zoning map designation changes applying to one or more properties, through submittal of an Annual Review application and associated fees specified in Chapter 20.190 VMC. Standalone zoning changes not requiring a Comprehensive Plan change shall be subject to zone change application and associated fees per Chapter 20.190 VMC.
2. *Text Changes*. Any party may initiate comprehensive plan or zoning code text changes through submittal of a text change application and associated fees per Chapter 20.190 VMC.
3. *City Initiated Map or Text Changes*. The City of Vancouver, on its own behalf or on behalf of any party, may initiate Comprehensive Plan or zoning map and/or text changes. City initiation of outside requests for amendments shall be at City discretion, and generally limited to proposals that are limited in scope and/or clearly warranted in terms of policy implications, and subject to the following:
    a. Private parties shall submit a written summary of the amendment proposed to community development department, an indication of why it is needed, and the potential land use impacts if approved. No application fees shall be assessed.

b. City staff shall maintain a docket listing of private party requests, and shall provide the listing not less than once per year to the Planning Commission, which shall determine which items shall be scheduled for public hearing review, deferred to future work programs, or discontinued. Requesting parties of discontinued proposals shall have the option of submitting formal applications under this chapter.

## 20.285.040 Review Process.

A. *Overall Timing*. Except as noted herein, All Comprehensive Plan map or Comprehensive Plan text amendments will be reviewed concurrently and not more than once per calendar year, except as noted herein. Site specific zoning map amendments applying to properties proposed for Comprehensive Plan map changes shall also be submitted at that time. All other zoning map or zoning text amendments may be reviewed independently and more frequently than once per year.

B. *Pre-Application*. Comprehensive Plan or zoning map amendments proposed by private parties shall require a pre-application conference. The conference shall be scheduled upon receipt of a complete Map Amendment Pre-application Form. Based on the information provided, the pre-application conference is intended to provide for a discussion of major issues and concerns and possible staff recommendation, and identify materials needed to be submitted with the full application. Staff will provide a written summary within 14 days following the conference. Pre-application conferences are nonbinding, and do not vest the development rights of the proposals involved. Pre-application conferences shall not be required for City initiated map amendments, or text amendments initiated by any party.

C. *Review Body*.

1. All proposed Comprehensive Plan or zoning map or text changes shall be initially reviewed by the Planning Commission unless noted herein.
2. Standalone zoning map changes that propose to shift from one residential zoning designation to the next most or least intensive designation, and are accompanied by a proposed subdivision, shall be reviewed by the Hearing Examiner.
3. Development agreements accompanying a proposed zoning map change shall be reviewed by the body reviewing the map change.

D. *Hearings Process.* The Planning Commission at a duly advertised public hearing shall develop and forward a recommendation for approval, approval subject to modifications or conditions, or denial to the Vancouver City Council. The Vancouver City Council shall hold a duly advertised, open record public hearing to make final decisions on the Planning Commission recommendation.

E. *Timing Exceptions.* The following Comprehensive Plan changes may be reviewed more frequently than once per year.

1. The initial adoption of a subarea plan.
2. The adoption or amendment of a shoreline master program pursuant to Chapter 90.58 RCW.
3. The adoption or amendment of the capital facilities or transportation element of the Comprehensive Plan is undertaken concurrently with a related budget action.
4. The adoption of Comprehensive Plan amendments necessary to enact a Planned Action under RCW 43.21C.031(2).
5. Comprehensive Plan amendments concurrent and related to an annexation.
6. Corrections of scrivener or mapping errors. Scrivener or mapping errors are defined as minor map or text errors in the comprehensive plan or development regulations which were clearly unintended and inconsistent with the record of their original adoption, as determined by the city. Correction of such errors shall be submitted by the city only, at no charge to parties demonstrating the error.
7. Emergency Comprehensive Plan amendments, defined as a change of community wide significance, and including but not limited to the following:
    a. Action necessary to address threats to public health or safety.
    b. Action necessary to ensure that the goals and policies of the Comprehensive Plan are not substantially obstructed.
    c. Action necessary to respond to an order from the Growth Management Hearings Board or competent court of law.

F. *Periodic Comprehensive Plan updates.* At least once every ten years or as otherwise provided by state law the City shall initiate a periodic review of the overall Comprehensive Plan and land use regulations. Within the calendar year of such review the city may alter the procedural requirements herein, although other approval criteria of this chapter shall still apply.

### 20.285.050 Approval Criteria – Comprehensive Plan and Concurrent Zoning Map Amendments.

A. Overall proposed map amendments reviewed under this chapter shall be approved only if demonstrated by the proponent to be in the public interest, as based on a review of how the proposal is more consistent than the existing designation with applicable policies of the Vancouver Strategic Plan and Comprehensive Plan.

1. *Scope of review.* Review and evaluation of proposed Comprehensive Plan or zoning map changes shall consider both the likely and possible future use of the site and associated impacts.

2. *Cumulative Impacts.* The review of individual comprehensive plan map or policy amendments, other than exceptions noted in VMC 20.285.040, shall also consider the cumulative transportation, land supply, and environmental impacts of other plan amendments proposed within the same annual cycle.

### 20.285.060 Approval Criteria – Standalone Zoning Map Amendments.

A. Zoning map amendments not involving associated Comprehensive Plan map amendments shall demonstrate the following:

1. How the proposal is more consistent with applicable policies of the Vancouver Strategic Plan and Comprehensive Plan than the existing designation; and

2. That a change in circumstances has occurred since the existing designation was established.

### 20.285.070 Approval Criteria – Comprehensive Plan or Zoning Code Text Amendments.

A. Text amendments to the Comprehensive Plan or VMC Title 20 zoning standards shall demonstrate the following:

1. The proposal is consistent with applicable policies of the Vancouver Strategic Plan and Comprehensive Plan; and
2. The proposal is necessary to further the public interest based on present needs and conditions.

## 20.285.080 Notice Provisions.

A. Notice indicating the time and place of public hearings for review of proposed amendments pursuant to this chapter shall be provided as follows:
   1. For all amendments subject to this chapter, published notice within a newspaper of record at least 10 calendar days prior to the hearing.
   2. For site specific map amendments, the following additional notice shall be provided:
      a. Written notice mailed at least 10 calendar days prior to the public hearing to property owners and residents located within 300 feet of subject properties, as determined by records of the County Assessor.
      b. If located within or adjacent to an officially recognized neighborhood, notice shall also be sent to the neighborhood association president or chair.
      c. A large format sign or signs consistent with City standards on or adjacent to the proposal site shall be posted at the site at least 10 calendar days prior to the hearing.
      d. Written or posted notice may be foregone at the Planning Official's discretion for map amendments which are limited to minimal adjustment of comprehensive plan or zoning designation borders within a property, or other corrections which do not increase the potential of additional land use development impacting the surrounding area.
   3. For text amendments, written notice mailed at least 10 calendar days to individuals, groups, or agencies which are deemed necessary and appropriate by the City or which have requested notice of the particular action.
   4. With the exception of newspaper publication, failure to provide notice to any person or group subject to this chapter shall not automatically invalidate the proceedings associated with the proposed action.

### 20.285.090 Appeals of Final Decisions.

Final decisions of the City Council may be appealed to the Washington Growth Management Hearings Board or superior court, where appropriate, in accordance with provisions and timelines set forth by state statute and regulations. Where state statute or regulations do not provide timelines, an appeal must be submitted within 30 calendar days of the final council decision. Aggrieved parties shall exhaust local administrative remedies prior to state or federal administrative or judicial review of the city council decision.

### 20.285.100 Amendments within the Unincorporated Vancouver Urban Growth Area.

A. Comprehensive Plan and regulation map or text amendments within the Vancouver Urban Growth Area outside of city limits are the jurisdictional responsibility of Clark County. The City shall review notice provided from Clark County on such amendments, and shall reciprocally provide notice to Clark County of proposed amendments within city limits.

B. The City shall not support amendments which raise inconsistencies with this chapter, capital facilities plans or adopted population projections.

### 20.285.110 Record of Amendments.

The Planning Official shall maintain a record of amendments to the text and map of this title in a format convenient for the use of the public.

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# Chapter 20.290
# Variances

## Sections:

20.290.010 Purpose.

20.290.020 Approval Process.

20.290.030 Submission Requirements.

20.290.040 Approval Criteria.

20.290.050 Time Limit of Approval.

## 20.290.010Purpose.

*General*. A variance to any development standard contained in this Title other than density and lot area may be granted when practical difficulties, unnecessary hardship or results inconsistent with the general purposes of Title 20 VMC would result from the literal enforcement of its requirements. The sole purpose of any variance shall be to prevent such difficulties, hardship or results, and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity and zone except when necessary to avoid such difficulties, hardship or results.

## 20.290.020 Approval Process.

A. *Type I Variance*. A Type I Variance is one that results in the modification of up to 20% of a numerical development standard that shall be subject to a Type I procedure, pursuant to 20.210.040 VMC, subject to the approval criteria contained in Section 20.290.040(A) VMC.

B. *Type II Variance*. A Type II Variance is one that results in the modification of a numerical development standard by more than 20% that shall be subject to a Type II procedure, pursuant to 20.210.050 VMC, subject to the approval criteria contained in Section 20.290.040(B) VMC.

Concurrent review. The applicant may submit requests for more than one variance for concurrent review.

## 20.290.030 Submission Requirements.

A. *Application – Fees.* The applicant must submit a completed application form as prescribed by the Planning Official

B. *Required information.*

1. Narrative statement describing the requested variance(s) and demonstration of compliance to the appropriate approval criteria contained in VMC 20.290.040.
2. A legible site plan drawn to scale showing the arrangement of the proposed development, and accurate representation of the size and shape of the parcel(s) including easements of any kind, all dimensions and parcel orientation. Include appropriate scale and north arrow.
3. Locations, dimensions and height of all existing and proposed buildings and structures, including garages, carports, fences, decks, patio covers and other accessory structures. Include dimensions from each other and from all property lines. Show dimension of eaves projecting beyond a wall or supporting post. Indicate usage of all structures.
4. Elevation of site at two-foot contour intervals for grades zero to 10 percent and at five-foot contour intervals for grades greater than 10 percent.
5. Existing and proposed curbs, sidewalks and curb-cuts. Indicate center line of street(s).
6. Location and detailed layout of off-street parking and loading areas.
7. Location of unstable ground, including high seasonal water table, impermeable soils, areas having a severe soil erosion potential, areas having severely weak foundation soils, significant historical, cultural or archaeological resources, significant wildlife habitat, and rock outcroppings. Note if none of these apply.
8. Archaeological pre-determination report, if necessary.
9. The approximate location and type of vegetation, including individual trees that have a diameter of six inches or more measured four feet above grade. The plan may show clusters of such trees rather than individual trees when individual trees are near one another. Provide proposed plan for compliance with Section 20.450.035 VMC, Landscaping and Tree Conservation, if necessary.

10. *Certified mailing list (Type II only).* Current Clark County assessor map(s) showing the property(ies) within a 300-foot radius of the site, per the requirements in VMC 20.210.050 and 20.210.060, decision-making procedures, and one set of stamped and addressed envelopes and one set of mailing labels with the names and addresses of owners of all properties within the 300-foot radius. Such list shall be certified as accurate and complete by the Clark County assessor or a title company. For non-owner-occupied properties, provide one set of stamped and addressed envelopes and one set of mailing labels addressed to "occupant" as can be determined from available county assessor records.

## 20.290.040 Approval Criteria.

A. *Type I Variance.* The Planning Official may grant a Type I Variance upon demonstration by the applicant of compliance with all of the following approval criteria:

1. Unusual circumstances or conditions apply to the property and/or the intended use that do not apply generally to other property in the same vicinity or district;
2. The variance requested is the least necessary to relieve the unusual circumstances or conditions identified in Subsection (1) above.
3. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located.

B. *Type II Variance.* The Planning Official may grant a Type II Variance upon demonstration by the applicant of compliance with all of the following approval criteria:

1. Unusual circumstances or conditions apply to the property and/or the intended use that do not apply generally to other property in the same vicinity or district;
2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant such as is possessed by the owners of other properties in the same vicinity or district;
3. The variance requested is the least necessary to relieve the unusual circumstances or conditions identified in Subsection (1) above;
4. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located;
5. Any impacts resulting from the variance are mitigated to the extent practicable; and

6. If more than one variance is being requested, the cumulative effect of the variances results in a project that is still consistent with the overall purpose of the underlying zoning district.

## 20.290.050 Time Limit of Approval.

A. *Time limit.* Authorization of a variance shall be void after five years, unless a building permit has been issued and substantial construction has taken place. Subdivision variances shall be valid for the term of the preliminary plat.

B. *Extension.* Upon written request by the applicant and payment of the required fee pursuant to Chapter 20.190 VMC, the Planning Official may extend the authorization for a maximum of one year.

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# 20.300
# Land Division

## Sections:

20.310 Boundary Adjustments.

20.320 Subdivisions.

20.330 Binding Site Plans.

# Chapter 20.310
# Boundary Adjustments

## Sections:

20.310.010 Purpose.

20.310.020 Applicability.

20.310.030 Approval Process.

20.310.040 Submittal Requirements.

20.310.050 Approval Criteria.

## 20.310.010 Purpose.

*Purpose*. The purpose of this chapter is to provide rules and criteria governing approval of minor boundary adjustments between or among two or more legal lots to ensure that the newly-reconfigured lots meet applicable dimensional standards, if so requested by a property owner.

## 20.310.020 Applicability.

Boundary Adjustments may be recorded without review and approval of the City. Property owners may, however, request that a Boundary Adjustment be reviewed and approved by the City of Vancouver prior to being recorded with the Clark County Auditor to determine compliance with applicable lot dimensions, setbacks and other lot standards.

## 20.310.030 Approval Process.

A. *Decision-making process*. Boundary Adjustments shall be reviewed by means of a Type I procedure.

B. *Time limit for recording*. A legal description of the newly-configured lots approved by the Planning Official shall be recorded with the Clark County Auditor within 90 days of the date of the written decision, unless a longer time period is specified in the decision.

C. *Extension*. By means of a Type I procedure, the applicant may request an extension of the recording date for a period not to exceed one year provided that no changes are made from the original approval.

## 20.310.040Submittal Requirements.

Applicants shall submit the following documentation as part of a request for a Boundary Adjustment compliance check:

A. Completed application form including signatures of all property owners involved in boundary line adjustment.

B. Survey. The proposed boundary line adjustment shall be prepared by a surveyor in accordance with the provisions of the Survey Recording Act (Chapter 58.09 RCW), clearly showing the following:

1. The dimensions of the existing property/properties involved.
2. The location of any improvements (structures, septic system, etc.).
3. The location and dimension of any access or utility easements.
4. The dimensions of the proposed new lot lines.
5. North arrow.
6. Zoning of each involved property.

C. Recorded deed. Copy of all property owners' recorded deeds, verifying current ownership.

D. Sales history. Complete sales history of all parcels since 1969. Sales history is comprised of copies of all deeds or real estate contracts showing previous owners or divisions for the properties involved. It is used to verify the legal creation of the parcel and is available from either a title company or the Clark County assessor's office. This is not required if the request involves lots within a subdivision which have not been altered or further divided.

E. Letter of intent. Letter of intent explaining the purpose of the request. The letter should also include information that may be helpful in evaluating the request.

F. Existing conditions or related development restrictions. Copies of existing conditions of approval, covenants, restrictions and/or easements.

G. Application fee. Application fee as contained in Chapter 20.190 VMC.

### 20.310.050 Approval Criteria.

A. *Approval criteria.* The Planning Official shall approve, approve with conditions or deny a request for a boundary adjustment in writing based on findings addressing all of the following criteria:

1. No additional parcel(s) shall be created by the boundary adjustment;
2. The lot and location of any structure(s) on the lots shall comply with the minimum density and height requirements of the base zoning district, unless a variance is sought in conjunction with the request per the requirements of Chapter 20.290 VMC. The lot shall comply with the Lot Dimensions and Coverage, and Building Placement and Buildout, per the most appropriate Building Type, as determined by the Planning Official, or their representative, per Chapter 20.420 Building Types. Per Chapter 20.410 Zoning Districts, lots in the Low-Scale and Medium-Scale Neighborhoods developed or approved before June 30, 2026, are exempt from the requirement for minimum density/maximum lot size. However, if a site is completely redeveloped, the new development must comply with the minimum density requirements of the base district.
3. Legal access shall be provided to each of the lots; and

B. Exemptions from dedications. A boundary adjustment is not considered a development action for purposes of determining whether a dedication or improvement is required.

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# Chapter 20.320
# Subdivisions

## Sections:

20.320.010 Purpose.

20.320.015 Applicability.

20.320.020 Approval Process.

20.320.030 Preliminary Plat Application Requirements.

20.320.040 Preliminary Plat Approval Criteria.

20.320.050 Final Plat Application.

20.320.060 Final Plat Approval.

20.320.070 Technical Standards.

20.320.080 Other Provisions.

20.320.090 Remedies and Penalties.

20.320.100 Unit Lot Subdivision.

20.320.110 Administrative Lot Split.

## 20.320.010 Purpose.

*Purpose*. The purpose of this Chapter is to implement the policies of the various applicable state statutes including, but not limited to, Chapter 58.17 RCW, Findings; Chapters 35.63 and 65.08 RCW, and the City of Vancouver Comprehensive Plan. The regulations contained herein are intended to:

A. Promote the effective utilization of land and infrastructure;

B. Make adequate provision for the housing, commercial and industrial needs of the City, the county and the region;

C. Prescribe procedures for the subdivision of land in accordance with officially adopted plans, policies and standards, including the provisions of the Development Code (Title 20 VMC); and

D. Provide for the efficient processing of subdivision applications without undue delay.

### 20.320.015 Applicability.

A. *Short subdivisions/Unit lot subdivisions*. A short subdivision or unit lot subdivision is a land partition containing nine (9) or fewer lots.

B. *Subdivisions*. A subdivision is a land partition containing ten (10) or more lots.

C. E*xemptions*. The provisions of this Chapter shall not apply to the following:

1. Cemeteries and burial plots while used for that purpose.
2. Divisions of land into lots or tracts, each of which is 1/64 of a section of land or larger, or 10 acres or larger, if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this item which borders on a street or road, excluding limited-access streets or roads, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street, and the side lot lines of the lot running perpendicular to such centerline.
3. Divisions and/or acquisitions of land pursuant to condemnation or threat of condemnation by a government agency public purposes.
4. Divisions of land made by testamentary provisions, or the laws of descent.
5. Divisions of land made by subjecting a portion of a parcel or tract of land to Chapter 64.34 RCW (Condominiums) if the Planning Official has approved a binding site plan in accordance with Chapter 20.330 VMC.
6. Divisions of land into lots or tracts classified for industrial or commercial use, when the Planning Official has approved a binding site plan for use of the land in accordance with Chapter 20.330 VMC.
7. A division made for the purpose of adjusting boundary lines which does not create any additional lots, tracts, parcels, sites or divisions, nor any lots, tracts, parcels, sites or divisions which contain insufficient area and/or dimensions to meet the minimum requirements for width, depth and/or area for a lot.

8. Divisions created by a court order that result in lots that conform to the requirements of this Title.

## 20.320.020 Approval Process.

A. *Decision-making process*.

1. *Short subdivisions and unit lot subdivisions*. The Planning Official shall approve, approve with conditions or deny an application for a short subdivision preliminary plat by means of a Type II procedure, pursuant to VMC 20.210.050, using approval criteria contained in VMC 20.320.040. The Hearing Examiner shall approve, approve with conditions or deny an application for a subdivision preliminary plat by means of a Type III procedure, pursuant to VMC 20.210.060, using approval criteria contained in VMC 20.320.040.

B. *Term of preliminary plat approval*. Approval of a preliminary short subdivision and unit lot subdivisions, or subdivision shall be valid for a period of seven years, except as provided by RCW 58.17.140(3)(b), subject to verification of utility availability, during which time an application for final plat meeting all the requirements of this chapter and all conditions of preliminary plat approval shall be made; provided, that extensions of preliminary short subdivision or subdivision plat approval may be granted in accordance with the procedures and criteria set forth in subsection D of this section.

C. *Phasing*. The developer may develop the short subdivision/unit lot subdivisions, or subdivision in phases. Any phasing proposal shall be submitted with application materials for the preliminary plat and approved by the review authority, except that the Planning Official may approve a phasing plan for an approved short subdivision or subdivision by means of a Type I procedure, governed by VMC 20.210.040, Type I Applications, upon finding that:

1. The phasing plan includes all land identified within the legal notice of the approval hearing;
2. The sequence of phased development is identified by map;
3. Each phase shall constitute an independent project meeting all of the requirements for density, open space, public and private infrastructure, landscaping, pedestrian and vehicle circulation, etc.; and
4. The director of public works and transportation manager have approved the necessary documents to determine that all streets, sanitary and storm sewers, water and other public improvements, including but not limited to drainage improvements, and erosion control measures are assured.

D. *Extensions*. Extension requests shall be reviewed in accordance with the following criteria:

1. An initial one-year extension request, which has been filed at least 30 days prior to the expiration of the seven-year period, shall be reviewed by the Planning Official by means of a Type I procedure, as governed by VMC 20.210.040, upon showing that the applicant has attempted in good faith to meet the conditions for the final plat within the seven-year period.

2. Two additional two-year extension requests may be granted by the Planning Official by means of a Type II procedure, as governed by VMC 20.210.050, providing the applicant demonstrates compliance with all of the following criteria:

   a. The applicant has pursued compliance with all conditions of preliminary plat approval and submitting the final plat in good faith; and

   b. There have been no changes to the comprehensive plan, zoning ordinance, development standards or other applicable codes that are inconsistent with the approved preliminary plat.

3. Short subdivisions, unit lot subdivisions, or subdivisions that have been approved for phased development pursuant to subsection C of this section may receive subsequent two-year extensions in accordance with the criteria of subsection (D)(2) of this section so long as at least one phase received final plat approval and was properly recorded within four years prior to each such subsequent extension request.

E. *Transportation concurrency*. The approval of extensions notwithstanding, the applicant shall comply with the provisions of Chapter 11.70 VMC, Transportation Concurrency.

F. *Land transfer agreements*. Agreements to transfer land prior to final plat are authorized; provided, that the performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract or parcel of land following preliminary plat or short plat approval is expressly conditioned on the recording of the final plat or short plat containing the lot, tract or parcel and shall comply with the requirements of 58.17.205 RCW.

## 20.320.030 Preliminary Plat Application Requirements.

A. *Application – Fees*. The applicant must submit a completed application form as prescribed by the Planning Official.

B. *Submittal Requirements*. Applications for preliminary short subdivisions or subdivisions shall be on a scale legible for digital reproduction and shall include the following:

1. *Existing conditions plan*. The existing conditions plan shall include pertinent survey data compiled as a result of a survey made by or under the supervision of a licensed land surveyor in the state of Washington and shall include the following information:

   a. A vicinity map showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations within a 500-foot radius of the site;

   b. The site size, dimensions and orientation relative to true north;

   c. Remaining easements;

   d. The location, name and dimensions of public and private streets adjoining the site, identifying whether the streets are public or private;

   e. Location, dimension, and purpose of existing easements;

   f. The location of existing structures and other improvements on the site, including buildings, driveways, parking, loading, pedestrian and bicycle paths, passive or active recreational facilities or open space and utilities;

   g. Elevation of the site at two-foot contour intervals for grades zero percent to 10 percent and at five-foot contour intervals for grades more than 10 percent;

   h. The location of natural conditions such as:

      i. Water bodies, the 100-year floodplain, aquatic habitats, natural drainage courses, wetlands, springs, seeps, closed depression areas, groundwater elevations, aquifers, and wellhead protection areas;

      ii. Geological hazard areas such as slopes in excess of 15 percent, unstable or weak soils, soils with high erosion potential, rock outcroppings, and areas of healthy native soils and hydraulic conductivity;

      iii. Existing vegetation including stands of trees and individual trees, additional information necessary to comply with Chapter 20.450.035 VMC Landscaping and Tree Conservation, and areas of wildlife habitat.

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

   a. The proposed site and its dimensions and area.

b. Proposed lots, tracts and easements, including dimensions, individual lot areas and total acreage.

c. Abutting properties or, if abutting properties extend more than 100 feet from the site, the portion of abutting properties within 100 feet of the site, and the approximate location of structures and uses on abutting property or portion of the abutting property.

d. The location and dimensions of development, including but not limited to the following:

   i. Streets and other rights-of-way and public or private access easements on and adjoining the site;

   ii. Vehicle and bicycle parking and pedestrian bicycle and vehicular circulation areas;

   iii. Loading and service areas;

   iv. Active or passive recreational or open space features;

   v. All utilities;

   vi. Existing structures to be retained on the site and their distance from proposed property lines;

   vii. Proposed structures on the site, including signs and fences, and their distance from property lines if known at time of land division;

   viii. The location and type of proposed outdoor lighting and existing lighting to be retained if known at time of land division; and

   ix. Boundary delineation of any wetlands including required buffers and shoreline setback lines if applicable.

3. *Narrative*. The narrative shall include the following:

   a. A comprehensive narrative addressing how the development complies with preliminary plat approval criteria in VMC 20.320.040 and the technical standards in VMC 20.320.070; other applicable standards of this title and the policies of the comprehensive plan outlined by staff as being applicable to the proposed development;

   b. Description of the uses proposed for the site;

   c. Phasing plan, if applicable;

d. Any variances requested pursuant to the regulations in Chapter 20.290 VMC;

e. Existing covenants or restrictions and easements, if applicable; and

f. History of any previous subdivisions and short subdivisions of the property.

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

a. Environmental checklist that complies with Chapter 20.740 VMC, SEPA Regulations (if applicable);

b. Legal description;

c. Geotechnical/soils survey, if applicable;

d. Tree, vegetation, and soil plan that complies with the requirements of Chapter 20.450.035 VMC Landscaping and Tree Conservation;

e. Preliminary grading, erosion prevention and stormwater plans.

i. Grading plan indicating areas of soil protection and compaction prevention;

ii. Erosion prevention measures as required in Chapter 14.24 VMC; and

iii. Stormwater site plan as required in Chapter 14.25 VMC.

f. Archaeological predetermination report, if applicable, that complies with the requirements of Chapter 20.710 VMC, Archaeological Resource Protection;

g. Repealed by Ord. M-4402.

h. Clark County public health development review evaluation form or copy of application to Clark County public health;

i. *Certified mailing list*. Current Clark County assessor map(s) showing the property(ies) within a 300-foot radius of the site, per the requirements in VMC 20.210.050 and 20.210.060, decision-making procedures, and one set of stamped and addressed envelopes and one set of mailing labels with the names and addresses of owners of all properties within the 300-foot radius. Such list shall be certified as accurate and complete by the Clark County assessor or a title company. For non-owner-occupied properties, provide one set of stamped and addressed envelopes and one set of mailing labels addressed to "occupant" as can be determined from available county assessor records;

j. Traffic study or trip generation and distribution report in compliance with VMC Title 11.

## 20.320.040 Preliminary Plat Approval Criteria.

*Approval criteria.* To grant approval of a preliminary short subdivision or subdivision, the applicant must demonstrate compliance with all of the following criteria:

A. *Public facilities provision*. Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for transportation, water, storm drainage, erosion control and sanitary sewage disposal methods that are consistent with the City's current ordinances, standards and plans;

B. *Proposed improvements*. Appropriate provisions have been made for proposed streets, alleys and public ways, utilities and other improvements that are consistent with the City's current ordinances, standards and plans, and Department of Health and/or Washington State Department of Transportation standards and plans, where applicable;

C. *Open space and dedications*. Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for open space, parks, schools, dedications, easements and reservations;

D. *Physical characteristics*. The design of the proposed short subdivision or subdivision site has taken into consideration the physical features of the site, including but not limited, to: topography, soil conditions, susceptibility to flooding, inundation or swamp conditions, steep slopes or unique natural features such as wildlife habitat or wetlands;

E. *Re-platting of existing subdivisions*. When re-platting an existing subdivision, the short subdivision or subdivision shall comply with all of the terms and conditions of the existing subdivision's conditions of approval;

F. *Compliance with all requirements of this title*. The proposed short subdivision or subdivision complies with all applicable requirements of this title unless modified through the approval; and

G. *Compliance with State requirements*. That the proposed short subdivision or subdivision complies with the requirements of RCW 58.17.110.

H. *Alleys*. Where feasible, the use of alley loaded units is encouraged. Buildings served by an alley may increase their maximum impervious area by 15% over the building type maximum.

## 20.320.050 Final Plat Application.

A. *Final plat application and fees*. A complete application, including all supplemental documentation and correct number of copies, shall be filed with the Planning Official along with all associated fees per Chapter 20.190 VMC.

B. *Proposed final plat*. The proposed final plat shall be prepared by a surveyor in accordance with the provisions of the Survey Recording Act (Chapter 18.90 RCW) as it now exists or hereafter amended. The plat shall consist of one or more pages of a size acceptable to the recording authority, and drawn to a minimum scale of one inch equals 50 feet. The drawing shall contain the following:

1. Date, north arrow and scale;
2. Name of subdivision and applicable project numbers;
3. Letter height must not be less than 0.08 inches;
4. Heavy dashed line around the exterior boundary;
5. All section, township, municipal and county lines lying within or adjacent to the subdivision;
6. Legend;
7. The location of all monuments or other evidence used as ties to establish the subdivision's boundaries, and all permanent monuments with linear dimension, including dimensions to every curb screw;
8. The boundary of the subdivision with complete bearings and linear distances;
9. The length and bearings of all straight lines and the radii, arcs and semi-tangents of all curves;
10. The length of all lot lines, together with bearings and other data necessary for the location of any lot line in the field;
11. Identification of areas to be dedicated or reserved clearly indicated with location, size and purpose. These may include rights-of-way width, public easements, private easements, specific utility easement and type, open space tracts, wetland, etc.;
12. Numbers assigned to all lots, indication of the acreage and/or square footage of each lot, and letters assigned to all blocks within the subdivision;
13. Surveyor's certification on the face of the plat by a registered land surveyor:

a. I, [insert printed name of licensed surveyor], registered as a land surveyor by the state of Washington, certify that this plat is based on an actual survey of the land described herein, conducted by me or under my supervision. That the distances, courses, and angles are shown hereon correctly, and that the monuments, other than the monuments approved for setting at a later date, have been set and lot corners staked on the ground as depicted on the plat.

b. Signature of Licensed Surveyor: _____ Date Signed:_____

c. Professional Land Surveyor No. _____ Sealed

14. Signature blocks for the following:

a. Director of public works;

b. Director of community development;

c. Clark County public health signature or a letter from public health is provided confirming completion of the public health's development review process;

d. County assessor;

e. Auditor's certification.

C. Additional final plat application requirements:

1. Final Performance and Maintenance Bond (if applicable);

2. Legal description of boundary which has been certified by the land surveyor with seal and signature as being an accurate description of the lands actually surveyed;

3. Mathematical closures;

4. Certification of platting from a title company;

5. *Dedication of Plat*. A plat certificate shall be provided, including dedications, if any (RCW 58.17.165). The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat, or modification showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing;

6. Treasurer's certificate;

7. Conditions, covenants and restrictions, notes, and/or binding agreements as required by this code, SEPA, conditions of preliminary plat approval or other law, including but not limited to the following:
    a. Private road maintenance agreement (if applicable);
    b. Recorded conservation covenant (if applicable);
8. Final tree and landscaping plan, including street trees;
9. Other supporting documents required pursuant to the preliminary plat decision;
10. *Mylar Submittal*. Upon compliance of the final plat and the construction plans with all preliminary plat conditions and with all applicable adopted statues and local ordinances, the Planning Official shall request submittal of the final plat mylar(s) for signature.

## 20.320.060 Final Plat Approval.

A. *Final plat procedure*.

1. An applicant requesting final approval of a plat shall submit to the Planning Official copies of the materials specified in VMC 20.320.050.
2. The Planning Official shall coordinate the final plat review among the appropriate city and/or county departments.
3. Upon consideration of the approval criteria below, the Planning Official shall forward the final plat to the public works director and community development director for signature.
    a. The plat is in proper form for recording as established by the submittal requirements;
    b. The final plat map and mathematical closures are in compliance with the survey standards set forth in Chapter 58.17 RCW;
    c. All required improvements have been completed or security acceptable to the city in lieu of completion guaranteeing that all required improvements will be completed;
    d. The final plat is in conformance with conditions of preliminary plat approval;
    e. The final plat complies with the requirements of this chapter and all applicable adopted states and local ordinances.

4. The final plat shall be recorded with the Clark County auditor. It shall be the responsibility of the applicant to record the plat with the county auditor.
5. Upon recording of the final plat with the Clark County auditor, the applicant shall submit two full-size copies of the actual recorded mylar to the Planning Official.

B. *Construction prior to final plat approval*.

1. In lieu of the completion and acceptance of any required public or private improvements prior to approval of a final plat, the director of public works may accept an escrow or other form of security acceptable to the city, in an amount and with conditions satisfactory to him. The security to the city shall be sufficient to ensure that the actual construction and installation of such improvements occur within a period specified in the agreement by the director of public works and completion of the improvements in accordance with the agreement shall be enforced by the director of public works and/or transportation division manager by appropriate legal and equitable remedies.
2. Construction of streets and utilities shall not start prior to the approval of the civil engineering construction plans by the director of public works. However, rough grading operations may proceed before the plans are approved by the director of public works under the following conditions:
    a. The grading plan and erosion control plans, are submitted along with an application for the grading permit; including applicable fees;
    b. The grading plan is in conformance with the approved preliminary plat;
    c. The grading plan will not be in conflict with the street profiles and drainage structure plans;
    d. A hold harmless agreement signed by the applicant in the case of mandated change to the engineering plans associated with the plat; and
    e. These plans receive approval from the department of public works and/or transportation division.

## 20.320.070 Technical Standards.

A. Subdivision Layout and Required Improvements.

1. *Principles of acceptability*. The short subdivision or subdivision shall conform to the comprehensive plan. The short subdivision or subdivision shall conform to the requirements of the state law and to the standards established by this title.

a. *Street improvement standards*. All proposed streets and street improvements shall comply with the provisions of VMC Title 11 and approved transportation standards details on file with the public works department.

b. *Blocks*. The length, width and shape of blocks shall be designed to ensure multimodal connectivity and safety, convenient access, functional circulation, and control for all modes. The provision of adequate building sites for the uses contemplated and topographic limitations and opportunities should also be considered.

c. Blocks shall not exceed 800 feet in length between street lines, except blocks adjacent to arterial streets or unless a previous adjacent layout or topographical conditions justify variation. The recommended minimum distance between intersections of arterial streets is 1,800 feet. Minimum length of a block shall not be less than 100 feet.

d. E*asements*.

   i. *Utility lines*. Easements for sewers, drainage, water lines, electric lines or other public use utilities shall be provided. The size and location of the easement shall be reviewed and approved by the appropriate utility provider.

   ii. Watercourses. If a subdivision is traversed by a watercourse, such as a drainageway, channel or stream, there shall be provided a stormwater easement for the width of the watercourse plus 15 feet on each side of the watercourse. Streets or parkways parallel to a major watercourse may be required.

   iii. Pedestrian/bicycle ways in and through subdivisions. A pedestrian/bicycle way with a minimum width of 16 feet may be required through the middle of the block when required by the planning official or transportation manager for public convenience and safety when adjacent to parks, trails or other transportation infrastructure; 12 feet of the 16-foot corridor shall be paved in a durable material.

e. *Flag lots*. Flag lots may be permitted; provided, that the minimum width of the flag stem be 15 feet for a single lot and 20 feet for a shared flag access, and it is in compliance with fire access standards contained in VMC 16.04.150. No more than four lots may be accessed from a single flag stem. A private maintenance agreement shall be recorded for driveways which serve more than one lot.

f. *Lot side lines*. Side lines, as far as practical, shall run at right angles to the street on which the lot faces.

g. *Lot frontage*. With the exception of flag lots, all lots shall have a minimum frontage of not less than 16 feet on either a public or private street.

h. *Parks and playgrounds*. The review authority shall see that appropriate provision is made for parks and playgrounds to serve the proposed subdivision.

i. *Existing trees*. All subdivision developments shall comply with the tree and vegetation management provisions contained in Chapter 20.450.035 VMC, Landscaping and Tree Conservation.

2. *Procedure for installation*. In addition to other requirements, improvements installed by the developer of the short subdivision or subdivision, either as a requirement of these regulations or at his own option, shall conform to the requirements of this title and improvement standards, specifications, inspections and procedures as set forth by the city and administered by the department of public works and community development department, and shall be installed in accordance with the following procedures:

a. Public work shall not commence until civil engineering plans, prepared in accordance with the requirements of the city, have been approved by the city: all required permits have been obtained and a preconstruction conference has been conducted. Public work shall not be commenced until the city has been notified in advance.

b. If work has been discontinued for any reason, it shall not be resumed until the city has been notified.

c. Public improvements shall be constructed under the inspection and to the satisfaction of the director of public works or their designee. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

d. All underground utilities, sanitary sewers and storm drains installed in the streets by the developer of the short subdivision or subdivision shall be constructed prior to the surfacing of streets. Stubs for service connections and underground utilities and sanitary sewers shall be placed to a length precluding the necessity for disturbing the street improvements when surface connections are made.

e. A plan showing all improvements "as built" shall be filed with the development review services upon the completion of the improvements.

f. Public improvements required. Improvements to be installed at the expense of the owner of the short subdivision or subdivision are as follows:

   i. All full-width streets, sidewalks, curbs and gutters, including alleys, within or adjacent to the subdivision or short subdivision; streets adjacent but only partially within the short subdivision or subdivision; and the extension of short subdivision or subdivision streets to the intercepting paving line of existing streets with which short subdivision or subdivision streets intersect shall be graded for the full right-of-way width and improved to the city's improvement standards and specifications.

   ii. *Half-width roads*. In situations where the property being developed does not permit full-width public streets, half roads having a minimum right-of-way or easement and roadway improvement width of one-half of the design width may be permitted when placed adjacent to adjoining property so long as there is no physical obstruction or development constraint prohibiting the completion of the street on such adjoining property; provided, that public street half-width shall be a minimum of 20 feet wide. Public half-width streets serving six or more parcels shall be required to dedicate additional right-of-way as necessary to provide for a minimum of one foot of right-of-way beyond the edge of the sidewalk. Further, additional right-of-way or easement may be required between the edge of the roadway and the property line for construction clearance, slopes or other features. Half-width public streets shall serve a maximum of 200 ADT. If the number of trips generated is greater than 200 ADT, the street shall be widened to full-width standards. Parking shall be prohibited along any half-width street and necessary signs and pavement markings shall be the responsibility of the developer.

   iii. *Benchmarks*. When required, elevation benchmarks shall be established within the subdivision with elevations to U.S. Geological Survey datum.

iv. *Drainage systems*. Surface drainage systems shall be provided within the subdivision or short subdivision. The design of the drainage system within the short subdivision or subdivision shall be in accordance with the standards set forth by Chapter 14.25 VMC, as administered by the department of public works.

v. *Erosion control and stormwater quality*. Facilities shall be provided within the short subdivision or subdivision to enhance stormwater runoff and protect existing and future drainage facilities. The design of the erosion control and stormwater quality system shall be in accordance with the standards set forth by the city, pursuant to Chapters 14.24 and 14.25 VMC, as administered by the department of public works.

vi. *Sanitary sewers*. Sanitary sewers shall be installed to serve the short subdivision or subdivision and to connect the short subdivision or subdivision to existing mains.

vii. *Water system*. Water lines with valves and fire hydrants serving the short subdivision or subdivision and connecting the subdivision or short subdivision to the city mains shall be installed according to specifications of the city, pursuant to VMC Title 14, Water and Sewers, as administered by the department of public works.

viii. *Sidewalks*. Sidewalks shall be installed along both sides of each street within and/or adjacent to the short subdivision or subdivision, unless exempted by approval of a roadway modification, by the review authority and along pedestrian ways of the short subdivision or subdivision. Sidewalks shall be installed according to the specifications of the city, pursuant to VMC Title 11, Streets and Sidewalks, as administered by the department of public works.

ix. *Street trees*. Street trees shall be planted along both sides of each street within the short subdivision or subdivision and along any portion of the short subdivision or subdivision that fronts upon an existing street. Street trees shall be planted 30 feet on-center and be of a species approved by the city Planning Official.

x. *Other*. When special conditions are encountered in the plans for improvements such as fill section requiring the placement of guardrails, ditches requiring drainage appurtenances, or other protection against erosion such as slopes requiring use of sod and/or seeding, such improvements shall be considered as an integral part of the improvement construction. Such special improvements shall be approved by the director of public works or transportation manager prior to commencement of construction.

g. *Conditions of agreements*.

i. *Short Subdivisions or Subdivisions*. Before the public works and community development directors' approval is certified on the plat of a subdivision, the developer shall either install required improvements and repair any damage to the existing streets or other facilities damaged due to the development of the subdivision, or at the city's discretion execute and file with the city clerk an agreement between herself/himself and the city specifying a period not to exceed two years in which the required improvements and repairs shall be completed and providing that if work is not completed within the period specified, the city may complete the work and recover the full cost and expense from the subdivider.

ii. *Escrow or other form of security acceptable to the city required – Public improvements*. The city may accept from the developer of any short subdivision or subdivision, in lieu of completion and acceptance of certain approved required public improvements prior to approval of a final plat, an escrow agreement or other form of security acceptable to the city which secures and provides for the actual construction and installation of the improvements of the conditions of plat approval and subject to the following:

(A). The use of escrow in lieu of construction completion shall be limited to work items representing end-of-project issues that are generally outside the control of the developer. Examples may include: top layer of pavement, landscaping or sidewalk construction in unfavorable weather seasons, delayed delivery of long-lead-time items like street lighting or traffic signal equipment. The use of escrow shall not be approved for underground utility installation.

(B). The developer shall submit a written request and the appropriate forms to the director of public works, or designee, for review, which shall include the following information:

(1). A scheduled unit cost breakdown for project work to be completed presented as Exhibit "A"; an agreement will not be accepted without an approved unit cost breakdown for the project.

(2). A draft of the escrow agreement in a form approved by the city.

(3). Any other documents deemed necessary by the city.

(4). Applicable processing fee.

(C). Upon approval of an escrow or other form of security acceptable to the city, recording of the final plat is allowed, provided all other conditions to be met prior to final plat approval have been satisfied.

iii. *Escrow or other form of security acceptable to the city required – Private improvements*. The city may accept from the developer of any subdivision or short subdivision, in lieu of completion and acceptance of certain approved required private improvements prior to approval of a final plat, an escrow agreement or other form of security, acceptable to the city, which secures and provides for the actual construction and installation of the private improvements or the performance of the conditions of agreement for plat and subject to the following:

(A). Use of escrow or other form of security acceptable to the city in lieu of completion and acceptance of such required private improvements shall be limited to:

(1). Approved private transportation system improvements, including sidewalks and streetlights, provided emergency access improvements are constructed on site as needed;

(2). Approved private stormwater collection and management facilities;

(3). Approved landscaping and trees to meet minimum on-site tree density, including installation and maintenance costs.

(B). The developer shall submit a written request along with the appropriate forms to the Planning Official for review.

(C). Each escrow or other form of security acceptable to the city request shall include the following:

(1). A scheduled cost breakdown for project work to be completed presented as Exhibit "A"; an escrow agreement shall not be accepted without an approved unit cost breakdown for the remaining improvements.

(2). A draft escrow agreement in a form provided by the city.

(3). An irrevocable license signed by the owner of subject property to run with the property which provides the city with the right to allow the employees, agents, or contractors of the city to go on access the subject property for the purpose of inspecting and, if necessary, doing completing the work or making the improvements covered by the escrow or other form of security acceptable to the city.

(4). Any other documents deemed necessary by the city.

(5). Applicable processing fee.

(D). Upon approval of an escrow or other form of security acceptable by to the city, recording of the final plat is allowed, provided all other conditions required to be met prior to the final plat approval have been satisfied.

iv. *Amount of escrow or other form of security acceptable to the city*. Such assurance of full and faithful performance shall be for a sum approved by the Planning Official as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

v. *Failure to carry out agreement*. In the event the developer of the short subdivision or subdivision fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the escrow or other form of security acceptable to the city shall be forfeited and the money shall be paid to the city to defray its costs. If the amount of the escrow or other form of security acceptable to the city exceeds the cost and expense incurred by the city, the city shall release the remainder and if the amount of the escrow or other form of security acceptable to the city is less than the cost and expense incurred by the city, the subdivider shall be liable to the city for the difference.

vi. *Guarantee of workmanship and materials*. It shall be required that a 110 percent maintenance bond or bonds be posted to guarantee all workmanship and material for a period of one year from the date of the acceptance of the improvements by the city. This is provided that in the judgment of the director of public works any defects are not the result of public abuse, misuse or acts of God. City inspection does not give relief from the one-year guarantee on workmanship.

vii. *Release of escrow or security*. Upon completion of required improvements, the subdivider shall request in writing that the Planning Official or director of public works release all or a portion of the funds held in escrow. Such improvements shall be inspected and accepted as complete by the city prior to the release of any such escrow funds, or portion thereof.

B. *Public improvements plan*. Where public improvements are required, plans for such improvements shall be submitted to the director of public works. Public improvements shall be designed by or under the direct supervision of a licensed professional civil engineer as required by statute, pursuant to Chapters 18.08, 18.43, and 18.96 RCW, and shall meet, as a minimum, the requirements of this section. The engineer shall certify the plans by seal and signature. Such certification shall contain the following: (1) subdivision name; (2) name, mailing address, and telephone number of engineer preparing the plan; and (3) date, including month and year. All public improvement plans shall be submitted for review and approval by the director of public works.

C. *Monument-setting*. All monuments set in subdivisions shall be at least one-half-inch by 24-inch steel bar or rod, or equivalent, with durable cap imprinted with the license number of the land surveyor setting the monument.

1. *Centerline monument-setting*. After paving, except as provided in subsection (C)(4) of this section, monuments shall be driven flush with the finished road surface at the following intersections:
   a. Street centerline intersections;
   b. Points of intersection of curves if placement falls within the paved area or otherwise, at the beginnings and endings of curves;
   c. Intersections of the plat boundary extensions and street centerlines.
2. *Property line monument-setting*. All front corners, rear corners, and beginnings and endings of S curves shall be set with monuments, except as provided in subsection (C)(4) of this section. In cases where street curbs are concentric and/or parallel with front right-of-way lines, front property-line monuments may be provided by brass screws or concrete nails with the surveyor's license number at the intersections of curb lines and the projections of side property lines. If curb monuments are used, it shall be noted on the plat, and also that such monuments are good for projection of line only and not for distance.
3. *Post-monument-setting*. All monuments for the exterior boundaries of the short subdivision or subdivision shall be set and referenced on the plat prior to plat recording. Interior monuments need not be set prior to recording if the developer certifies that the interior monuments shall be set within 90 days of final short subdivision or subdivision construction inspection by the director of public works, and if the developer guarantees such interior monument-setting.
   a. The developer shall sign the following certification, the existence of which shall be noted on the plat, if post-monument-setting of the interior monuments is chosen:

**DEVELOPER'S CERTIFICATION FOR POSTMONUMENTATION**

I, certify that the post-monument-setting of the interior monuments of this plat shall be accomplished within ninety (90) days of final acceptance of subdivision construction by the Director of Public Works for the City of Vancouver, Clark County and State of Washington.

(Signature)

b. The land surveyor who performs any post-monument-setting shall certify that the interior monuments have been set in compliance with the final plat, and shall record the following certification with the county auditor:

I, certify that I have set the interior monuments for (name of subdivision) a subdivision plat recorded in Book ( ___ ), page ( ___ ), Records of Clark County, and that said monuments are set in compliance with said final plat.

Dated this ( ___ ) day of ( _____ ), 20__.

(License number, seal, and signature of surveyor).

c. If the surveyor cannot certify that the monuments are in compliance with the final plat, the discrepancy shall be resolved by filing an amended final plat in accordance with the provisions of VMC 20.320.080(D)(1).

4. *Post-monument-setting bonds*. In lieu of setting interior monuments prior to final plat recording as provided in VMC 20.320.080(C)(2), the director of public works may accept a bond in an amount and with surety and conditions satisfactory to him/her, or other secure method as the director of public works may require, providing for and securing to the city the actual setting of the interior monuments as provided in VMC 20.320.080(C)(2) and to be enforced by the director of public works by appropriate legal and equitable remedies.

D. *Survey standards*. All surveys shall comply with standards set forth by state statutes, drafting standards of this title, and Chapter 332-130 WAC, except that linear closures after azimuth adjustment shall be at least a ratio of 1:10,000 for WAC 332-130-090. Where conflicts are identified, the most restrictive standard shall prevail.

1. *Elevations of vertical information*. Where required, any elevations or vertical information shall have an accuracy of third-order specifications as published by the U.S. Department of Commerce in a bulletin entitled "Classification, Standards of Accuracy, and General Specifications of Geodetic Control Surveys," and bench marks with the datum used shall be shown on the plat.

E. *Drafting standards*.

1. *Preferred scale proportions*. The preferred scale proportions for preliminary and final plat are ratios as follows:

a. 1:600 or one inch equals 50 feet.

b. 1:1,200 or one inch equals 100 feet and 1:2,400 or one inch equals 200 feet; but in no case shall the proportion exceed 1:2,400.

2. *Final plat drawing requirements*. The final plat shall be drawn with ink upon three-mil mylar film, or equivalent; sheet size as required by recording agency with a one-inch border on each side.

3. *Lettering*. Lettering shall be at least 0.08 inches high, and the perimeter of the final plat shall be depicted with heavier lines (dashed) than the remaining portion of the plat.

4. *Location*. All data necessary for the location in the field of all points within the plat shall be shown. Straight lines shall be designated with bearing and distance; curves shall be designated by arc length, central angle and radius. All dimensions shall be in feet or meters, and decimals thereof to the nearest 1/100 of a foot, or 5/1,000 of a meter; except that angles shall be in degrees to the nearest second.

## 20.320.080 Other Provisions.

A. *Variances*. One or more variances may be requested relating to any of the design or development standards contained within VMC 20.320.070 except those for which variances are expressly prohibited, as listed in VMC 20.290.010. These shall be requested concurrently subject to the procedural requirements and approval criteria contained in VMC 20.290.040. No variances to procedural regulations are permitted.

B. *Proximity to agricultural and mineral activities*.

1. All plats or development approvals under this title issued for residential development activities within one-quarter mile of lands zoned agricultural or from existing agricultural or mineral resource operations shall be accompanied by a notice provided by the Planning Official. Said notice shall include the following disclosure:

a. The subject property is within one-quarter mile of designated agricultural land or mineral resource land as applicable, on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery, including aircraft, during any hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

b. In the case of subdivision plats, short subdivision plats or recorded binding site plans, such notice shall also be recorded separately with the Clark County auditor.

2. All plats or development approvals under this title issued for residential development activities shall provide a barrier such as fencing or vegetation between the immediately-adjacent residential lots and agricultural and mineral resource activities. A natural buffer, such as a wetland, swale or berm, may substitute for the barrier upon approval of the Planning Official. Lots with street frontage are not required to provide a barrier between residential uses and an adjacent agricultural or mineral resource activity across the street.

C. *Subdivisions of commercially and industrially zoned properties*.

1. Preliminary plats for commercial and industrial properties shall comply with all of the requirements of VMC 20.320.030 and 20.320.040.

2. Final plats for commercial and industrial properties shall comply with all of the requirements of VMC 20.320.060 except that the final plat shall be in substantial compliance with the preliminary plat if lot sizes are within the range of lots sizes proposed for the preliminary plat, if lot sizes were shown on the preliminary plat.

D. *Revisions of recorded plats*.

1. Any alteration or modification of a short subdivision or subdivision plat shall be undertaken pursuant to all applicable development standards including regulations established in Chapter 58.17 RCW by a Type II or Type III process, respectively. If approved, the subdivider shall obtain approval of a final plat application as required by this chapter.

2. *Dedicated easements – (Alternative Process)*. To extinguish or alter a dedicated easement, an alternative process to the above may be used if such process was established on the recorded plat or other document creating the dedicated easement as authorized under RCW 64.04.175.

## 20.320.090 Remedies and Penalties.

A. R*emedies and penalties*.

1. *Rescinding of sale and recovery of costs*. Any purchaser or transferee of property divided in violation of this chapter may rescind the sale or transfer and recover costs of investigation, suit and reasonable attorney's fee occasioned thereby, or otherwise recover any damage resulting thereby from the person or agent who illegally subdivided or short subdivided the land.
2. *Injunctive*.
    a. Whenever any parcel of land is divided into two or more divisions, lots, tracts or parcels of land, and any person, firm or corporation or any agent of any of them sells or transfers any such division, lot, tract or parcel without either having a final plat or short plat filed and recorded as required in this chapter, the city attorney shall commence an action to restrain and enjoin further divisions or sales, or transfers, and compel compliance with all provisions of this chapter. The costs of such action shall be taxed against the person, firm, corporation or agent selling or transferring the property.
    b. In the enforcement of this chapter, the city attorney may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter from any person engaging in or who has engaged in such act or practice. Any such assurance shall be in writing and be filed with and subject to, the approval of the superior court of Clark County. The violation of such assurance shall constitute prima facie proof of violation of this title.
3. *Penalty for violation*. No land comprising any part of a proposed subdivision or short subdivision to be established henceforth in the city shall be sold or leased until such subdivision or short subdivision has been approved as provided by this chapter, and a plat or short plat, as appropriate, has been filed and recorded. In addition, any person, being the owner or agent of the owner of such land, or who acts in any capacity in effectuating a sale or lease, who sells or leases any division, lot, tract or portion thereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum not to exceed $1,000. Each sale or lease shall constitute a separate and distinct offense for each separate land division, lot, tract or portion of said land.

## 20.320.100 Unit Lot Subdivision.

A. *Purpose*. The purpose of these provisions is to allow for the more flexible creation of lots of varying sizes and types, while applying only those site development standards applicable to the parent site, rather than to the individual lots resulting from the subdivision.

B. *Applicability*.

1. A unit lot subdivision creates a relationship between the parent site and each lot created, referred to as a "unit" lot.
2. The Unit Lot Subdivision can only create a maximum of nine unit lots.
3. Unit Lot Subdivisions are allowed for all residential development on parent sites in zones that allow residential development. Subdivisions with a commercial or other non-residential must be approved through another platting action under VMC 20.320.
4. Each dwelling unit must have separate front or rear exterior access to the ground floor.

C. *Application Procedure*. Unit Lot Subdivisions shall be processed as a short plat and shall meet the requirements of this chapter unless otherwise noted by this section.

D. *General Requirements*.

1. The parent site shall meet all applicable development standards of the underlying base zoning district.
2. So long as the parent site meets all applicable development standards, each unit lot may deviate from the development standards of the underlying base district.
3. The parent site shall be subject to frontage improvements while the unit lots would not be subject to these requirements.
4. All buildings shall meet all applicable provisions of the building and fire code.
5. Lots created through a Unit Lot Subdivision shall be subject to all applicable requirements of Title 20, except as otherwise modified by this section.
6. Each unit lot's area and width for purposes of subdivision may be as small as the footprint of the building situated upon it, subject to the requirements of the building and fire code.

7. Portions of the parent site designated for common use shall be identified as Tracts or other common space and owned in common by the owners of the unit lots or a larger collective organization. This requirement shall be noted on the plat as required in subsection (E) of this section.
8. The parent site and each unit lot shall make adequate provisions for ingress, egress, and utility access to and from each lot created by reserving such common areas or other easements over and across the parent site as deemed necessary to comply with all other design and development standards generally applicable to the underlying site development plan.
9. The parent site shall have direct vehicular access to a public street.

E. *Required Plat Notes*. Notes shall be placed on the plat recorded with the Clark County Recorder's Office to state the following:

1. The title of the plat shall include the phrase "Unit Lot Subdivision."
2. The individual unit lots are not separate buildable sites. Additional development of the individual unit lots may be limited due to the application of development standards to the parent lot.
3. Approval of the design and layout of the development was granted by the review of the development on the parent lot.
4. Subsequent platting actions, additions, or modifications to any buildings may not create a nonconformity of the parent lot.
5. Access easements, joint use and maintenance agreements, and covenants, conditions, and restrictions identifying the rights and responsibilities of property owners and/or the homeowners association for use and maintenance of common garage, parking and vehicle access areas; on-site recreation; landscaping; utilities; common open space; exterior building facades and roofs; and other similar features.

## 20.320.110 Administrative Lot Split.

A. *Purpose*. The purpose of these provisions is to allow an existing residential lot to be split to create a new residential lot.

B. *Applicability*. The lot split is allowed in the Low-Scale and Medium-Scale District.

C. The Administrative Lot Split can only create one additional lot.

D. If a lot split results in a lot of a size that could be further subdivided, the lot is ineligible for an administrative lot split.

E. Application Procedure. Administrative Lot Split shall be processed as a Type I process and shall meet the requirements of this chapter unless otherwise noted by this section.

F. *General Requirements*.

1. All buildings shall meet all applicable provisions of the building and fire code.
2. Lots created through an Administrative Lot Split shall be subject to all applicable requirements of Title 20, except as otherwise modified by this section.
3. The newly created lot must meet minimum density requirements.
4. The newly created lot shall not be subject to frontage requirements or maximum lot sizes.
5. If the lot split would require demolition or alteration of any existing housing that would displace a renter, the applicant must recommend a displacement mitigation strategy that may include, but is not limited to, relocation assistance.
6. Access and utility easements for the benefit of the newly created lot must be recorded on or before recording of the lot split survey.
7. Required Survey Notes. Notes shall be placed on the survey recorded with the Clark County Recorder's Office to state the following:
    a. The title of the survey shall include the phrase "Administrative Lot Split."
    b. No future lot splits allowed of the parent lot and newly created lot.
8. The parent lot was not created through the splitting of a residential lot authorized by this section.

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# Chapter 20.330
# Binding Site Plans

**Sections:**

20.330.010 Purpose.

20.330.020 Approval Process.

20.330.030 Application Submission Requirements.

20.330.040 Certification of Site Plan Compliance.

20.330.050 Vacation or Alteration of Approved Binding Site Plan.

## 20.330.010 Purpose.

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

A. Sale or for lease of commercially or industrially zoned property as provided in RCW 58.17.040(4);

B. A division for the purpose of lease as provided in applicable RCW sections when no other structure other than manufactured homes or travel trailers are permitted to be placed upon the land; provided, that the land use is in accordance with the requirements of this title; and

C. Condominiums as provided in applicable RCW sections consistent with RCW 58.17.040(7).

## 20.330.020 Approval Process.

A. *Approval process.* An application for a binding site plan review shall be processed by means of a Type II procedure pursuant to Section 20.210.050 using approval criteria in Section (B) below.

B. *Conditions of approval.* Planning Official shall have the authority to review and approve, deny or approve with conditions a proposed binding site plans for the purposes of land division as described in Section 20.330.010 VMC. To approve a binding site plan application, the Planning Official must determine that the binding site plan is in accordance with the following:

1. Applicable requirements of this title;
2. Technical standards contained in Section 20.320.070; and
3. Required mitigation measures imposed as a part of the SEPA review process.

## 20.330.030 Application Submission Requirements.

A. *Submission requirements – New developments.* Whenever an applicant desires to create legal lots by means of a binding site plan pursuant to this chapter in conjunction with a new development, the applicant shall be subject to the site plan review procedures of Chapter 20.280 VMC. In such event and in addition to all of the submission requirements for site plan review, the applicant shall clearly indicate on all of the plans required for site plan review the proposed lots to be created and how their size, dimensions and other features comply with the requirements of this title.

B. *Submission requirements – Existing developments.* In cases where an applicant desires to create legal lots by means of a binding site plan pursuant to this chapter in conjunction with an existing development or when no development is proposed, the applicant shall provide the following information in the application:

1. The binding site plan name, which must be other than the name of an existing subdivision, short subdivision or binding site plan addition or plat;
2. Name, mailing address, and telephone number of the owner and/or developer;
3. Name, mailing address, telephone number, and signature of person preparing the application;
4. Date;
5. Location, including ¼ section, township, range and, as applicable, donation land claim and/or subdivision;
6. Number of acres;
7. Comprehensive Plan and zoning designations;
8. Existing and proposed land uses;
9. Number and size of all lots;
10. Names of all utility purveyors;
11. Signatures of all property owners; and
12. Fee as governed by Chapter 20.190 VMC.

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

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

   a. A vicinity map showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations within a given radius of the site;

   b. The site size, dimensions and orientation relative north;

   c. The location, name and dimensions of public and private streets adjoining the site;

   d. The location of existing structures and other improvements on the site, including structures, driveways, parking, loading, pedestrian and bicycle paths, passive or active recreational facilities or open space and utilities;

   e. Elevation of the site at two-foot contour intervals for grades zero to 10 percent and at five-foot contour intervals for grades more than 10 percent;

   f. The approximate location of significant natural conditions as available from the city's and/or county's GIS system such as:

      i. The 100-year flood plain;

      ii. The location of drainage patterns and drainage courses;

      iii. Unstable ground (lands subject to slumping, slides or movement);

      iv. High seasonal water table or impermeable soils;

      v. Areas having severe soil erosion potential;

      vi. Areas having severe weak foundation soils;

      vii. Significant wildlife habitat or vegetation;

      viii. Slopes in excess of 15 percent;

      ix. Significant historic, cultural or archaeological resources, rock outcroppings;

      x. Location, dimensions, and purpose of existing easements.

2. *Preliminary Binding Site Plan.* The proposed preliminary binding site plan shall include the following information presented on one or more drawings:

   a. The proposed site and its dimensions and area.

   b. Proposed lots, tracts and easements including dimensions and total acreage.

c. Abutting properties or, if abutting properties extend more than 100 feet from the site, the portion of abutting properties within about 100 feet of the site, and the approximate location of structures and uses on abutting property or portion of the abutting property.

d. The location and dimensions of development if proposed, including the following:

i. Streets and other rights-of-way and public or private access easements on and adjoining the site;

ii. All parking and circulation areas;

iii. Loading and service areas;

iv. Active or passive recreational or open space features;

v. All utilities;

vi. Existing structures to be retained on the site and their distance from property lines;

vii. Proposed structures on the site, including signs, fences, etc., and their distance from property lines if known at time of land division; and

viii. The location and type of proposed outdoor lighting and existing lighting to be retained if known at time of land division;

ix. Location, dimensions, and purpose of existing easements.

3. *Narrative*. A preliminary plat application shall include the following:

a. A comprehensive narrative addressing how the development complies with the technical standards in VMC 20.320.070; other applicable standards of this Title 20 and the applicable plan policies of the Comprehensive Plan outlined by staff as being applicable to the proposed development;

b. Description of the uses proposed for the site;

c. Phasing plan, if applicable;

d. Construction schedule;

e. Any variances requested pursuant to the regulations in Chapter 20.280 VMC;

f. Existing covenants or restrictions and easements, if applicable; and

g. History of any previous subdivisions and short subdivisions of the property.

4. *Supplementary information.* The following supplemental information shall also be submitted unless otherwise indicated in parenthesis:
    a. Environmental checklist that complies with Chapter 20.740 VMC, SEPA Regulations, if applicable;
    b. Geotechnical/soils survey, if applicable;
    c. Tree plan that complies with the requirements of Chapter 20.450.045 Landscaping and Tree Conservation, if applicable;
    d. Preliminary stormwater and erosion control plans as governed by Chapter 14.25 VMC, Stormwater Control, and Chapter 14.24 VMC, Erosion Control, if applicable;
    e. Landscape plan, if known at the time of land division, that complies with the requirements of Section 20.450.035 VMC, Landscaping and Tree Conservation. If applicable, the landscape plan shall be drawn at the same scale as the existing conditions plan, or a larger scale if necessary. Where proposed development affects only a portion of a site, the landscape plan need show only the areas where existing soil contours and vegetation will be disturbed by the construction or use, or other areas where landscaping is required. Note: many aspects of this plan, including street trees, may already be incorporated into the Tree Plan;
    f. Archaeological Pre-Determination Report, if applicable, that complies with the requirements of Chapter 20.710 VMC, Archaeological Resource Protection (two copies);
    g. Clark County Public Health Development Review Evaluation Form;
    h. *Certified mailing list.* Current Clark County assessor map(s) showing the property(ies) within a 300-foot radius of the site, per the requirements in Chapter 20.210 VMC, Decision Making Procedures, and one set of stamped and addressed envelopes and one set of mailing labels with the names and addresses of owners of all properties within a 300-foot radius certified as accurate and complete by the Clark County assessor or a title company. For non-owner-occupied properties, provide one set of stamped and addressed envelopes and one set of mailing labels addressed to "occupant" as can be determined from available County assessor records.

## 20.330.040 Certification of Site Plan Compliance.

A. *Certification process.* Prior to recording any binding site plan approved under the provisions of Section 20.330.030 VMC shall be certified to comply with the requirements of this chapter by the Planning Official. Certification shall consist of the signature of the Planning Official and recording with the Clark County auditor's office with a record of survey. The survey document shall include all required notes pertaining to development of the properties and a statement legally binding all current and future owners to comply with the conditions of approval. These may be provided as separate documents.

B. *Revocation of certification.* Certification may not be revoked unless the Planning Official finds that the plan, use or development project would violate the requirements of Vancouver Municipal Code or the Revised Code of Washington.

C. *Criteria for creation of lots, parcels or tracts.* Lots, parcels or tracts created through the binding site plan process shall be considered legal lots of record. The number of lots, tracts, parcels, sites or divisions shall not exceed the maximum number allowed by this title.

D. *Legally responsible party.* All provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.

## 20.330.050 Vacation or Alteration of Approved Binding Site Plan.

A. *Alteration or vacation.* A binding site plan may be altered or vacated if requested, in writing, by all owners of the properties directly affected. An application shall be submitted on a form prescribed by the Planning Official. In the instance of a revision the applicant shall submit all of the materials required for preliminary binding site plan review. In the instance of a vacation the burden of proof for justifying the vacation of the binding site plan shall be on the applicant. The applicant must prove that no property, either within the boundaries of the property to which the binding site plan is applied or adjacent property, will be adversely impacted; the vacation will not have an adverse impact on the provision of utilities in the area; no open spaces or recreational facilities will be adversely affected by the vacation.

B. *Procedure for alteration or vacation.* The decision on an alteration or vacation of a binding site plan shall be required to go through the same procedures as an original application, including notification and preparation of staff reports. The appeal procedures for binding site plan approval shall also be applicable to a requested alteration or vacation.

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# 20.400
# Uses and Development Standards

## Sections:

20.410 Zoning Districts

20.420 Building Types

20.430 Use Requirements

20.440 Frontage Types

20.450 Additional Development Standards

# Chapter 20.410
# Zoning Districts

## Sections:

20.410.010 Purpose.

20.410.020 Applicability.

20.410.030 Establishment of Zoning Districts.

20.410.040 Base Density.

20.410.050 Low-Scale Neighborhood.

20.410.060 Medium-Scale Neighborhood.

20.410.070 Mixed-Use Neighborhood

20.410.080 Regional Activity Center

20.410.090 Institutional/Campus

20.410.100 Industrial/Employment

20.410.110 Heavy Industrial

20.410.120 Manufactured Home Development

20.410.130 Parks/Open Space

20.410.140 Natural Areas

20.410.150 Lot Buffers

20.410.160 Encroachments

## 20.410.010 Purpose.

A. The purpose of this chapter is to introduce ten (10) city-wide zoning districts, each with baseline zoning requirements applicable to every parcel of property (lot). The zoning districts are aligned with the place-type goals outlined in the future land use plan and include requirements for base densities, height maximums, uses, and allowable building types.

## 20.410.020Applicability.

A. This chapter shall be applicable to all permit applications on any lot or lots. Building types and primary use types associated with any permit shall also be subject to Chapter 20.280 VMC Site Plan Review, and as applicable per requirements for the primary use type or types per Chapter 20.430 VMC Use Requirements.

## 20.410.030Establishment of Zoning Districts.

A. The zoning districts include the following:

1. Low-Scale Neighborhood District (LS).
2. Medium-Scale Neighborhood District (MS).
3. Mixed-Use Neighborhood District (MX).
4. Regional Activity Center (RA).
5. Institutional/Campus District (IC).
6. Industrial/Employment District (IE).
7. Heavy Industrial District (HI).
8. Manufactured Home Development District (MH).
9. Parks and Open Space District (PO).
10. Natural Areas District (NA).

## 20.410.040 Base Density.

Calculation of base density and exemptions to this requirement for zoning districts shall be subject to the provisions of Chapter 20.180 VMC Density Requirements.

## 20.410.050 Low-Scale Neighborhood.

**IMAGE 20.410.050. LOW-SCALE NEIGHBORHOOD CHARACTER IMAGE**

*Image is advisory only*

A. *Purpose and Character.* The Low-Scale Neighborhood District (LS) is designed to foster a community characterized by lower intensity and scaled housing that includes diverse middle housing options. This includes a range of housing types such as single-family homes, townhouses, rowhouses, duplexes, triplexes, fourplexes, fiveplexes, six-plexes, stacked flats, and cottage court housing. The LS district also encourages smaller-scale commercial activities at corner nodes to enhance neighborhood life, such as cafés, salons, professional services, and restaurants.

B. Additional Requirements.

1. See Chapter 20.450 VMC Additional Development Standards of this code for other requirements that may apply to this district.
2. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.
3. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.

4. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

C. Base Density.

1. Minimum Density. Eight (8) Units per Acre.
2. Maximum Density. No maximum.

D. Height range.

1. Minimum Height. No minimum.
2. Maximum Height. Three (3) floors above the adjacent grade and forty-five (45') feet.
3. Maximum Buffer Height. See Table 20.410.150.

E. Building types.

1. Table 20.410.050 provides a list of allowable building types within the district. See Chapter 20.420 VMC Building Types of this code for building type requirements.

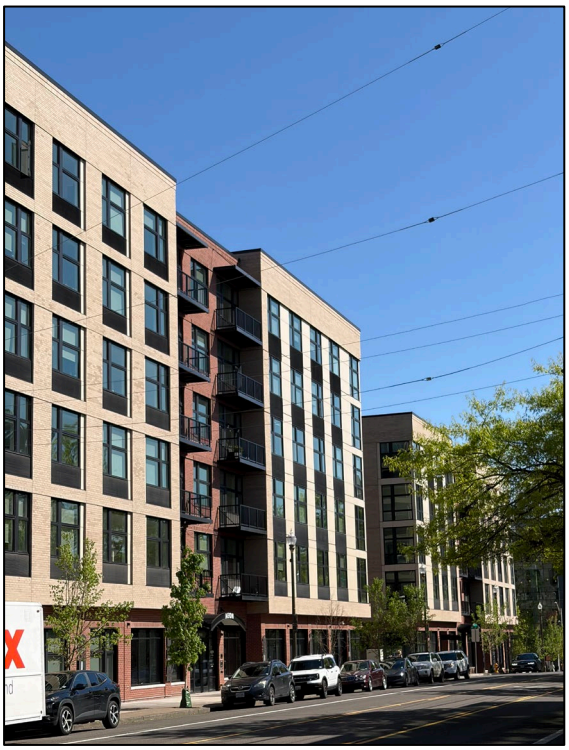
**TABLE 20.410.050. ALLOWABLE BUILDING TYPES WITHIN THE LOW-SCALE NEIGHBORHOOD DISTRICT**

| Building Types (See Chapter 20.420 VMC) | Allowable |
|---|---|
| Single-Family Residential Building (SFB) | Yes |
| Townhouse/Rowhouse Building (TRB) | Yes |
| Stacked Multi-Plex Building (SMB) | Yes |
| Flex-Plex Building (FPB) | Yes |
| Cottage Court Building (CCB) | Yes |
| Multifamily Building (MFB) | No |
| Mid-Rise Residential Building (MIB) | No |
| Mixed-Use Residential Building (MXB) | Yes |
| Mixed-Use Office Building (MOB) | No |
| Commercial Block Building (CBB) | Yes |
| Big Box Retail Building (BRB) | No |
| Flexible-Use Building (FUB) | No |
| Industrial/Distribution Building (IDB) | No |
| Structured Parking Garage Building (SPB) | No |
| Civic/Institutional Building (CIB) | Yes |

F. *Use Requirements*. See Chapter 20.430 VMC Use Requirements of this code for individual use permit requirements.

## 20.410.060 Medium-Scale Neighborhood.

**IMAGE 20.410.060. MEDIUM-SCALE NEIGHBORHOOD CHARACTER IMAGES**



*Images are advisory only*

A. *Purpose and Character*. The Medium-Scale Neighborhood District (MS) is designed to foster a vibrant community with medium-intensity housing and a variety of housing options. This includes housing types such as courtyard buildings, apartment buildings, and multifamily buildings, complementing those found in LS. The MS district also supports commercial activities that enhance neighborhood vitality and creates main streets, such as cafés, restaurants, small offices, retail shops, and other local businesses.

B. Additional Requirements.

1. See Chapter 20.450 VMC Additional Development Standards of this code for other requirements that may apply to this district.
2. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.
3. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.

4. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

C. Base Density.

1. Minimum Density. Sixteen (16) Units per Acre.
2. Maximum Density. No maximum.

D. Height range.

1. Minimum Height. No minimum.
2. Maximum Height. Seventy-five (75') feet.
3. Maximum Buffer Height. See Table 20.410.060.-1.

E. Building types.

1. Table 20.410.060 provides a list of allowable building types within the district. See Chapter 20.420 VMC Building Types of this code for building type requirements.

**TABLE 20.410.060. ALLOWABLE BUILDING TYPES WITHIN THE MEDIUM-SCALE NEIGHBORHOOD DISTRICT**

| Building Types (See Chapter 20.420 VMC) | Allowable |
|---|---|
| Single-Family Residential Building (SFB) | Yes |
| Townhouse/Rowhouse Building (TRB) | Yes |
| Stacked Multi-Plex Building (SMB) | Yes |
| Flex-Plex Building (FPB) | Yes |
| Cottage Court Building (CCB) | Yes |
| Multifamily Building (MFB) | Yes |
| Mid-Rise Residential Building (MIB) | No |
| Mixed-Use Residential Building (MXB) | Yes |
| Mixed-Use Office Building (MOB) | Yes |
| Commercial Block Building (CBB) | Yes |
| Big Box Retail Building (BRB) | No |
| Flexible-Use Building (FUB) | No |
| Industrial/Distribution Building (IDB) | No |
| Structured Parking Garage Building (SPB) | No |
| Civic/Institutional Building (CIB) | Yes |

F. *Use Requirements*. See Chapter 20.430 VMC Use Requirements of this code for individual use permit requirements.

## 20.410.070 Mixed-Use Neighborhood

**IMAGE 20.410.070. MIXED-USE NEIGHBORHOOD CHARACTER IMAGE**

*Image is advisory only*

A. *Purpose and Character.* The Medium-Scale Neighborhood District (MS) is designed to foster a vibrant community with medium-intensity housing and a variety of housing options. This includes housing types such as courtyard buildings, apartment buildings, and multifamily buildings, complementing those found in LS. The MS district also supports commercial activities that enhance neighborhood vitality and creates main streets, such as cafés, restaurants, small offices, retail shops, and other local businesses.

B. Additional Requirements.

1. See Chapter 20.450 VMC Additional Development Standards of this code for other requirements that may apply to this district.
2. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.
3. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.

4. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

C. Base Density.

1. Minimum Density. Thirty-two (32) Units per Acre.
2. Maximum Density. No maximum.

D. Height range.

1. Minimum Height. No minimum.
2. Maximum Height. One hundred and ten (110') feet.
3. Maximum Buffer Height. See Table 20.410.050.

E. Building types.

1. Table 20.410.070 provides a list of allowable building types within the district. See Chapter 20.420 VMC Building Types of this code for building type requirements.

**TABLE 20.410.070. ALLOWABLE BUILDING TYPES WITHIN THE MIXED-USE NEIGHBORHOOD DISTRICT**

| Building Types (See Chapter 20.420 VMC) | Allowable |
|---|---|
| Single-Family Residential Building (SFB) | No |
| Townhouse/Rowhouse Building (TRB) | Yes |
| Stacked Multi-Plex Building (SMB) | Yes |
| Flex-Plex Building (FPB) | Yes |
| Cottage Court Building (CCB) | Yes |
| Multifamily Building (MFB) | Yes |
| Mid-Rise Residential Building (MIB) | Yes |
| Mixed-Use Residential Building (MXB) | Yes |
| Mixed-Use Office Building (MOB) | Yes |
| Commercial Block Building (CBB) | Yes |
| Big Box Retail Building (BRB) | No |
| Flexible-Use Building (FUB) | Yes |
| Industrial/Distribution Building (IDB) | No |
| Structured Parking Garage Building (SPB) | Yes |
| Civic/Institutional Building (CIB) | Yes |

**F.** Use Requirements. See Chapter 20.430 VMC Use Requirements of this code for individual use permit requirements.

## 20.410.080 Regional Activity Center

**IMAGE 20.410.080. REGIONAL ACTIVITY CENTER CHARACTER IMAGE**

*Image is advisory only*

A. *Purpose and Character.* The Regional Activity Center District (RA) is designed to foster economic growth, provide diverse entertainment and civic opportunities, and address housing needs. This district encourages the development of compact, mixed-use areas with integrated open spaces that seamlessly connect the city's core to surrounding neighborhoods through walkable corridors and frequent transit access. Housing options in the RA include mid-rise residential buildings, mixed-use developments, podium buildings, and multifamily structures of various scales. The district also supports a wide range of commercial activities and complementary uses that enhance its vibrancy and diversity, such as mixed-use offices, structured parking, and civic or institutional buildings.

B. Additional Requirements.

1. See Chapter 20.450 VMC Additional Development Standards of this code for other requirements that may apply to this district.

2. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.
3. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.
4. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

C. Base Density.

1. Minimum Density. Sixty-four (64) Units per Acre.
2. Maximum Density. No maximum.

D. Height range.

1. Minimum Height. No minimum.
2. Maximum Height. No maximum.
3. Maximum Buffer Height. See Table 20.410.050.

E. Building types.

1. Table 20.410.080 provides a list of allowable building types within the district. See Chapter 20.420 VMC Building Types of this code for building type requirements.

**TABLE 20.410.080. ALLOWABLE BUILDING TYPES WITHIN THE REGIONAL ACTIVITY CENTER DISTRICT**

| Building Types (See Chapter 20.420 VMC) | Allowable |
|---|---|
| Single-Family Residential Building (SFB) | No |
| Townhouse/Rowhouse Building (TRB) | No |
| Stacked Multi-Plex Building (SMB) | No |
| Flex-Plex Building (FPB) | No |
| Cottage Court Building (CCB) | No |
| Multifamily Building (MFB) | Yes |
| Mid-Rise Residential Building (MIB) | Yes |
| Mixed-Use Residential Building (MXB) | Yes |
| Mixed-Use Office Building (MOB) | Yes |
| Commercial Block Building (CBB) | Yes |
| Big Box Retail Building (BRB) | Yes |
| Flexible-Use Building (FUB) | Yes |
| Industrial/Distribution Building (IDB) | No |
| Structured Parking Garage Building (SPB) | Yes |
| Civic/Institutional Building (CIB) | Yes |

F. Use Requirements. See Chapter 20.430 VMC Use Requirements of this code for individual use permit requirements.

## 20.410.090 Institutional/Campus

**IMAGE 20.410.090. INSTITUTIONAL/CAMPUS CHARACTER IMAGE**

*Image is advisory only*

A. *Purpose and Character.* The Institutional/Campus District (IC) is designed to foster areas that will support employment through academic, civic, and medical institutions and provide housing options that blend with the district character. These may also include uses such as athletic facilities, event spaces, equipment, and other accessory uses that are needed to support the city's valuable institutions and enhance economic development. Housing options in the IC district include rowhouses, rowhouses, multifamily buildings, and mid-rise buildings intended to encourage more walking and biking to work.

B. Additional Requirements.

1. See Chapter 20.450 VMC Additional Development Standards of this code for other requirements that may apply to this district.
2. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.
3. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.

4. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

C. Base Density.

1. Minimum Density. No minimum.
2. Maximum Density. No maximum.

D. Height range.

1. Minimum Height. No minimum.
2. Maximum Height. No Maximum.
3. Maximum Buffer Height. See Table 20.410.150.

E. Building types.

1. Table 20.410.090 provides a list of allowable building types within the district. See Chapter 20.420 VMC Building Types of this code for building type requirements.

**TABLE 20.410.090. ALLOWABLE BUILDING TYPES WITHIN THE INSTITUTIONAL/CAMPUS DISTRICT**

| Building Types (See Chapter 20.420 VMC) | Allowable |
|---|---|
| Single-Family Residential Building (SFB) | No |
| Townhouse/Rowhouse Building (TRB) | Yes |
| Stacked Multi-Plex Building (SMB) | Yes |
| Flex-Plex Building (FPB) | Yes |
| Cottage Court Building (CCB) | No |
| Multifamily Building (MFB) | Yes |
| Mid-Rise Residential Building (MIB) | Yes |
| Mixed-Use Residential Building (MXB) | Yes |
| Mixed-Use Office Building (MOB) | Yes |
| Commercial Block Building (CBB) | Yes |
| Big Box Retail Building (BRB) | Yes |
| Flexible-Use Building (FUB) | Yes |
| Industrial/Distribution Building (IDB) | Yes |
| Structured Parking Garage Building (SPB) | Yes |
| Civic/Institutional Building (CIB) | Yes |

F. Use Requirements. See Chapter 20.430 VMC Use Requirements of this code for individual use permit requirements.

## 20.410.100 Industrial/Employment

**IMAGE 20.410.100. INDUSTRIAL/EMPLOYMENT CHARACTER IMAGE**

*Image is advisory only*

A. *Purpose and Character.* The Industrial/Employment District (IE) is designed to foster a mix of larger-scale industrial facilities, warehousing, and flexible-use spaces alongside smaller multi-tenant industrial and office uses. Clustered to promote economic development and synergy between business and industries, the IE district also includes parks and open spaces that buffer industrial areas and connections to adjacent residential areas to encourage more walking and biking to work.

B. Additional Requirements.

1. See Chapter 20.450 VMC Additional Development Standards of this code for other requirements that may apply to this district.
2. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.
3. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.

4. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

C. Base Density.

1. Minimum Density. No minimum.
2. Maximum Density. No maximum.

D. Height range.

1. Minimum Height. No minimum.
2. Maximum Height. One hundred and fifty (150') feet.
3. Maximum Buffer Height. See Table 20.410.150.

E. Building types.

1. Table 20.410.100 provides a list of allowable building types within the district. See Chapter 20.420 VMC Building Types of this code for building type requirements.

**TABLE 20.410.100. ALLOWABLE BUILDING TYPES WITHIN THE INDUSTRIAL/EMPLOYMENT DISTRICT**

| Building Types (See Chapter 20.420 VMC) | Allowable |
|---|---|
| Single-Family Residential Building (SFB) | No |
| Townhouse/Rowhouse Building (TRB) | No |
| Stacked Multi-Plex Building (SMB) | No |
| Flex-Plex Building (FPB) | No |
| Cottage Court Building (CCB) | No |
| Multifamily Building (MFB) | No |
| Mid-Rise Residential Building (MIB) | No |
| Mixed-Use Residential Building (MXB) | No |
| Mixed-Use Office Building (MOB) | Yes |
| Commercial Block Building (CBB) | Yes |
| Big Box Retail Building (BRB) | Yes |
| Flexible-Use Building (FUB) | Yes |
| Industrial/Distribution Building (IDB) | Yes |
| Structured Parking Garage Building (SPB) | Yes |
| Civic/Institutional Building (CIB) | Yes |

F. Use Requirements. See Chapter 20.430 VMC Use Requirements of this code for individual use permit requirements.

## 20.410.110 Heavy Industrial

**IMAGE 20.410.110. HEAVY INDUSTRIAL CHARACTER IMAGE**

*Image is advisory only*

A. *Purpose and Character.* The Heavy Industrial District (HI) is designed to foster large-scale industrial activities, such as manufacturing, processing, and distribution, while integrating principles of walkability and bikability to enhance functionality and aesthetics. The HI district emphasizes efficient land use, incorporating landscaped buffers, shared pathways, and well-planned building orientation to minimize conflicts between industrial operations and pedestrian-friendly environments that traverse the area.

B. Additional Requirements.

1. See Chapter 20.450 VMC Additional Development Standards of this code for other requirements that may apply to this district.
2. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.
3. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.

4. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

C. Base Density.

1. Minimum Density. No minimum.
2. Maximum Density. No maximum.

D. Height range.

1. Minimum Height. No minimum.
2. Maximum Height. No maximum.
3. Maximum Buffer Height. See Table 20.410.150.

E. Building types.

1. Table 20.410.110 provides a list of allowable building types within the district. See Chapter 20.420 VMC Building Types of this code for building type requirements.

**TABLE 20.410.110. ALLOWABLE BUILDING TYPES WITHIN THE HEAVY INDUSTRIAL DISTRICT**

| Building Types (See Chapter 20.420 VMC) | Allowable |
|---|---|
| Single-Family Residential Building (SFB) | No |
| Townhouse/Rowhouse Building (TRB) | No |
| Stacked Multi-Plex Building (SMB) | No |
| Flex-Plex Building (FPB) | No |
| Cottage Court Building (CCB) | No |
| Multifamily Building (MFB) | No |
| Mid-Rise Residential Building (MIB) | No |
| Mixed-Use Residential Building (MXB) | No |
| Mixed-Use Office Building (MOB) | No |
| Commercial Block Building (CBB) | No |
| Big Box Retail Building (BRB) | No |
| Flexible-Use Building (FUB) | Yes |
| Industrial/Distribution Building (IDB) | Yes |
| Structured Parking Garage Building (SPB) | Yes |
| Civic/Institutional Building (CIB) | No |

**F.** Use Requirements. See Chapter 20.430 VMC Use Requirements of this code for individual use permit requirements.

## 20.410.120 Manufactured Home Development

**IMAGE 20.410.120. MANUFACTURED HOME DEVELOPMENT CHARACTER IMAGE**

*Image is advisory only*

A. *Purpose and Character.* The Manufactured Home Development District (MH) is intended to preserve existing manufactured home developments, protect long-term affordability, and prevent the displacement of existing residents. The district promotes community stability by limiting redevelopment of manufactured home developments while allowing the continued repair, replacement, and expansion of manufactured housing in accordance with the standards of this title.

   Manufactured homes and modular homes, as defined in this code, are not limited to the MH zoning district and are permitted wherever residential uses are allowed, provided they comply with the development standards applicable to the underlying zoning district and building type.

B. Additional Requirements.

   1. See Chapter 20.450 VMC Additional Development Standards of this code for other requirements that may apply to this district.
   2. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.
   3. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.

4. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

C. Base Density.

1. Minimum Density. No minimum.
2. Maximum Density. No maximum.

D. Height range.

1. Minimum Height. No minimum.
2. Maximum Height. Forty-five (45') feet.
3. Maximum Buffer Height. See Table 20.410.150.

E. Building types.

1. Table 20.410.120 provides a list of allowable building types within the district, provided they are permanently affordable at or below sixty (60%) percent Area Median Income (AMI). See Chapter 20.420 VMC Building Types of this code for building type requirements.

**TABLE 20.410.120. ALLOWABLE BUILDING TYPES WITHIN THE MANUFACTURED HOME DEVELOPMENT DISTRICT**

| Building Types (See Chapter 20.420 VMC) | Allowable (Only at or below permanent 60% AMI) |
|---|---|
| Single-Family Residential Building (SFB) | Yes |
| Townhouse/Rowhouse Building (TRB) | Yes |
| Stacked Multi-Plex Building (SMB) | Yes |
| Flex-Plex Building (FPB) | Yes |
| Cottage Court Building (CCB) | Yes |
| Multifamily Building (MFB) | No |
| Mid-Rise Residential Building (MIB) | No |
| Mixed-Use Residential Building (MXB) | No |
| Mixed-Use Office Building (MOB) | No |
| Commercial Block Building (CBB) | No |
| Big Box Retail Building (BRB) | No |
| Flexible-Use Building (FUB) | No |
| Industrial/Distribution Building (IDB) | No |
| Structured Parking Garage Building (SPB) | No |
| Civic/Institutional Building (CIB) | No |

**F.** Use Requirements. See Chapter 20.430 VMC Use Requirements of this code for individual use permit requirements.

## 20.410.130 Parks/Open Space

**IMAGE 20.410.130. PARKS/OPEN SPACE CHARACTER IMAGE**

*Image is advisory only*

A. *Purpose and Character.* The purpose of the Parks/Open Space District (PO) is designed to provide a range of open spaces that support the community in a variety of ways. Neighborhood parks support local recreation, active lifestyles, and community engagement, while community parks offer larger amenities like sports fields, skate parks, trails, and public art. Regional parks provide diverse recreation with trails, sports facilities, and natural features, while civic plazas, linear parks, and special-use facilities cater to dense urban areas and specialized activities and user groups.

B. Additional Requirements.

1. See Chapter 20.450 VMC Additional Development Standards of this code for other requirements that may apply to this district.
2. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.
3. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.

4. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

C. Base Density.

1. Minimum Density. No minimum.
2. Maximum Density. No maximum.

D. Height range.

1. Minimum Height. No minimum.
2. Maximum Height. Forty-five (45') feet.
3. Maximum Buffer Height. See Table 20.410.150.

E. Building types.

1. Table 20.410.130 provides a list of allowable building types within the district. See Chapter 20.420 VMC Building Types of this code for building type requirements.

**TABLE 20.410.130. ALLOWABLE BUILDING TYPES WITHIN THE PARKS/OPEN SPACE DISTRICT**

| Building Types (See Chapter 20.420 VMC) | Allowable |
|---|---|
| Single-Family Residential Building (SFB) | No |
| Townhouse/Rowhouse Building (TRB) | No |
| Stacked Multi-Plex Building (SMB) | No |
| Flex-Plex Building (FPB) | No |
| Cottage Court Building (CCB) | No |
| Multifamily Building (MFB) | No |
| Mid-Rise Residential Building (MIB) | No |
| Mixed-Use Residential Building (MXB) | No |
| Mixed-Use Office Building (MOB) | No |
| Commercial Block Building (CBB) | No |
| Big Box Retail Building (BRB) | No |
| Flexible-Use Building (FUB) | No |
| Industrial/Distribution Building (IDB) | No |
| Structured Parking Garage Building (SPB) | No |
| Civic/Institutional Building (CIB) | Yes |

**F.** Use Requirements. See Chapter 20.430 VMC Use Requirements of this code for individual use permit requirements.

## 20.410.140 Natural Areas

**IMAGE 20.410.140. NATURAL AREAS CHARACTER IMAGE**

*Image is advisory only*

A. *Purpose and Character.* The purpose of the Natural Areas District (NA) is designed to establish primarily undeveloped lands managed for ecological value and light-impact recreation. Ranging from small urban sites to vast regional landscapes, they support activities like bird-watching, environmental education, walking, running, biking, and hiking. The NA District is intended to offer relief from urban density while preserving sensitive ecosystems such as wetlands, floodplains, riparian zones, mature woodlands, wildlife habitats, scenic viewpoints, wooded ridgelines, and prairie meadows.

B. Additional Requirements.

1. See Chapter 20.450 VMC Additional Development Standards of this code for other requirements that may apply to this district.
2. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.
3. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.

4. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

C. Base Density.

1. Minimum Density. No minimum.
2. Maximum Density. No maximum.

D. Height range.

1. Minimum Height. No minimum.
2. Maximum Height. Forty-five (45') feet.
3. Maximum Buffer Height. See Table 20.410.150.

E. Building types.

1. Table 20.410.140 provides a list of allowable building types within the district. See Chapter 20.420 VMC Building Types of this code for building type requirements.

**TABLE 20.410.140. ALLOWABLE BUILDING TYPES WITHIN THE NATURAL AREAS DISTRICT**

| Building Types (See Chapter 20.420 VMC) | Allowable |
|---|---|
| Single-Family Residential Building (SFB) | No |
| Townhouse/Rowhouse Building (TRB) | No |
| Stacked Multi-Plex Building (SMB) | No |
| Flex-Plex Building (FPB) | No |
| Cottage Court Building (CCB) | No |
| Multifamily Building (MFB) | No |
| Mid-Rise Residential Building (MIB) | No |
| Mixed-Use Residential Building (MXB) | No |
| Mixed-Use Office Building (MOB) | No |
| Commercial Block Building (CBB) | No |
| Big Box Retail Building (BRB) | No |
| Flexible-Use Building (FUB) | No |
| Industrial/Distribution Building (IDB) | No |
| Structured Parking Garage Building (SPB) | No |
| Civic/Institutional Building (CIB) | No |

F. Use Requirements. See Chapter 20.430 VMC Use Requirements of this code for individual use permit requirements.

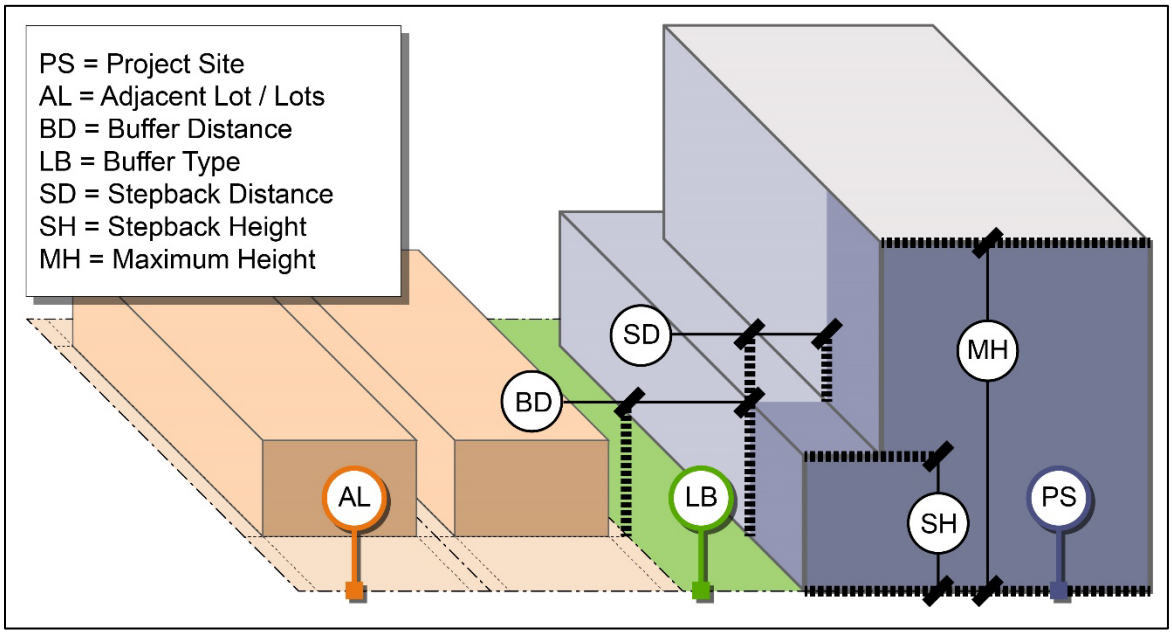
## 20.410.150 Lot Buffers

A. *Purpose*. The purpose of buffers is to balance new development in more intense districts with existing development and lower-intensity districts in terms of heights and build out. These lot buffers are applicable to the side and rear property lines (and associated setbacks) for any lot or lots which utilizes a building type as part of this Chapter of the code.

B. *Landscape Requirements*. All development subject to this Chapter must also meet Chapter VMC Landscaping - Table 20.450.006.030-1 Landscaping and Screening Design Standards for site buffer details L1-L5 for the Lot Buffer (LB) identified for the lot in this section.

C. *Overview of Lot Buffers*. Figure 20.410.060-1 provides a brief overview of how lot buffers are intended to work for the development along with an associated way to measure and account for the buffer, stepback height limitations, and stepback distance associated. This diagram is purely an example for illustrative purposes.

**FIGURE 20.450.150. LOT BUFFER DIAGRAM**




D. Lot Buffers by Base District

Table 20.410.150 provides a guide to lot buffers for all new development based on the zoning district of the project site (PS) or sites and the adjacent lot or lots (AL). Maximum height is always regulated by the zoning district established in Chapter 20.410 VMC Zoning District. Lot buffers indicating "none" are not applicable and must only meet the building placement

and buildout requirements for the associated building type or types in Chapter 20.420 VMC Building Types. The following lot buffers are applicable:

**TABLE 20.410.150. LOT BUFFERS AND ADJACENT LOTS**

| Project Site or Sites (PS) | Adjacent Lot or Lots (AL) | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | LS | MS | MX | RA | IC | IE | HI | MH | PO | NA |
| LS | None. | | | | | | | LB=L1 | None. | |
| MS | LB=L2 | None. | | | | | | BU=10’<br>SH=35’<br>SD=20’<br>LB=L3 | None. | |
| MX | BD=15’<br>SH=45’<br>SD=20’<br>LB=L3 | BD=10’<br>SH=75’<br>SD=15’<br>LB=L2 | None. | | | | | BU=10’<br>SH=35’<br>SD=20’<br>LB=L4 | None. | |
| RA | BD=25’<br>SH=55’<br>SD=30’<br>LB=L4 | BD=15’<br>SH=75’<br>SD=20’<br>LB=L3 | None. | | | | | | None. | |
| IC | | | None. | | | | | | None. | |
| IE | BD=35’ | BD=20’ | BD=15’<br>SH=75’ | | None. | | | BD=25’ | None. | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | SH=45’<br>SD=40’<br>LB=L5 | SH=75’<br>SD=30’<br>LB=L4 | SD=20’<br>LB=L3 | | SH=35’<br>SD=30’<br>LB=L3 | |
| | HI | BD=45’<br>SH=45’<br>SD=50’<br>LB=L5 | | BD=35’<br>SH=75’<br>SD=50’<br>LB=L4 | None. | | None. |
| | MH | None. | | | | | |
| | PO | None. | | | | | |
| | NA | None. | | | | | |

### 20.410.160 Encroachments

Any building type that is located along a primary street within the Regional Activity Center (RA) zoning district may extend into the public right-of-way as follows:

A. Must obtain a right-of-way permit and meet the standards contained in this section.

B. Encroachments are only allowed on the following building types (per Chapter VMC 20.420 Building Types):

   1. Multifamily Building Type (MFB).

   2. Mid-Rise Residential Building Type (MIB).

   3. Mixed-Use Residential Building Type (MXB).

   4. Mixed-Use Office Building Type (MOB).

C. Minimum clear height over any sidewalk shall be twelve (12') feet.

D. Maximum overall height of the projection shall be eighty-five (85') feet above any sidewalk, except for balconies, bay windows and structured parking. Projections may be permitted only for extensions of five (5') feet or less into the right-of-way where any supporting ground level columns are located entirely outside the right-of-way.

E. Maximum projection from the property line into the right-of-way shall be five (5') feet where no curb exists, or to a point no closer than two (2') feet to the face of an existing curb.

F. In the event of a conflict between these standards and any Frontage Type Requirements (per Chapter VMC 20.440 Frontage Type Requirements), the planning official may determine which requirement applies.

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*THE VANCOUVER MUNICIPAL CODE IS CURRENT THROUGH MAY 5, 2026, PASSED JUNE 1, 2026.*

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# 20.420
# Building Types

## Sections:

20.420.010 Purpose

20.420.020 Applicability

20.420.030 Establishment of Building Types

20.420.040 Allowable Building Types per Zoning District

20.420.050 Understanding the Street Network

20.420.070 Single-Family Residential Building Type (SFB)

20.420.080 Townhouse/Rowhouse Building Type (TRB)

20.420.090 Stacked Multi-Plex Building Type (SMB)

20.420.100 Flex-Plex Building Type (FPB)

20.420.110 Cottage Court Building Type (CCB)

20.420.120 Multifamily Building Type (MFB)

20.420.130 Mid-Rise Residential Building Type (MIB)

20.420.140 Mixed-Use Residential Building Type (MXB)

20.420.150 Mixed-Use Office Building Type (MOB)

20.420.160 Commercial Block Building Type (CBB)

20.420.170 Big Box Retail Building Type (BRB)

20.420.180 Flexible Use Building Type (FUB)

20.420.190 Industrial/Distribution Building Type (IDB).

20.420.200 Structured Parking Garage Building Type (SPB).

20.420.210 Civic/Institutional Building Type (CIB).

## 20.420.010 Purpose

This chapter introduces fifteen (15) building types that support the implementation of the code by enabling a fine-grained mix of structures tailored to each zoning district's character and scale. Each type is regulated by standards for lot size, setbacks, frontage, massing, and articulation. These standards ensure new development aligns with the intended character, complements the surrounding context, and contributes to a cohesive, walkable, and vibrant built environment that reinforces a strong sense of place.

## 20.420.020 Applicability

This chapter shall be applicable to all permit applications for new construction or major renovations on any lot or lots. Building types included in this chapter are subject to Chapter 20.280 VMC Site Plan Review, and as applicable per standards or submittal requirements for the primary use type or types associated with the building type per Chapter 20.430 VMC Use Requirements.

## 20.420.030 Establishment of Building Types

A. The building types include the following:
    1. Single Family Residential Building Type (SFB).
    2. Townhouse/Rowhouse Building Type (TRB).
    3. Stacked Multi-Plex Building Type (SMB).
    4. Flex-Plex Building Type (FPB).
    5. Cottage Court Building Type (CCB).
    6. Multifamily Building Type (MFB).
    7. Mid-Rise Residential Building Type (MIB).
    8. Mixed-Use Residential Building Type (MXB).
    9. Mixed-Use Office Building Type (MOB).
    10. Commercial Block Building Type (CBB).
    11. Big Box Retail Building Type (BRB).
    12. Flexible Use Building Type (FUB).
    13. Industrial/Distribution Building Type (IDB).

14. Structured Parking Garage Building Type (SPB).
15. Civic/Institutional Building Type (CIB).

## 20.420.040 Allowable Building Types per Zoning District

Table 20.420.040-1 below outlines the allowable building types for each zoning district.

**TABLE 20.420.040-1. ALLOWABLE BUILDING TYPES PER ZONING DISTRICT**

| Building Type | ABV. | LS | MS | MX | RA | IC | IE | HI | MH | PO | NA |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Single-Family Residential Building | SFB | Yes | Yes | No | No | No | No | No | Yes[1] | No | No |
| Townhouse/Rowhouse Building | TRB | Yes | Yes | Yes | No | Yes | No | No | Yes[1] | No | No |
| Stacked Multi-Plex Building | SMB | Yes | Yes | Yes | No | Yes | No | No | Yes[1] | No | No |
| Flex-Plex Building | FPB | Yes | Yes | Yes | No | Yes | No | No | Yes[1] | No | No |
| Cottage Court Building | CCB | Yes | Yes | Yes | No | No | No | No | Yes[1] | No | No |
| Multifamily Building | MFB | No | Yes | Yes | Yes | Yes | No | No | No | No | No |
| Mid-Rise Residential Building | MIB | No | No | Yes | Yes | Yes | No | No | No | No | No |
| Mixed-Use Residential Building | MXB | Yes | Yes | Yes | Yes | Yes | No | No | No | No | No |
| Mixed-Use Office Building | MOB | No | Yes | Yes | Yes | Yes | Yes | No | No | No | No |
| Commercial Block Building | CBB | Yes | Yes | Yes | Yes | Yes | Yes | No | No | No | No |

| Building Type | ABV. | LS | MS | MX | RA | IC | IE | HI | MH | PO | NA |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Big Box Retail Building | BRB | No | No | No | Yes | Yes | Yes | No | No | No | No |
| Flexible-Use Building | FUB | No | Yes | Yes | Yes | Yes | Yes | Yes | No | No | No |
| Industrial/Distribution Building | IDB | No | No | No | No | Yes | Yes | Yes | No | No | No |
| Structured Parking Garage Building | SPB | No | No | Yes | Yes | Yes | Yes | Yes | No | No | No |
| Civic/Institutional Building | CIB | Yes | Yes | Yes | Yes | Yes | Yes | No | No | Yes | No |

"Yes" = Allowed; "No" = Not Allowed

[1]Building Type only allowable when permanently affordable at or below 60% AMI.

### 20.420.050 Understanding the Street Network

Streets and open spaces are vital in codes because they define the public realm, shape how people interact with their environment, and build value around public investment. Streets should be designed as more than transportation corridors, prioritizing pedestrians, cyclists, and social activity through features like wide sidewalks, bike lanes, and active building frontages, fostering connectivity, safety, and a human-scaled urban experience. Open spaces, including parks, plazas, and greenways, complement this network by providing areas for recreation, relaxation, and community gatherings while supporting environmental goals like stormwater management and urban cooling. Together, streets and open spaces create a cohesive, multi-functional public realm that enhances walkability, promotes a sense of place, and improves the overall livability and character of a community. The street and open space network is defined as:

A. Street Network

1. Primary Street. A primary street for a lot is defined as a public right-of-way intended by the city for general traffic circulation and the main means of access to abutting lots which is identified as a any street within the transportation element of the current comprehensive plan as an existing or planned Enhanced Transit Corridor (HCT) or as part of the Primary Pedestrian Network or the Primary Bicycle and Small Mobility Network. Primary streets also include any public right-of-way abutting a public open space, park, greenway, natural area, trail, or otherwise as identified by the City's current comprehensive plan.
2. Side Street. A side street for a lot is defined as a public right-of-way intended by the city for general traffic circulation and a means of access to abutting lots that is not a primary street per this code.
3. Alley. An alley for a lot is defined as a public right-of-way or private easement not over thirty (30') feet in width which provides a secondary means of access to abutting lots, not intended by the city for general traffic circulation.

B. Rules of the Street Network

1. *When more than one primary street is present*. If a lot has frontage onto more than one (1) primary street per definition, the main building must meet the primary street requirement for at least two (2) of those primary streets. Frontage for the lot onto all other streets may be defined as side streets. An example: *A corner lot at two (2) intersecting primary streets must meet the requirements for both of the streets; and a full block lot with all four (4) surrounding streets designated as primary streets must only meet the primary street requirements for two (2) of those streets and the other two (2) may be considered side streets.*
2. *When only one street is present and that street is a primary street*. If the lot only has frontage onto one (1) primary street, the main building is not required to meet requirements for a side street. An example: *In infill lot located on a primary street with no other frontage must only meet the primary street requirements.*

3. *When no primary street is present.* Any lot without frontage onto any primary street must meet the primary street requirements for frontage onto a least one (1) side street. Frontage for the lot onto all other streets may be defined as side streets. An example: *A corner lot at two (2) intersecting side streets must meet the requirements for primary streets on at least one (1) of the side streets; a full block lot with all four (4) surrounding streets designated as side streets must only meet the primary street requirements for one (1) of those streets and the other three (3) may be considered side streets; and infill lot located on a side street with no other frontage must meet the primary street requirements for the side street.*
4. *When a primary street is located at the rear of a lot.* For any lot in which frontage onto any primary street located at the rear of the lot, a planning official will determine which street frontage must meet the requirements for the primary street. An example: An infill lot within a neighborhood subdivision located on a side street has a primary street located at the rear of the lot and the planning official determines that the side street must meet primary street requirements.

## 20.420.070 Single-Family Residential Building Type (SFB)

A. *Definition.* A Single-Family Residential Building (SFB) is a standalone, single-unit structure typically designed for single-family living. Fully detached, it features no shared walls or connections to adjacent homes. This building type is intended to foster a welcoming streetscape with elements such as porches or stoops that engage with the street. To maximize curb appeal and promote pedestrian-friendly design, garages and parking areas should be located at the rear of the lot or set back from the main façade.

   When this building type includes accessory dwelling units (ADUs) as defined by RCW 36.70A.680, 681 and 696, the 040 Flex Plex Building Type (FPB) will be utilized.

   This building type may be permitted in the MH Zoning District only when all units, across all structures, are maintained as permanently affordable at or below sixty (60%) percent of Area Median Income (AMI).

B. *Applicability.* Table 20.420.070-1 includes the allowable zoning district for SFB Building Types. Character images are advisory only.

**TABLE 20.420.070-1. SINGLE-FAMILY RESIDENTIAL BUILDING TYPE ALLOWABLE BY DISTRICT**

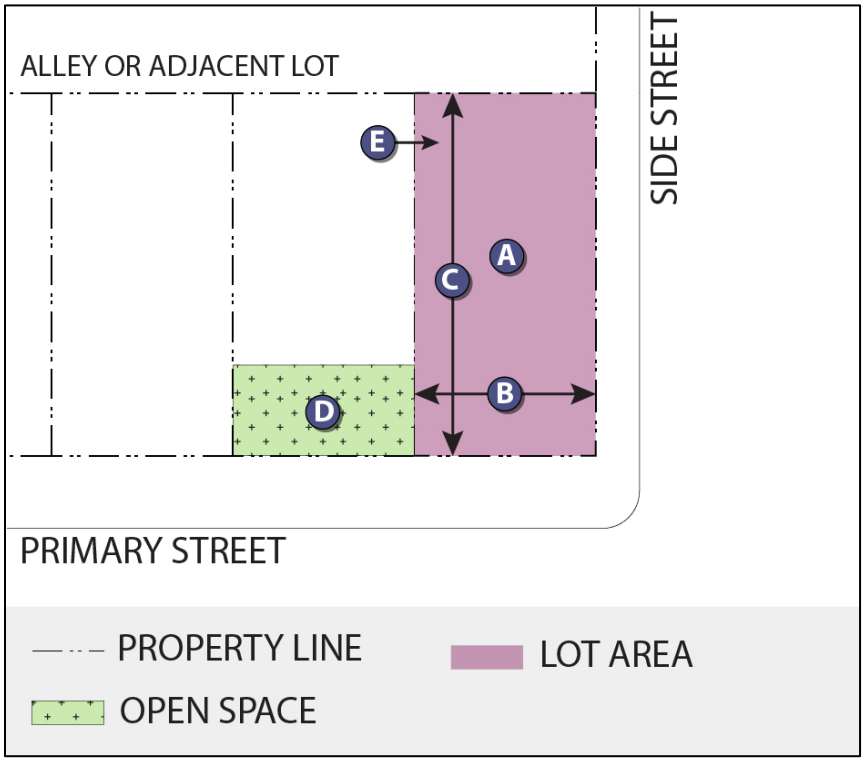
| | |
|---|---|
| Low-Scale Neighborhood District (LS) | Yes |
| Medium-Scale Neighborhood District (MS) | Yes |
| Mixed-Use Neighborhood District (MX) | No |
| Regional Activity Center District (RA) | No |
| Institutional/Campus District (IC) | No |
| Industrial/Employment District (IE) | No |
| Heavy Industrial District (HI) | No |
| Manufactured Home Development District (MH) | Yes |
| Parks/Open Space District (PO) | No |
| Natural Areas District (NA) | No |

**IMAGE 20.420.070-1. SINGLE-FAMILY RESIDENTIAL BUILDING TYPE EXAMPLE**

*This image is advisory only.*

C. Lot Dimension and Coverage.

1. Figure 20.420.070-1. SFB Lot Dimension and Coverage




r. Minimum and Maximum Lot Size.

i. Minimum: Not applicable.

ii. Maximum: Five thousand (5,000) square feet.

s. Maximum Lot Width.

i. Fifty (50') feet.

t. Maximum Lot Depth.

i. One hundred (100') feet.

u. Minimum Open Space Area

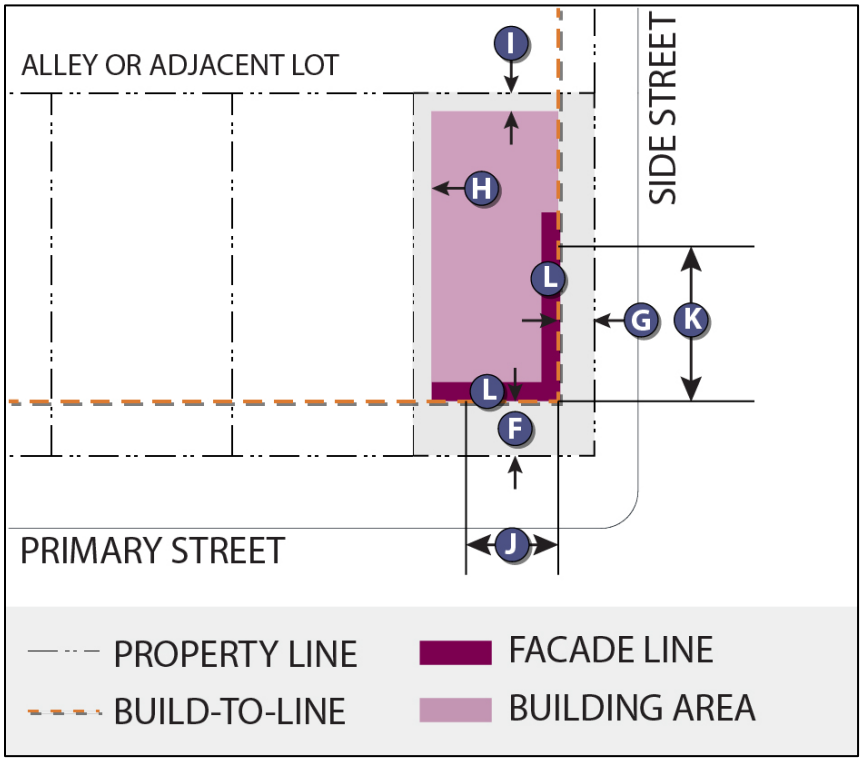
i. Twenty (20%) percent of lot size. Setback areas may contribute to meeting this requirement.

v. Maximum Impervious Area.

i. Sixty-five (65%) percent of lot size. The total square feet of pervious surfaces may be excluded from this calculation.

D. Building Placement and Buildout.

1. Figure 20.420.070-2. SFB Building Placement and Buildout




f. Front Build-to-Line (Primary Street).

i. Five (5') to twenty (20') feet from the lot line.

g. Side Build-to-Line (Side Street).

i. Five (5') to eighteen (18') feet from the lot line.

h. Side Setback Line (Adjacent Lot).

i. Minimum of five (5') feet from the lot line.

i. Rear Setback Line (Adjacent Lot or Alley).

i. Minimum of five (5') feet from the lot line.

j. Front Build-Out (Primary Street).

i. Minimum of sixty (60%) percent of the front build-to-line.

ii. For any portion of a garage facing a Primary Street, the width of the garage may be a maximum of ten (10') feet or sixty (60%) percent of the front build-to-line, whichever is the greater dimension.

k. Side Build-Out (Side Street).

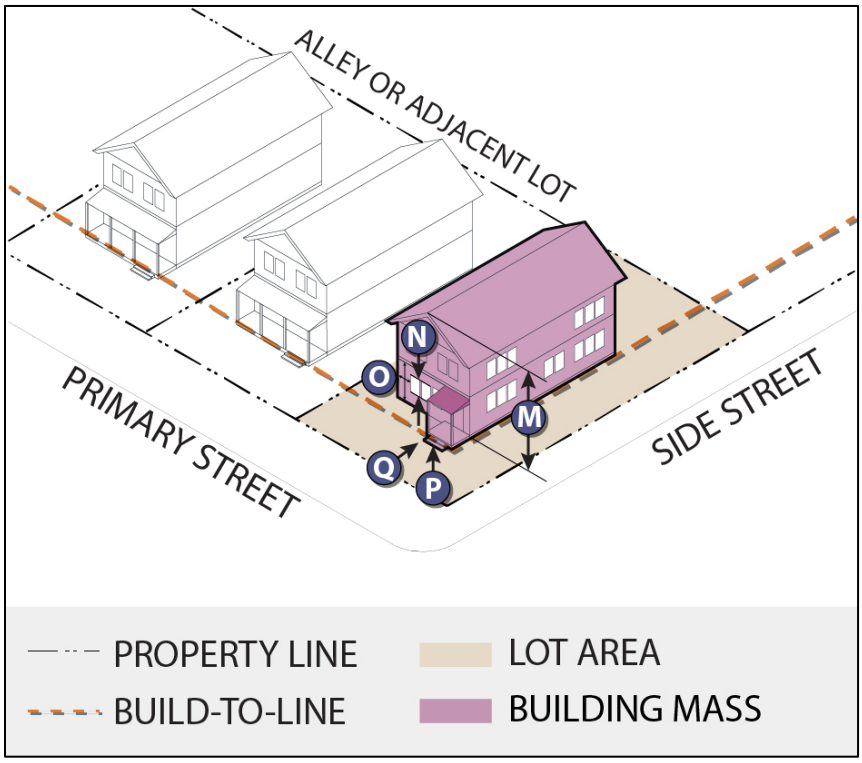
i. Minimum of fifty (50%) percent of the side build-to-line.

l. Maximum Façade Length.

i. Maximum one hundred (100') feet without a building break of ten (10') feet between buildings located on the lot or lots.

E. Building Height and Frontage.

1. Figure 20.420.070-3. SFB Building Height and Frontage




m. Minimum and Maximum Height.

i. See Chapter 20.410 Zoning Districts height range for minimum and maximum height.

n. Ground Floor Transparency.

i. Primary Street. Minimum of fifteen (15%) percent transparent windows or doors.

ii. Side Street. Minimum of fifteen (15%) percent transparent windows or doors.

o. Blank Wall Limitations (Any Public Street).

i. No blank frontage walls greater than twenty-five (25') feet without transparency or entrances.

p. Weather Protection.

i. No frontage weather protection requirements.

q. Entrances and Access Points.

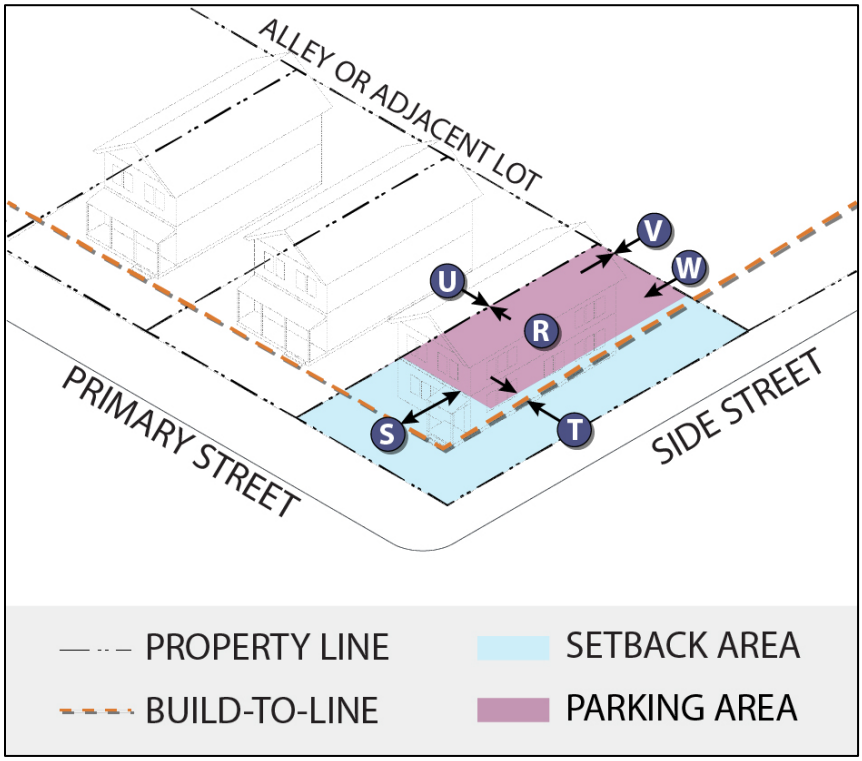
i. Pedestrian entrances must be located facing a primary street. Additional pedestrian entrances may be located facing side streets. If no primary street is present, pedestrian entrances must face the side street.

ii. Lots with multiple buildings may also have pedestrian entrances from a shared courtyard.

iii. Does not apply to buildings with no street frontage.

F. Parking and Access.

1. Figure 20.420.070-4. SBF Parking and Access




r. Parking Ratios.

i. See Section 20.450.045 VMC Parking and Loading Revised for parking requirements

s. Front Setback (Primary Street).
    i. To match front build-to-line
    ii. Parking is permitted in front of garages provided it is located out of sight triangles and does not extend into any public right-of-way.
t. Side Setback (Side Street).
    i. Five (5') feet behind the main building façade.
u. Side Setback (Adjacent Lot)
    i. No Minimum from the lot line.
v. Rear Setback (Adjacent Lot or Alley).
    i. No Minimum from the lot line.
w. Access Points.
    i. If there is an alley abutting the lot, parking shall be accessed by way of the alley only. If there is side street and no alley, parking may be accessed by way of the side street. Parking may only be accessed from a primary street should there be no other option. See Title 11 Streets and Sidewalks for additional requirements.

G. Overlay Requirements.

1. *Ground Floor Activation*. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.510 Active Ground Floor Use Overlay shall be required to comply with the following requirements:
    a. Required Frontage Type. Table 20.420.070-2 shows the allowable frontage types for this building type that apply to frontage on primary and side streets. Internal frontage is not regulated. See Chapter 20.440 Frontage Types of this code for additional frontage type requirements.

**TABLE 20.420.070-2. ALLOWABLE FRONTAGE TYPES FOR SFB**

| Frontage Type | Allowable |
|---|---|
| Awnings | No |
| Balconies | Yes |
| Bay Windows | Yes |
| Cafe | No |
| Common Yard | Yes |
| Courtyard | No |
| Gallery | No |
| Light Court | No |
| Porch | Yes |
| Stoop | No |
| Shopfront | No |

b. Frontage Modulation Requirements.

   i. One (1) vertical modulation of minimum twelve (12") inches every twenty-five (25') feet of facade on all streets.

c. Ground Floor Use Activation.

   i. Not applicable.

d. Minimum Ground Floor-to-Ceiling Height.

   i. Not applicable.

e. Increased Ground Floor Transparency.

i. Not applicable.

2. *Ground Floor Ready*. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.520 Active Ground Floor Use Ready Overlay shall be required to comply with the following requirements:

a. Minimum Ground Floor-to-Ceiling Height.

i. Not applicable.

b. Increased Ground Floor Transparency

i. Not applicable.

3. Transit-based Height Allowance.

a. Pursuant to this Chapter and Washington State Law, any building type located within a 1/4-mile radius of an existing or planned bus rapid or light rail transit, are eligible for no maximum height limits, subject to the Chapter 20.530 Station Areas Overlay.

b. Increased Maximum Height.

i. No maximum.

4. *Other Overlay Requirements*. The following regulations may also apply:

a. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.

b. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.

c. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

## 20.420.080 Townhouse/Rowhouse Building Type (TRB)

A. *Definition*. A Townhouse/Rowhouse Building (TRB) is a series of side-by-side buildings designed as attached or detached dwelling units on narrower lots facing the street, each separated by shared walls and a defined space. Each unit has its own private entrance, with limited front setbacks that enhance the streetscape with a small front green space or discreet parking access. To preserve the vibrancy of the streetscape, garages are allowed but generally discouraged. The lot layout typically includes a modest rear yard, providing residents with private outdoor space.

This building type includes townhouses as defined by RCW 36.70A.030 and accessory dwelling units (ADUs) per RCW 36.70A.680, 681 and 696.

This building type may be permitted in the MH Zoning District only when all units, across all structures, are maintained as permanently affordable at or below sixty (60%) percent of Area Median Income (AMI).

B. *Applicability*. Table 20.420.080-1 and Image 20.420.080-1 identify the allowable zoning district for TRB Building Types. Character images are advisory only.

**TABLE 20.420.080-1. TOWNHOUSE/ROWHOUSE BUILDING TYPE ALLOWABLE BY DISTRICT**

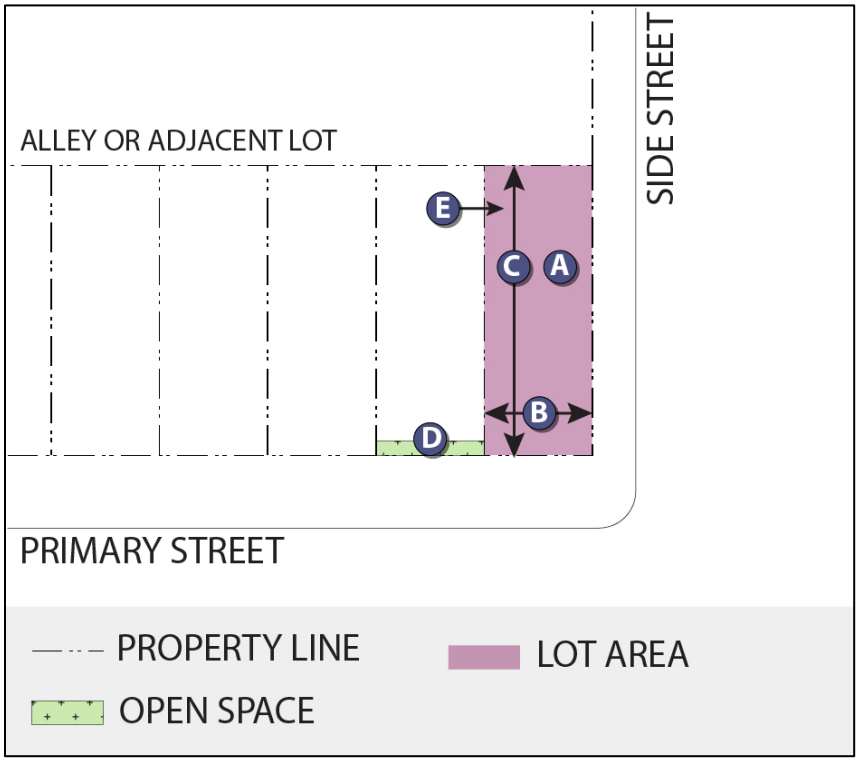
| | |
|---|---|
| Low-Scale Neighborhood District (LS) | Yes |
| Medium-Scale Neighborhood District (MS) | Yes |
| Mixed-Use Neighborhood District (MX) | Yes |
| Regional Activity Center District (RA) | No |
| Institutional/Campus District (IC) | Yes |
| Industrial/Employment District (IE) | No |
| Heavy Industrial District (HI) | No |
| Manufactured Home Development District (MH) | Yes |
| Parks/Open Space District (PO) | No |
| Natural Areas District (NA) | No |

**IMAGE 20.420.080-1. TOWNHOUSE/ROWHOUSE BUILDING TYPE EXAMPLE**

*This image is advisory only.*

C. *Lot Dimension and Coverage.*

1. Figure 20.420.080-1. TRB Lot Dimension and Coverage




a. Minimum and Maximum Lot Size.

i. Minimum: Not applicable.

ii. Maximum: Five thousand (5,000) square feet.

b. Maximum Lot Width.

i. Fifty (50') feet.

c. Maximum Lot Depth.

i. One-hundred (100') feet.

d. Minimum Open Space Area.

i. Ten (10%) percent of lot size. Setback areas may contribute to meeting this requirement.

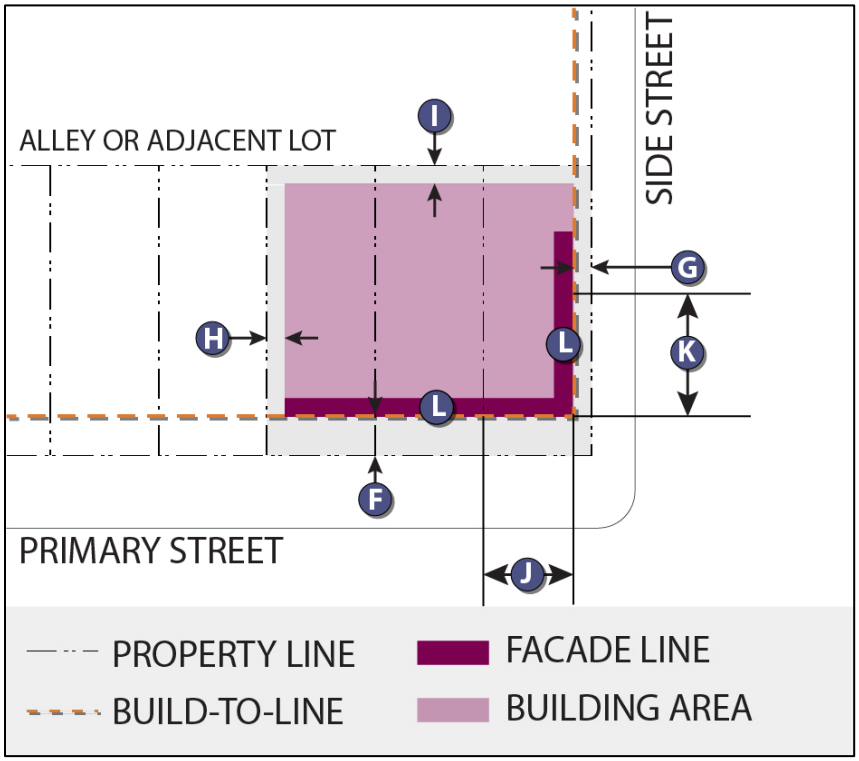
e. Maximum Impervious Area.

i. Eighty-five (85%) percent of lot size.

ii. The total square feet of pervious surfaces may be excluded from this calculation.

D. Building Placement and Buildout.

1. Figure 20.420.080-2. TRB Building Placement and Buildout




f. Front Build-to-Line (Primary Street).

i. Five (5') feet to twenty (20') feet from the lot line.

g. Side Build-to-Line (Side Street).

i. Five (5') feet to eighteen (18') feet from the lot line.

h. Side Setback Line (Adjacent Lot).

i. Minimum of five (5') feet from the lot line.

ii. Zero (0') lot line for attached units.

i. Rear Setback Line (Adjacent Lot or Alley).

i. Minimum of five (5') feet from the lot line.

ii. Minimum of zero (0') feet from alley.

j. Front Build-Out (Primary Street).

i. Minimum of sixty (60%) percent of the front build-to-line.

k. Side Build-Out (Side Street).

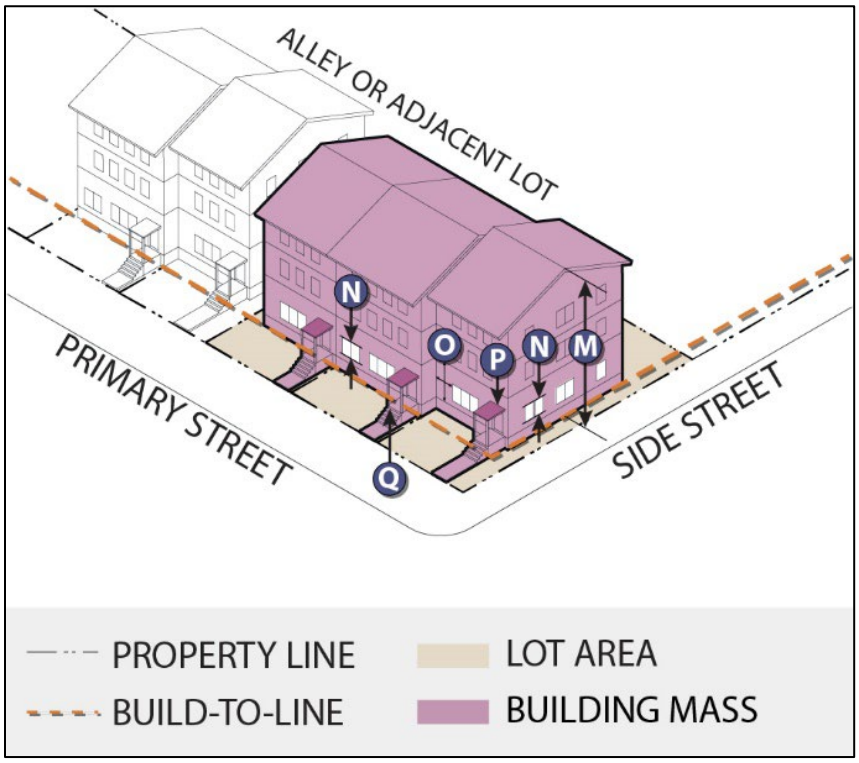
i. Minimum of fifty (50%) percent of the side build-to-line.

l. Maximum Facade Length.

i. Maximum one-hundred (100') feet without a building break of ten (10') feet between buildings located on the lot or lots.

E. *Building Height and Frontage.*

1. Figure 20.420.080-3. TRB Building Height and Frontage




m. Minimum and Maximum Height.

i. See Chapter 20.410 Zoning Districts height range for minimum and maximum height.

n. Ground Floor Transparency.

i. Primary Street. Minimum of fifteen (15%) percent transparent windows or doors.

ii. Side Street. Minimum of five (5%) percent transparent windows or doors.

o. Blank Wall Limitations (Any Public Street).

i. No blank frontage walls greater than twenty-five (25') feet without transparency or entrances.

p. Weather Protection.

i. No frontage weather protection requirements.

q. Entrances and Access Points.

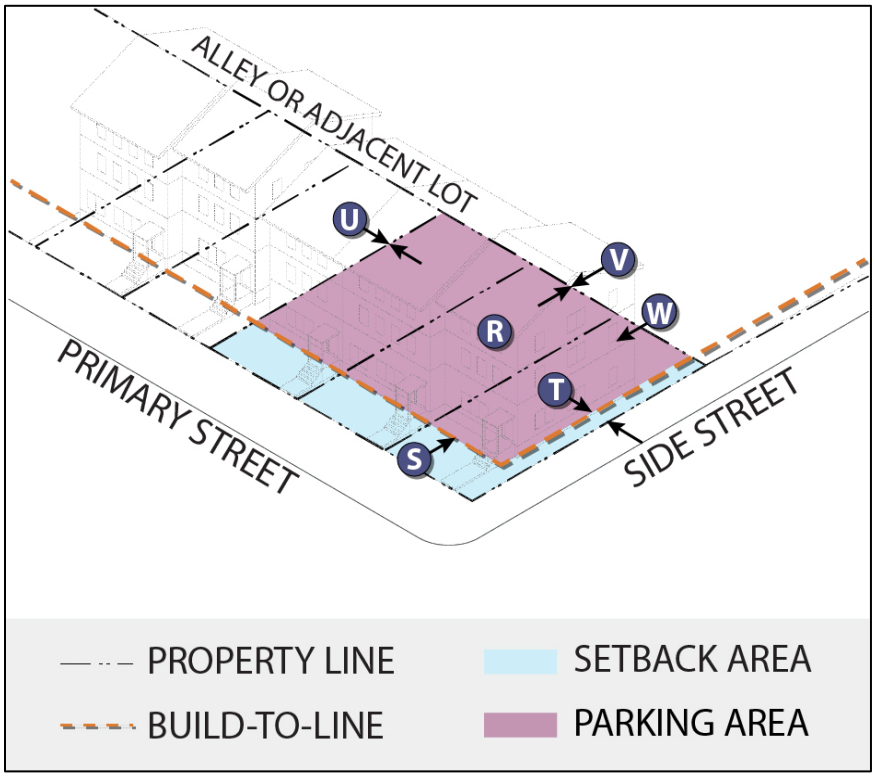
i. Pedestrian entrances must be located facing a primary street. Additional pedestrian entrances may be located facing side streets. If no primary street is present, pedestrian entrances must face the side street.

ii. Lots with multiple buildings may have also have pedestrian entrances from a shared courtyard.

iii. Does not apply to buildings with no street frontage.

F. *Parking and Access.*

1. Figure 20.420.080-4. TRB Parking and Access




r. Parking Ratios.

i. See Section 20.450.045 VMC Parking and Loading Revised for parking requirements.

s. Front Setback (Primary Street).

i. To match front build-to-line.

ii. Parking is permitted in front of garages provided it is located out of sight triangles and does not extend into any public right-of-way.

t. Side Setback (Side Street).

i. To match the side build-to-line and never in front of the main building facade.

u. Side Setback (Adjacent Lot).

i. No Minimum from the lot line.

v. Rear Setback (Adjacent Lot or Alley).

i. No Minimum from the lot line.

w. Access Points.

i. If there is an alley abutting the lot, parking shall be accessed by way of the alley only. If there is side street and no alley, parking may be accessed by way of the side street. Parking may only be accessed from a primary street should there be no other option. See Title 11 Streets and Sidewalks for additional requirements.

G. *Overlay Requirements.*

1. Ground Flood Activation. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.510 Active Ground Floor Use Overlay shall be required to comply with the following requirements:

a. Required Frontage Type. Table 20.420.080-2 shows the allowable frontage types for this building type that apply to frontage on primary and side streets. Internal frontage is not regulated. See Chapter 20.440 Frontage Types of this code for additional frontage type requirements.

**TABLE 20.420.080-2. ALLOWABLE FRONTAGE TYPES FOR TRB**

| Frontage Type | Allowable |
|---|---|
| Awnings | No |
| Balconies | Yes |
| Bay Windows | Yes |
| Cafe | No |
| Common Yard | Yes |
| Courtyard | No |
| Gallery | No |
| Light Court | No |
| Porch | Yes |
| Stoop | Yes |
| Shopfront | No |

b. Frontage Modulation Requirements.

   i. One (1) vertical modulation of minimum twelve (12") inches every twenty-five (25') feet of facade on all streets.

c. Ground Floor Use Activation.

   i. Not applicable.

d. Minimum Ground Floor-to-Ceiling Height.

   i. Not applicable.

e. Increased Ground Floor Transparency.

i. Not applicable.

2. Ground Floor Ready. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.520 Active Ground Floor Use Ready Overlay shall be required to comply with the following requirements:

a. Minimum Ground Floor-to-Ceiling Height.

i. Not applicable.

b. Increased Ground Floor Transparency.

i. Not applicable.

3. Transit-based Height Allowance. Pursuant to this Chapter and Washington State Law, any building type located within a 1/4-mile radius of an existing or planned bus rapid or light rail transit, are eligible for no maximum height limits, subject to the Chapter 20.530 Station Areas Overlay.

a. Increased Maximum Height.

i. No maximum.

4. Other Overlay Requirements. The following may also apply:

a. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.

b. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.

c. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

## 20.420.090 Stacked Multi-Plex Building Type (SMB)

A. *Definition.* A Stacked Multi-Plex Building (SMB) is designed to house two (2) or more dwelling units in a single building on a single lot. Typically accommodating single or multiple units on each floor, these residences are arranged vertically (i.e., flats on separate floors). Pedestrian access is oriented toward the primary street, with a singular shared entrance. Circulation within the building may be provided through interior corridors or exterior pathways.

This building type includes townhouses as defined by RCW 36.70A.030 and accessory dwelling units (ADUs) per RCW 36.70A.680, 681 and 696.

This building type may be permitted in the MH Zoning District only when all units, across all structures, are maintained as permanently affordable at or below sixty (60%) percent of Area Median Income (AMI).

B. *Applicability*. Table 20.420.090-1 and Image 20.420.090-1 identify the allowable zoning district for SMB Building Types. Character images are advisory only.

**TABLE 20.420.090-1. STACKED MULTI-PLEX BUILDING TYPE ALLOWABLE BY DISTRICT**

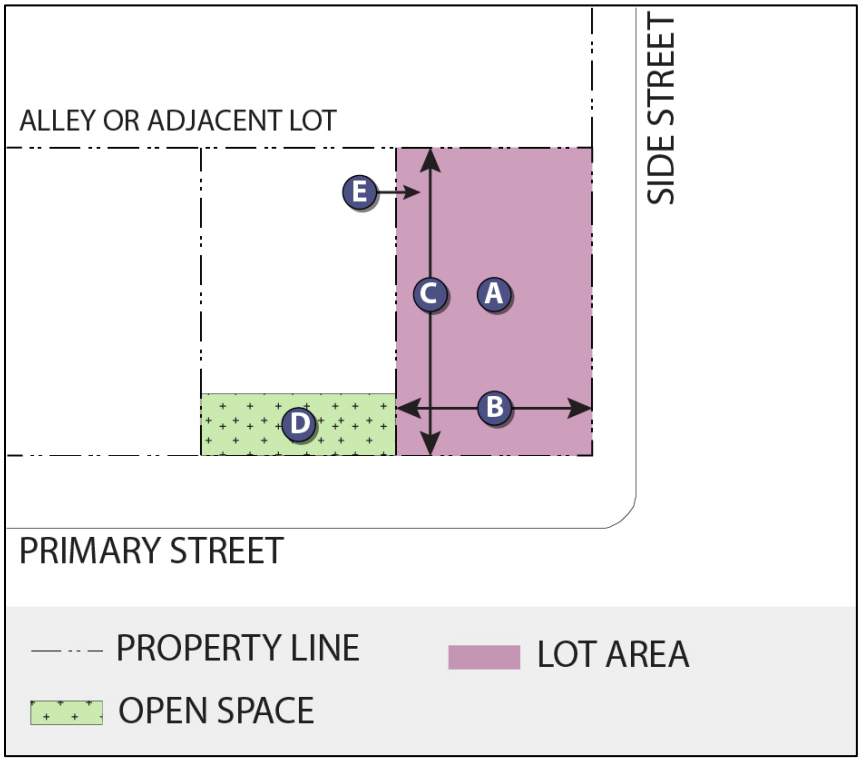
| | |
|---|---|
| Low-Scale Neighborhood District (LS) | Yes |
| Medium-Scale Neighborhood District (MS) | Yes |
| Mixed-Use Neighborhood District (MX) | Yes |
| Regional Activity Center District (RA) | No |
| Institutional/Campus District (IC) | Yes |
| Industrial/Employment District (IE) | No |
| Heavy Industrial District (HI) | No |
| Manufactured Home Development District (MH) | Yes |
| Parks/Open Space District (PO) | No |
| Natural Areas District (NA) | No |

**IMAGE 20.420.090-1. STACKED MULTI-PLEX BUILDING TYPE EXAMPLE**

*This image is advisory only.*

C. *Lot Dimension and Coverage.*

1. Figure 20.420.090-1. SMB Lot Dimension and Coverage




a. Minimum and Maximum Lot Size.

i. Minimum: Not applicable.

ii. Maximum: Not applicable.

b. Maximum Lot Width.

i. Not applicable.

c. Maximum Lot Depth.

i. Not applicable.

d. Minimum Open Space Area.

i. Ten (10%) percent of lot size. Setback areas may contribute to meeting this requirement.

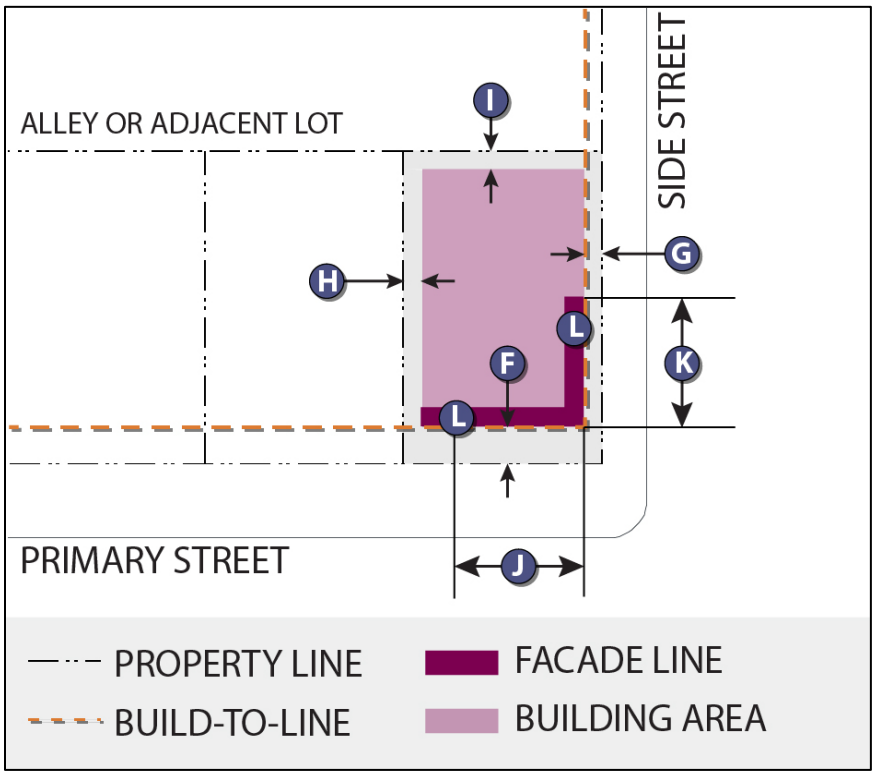
e. Maximum Impervious Area.

i. Eighty-five (85%) percent of lot size.

ii. The total square feet of pervious surfaces may be excluded from this calculation.

D. *Building Placement and Buildout.*

1. Figure 20.420.090-2. SMB Building Placement and Buildout




f. Front Build-to-Line (Primary Street).

i. Five (5') feet to twenty (20') feet from the lot line.

g. Side Build-to-Line (Side Street).

i. Five (5') feet to eighteen (18') feet from the lot line.

h. Side Setback Line (Adjacent Lot).

i. Minimum of five (5') feet from the lot line.

ii. No minimum for internal lot lines.

i. Rear Setback Line (Adjacent Lot or Alley).

i. Minimum of five (5') feet from the lot line.

ii. Minimum of zero (0') feet from alley.

j. Front Build-Out (Primary Street).

i. Minimum of sixty (60%) percent of the front build-to-line.

k. Side Build-Out (Side Street).

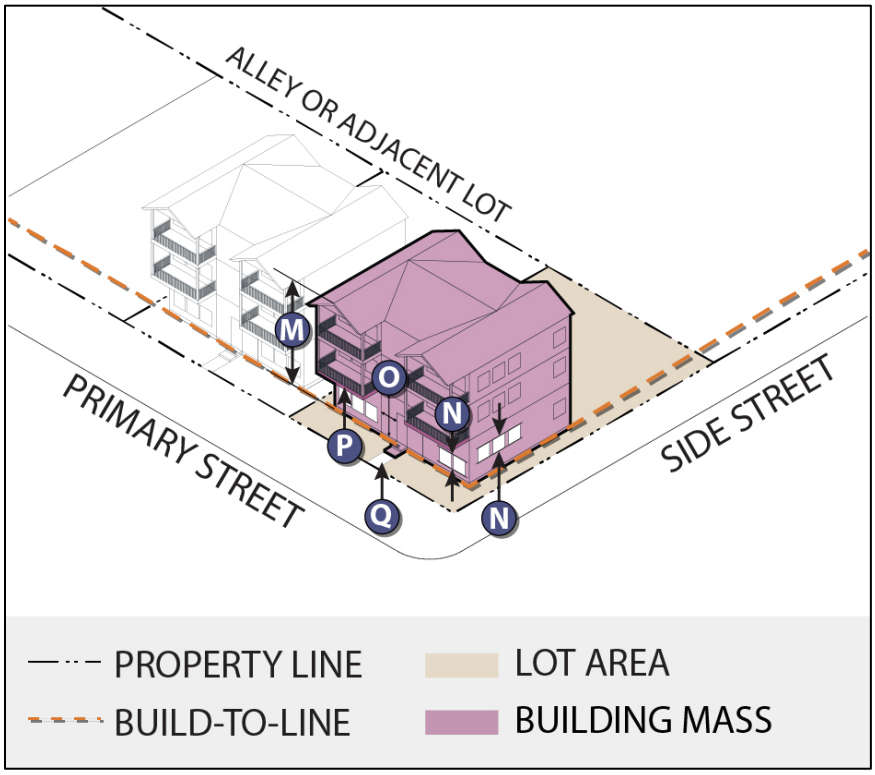
i. Minimum of fifty (50%) percent of the side build-to-line.

l. Maximum Facade Length.

i. Maximum one-hundred (100') feet without a building break of ten (10') feet between buildings located on the lot or lots.

E. *Building Height and Frontage.*

1. Figure 20.420.090-3. SMB Building Height and Frontage




m. Minimum and Maximum Height.

i. See Chapter 20.410 Zoning district height range for minimum and maximum height.

n. Ground Floor Transparency.

i. Primary Street. Minimum of fifteen (15%) percent transparent windows or doors.

ii. Side Street. Minimum of ten (10%) percent transparent windows or doors.

o. Blank Wall Limitations (Any Public Street).

i. No blank frontage walls greater than twenty-five (25') feet without transparency or entrances.

p. Weather Protection.

i. No frontage weather protection requirements.

q. Entrances and Access Points.

i. A shared pedestrian entrance must be located facing a primary street. Additional pedestrian entrances may be located facing side streets. If no primary street is present, the pedestrian entrance must face the side street.

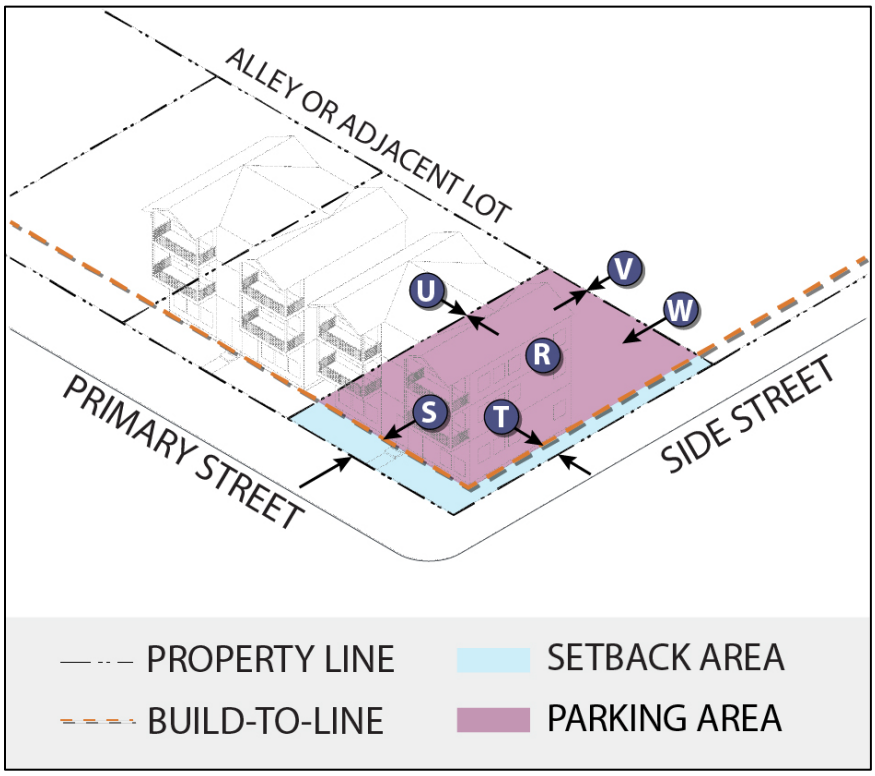
ii. Ground floor residential units may have individual pedestrian entrances.

iii. Lots with multiple buildings may have also have pedestrian entrances from a shared courtyard.

iv. Does not apply to buildings with no street frontage.

F. *Parking and Access.*

1. Figure 20.420.090-4. SMB Parking and Access



r. Parking Ratios.

i. See Section 20.450.045VMC Parking and Loading Revised for parking requirements.

s. Front Setback (Primary Street).

i. To match front build-to-line.

ii. Parking is permitted in front of garages provided it is located out of sight triangles and does not extend into any public right-of-way.

t. Side Setback (Side Street).

i. To match the side build-to-line and never in front of the main building facade.

u. Side Setback (Adjacent Lot).

i. No Minimum from the lot line.

v. Rear Setback (Adjacent Lot or Alley).

i. No Minimum from the lot line.

w. Access Points.

i. Parking shall be accessed by way of a side street or an alley abutting the lot. If neither are present, parking may be accessed by way of a primary street. See Title 11 Streets and Sidewalks for additional requirements.

G. *Overlay Requirements*.

1. *Ground Flood Activation*. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.510 Active Ground Floor Use Overlay shall be required to comply with the following requirements:

a. Required Frontage Type. Table 20.420.090-2 shows the allowable frontage types for this building type that apply to frontage on primary and side streets. Internal frontage is not regulated. See Chapter 20.440 Frontage Types of this code for additional frontage type requirements.

**TABLE 20.420.090-2. ALLOWABLE FRONTAGE TYPES FOR SMB**

| Frontage Type | Allowable |
|---|---|
| Awnings | No |
| Balconies | Yes |
| Bay Windows | Yes |
| Cafe | No |
| Common Yard | Yes |
| Courtyard | Yes |
| Gallery | No |
| Light Court | No |
| Porch | Yes |
| Stoop | Yes |
| Shopfront | No |

b. Frontage Modulation Requirements.

   i. One (1) vertical modulation of minimum twelve (12") inches every forty (40') feet of facade on all streets.

c. Ground Floor Use Activation.

   i. Not applicable.

d. Minimum Ground Floor-to-Ceiling Height.

   i. Not applicable.

e. Increased Ground Floor Transparency.

i. Not applicable.

2. Ground Floor Ready. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.520 Active Ground Floor Use Ready Overlay shall be required to comply with the following requirements:

a. Minimum Ground Floor-to-Ceiling Height.

i. Not applicable.

b. Increased Ground Floor Transparency.

i. Not applicable.

3. Transit-based Height Allowance. Pursuant to this Chapter and Washington State Law, any building type located within a 1/4-mile radius of an existing or planned bus rapid or light rail transit, are eligible for no maximum height limits, subject to the Chapter 20.530 Station Areas Overlay.

a. Increased Maximum Height.

i. No maximum.

4. Other Overlay Requirements. The following may also apply:

a. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.

b. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.

c. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

## 20.420.100 Flex-Plex Building Type (FPB)

A. *Definition.* A Flex-Plex Building (FPB) is a development form consisting of a cluster of two (2) to six (6) detached or attached units on a single, parent parcel, where not all units must face the street. Buildings include single-unit and rowhouses with up to two (2) accessory dwelling units (attached or detached) and townhouses. This layout creates an active, street oriented presence while accommodating a variety of units within a unified development pattern. Each unit may have its own individual or shared entrances with other units; however, pedestrian access should be a shared access point at the streetscape. Does not include cottage courts.

This building type includes townhouses as defined by RCW 36.70A.030 and accessory dwelling units (ADUs) per RCW 36.70A.680, 681 and 696. This building type may be permitted in the MH Zoning District only when all units, across all structures, are maintained as permanently affordable at or below sixty (60%) percent of Area Median Income (AMI).

B. *Applicability*. Table 20.420.100-1 and Image 20.420.100-1 identify the allowable zoning district for FPB Building Types. Character images are advisory only.

**TABLE 20.420.100-1. FLEX-PLEX BUILDING TYPE ALLOWABLE BY DISTRICT**

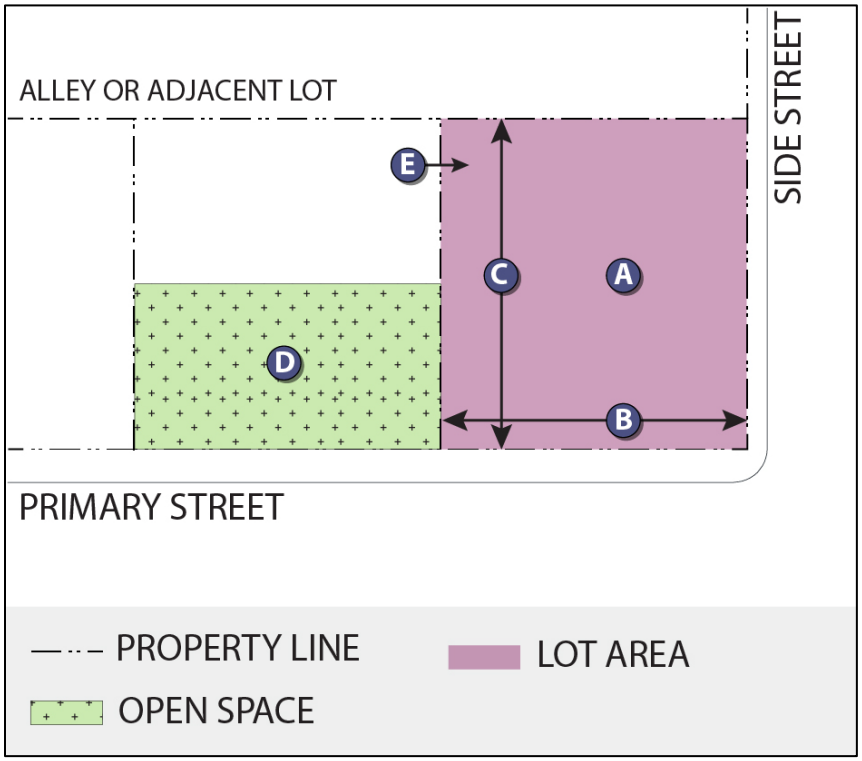
| | |
|---|---|
| Low-Scale Neighborhood District (LS) | Yes |
| Medium-Scale Neighborhood District (MS) | Yes |
| Mixed-Use Neighborhood District (MX) | Yes |
| Regional Activity Center District (RA) | No |
| Institutional/Campus District (IC) | Yes |
| Industrial/Employment District (IE) | No |
| Heavy Industrial District (HI) | No |
| Manufactured Home Development District (MH) | Yes |
| Parks/Open Space District (PO) | No |
| Natural Areas District (NA) | No |

**IMAGE 20.420.100-1. FLEX-PLEX BUILDING TYPE EXAMPLE**

*This image is advisory only.*

C. *Lot Dimension and Coverage.*

1. Figure 20.420.100-1. FPB Lot Dimension and Coverage




a. Minimum and Maximum Lot Size.

i. Minimum: Not applicable.

ii. Maximum: Forty thousand (40,000) square feet.

b. Maximum Lot Width.

i. Not applicable.

c. Maximum Lot Depth.

i. Not applicable.

d. Minimum Open Space Area.

i. Ten (10%) percent of lot size. Setback areas may contribute to meeting this requirement.

e. Maximum Impervious Area.

i. Sixty-five (65%) percent of lot size for less than three (3) units.

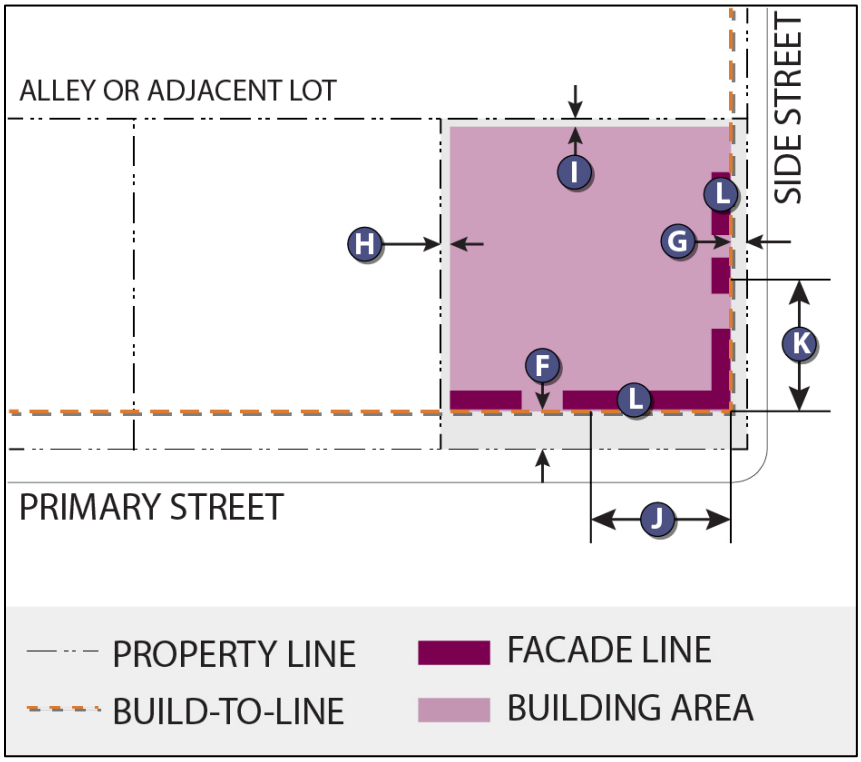
ii. Seventy-five (75%) percent of lot size for four (4) to six (6) units.

iii. Eighty-five (85%) percent of lot size for seven (7) or more dwelling units.

iv. The total square feet of pervious surfaces may be excluded from this calculation.

D. *Building Placement and Buildout*.

1. Figure 20.420.100-2. FPB Building Placement and Buildout




f. Front Build-to-Line (Primary Street).

i. Five (5') feet to twenty (20') feet from the lot line.

g. Side Build-to-Line (Side Street).

i. Five (5') feet to eighteen (18') feet from the lot line.

h. Side Setback Line (Adjacent Lot).

i. Minimum of five (5') feet from the lot line.

ii. May be zero lot line between any building on the lot.

i. Rear Setback Line (Adjacent Lot or Alley).

i. Minimum of five (5') feet from the lot line.

ii. Minimum of zero (0') feet from alley.

j. Front Build-Out (Primary Street).

i. Minimum of sixty (60%) percent of the front build-to-line.

k. Side Build-Out (Side Street).

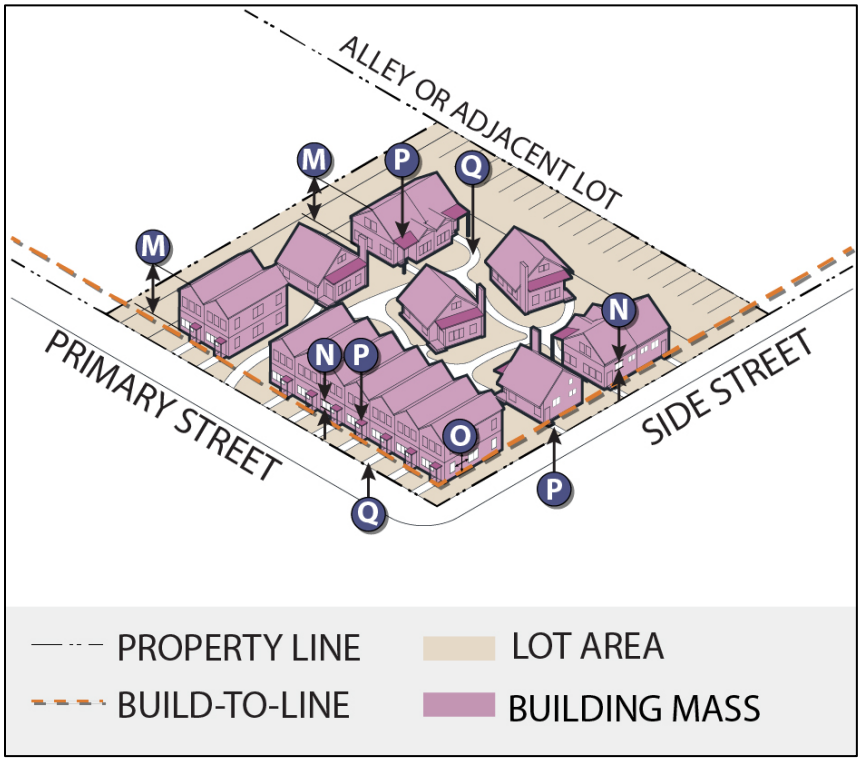
i. Minimum of fifty (50%) percent of the side build-to-line.

l. Maximum Facade Length.

i. Maximum one-hundred (100') feet without a building break of ten (10') feet between buildings located on the lot or lots.

E. *Building Height and Frontage*.

1. Figure 20.420.100-3. FPB Building Height and Frontage




m. Minimum and Maximum Height.

i. See Chapter 20.410 Zoning Districts height range for minimum and maximum height.

n. Ground Floor Transparency.

i. Primary Street. Minimum of fifteen (15%) percent transparent windows or doors.

ii. Side Street. Minimum of ten (10%) percent transparent windows or doors.

iii. No requirements on internal buildings.

o. Blank Wall Limitations (Any Public Street).

i. No blank frontage walls greater than twenty-five (25') feet without transparency or entrances.

p. Weather Protection.

i. No frontage weather protection requirements.

q. Entrances and Access Points.

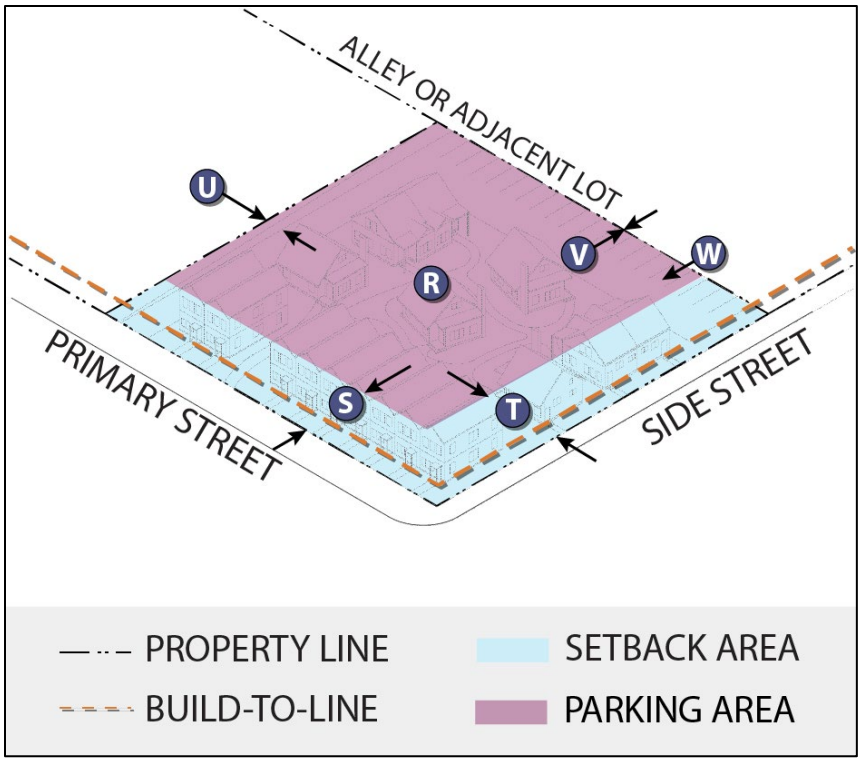
i. Buildings located along the primary street must have pedestrian entrances and must be located facing the primary street. Additional pedestrian entrances may be located facing side streets. If no primary street is present, the pedestrian entrance must face the side street.

ii. Ground floor residential units throughout the lot may have individual pedestrian entrances and must be accessible by a pathway that connects with the primary street.

iii. Does not apply to buildings with no street frontage.

F. *Parking and Access.*

1. Figure 20.420.100-4. FPB Parking and Access




r. Parking Ratios.

   i. See Section 20.450.045 VMC Parking and Loading Revised for parking requirements.

s. Front Setback (Primary Street).

   i. To match front build-to-line.

   ii. Parking is permitted in front of garages provided it is located out of sight triangles and does not extend into any public right-of-way.

t. Side Setback (Side Street).

   i. Minimum of twenty (20') from the lot line.

u. Side Setback (Adjacent Lot).

   i. No Minimum from the lot line.

v. Rear Setback (Adjacent Lot or Alley).

   i. No minimum.

w. Access Points.

i. Parking shall be accessed by way of a side street or an alley abutting the lot. If neither are present, parking may be accessed by way of a primary street. See Title 11 Streets and Sidewalks for additional requirements.

G. *Overlay Requirements.*

1. Ground Floor Activation. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.510 Active Ground Floor Use Overlay shall be required to comply with the following requirements:

a. Required Frontage Type. Table 20.420.100-2 shows the allowable frontage types for this building type that apply to frontage on primary and side streets. Internal frontage is not regulated. See Chapter 20.440 Frontage Types of this code for additional frontage type requirements.

**TABLE 20.420.100-2. ALLOWABLE FRONTAGE TYPES FOR FPB**

| Frontage Type | Allowable |
|---|---|
| Awnings | No |
| Balconies | Yes |
| Bay Windows | Yes |
| Cafe | No |
| Common Yard | Yes |
| Courtyard | Yes |
| Gallery | No |
| Light Court | No |
| Porch | Yes |
| Stoop | Yes |

| Frontage Type | Allowable |
|---|---|
| Shopfront | No |

b. Frontage Modulation Requirements.

i. One (1) vertical modulation of minimum twelve (12") inches every forty (40') feet of facade on all streets.

c. Ground Floor Use Activation.

i. Not applicable.

d. Minimum Ground Floor-to-Ceiling Height.

i. Not applicable.

e. Increased Ground Floor Transparency.

i. Not applicable.

2. Ground Floor Ready. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.520 Active Ground Floor Use Ready Overlay shall be required to comply with the following requirements:

a. Minimum Ground Floor-to-Ceiling Height.

i. Not applicable.

b. Increased Ground Floor Transparency.

i. Not applicable.

3. Transit-based Height Allowance. Pursuant to this Chapter and Washington State Law, any building type located within a 1/4-mile radius of an existing or planned bus rapid or light rail transit, are eligible for no maximum height limits, subject to the Chapter 20.530 Station Areas Overlay.

a. Increased Maximum Height.

i. No maximum.

4. Other Overlay Requirements. The following may also apply:

a. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.

b. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.

c. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

## 20.420.110 Cottage Court Building Type (CCB)

A. *Definition.* A Cottage Court Building (CCB) is a cluster of small, detached or attached buildings oriented around a shared courtyard space (and not having any private open space for individual units). The units are typically arranged around this shared pedestrian-focused courtyard, with the rear building often positioned perpendicular to the street. Each unit typically has its own entrance; however, pedestrian access should be a shared access point at the streetscape.

This building type includes townhouses as defined by RCW 36.70A.030 and accessory dwelling units (ADUs) per RCW 36.70A.680, 681 and 696.

This building type may be permitted in the MH Zoning District only when all units, across all structures, are maintained as permanently affordable at or below sixty (60%) percent of Area Median Income (AMI).

B. *Applicability.* Table 20.420.110-1 and Image 20.420.110-1 identify the allowable zoning district for CCB Building Types. Character images on this page are advisory only.

**TABLE 20.420.110-1. COTTAGE COURT BUILDING TYPE ALLOWABLE BY DISTRICT**

| | |
|---|---|
| Low-Scale Neighborhood District (LS) | Yes |
| Medium-Scale Neighborhood District (MS) | Yes |
| Mixed-Use Neighborhood District (MX) | Yes |
| Regional Activity Center District (RA) | No |
| Institutional/Campus District (IC) | No |
| Industrial/Employment District (IE) | No |

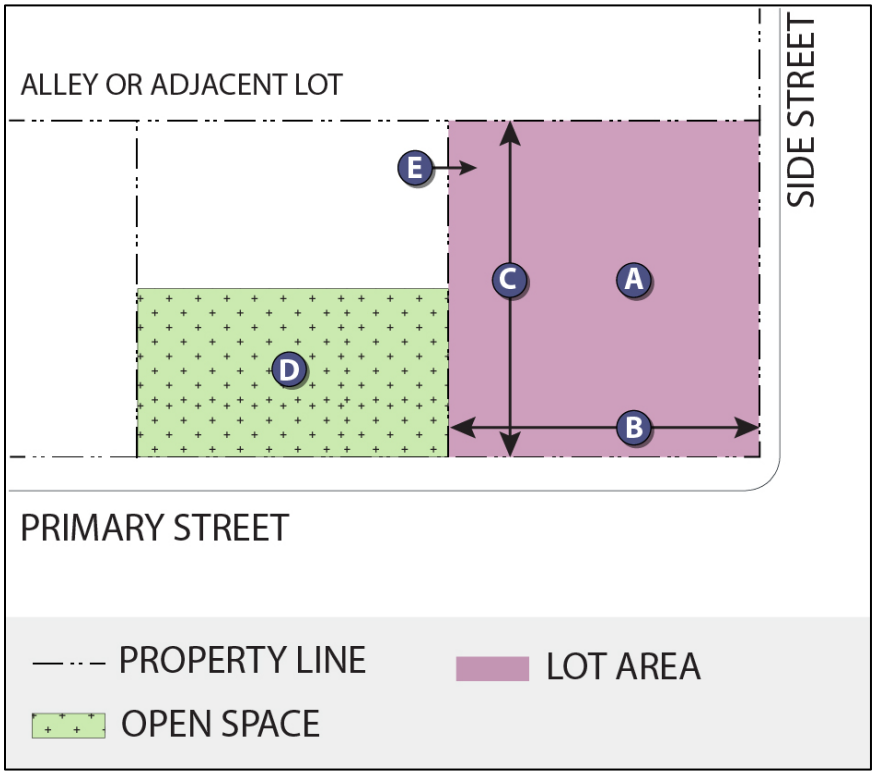
| | |
|---|---|
| Heavy Industrial District (HI) | No |
| Manufactured Home Development District (MH) | Yes |
| Parks/Open Space District (PO) | No |
| Natural Areas District (NA) | No |

**IMAGE 20.420.110-1. COTTAGE COURT BUILDING TYPE EXAMPLE**

*This image is advisory only.*

C. *Lot Dimension and Coverage.*

1. Figure 20.420.100-1. CCB Lot Dimension and Coverage




a. Minimum and Maximum Lot Size.

i. Minimum: Not applicable.

ii. Maximum: Forty thousand (40,000) square feet.

b. Maximum Lot Width.

i. Not applicable.

c. Maximum Lot Depth.

i. Not applicable.

d. Minimum Open Space Area.

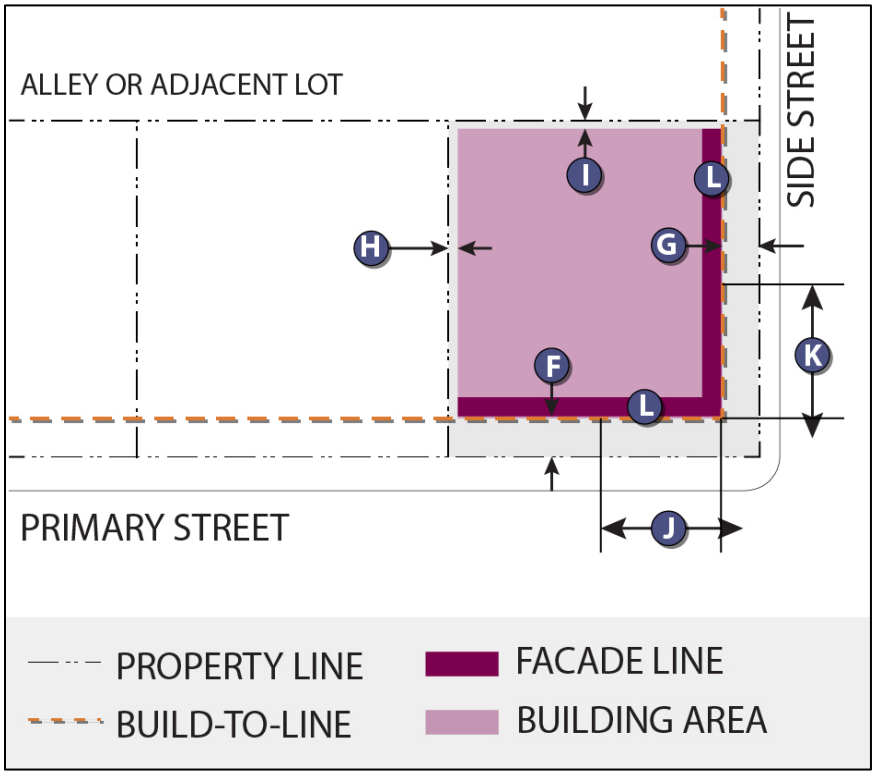
i. Not applicable.

e. Maximum Impervious Area.

i. Not applicable.

D. *Building Placement and Buildout.*

1. Figure 20.420.110-2. CCB Building Placement and Buildout




f. Front Build-to-Line (Primary Street).

i. Five (5') feet to twenty-five (25') feet from the lot line.

g. Side Build-to-Line (Side Street).

i. Five (5') feet to eighteen (18') feet from the lot line.\

h. Side Setback Line (Adjacent Lot or Building).

i. Minimum of five (5') feet from the lot line.

i. Rear Setback Line (Adjacent Lot or Alley).

i. Minimum of five (5') feet from the lot line.

ii. Minimum of zero (0') feet from alley.

j. Front Build-Out (Primary Street).

i. Minimum of forty (40%) percent of the front build-to-line.

k. Side Build-Out (Side Street).

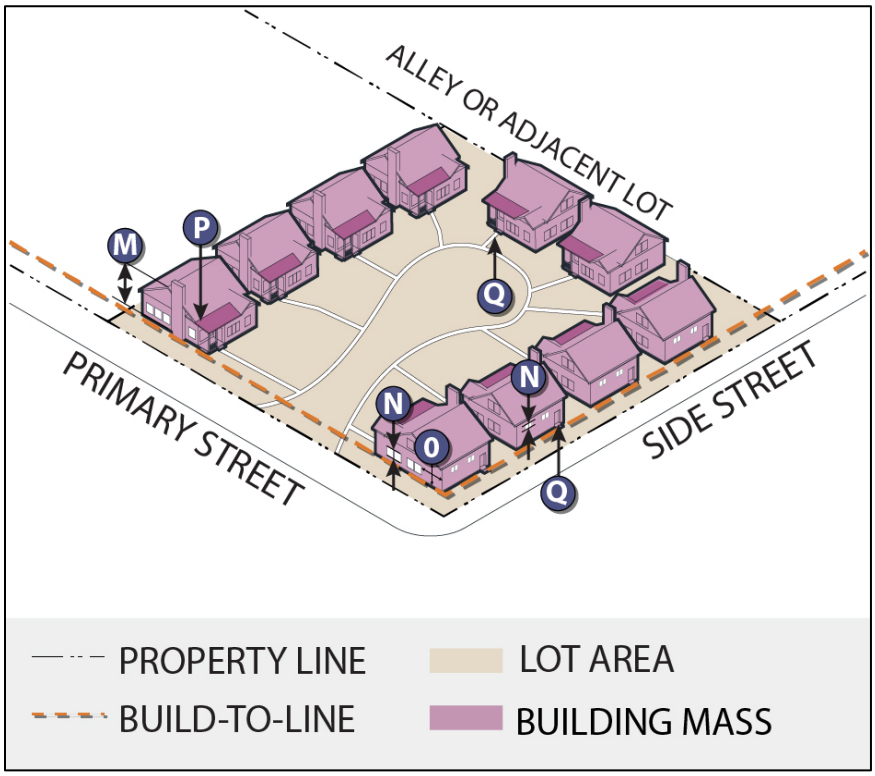
i. Minimum of fifty (50%) percent of the side build-to-line.

l. Maximum Facade Length.

i. Maximum one-hundred (100') feet without a building break of ten (10') feet between buildings located on the lot or lots.

E. *Building Height and Frontage.*

1. Figure 20.420.110-3. CCB Building Height and Frontage




m. Minimum and Maximum Height.

i. See Chapter 20.410 Zoning Districts height range for minimum and maximum height.

n. Ground Floor Transparency.

i. Primary Street. Minimum of ten (10%) percent transparent windows or doors.

ii. Side Street. Minimum of ten (10%) percent transparent windows or doors.

o. Blank Wall Limitations (Any Public Street).

i. No blank frontage walls greater than twenty-five (25') feet without transparency or entrances.

p. Weather Protection.

i. No frontage weather protection requirements.

q. Entrances and Access Points.

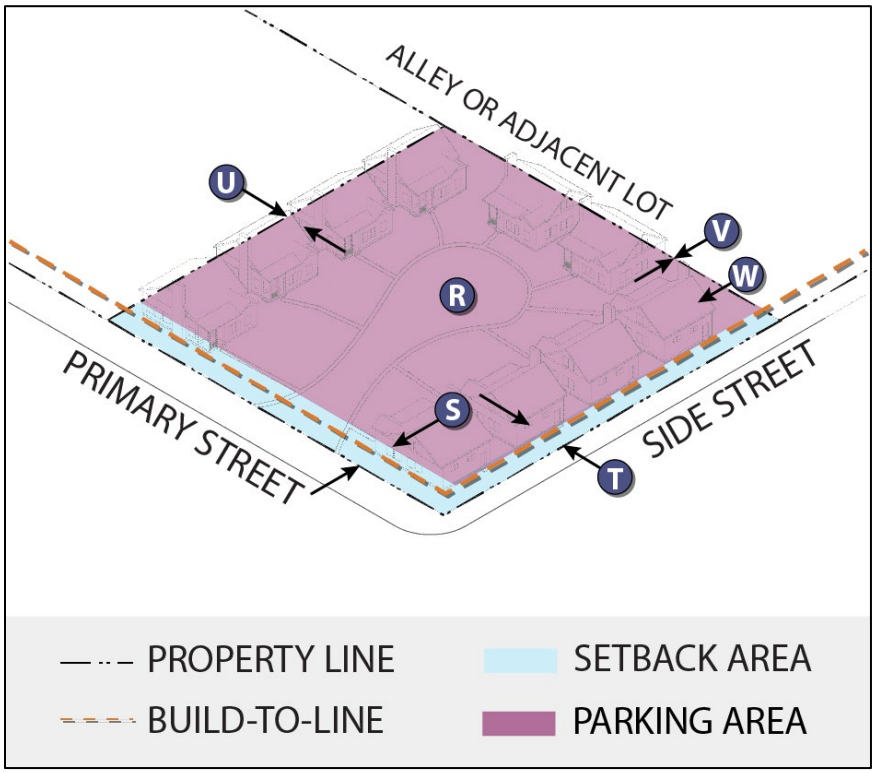
i. Individual buildings that face a primary street or side street must have pedestrian entrances facing those streets and a path that connects to sidewalks.

ii. A pedestrian path must be provided that connects the main entrance of each building to the following: the shared courtyard, shared parking or solid waste storage areas; community buildings, and sidewalks on primary and side streets.

iii. Does not apply to buildings with no street frontage.

F. *Parking and Access.*

1. Figure 20.420.110-4. CCB Parking and Access




r. Parking Ratios.

i. See Section 20.450.045 VMC Parking and Loading Revised for parking requirements.

s. Front Setback (Primary Street).
   i. To match front build-to-line.
   ii. Parking is permitted in front of garages provided it is located out of sight triangles and does not extend into any public right-of-way.
t. Side Setback (Side Street).
   i. Five (5') feet behind the building façade.
u. Side Setback (Adjacent Lot).
   i. No Minimum from the lot line.
v. Rear Setback (Adjacent Lot or Alley).
   i. No minimum.
w. Access Points.
   i. Parking shall be accessed by way of a side street or an alley abutting the lot. If neither are present, parking may be accessed by way of a primary street. See Title 11 Streets and Sidewalks for additional requirements.

G. *Overlay Requirements.*

1. Ground Floor Activation. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.510 Active Ground Floor Use Overlay shall be required to comply with the following requirements:
   a. Required Frontage Type. Table 20.420.110-2 shows the allowable frontage types for this building type that apply to frontage on primary and side streets. Internal frontage is not regulated. See Chapter 20.440 Frontage Types of this code for additional frontage type requirements.

**TABLE 20.420.110-2. ALLOWABLE FRONTAGE TYPES FOR CCB**

| Frontage Type | Allowable |
|---|---|
| Awnings | No |
| Balconies | Yes |
| Bay Windows | Yes |
| Cafe | No |
| Common Yard | Yes |
| Courtyard | Yes |
| Gallery | No |
| Light Court | No |
| Porch | Yes |
| Stoop | Yes |
| Shopfront | No |

b. Frontage Modulation Requirements.

   i. One (1) vertical modulation of minimum twelve (12") inches every forty (40') feet of facade on all streets.

c. Ground Floor Use Activation.

   i. Not applicable.

d. Minimum Ground Floor-to-Ceiling Height.

   i. Not applicable.

e. Increased Ground Floor Transparency.

i. Not applicable.

2. Ground Floor Ready. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.520 Active Ground Floor Use Ready Overlay shall be required to comply with the following requirements:

a. Minimum Ground Floor-to-Ceiling Height.

i. Not applicable.

b. Increased Ground Floor Transparency.

i. Not applicable.

3. Transit-based Height Allowance. Pursuant to this Chapter and Washington State Law, any building type located within a 1/4-mile radius of an existing or planned bus rapid or light rail transit, are eligible for no maximum height limits, subject to the Chapter 20.530 Station Areas Overlay.

a. Increased Maximum Height.

i. No maximum.

4. Other Overlay Requirements. The following may also apply:

a. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.

b. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.

c. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

## 20.420.120 Multifamily Building Type (MFB)

A. *Definition.* A Multifamily Building (MFB) is a medium- to large-sized building containing multiple dwelling units for rent or to own arranged along a shared corridor. The units are attached and stacked to achieve higher density. The building typically features a shared entrance for all residents, with some ground-floor units offering individual street-facing entrances. Parking is usually located at the rear of the site or beneath the building to maximize space and maintain an active street presence.

B. *Applicability.* Table 20.420.120-1 and Image 20.420.120-1 identify the allowable zoning district for MFB Building Types. Character images are advisory only.

**TABLE 20.420.120-1. MULTIFAMILY BUILDING TYPE ALLOWABLE BY DISTRICT**

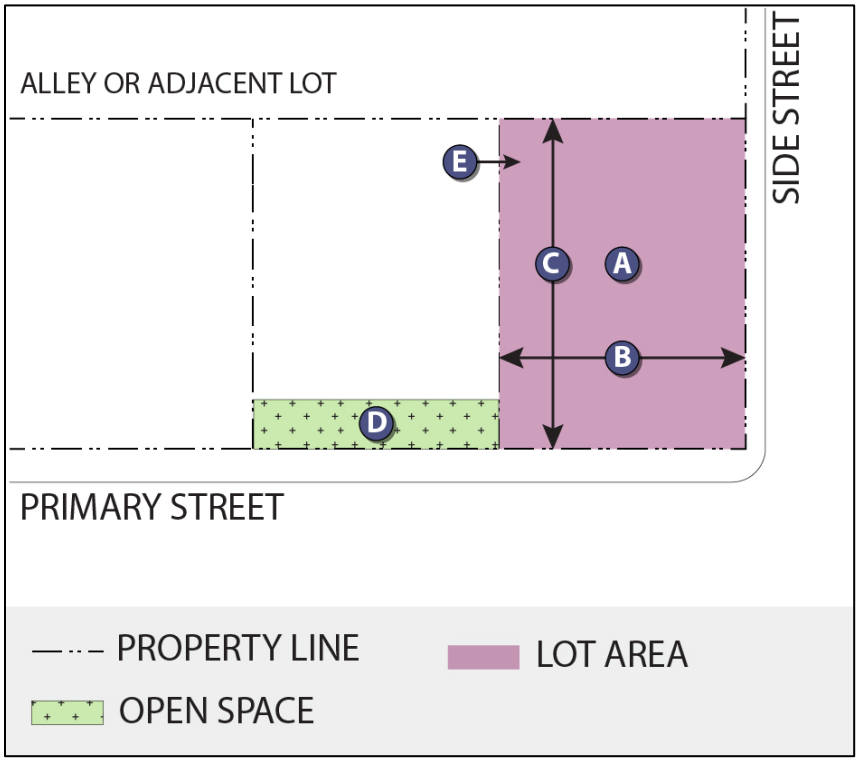
| | |
|---|---|
| Low-Scale Neighborhood District (LS) | No |
| Medium-Scale Neighborhood District (MS) | Yes |
| Mixed-Use Neighborhood District (MX) | Yes |
| Regional Activity Center District (RA) | Yes |
| Institutional/Campus District (IC) | Yes |
| Industrial/Employment District (IE) | No |
| Heavy Industrial District (HI) | No |
| Manufactured Home Development District (MH) | No |
| Parks/Open Space District (PO) | No |
| Natural Areas District (NA) | No |

**IMAGE 20.420.120-1. MULTIFAMILY BUILDING TYPE EXAMPLE**

*This image is advisory only.*

C. *Lot Dimensions and Coverage*.

1. Figure 20.420.120-1. MFB Lot Dimensions and Coverage




a. Minimum and Maximum Lot Size

i. Not applicable.

b. Maximum Lot Width.

i. Not applicable.

c. Maximum Lot Depth.

i. Not applicable.

d. Minimum Open Space Area.

i. Fifteen (15%) percent of lot size. Setback areas may contribute to meeting this requirement.

ii. Terraces, verandas, patios, roof decks, and other shared outdoor spaces accessible by all residential units on upper floors may contribute to meeting this requirement.

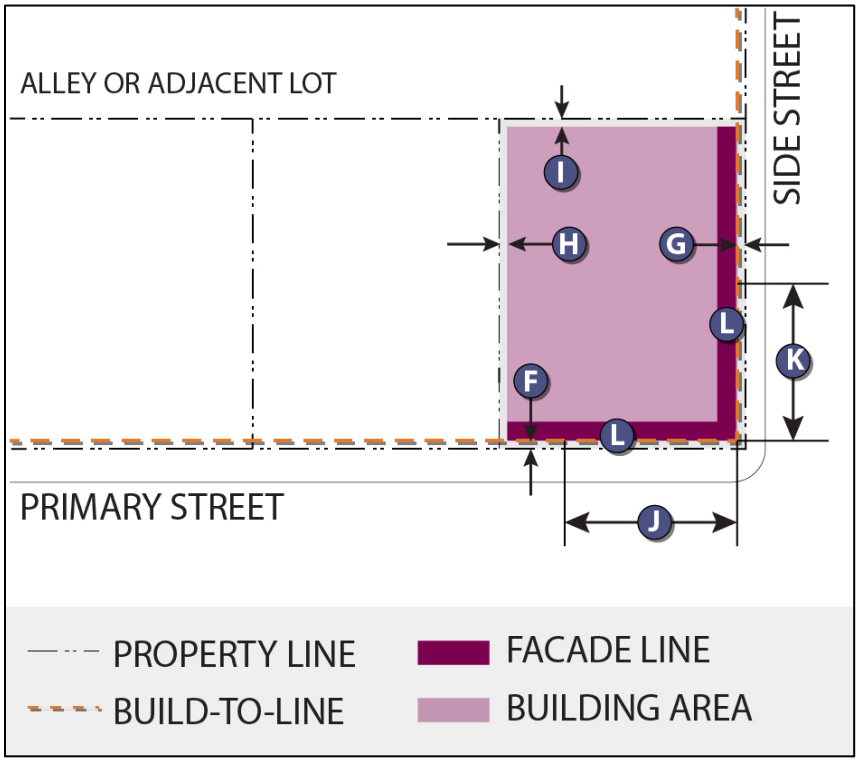
e. Maximum Impervious Area.

i. Ninety (90%) percent of lot size.

ii. The total square feet of pervious surfaces may be excluded from this calculation.

D. *Building Placement and Buildout*.

1. Figure 20.420.120-2. MFB Building Placement and Buildout




f. Front Build-to-Line (Primary Street).

i. Maximum of five (5') feet from the lot line.

ii. May encroach the build-to-line with a ROW permit.

g. Side Build-to-Line (Side Street).

i. Maximum of five (5') feet from the lot line.

ii. May encroach the build-to-line with a ROW permit.

h. Side Setback Line (Adjacent Lot).

i. Subject to screening and buffering standards.

i. Rear Setback Line (Adjacent Lot or Alley).

i. Subject to screening and buffering standards.

j. Front Build-Out (Primary Street).

i. Minimum of eighty (80%) percent of the front build-to-line.

k. Side Build-Out (Side Street).

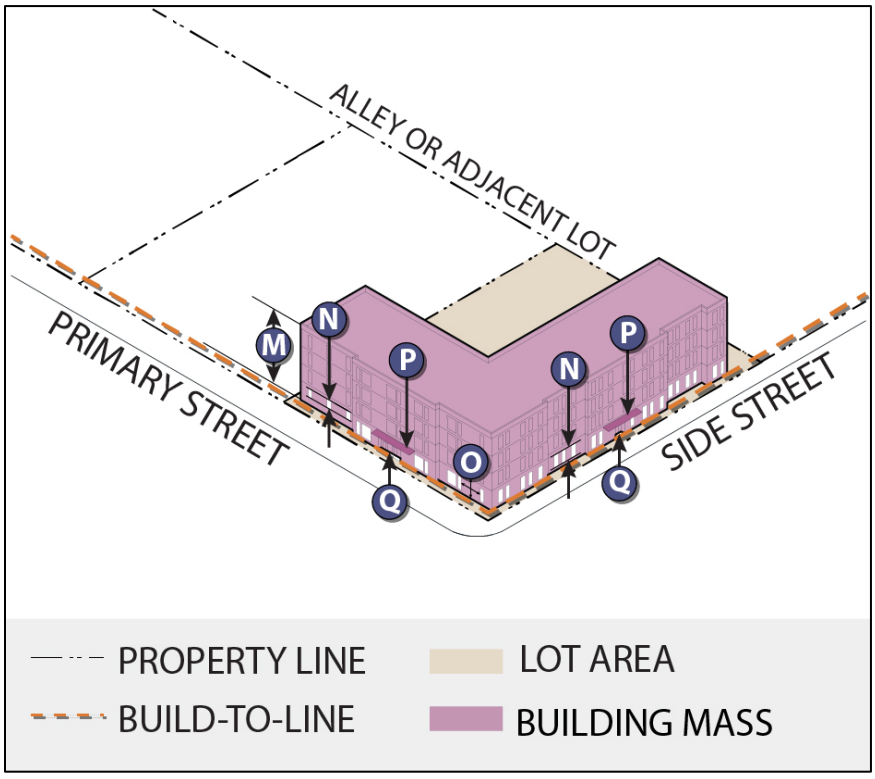
i. Minimum of fifty (50%) percent of the side build-to-line.

l. Maximum Facade Length.

i. Maximum two-hundred (200') feet without a building break; unrestricted public, pedestrian access; facade modulation; or change in materials or color.

E. *Building Height and Frontage*.

1. Figure 20.420.120-3. MFB Building Height and Frontage




m. Minimum and Maximum Height.

i. See Chapter 20.410 Zoning Districts height range for minimum and maximum height.

n. Ground Floor Transparency.

i. Primary Street. Minimum of fifteen (15%) percent transparent windows or doors.

ii. Side Street. Minimum of ten (10%) percent transparent windows or doors.

o. Blank Wall Limitations (Any Public Street).

i. No blank frontage walls greater than thirty (30') feet.

p. Weather Protection.

i. Required at all primary and side street entrances only when building facade is located at the lot line.

ii. Minimum vertical clearance of ten (10') feet.

iii. Maximum vertical clearance of twenty (20') feet.

iv. Minimum overhang of six (6') feet.

q. Entrances and Access Points.

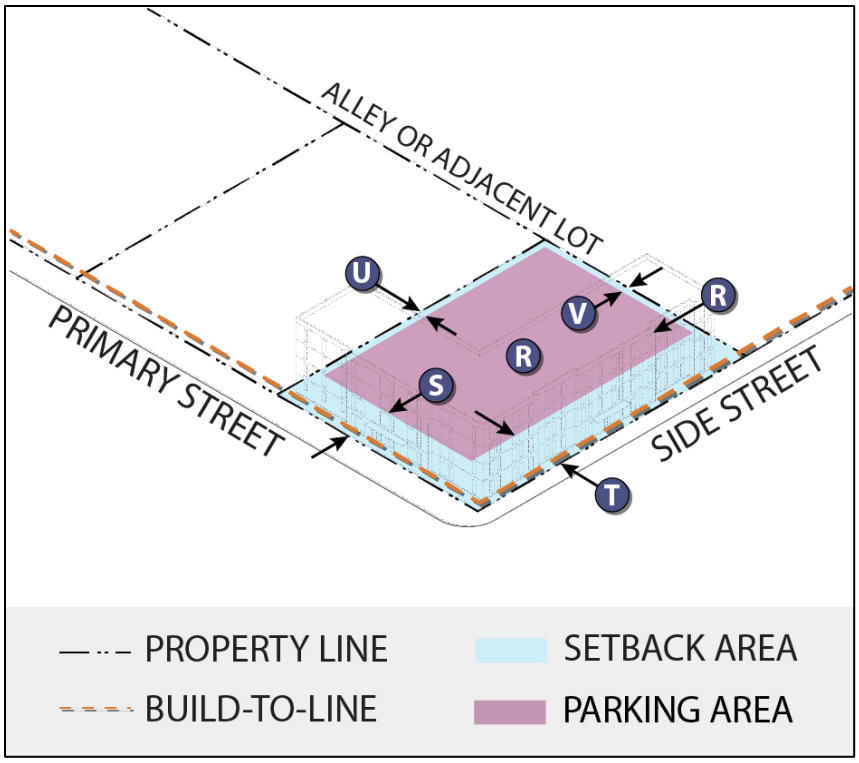
i. A shared pedestrian entrance must be located facing a primary street. Additional pedestrian entrances may be located facing side streets. If no primary street is present, the pedestrian entrance must face the side street.

ii. Ground floor residential units may have individual pedestrian entrances.

iii. Note: See Section VMC 20.410.160 Encroachments for encroachment standards for frontage.

F. *Parking and Access*.

1. Figure 20.420.120-4. MFB Building Height and Frontage




r. Parking Ratios.

   i. See Chapter 20.450.045 VMC Parking and Loading Revised for parking requirements.

s. Front Setback (Primary Street).

   i. Minimum of twenty (20') feet from the lot line.

   ii. Zero-lot-line if contained within building and buffered.

t. Side Setback (Side Street).

   i. Minimum of twenty (20') feet from the lot line.

   ii. Zero-lot-line if contained within building and buffered.

u. Side Setback (Adjacent Lot).

   i. Minimum of five (5') feet from the lot line.

v. Rear Setback (Adjacent Lot or Alley).

   i. Minimum of five (5') feet from the lot line.

w. Access Points.

i. Parking shall be accessed by way of a side street or an alley abutting the lot. If neither are present, parking may be accessed by way of a primary street. See Title 11 Streets and Sidewalks for additional requirements.

G. *Overlay Requirements*.

1. Ground Floor Activation. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.510 Active Ground Floor Use Overlay shall be required to comply with the following requirements:

a. Required Frontage Type. Table 20.420.120-2 shows the allowable frontage types for this building type that apply to frontage on primary and side streets. Internal frontage is not regulated. See Chapter 20.440 Frontage Types of this code for additional frontage type requirements.

**TABLE 20.420.120-2. ALLOWABLE FRONTAGE TYPES FOR MFB**

| Frontage Type | Allowable |
|---|---|
| Awnings | Yes |
| Balconies | Yes |
| Bay Windows | Yes |
| Cafe | No |
| Common Yard | No |
| Courtyard | Yes |
| Gallery | No |
| Light Court | No |
| Porch | Yes |
| Stoop | Yes |

| Frontage Type | Allowable |
|---|---|
| Shopfront | No |

b. Frontage Modulation Requirements.

i. One (1) vertical modulation of minimum twelve (12") inches every fifty (50') feet of facade on all streets.

c. Ground Floor Use Activation.

i. Fifty (50%) percent of ground floor frontage along primary streets must be common uses supportive of the Primary Residential Use per Chapter VMC 20.430 Use Requirements; or the side street when no primary street is present.

d. Minimum Ground Floor-to-Ceiling Height.

i. Minimum of fourteen (14') feet (floor-to-ceiling) for all primary uses.

e. Increased Ground Floor Transparency.

i. Primary Street. Minimum of thirty (30%) percent transparent windows or doors.

ii. Side Street. Minimum of twenty (20%) percent transparent windows or doors.

2. Ground Floor Ready. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.520 Active Ground Floor Use Ready Overlay shall be required to comply with the following requirements:

a. Minimum Ground Floor-to-Ceiling Height.

i. Minimum of twelve (12') feet (floor-to-ceiling) for all primary uses.

b. Increased Ground Floor Transparency.

i. Primary Street. Minimum of thirty (30%) percent transparent windows or doors.

ii. Side Street. Minimum of twenty (20%) percent transparent windows or doors.

3. Transit-based Height Allowance. Pursuant to this Chapter and Washington State Law, any building type located within a 1/4-mile radius of an existing or planned bus rapid or light rail transit, are eligible for no maximum height limits, subject to the Chapter 20.530 Station Areas Overlay.

a. Increased Maximum Height.

i. No maximum.

4. Other Overlay Requirements. The following may also apply:

a. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.

b. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.

c. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

## 20.420.130 Mid-Rise Residential Building Type (MIB)

A. *Definition.* A Mid-Rise Residential Building (MIB) is a large, zero-lot-line building with multiple attached and stacked dwelling units. The building features a shared street-level entrance leading to an interior lobby, with corridors providing access to each unit. The building should include shared spaces for residents to foster community interaction. Parking is typically below grade and should be accessed from side streets rather than the primary street to maintain an active and pedestrian-friendly frontage.

B. *Applicability.* Table 20.420.130-1 and Image 20.420.130-1 identify the allowable zoning district for MIB Building Types. Character images are advisory only.

**TABLE 20.420.130-1. MID-RISE RESIDENTIAL BUILDING TYPE ALLOWABLE BY DISTRICT**

| | |
|---|---|
| Low-Scale Neighborhood District (LS) | No |
| Medium-Scale Neighborhood District (MS) | No |
| Mixed-Use Neighborhood District (MX) | Yes |
| Regional Activity Center District (RA) | Yes |
| Institutional/Campus District (IC) | Yes |
| Industrial/Employment District (IE) | No |

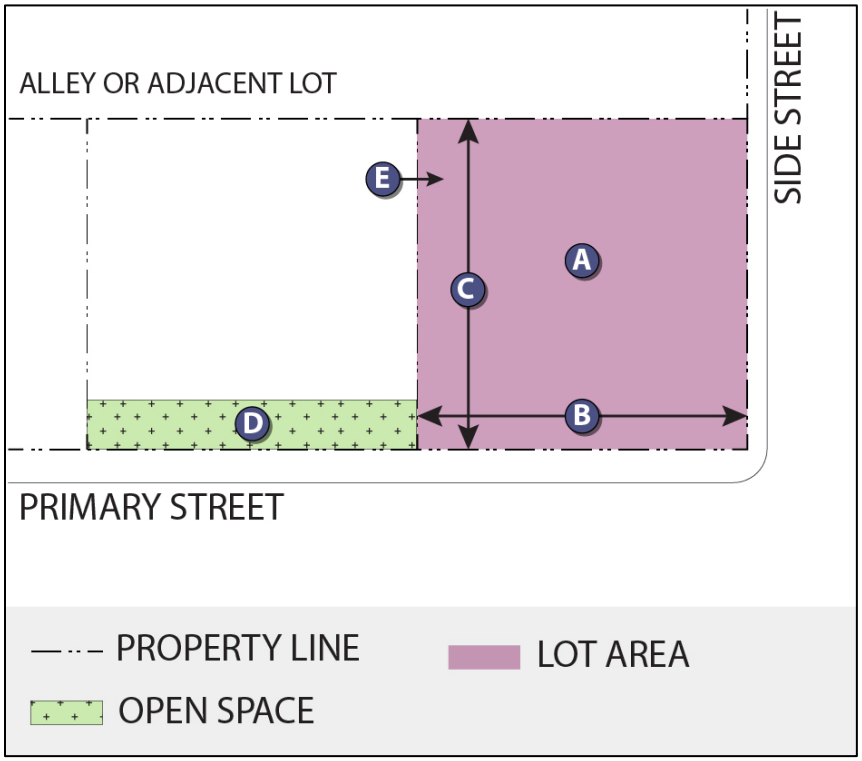
| | |
|---|---|
| Heavy Industrial District (HI) | No |
| Manufactured Home Development District (MH) | No |
| Parks/Open Space District (PO) | No |
| Natural Areas District (NA) | No |

**IMAGE 20.420.130-1. MID-RISE RESIDENTIAL BUILDING TYPE EXAMPLE**

*This image is advisory only.*

C. *Lot Dimension and Coverage.*

1. Figure 20.420.130-1. MIB Lot Dimension and Coverage




a. Minimum and Maximum Lot Size.

i. Not applicable.

b. Maximum Lot Width.

i. Not applicable.

c. Maximum Lot Depth.

i. Not applicable.

d. Minimum Open Space Area.

i. Ten (10%) percent of lot size. Setback areas may contribute to meeting this requirement.

ii. Terraces, verandas, patios, roof decks, and other shared outdoor spaces accessible by all residential units on upper floors may contribute to meeting this requirement.

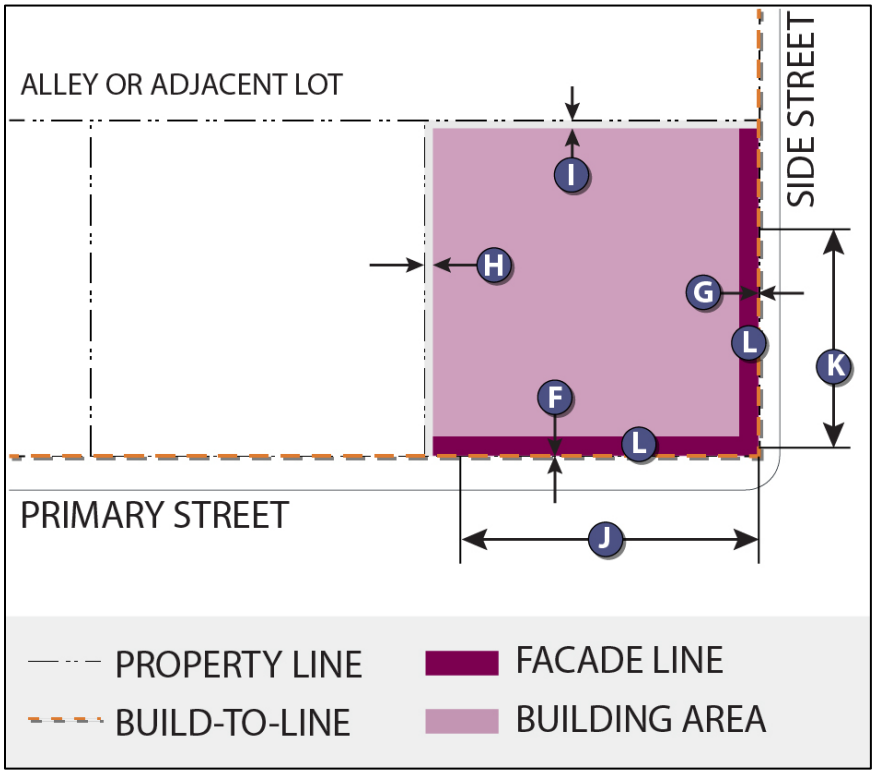
e. Maximum Impervious Area.

i. Ninety-five (95%) percent of lot size.

ii. The total square feet of pervious surfaces may be excluded from this calculation.

D. *Building Placement and Buildout*

1. Figure 20.420.130-2. MIB Building Placement and Buildout




f. Front Build-to-Line (Primary Street).

i. Maximum of five (5') feet from the lot line.

ii. May encroach the build-to-line with a ROW permit.

iii. Public plazas, as defined in Chapter 20.150 VMC, shall be considered exempt from the front build-to-line.

g. Side Build-to-Line (Side Street).

i. Maximum of five (5') feet from the lot line.

ii. May encroach the build-to-line with a ROW permit.

h. Side Setback Line (Adjacent Lot).

i. Subject to screening and buffering standards.

i. Rear Setback Line (Adjacent Lot or Alley).

i. Subject to screening and buffering standards.

j. Front Build-Out (Primary Street).

i. Minimum of eighty (80%) percent of the front build-to-line.

k. Side Build-Out (Side Street).

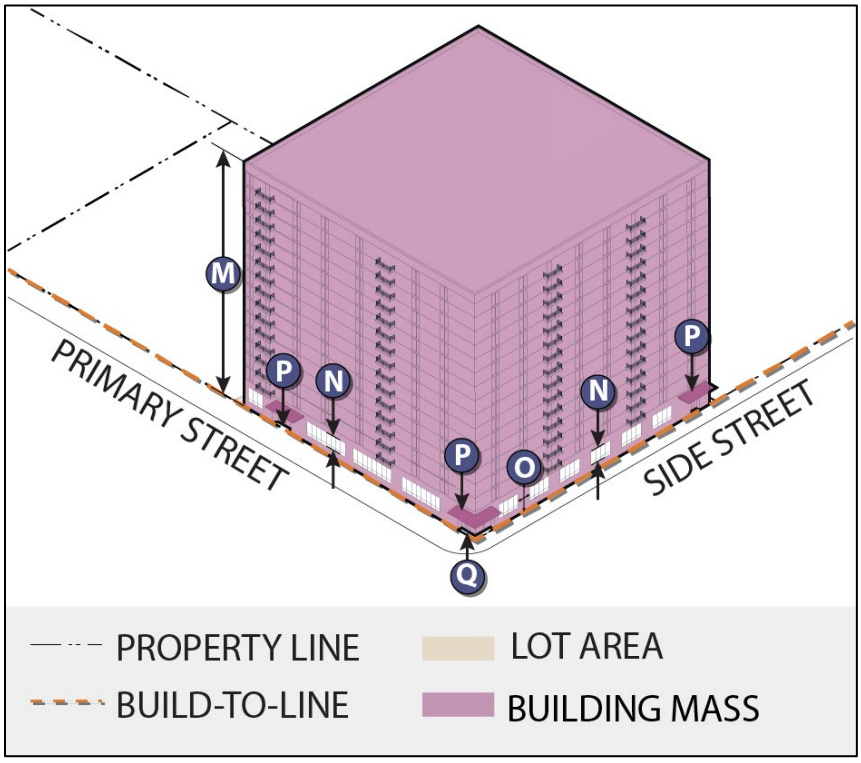
i. Minimum of seventy (70%) percent of the side build-to-line.

l. Maximum Facade Length.

i. Maximum two-hundred (200') feet without a building break; unrestricted public, pedestrian access; facade modulation; or change in materials or color.

E. *Building Height and Frontage*.

1. Figure 20.420.130-3. MIB Building Height and Frontage

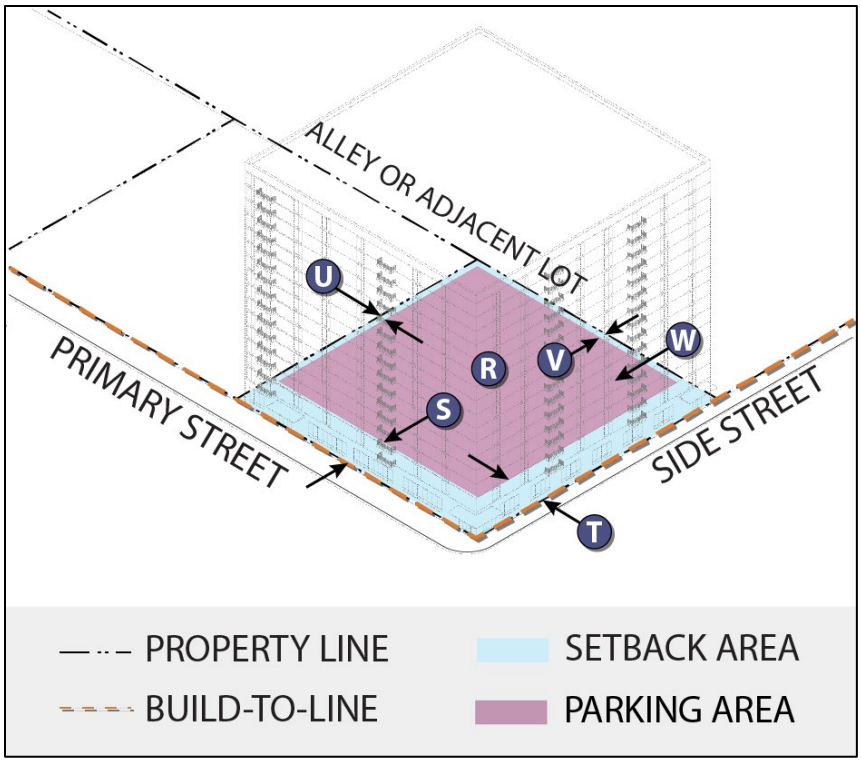



m. Minimum and Maximum Height.

i. See Chapter 20.410 Zoning Districts height range for minimum and maximum height.

n. Ground Floor Transparency.
    i. Primary Street. Minimum of forty (40%) percent transparent windows or doors.
    ii. Side Street. Minimum of thirty (30%) percent transparent windows or doors.
o. Blank Wall Limitations (Any Public Street).
    i. No blank frontage walls greater than thirty (30') feet.
p. Weather Protection.
    i. Required at all primary and side street entrances only when building facade is located at the lot line.
    ii. Minimum vertical clearance of ten (10') feet.
    iii. Maximum vertical clearance of twenty (20') feet.
    iv. Minimum overhang of six (6') feet.
q. Entrances and Access Points.
    i. A shared pedestrian entrance must be located facing a primary street. Additional pedestrian entrances may be located facing side streets. If no primary street is present, the pedestrian entrance must face the side street.
    ii. Note: See Section VMC 20.410.160 Encroachments for encroachment standards for frontage.

F. *Parking and Access*.
    1. Figure 20.420.130-4. MIB Parking and Access




r. Parking Ratios.

   i. See Section 20.450.045 VMC Parking and Loading Revised for parking requirements.

s. Front Setback (Primary Street).

   i. Minimum of twenty (20') feet from the lot line.

   ii. Zero-lot-line if contained within building and buffered.

t. Side Setback (Side Street).

   i. Minimum of twenty (20') feet from the lot line.

   ii. Zero-lot-line if contained within building and buffered.

u. Side Setback (Adjacent Lot).

   i. Minimum of five (5') feet from the lot line.

v. Rear Setback (Adjacent Lot or Alley).

   i. Minimum of five (5') feet from the lot line.

w. Access Points.

i. Parking shall be accessed by way of a side street or an alley abutting the lot. If neither are present, parking may be accessed by way of a primary street. See Title 11 Streets and Sidewalks for additional requirements.

G. *Overlay Requirements*.

1. Ground Floor Activation. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.510 Active Ground Floor Use Overlay shall be required to comply with the following requirements:

a. Required Frontage Type. Table 20.420.130-2 shows the allowable frontage types for this building type that apply to frontage on primary and side streets. Internal frontage is not regulated. See Chapter 20.440 Frontage Types of this code for additional frontage type requirements.

**TABLE 20.420.130-2. ALLOWABLE FRONTAGE TYPES FOR MIB**

| Frontage Type | Allowable |
|---|---|
| Awnings | Yes |
| Balconies | Yes |
| Bay Windows | Yes |
| Cafe | No |
| Common Yard | No |
| Courtyard | Yes |
| Gallery | Yes |
| Light Court | No |
| Porch | No |
| Stoop | No |

| Frontage Type | Allowable |
|---|---|
| Shopfront | No |

b. Frontage Modulation Requirements.

i. One (1) vertical modulation of minimum twelve (12") inches every fifty (50') feet of facade on all streets.

c. Ground Floor Use Activation.

i. Fifty (50%) percent of ground floor frontage along primary streets must be common uses supportive of the Primary Residential Use per Chapter VMC 20.430 Use Requirements; or the side street when no primary street is present.

d. Minimum Ground Floor-to-Ceiling Height.

i. Minimum of fourteen (14') feet (floor-to-ceiling) for all primary uses.

e. Increased Ground Floor Transparency.

i. Primary Street. Minimum of fifty (50%) percent transparent windows or doors.

ii. Side Street. Minimum of forty (40%) percent transparent windows or doors.

2. Ground Floor Ready. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.520 Active Ground Floor Use Ready Overlay shall be required to comply with the following requirements:

a. Minimum Ground Floor-to-Ceiling Height.

i. Minimum of twelve (12') feet (floor-to-ceiling) for all primary uses.

b. Increased Ground Floor Transparency.

i. Primary Street. Minimum of fifty (50%) percent transparent windows or doors.

ii. Side Street. Minimum of forty (40%) percent transparent windows or doors.

3. Transit-based Height Allowance. Pursuant to this Chapter and Washington State Law, any building type located within a 1/4-mile radius of an existing or planned bus rapid or light rail transit, are eligible for no maximum height limits, subject to the Chapter 20.530 Station Areas Overlay.

a. Increased Maximum Height.

i. No maximum.

4. Other Overlay Requirements. The following may also apply:

a. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.

b. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.

c. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

## 20.420.140 Mixed-Use Residential Building Type (MXB)

A. *Definition.* A Mixed-Use Residential Building (MXB) is a medium- to large-sized building featuring ground-floor commercial spaces with residential units stacked above. The ground floor consists of multiple entrances, while the residential portion has a shared entrance and lobby. Interior circulation to the upper residential floors is provided through shared corridors that lead to individual units.

B. *Applicability.* Table 20.420.140-1 and Image 20.420.140-1 identify the allowable zoning district for MXB Building Types. Character images are advisory only.

**TABLE 20.420.140-1. MIXED-USE RESIDENTIAL BUILDING TYPE ALLOWABLE BY DISTRICT**

| | |
|---|---|
| Low-Scale Neighborhood District (LS) | Yes |
| Medium-Scale Neighborhood District (MS) | Yes |
| Mixed-Use Neighborhood District (MX) | Yes |
| Regional Activity Center District (RA) | Yes |
| Institutional/Campus District (IC) | Yes |
| Industrial/Employment District (IE) | No |

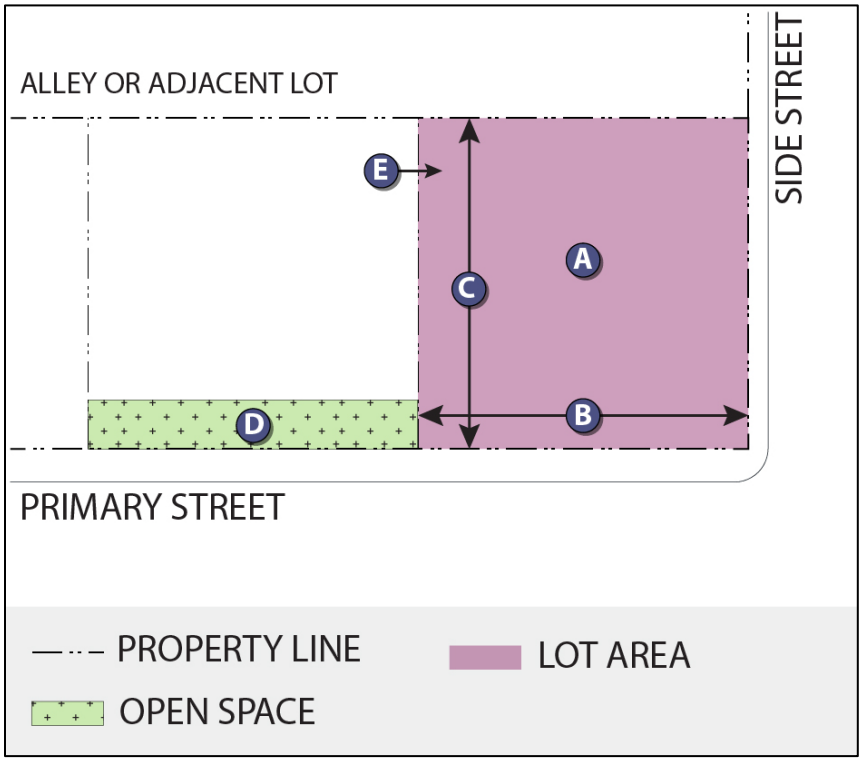
| | |
|---|---|
| Heavy Industrial District (HI) | No |
| Manufactured Home Development District (MH) | No |
| Parks/Open Space District (PO) | No |
| Natural Areas District (NA) | No |

**IMAGE 20.420.140-1. MIXED-USE RESIDENTIAL BUILDING TYPE EXAMPLE**

*This image is advisory only.*

C. *Lot Dimension and Coverage.*

1. Figure 20.420.140-1. MXB Lot Dimension and Coverage




a. Minimum and Maximum Lot Size.

i. Minimum: Not applicable.

ii. Maximum: Not applicable.

b. Maximum Lot Width.

i. Not applicable.

c. Maximum Lot Depth.

i. Not applicable.

d. Minimum Open Space Area.

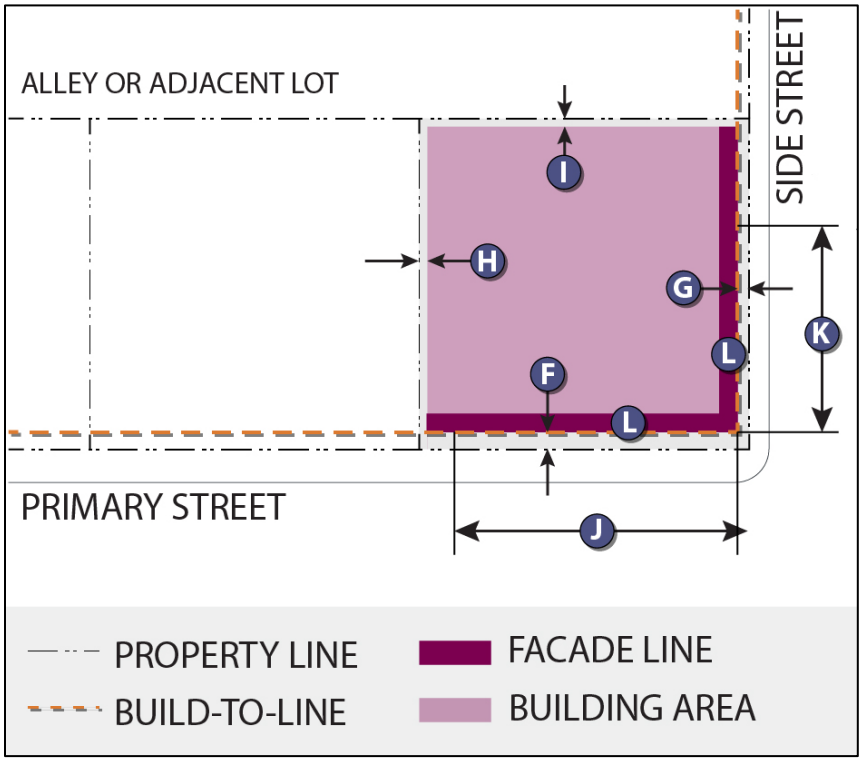
i. Not applicable.

e. Maximum Impervious Area.

i. Not applicable.

D. *Building Placement and Buildout.*

1. Figure 20.420.140-2. MXB Building Placement and Buildout




f. Front Build-to-Line (Primary Street).

i. Maximum of five (5') feet from the lot line.

ii. May encroach the build-to-line with a ROW permit.

iii. Public plazas, as defined in Chapter 20.150 VMC, shall be considered exempt from the front build-to-line.

g. Side Build-to-Line (Side Street).

i. Maximum of five (5') feet from the lot line.

ii. May encroach the build-to-line with a ROW permit.

h. Side Setback Line (Adjacent Lot).

i. Subject to screening and buffering standards.

i. Rear Setback Line (Adjacent Lot or Alley).

i. Subject to screening and buffering standards.

j. Front Build-Out (Primary Street).

i. Minimum of ninety (90%) percent of the front build-to-line.

k. Side Build-Out (Side Street).

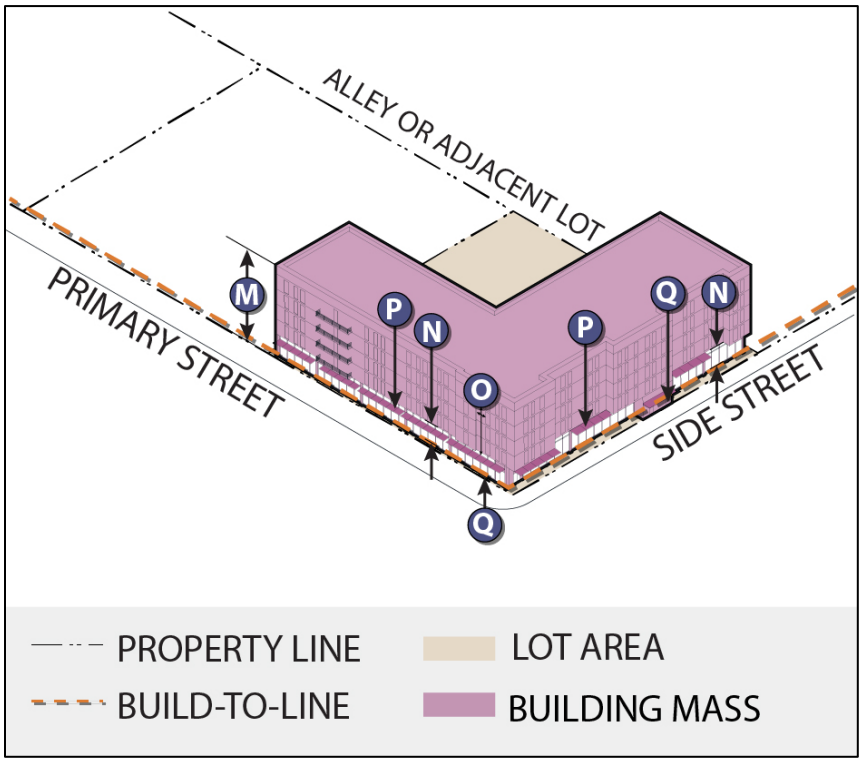
i. Minimum of seventy (70%) percent of the side build-to-line.

l. Maximum Facade Length.

i. Maximum two-hundred (200') feet without a building break; unrestricted public, pedestrian access; facade modulation; or change in materials or color.

E. *Building Height and Frontage.*

1. Figure 20.420.140-3. MXB Building Height and Frontage




m. Minimum and Maximum Height.

i. See Chapter 20.410 Zoning Districts height range for minimum and maximum height.

n. Ground Floor Transparency.

i. Primary Street. Minimum of fifty (50%) percent transparent windows or doors.

ii. Side Street. Minimum of thirty (30%) percent transparent windows or doors.

o. Blank Wall Limitations (Any Public Street).

i. No blank frontage walls greater than thirty (30') feet.

p. Weather Protection.

i. Required at all primary and side street entrances only when building facade is located at the lot line.

ii. Minimum of seventy (70%) percent linear coverage on primary streets and thirty (30%) percent on side streets.

iii. Minimum vertical clearance of ten (10') feet.

iv. Maximum vertical clearance of twenty (20') feet.

v. Minimum overhang of six (6') feet.

q. Entrances and Access Points.

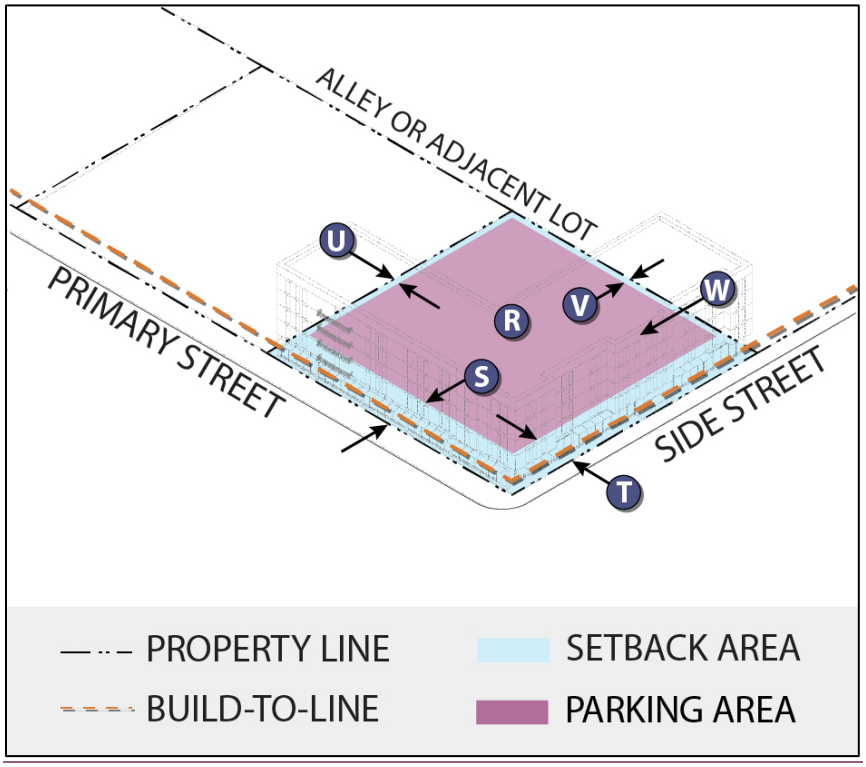
i. No requirements for shared pedestrian entrances.

ii. Ground floor residential units may have individual pedestrian entrances.

iii. Note: See Section VMC 20.410.160 Encroachments for encroachment standards for frontage.

F. *Parking and Access.*

1. Figure 20.420.140-4. MXB Parking and Access




r. Parking Ratios.

i. See Section 20.450.045 VMC Parking and Loading for parking requirements.

s. Front Setback (Primary Street).

i. Minimum of twenty (20') feet from the lot line.

ii. Zero-lot-line if contained within building and buffered.

t. Side Setback (Side Street).

i. Minimum of twenty (20') feet from the lot line.

ii. Zero-lot-line if contained within building and buffered.

u. Side Setback (Adjacent Lot).

i. Minimum of five (5') feet from the lot line.

v. Rear Setback (Adjacent Lot or Alley).

i. Minimum of five (5') feet from the lot line.

w. Access Points.

i. Parking shall be accessed by way of a side street or an alley abutting the lot. If neither are present, parking may be accessed by way of a primary street. See Title 11 Streets and Sidewalks for additional requirements.

G. *Overlay Requirements*.

1. Ground Floor Activation. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.510 Active Ground Floor Use Overlay shall be required to comply with the following requirements:

a. Required Frontage Type. Table 20.420.140-2 shows the allowable frontage types for this building type that apply to frontage on primary and side streets. Internal frontage is not regulated. See Chapter 20.440 Frontage Types of this code for additional frontage type requirements.

**TABLE 20.420.140-2. ALLOWABLE FRONTAGE TYPES FOR MXB**

| Frontage Type | Allowable |
|---|---|
| Awnings | Yes |
| Balconies | Yes |
| Bay Windows | Yes |
| Cafe | Yes |
| Common Yard | No |
| Courtyard | Yes |
| Gallery | Yes |
| Light Court | Yes |
| Porch | No |
| Stoop | No |
| Shopfront | Yes |

b. Frontage Modulation Requirements.

   i. One (1) vertical modulation of minimum twelve (12") inches every fifty (50') feet of facade on all streets.

c. Ground Floor Use Activation.

   i. Fifty (50%) percent of ground floor frontage along primary streets must be Active Retail Uses per Chapter VMC 20.430 Use Requirements; or the side street when no primary street is present.

d. Minimum Ground Floor-to-Ceiling Height.

i. Minimum of fourteen (14') feet (floor-to-ceiling) for all primary uses.

e. Increased Ground Floor Transparency.

i. Primary Street. Minimum of sixty (60%) percent transparent windows or doors.

ii. Side Street. Minimum of forty (40%) percent transparent windows or doors.

2. Ground Floor Ready. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.520 Active Ground Floor Use Ready Overlay shall be required to comply with the following requirements:

a. Minimum Ground Floor-to-Ceiling Height.

i. Minimum of twelve (12') feet (floor-to-ceiling) for all primary uses.

b. Increased Ground Floor Transparency.

i. Primary Street. Minimum of sixty (60%) percent transparent windows or doors.

ii. Side Street. Minimum of forty (40%) percent transparent windows or doors.

3. Transit-based Height Allowance. Pursuant to this Chapter and Washington State Law, any building type located within a 1/4-mile radius of an existing or planned bus rapid or light rail transit, are eligible for no maximum height limits, subject to the Chapter 20.530 Station Areas Overlay.

a. Increased Maximum Height.

i. No maximum.

4. Other Overlay Requirements. The following may also apply:

a. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.

b. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.

c. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

## 20.420.150 Mixed-Use Office Building Type (MOB)

A. *Definition.* A Mixed-Use Office Building (MOB) is a medium- to large-sized building designed to feature ground-floor commercial spaces with office space above. The retail areas have independent entrances for easy access to street-level shops. Office space on the upper floors is accessed via interior circulation, which can include a central corridor or open area, depending on whether the floor is occupied by a single tenant or divided among multiple tenants.

B. *Applicability.* Table 20.420.150-1 and Image 20.420.150-1 identify the allowable zoning district for MOB Building Types. Character images are advisory only.

**TABLE 20.420.150-1. MIXED-USE OFFICE BUILDING TYPE ALLOWABLE BY DISTRICT**

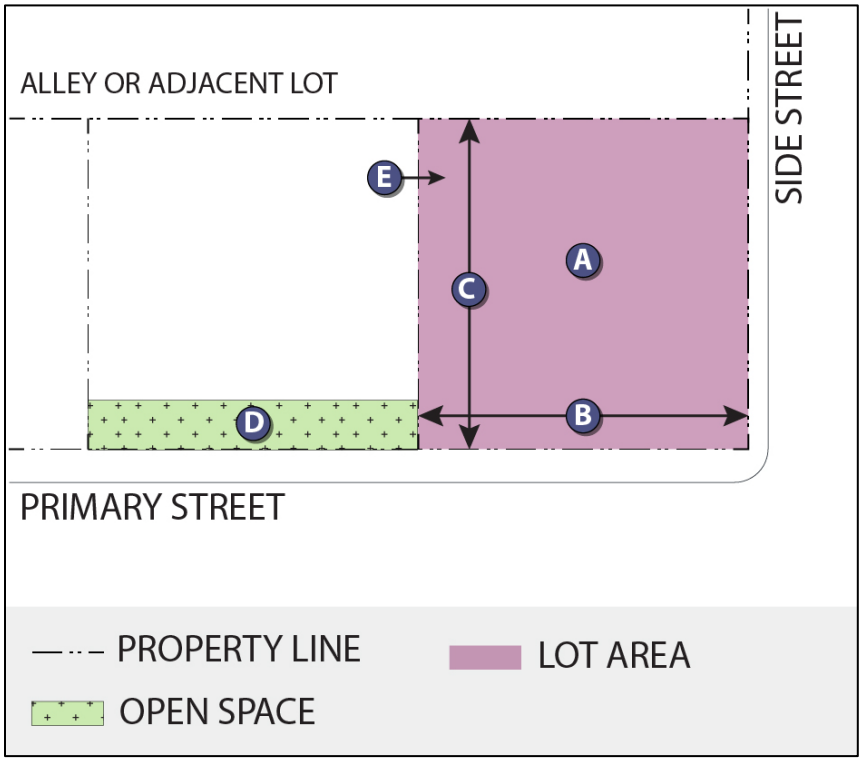
| | |
|---|---|
| Low-Scale Neighborhood District (LS) | No |
| Medium-Scale Neighborhood District (MS) | Yes |
| Mixed-Use Neighborhood District (MX) | Yes |
| Regional Activity Center District (RA) | Yes |
| Institutional/Campus District (IC) | Yes |
| Industrial/Employment District (IE) | Yes |
| Heavy Industrial District (HI) | No |
| Manufactured Home Development District (MH) | No |
| Parks/Open Space District (PO) | No |
| Natural Areas District (NA) | No |

IMAGE 20.420.150-1. MIXED-USE OFFICE BUILDING TYPE EXAMPLE

*This image is advisory only.*

C. *Lot Dimension and Coverage*.

1. Figure 20.420.150-1. MOB Lot Dimension and Coverage




a. Minimum and Maximum Lot Size.

i. Minimum: Not applicable.

ii. Maximum: Not applicable.

b. Maximum Lot Width.

i. Not applicable.

c. Maximum Lot Depth.

i. Not applicable.

d. Minimum Open Space Area.

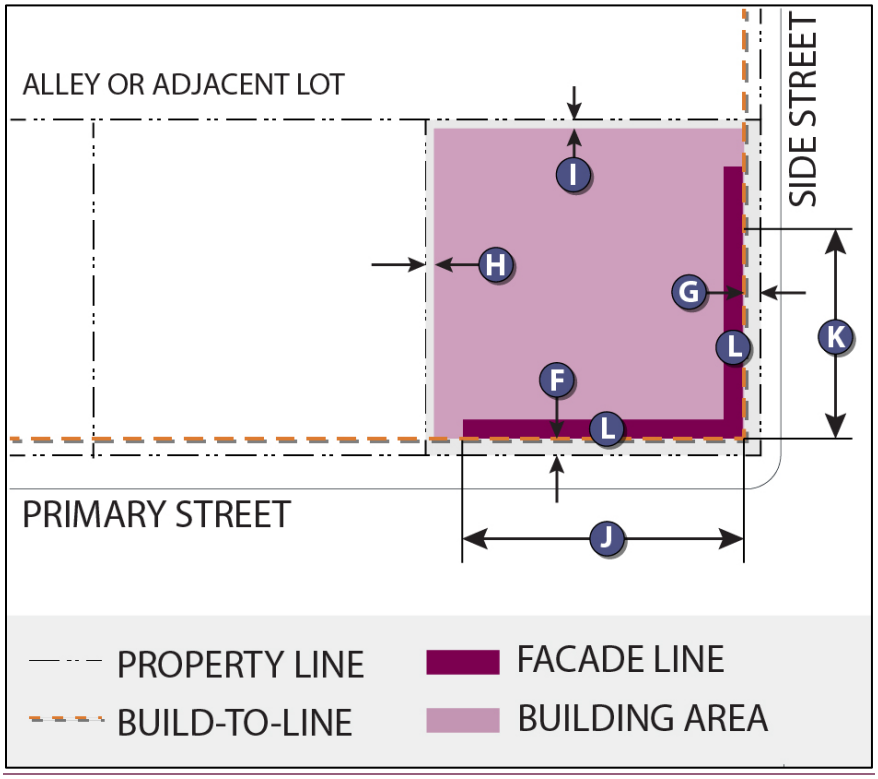
i. Not applicable.

e. Maximum Impervious Area.

i. Not applicable.

D. *Building Placement and Buildout*.

1. Figure 20.420.150-2. MOB Building Placement and Buildout




f. Front Build-to-Line (Primary Street).

i. Maximum of ten (10') feet from the lot line.

ii. May encroach the build-to-line with a ROW permit.

g. Side Build-to-Line (Side Street).

i. Maximum of ten (10') feet from the lot line.

ii. May encroach the build-to-line with a ROW permit.

h. Side Setback Line (Adjacent Lot).

i. Subject to screening and buffering standards.

i. Rear Setback Line (Adjacent Lot or Alley).

i. Subject to screening and buffering standards.

j. Front Build-Out (Primary Street).

i. Minimum of ninety (90%) percent of the front build-to-line.

k. Side Build-Out (Side Street).

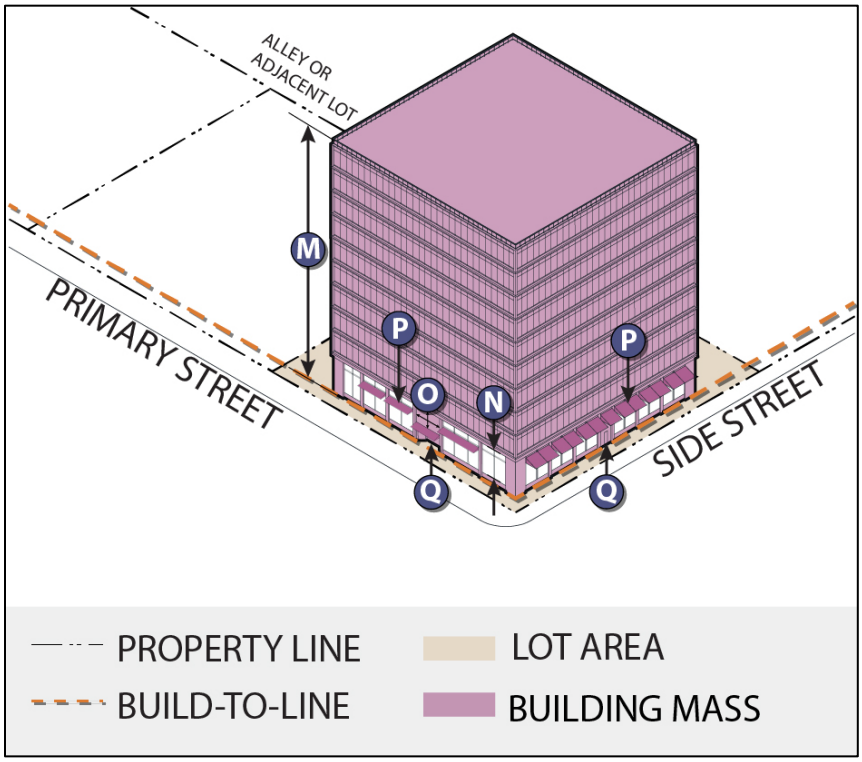
i. Minimum of fifty (50%) percent of the side build-to-line.

l. Maximum Facade Length.

i. Maximum two-hundred (200') feet without a building break; unrestricted public, pedestrian access; facade modulation; or change in materials or color.

E. *Building Height and Frontage*.

1. Figure 20.420.150-3. MOB Building Height and Frontage




m. Minimum and Maximum Height.

i. See Chapter 20.410 Zoning Districts height range for minimum and maximum height.

n. Ground Floor Transparency.

i. Primary Street. Minimum of fifty (50%) percent transparent windows or doors.

ii. Side Street. Minimum of twenty (20%) percent transparent windows or doors.

o. Blank Wall Limitations (Any Public Street).

i. No blank frontage walls greater than thirty (30') feet.

p. Weather Protection.

i. Required at all primary and side street entrances only when building facade is located at the lot line.

ii. Minimum of seventy (70%) percent linear coverage on primary streets.

iii. Minimum vertical clearance of ten (10') feet.

iv. Maximum vertical clearance of twenty (20') feet.

v. Minimum overhang of six (6') feet.

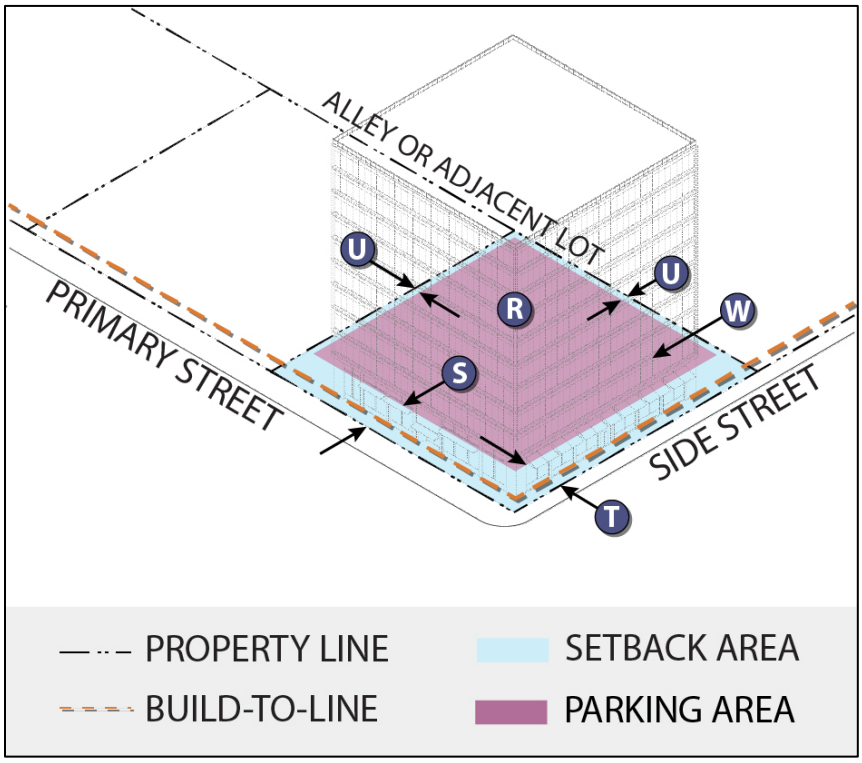
q. Entrances and Access Points.

i. No requirements for shared pedestrian entrances.

ii. Note: See Chapter VMC 20.410.160 Encroachments for encroachment standards for frontage.

F. *Parking and Access*.

1. Figure 20.420.150-4. MOB Parking and Access




r. Parking Ratios.

i. See Chapter 20.450.045 VMC Parking and Loading Revised for parking requirements.

s. Front Setback (Primary Street).

i. Minimum of twenty (20') feet from the lot line.

ii. Zero-lot-line if contained within building and buffered.

t. Side Setback (Side Street).

i. Minimum of twenty (20') feet from the lot line.

ii. Zero-lot-line if contained within building and buffered.

u. Side Setback (Adjacent Lot).

i. Minimum of five (5') feet from the lot line.

v. Rear Setback (Adjacent Lot or Alley).

i. Minimum of five (5') feet from the lot line.

w. Access Points.

i. Parking shall be accessed by way of a side street or an alley abutting the lot. If neither are present, parking may be accessed by way of a primary street. See Title 11 Streets and Sidewalks for additional requirements.

G. *Overlay Requirements*.

1. Ground Floor Activation. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.510 Active Ground Floor Use Overlay shall be required to comply with the following requirements:

a. Required Frontage Type. Table 20.420.150-2 shows the allowable frontage types for this building type that apply to frontage on primary and side streets. Internal frontage is not regulated. See Chapter 20.440 Frontage Types of this code for additional frontage type requirements.

**TABLE 20.420.150-2. ALLOWABLE FRONTAGE TYPES FOR MOB**

| Frontage Type | Allowable |
|---|---|
| Awnings | Yes |
| Balconies | No |
| Bay Windows | No |
| Cafe | Yes |
| Common Yard | No |
| Courtyard | Yes |
| Gallery | Yes |
| Light Court | No |
| Porch | No |
| Stoop | No |
| Shopfront | Yes |

b. Frontage Modulation Requirements.

   i. One (1) vertical modulation of minimum twelve (12”) inches every fifty (50’) feet of facade on all streets.

c. Ground Floor Use Activation.

   i. Fifty (50%) percent of ground floor frontage along primary streets must be Active Retail Uses per Chapter VMC 20.430 Use Requirements; or the side street when no primary street is present.

d. Minimum Ground Floor-to-Ceiling Height.
    i. Minimum of fourteen (14') feet (floor-to-ceiling) for all primary uses.
e. Increased Ground Floor Transparency.
    i. Primary Street. Minimum of sixty (60%) percent transparent windows or doors.
    ii. Side Street. Minimum of thirty (30%) percent transparent windows or doors.

2. Ground Floor Ready. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.520 Active Ground Floor Use Ready Overlay shall be required to comply with the following requirements:
    a. Minimum Ground Floor-to-Ceiling Height.
        i. Minimum of twelve (12') feet (floor-to-ceiling) for all primary uses.
    b. Increased Ground Floor Transparency.
        i. Primary Street. Minimum of sixty (60%) percent transparent windows or doors.
        ii. Side Street. Minimum of thirty (30%) percent transparent windows or doors.
3. Transit-based Height Allowance: Pursuant to this Chapter and Washington State Law, any building type located within a 1/4-mile radius of an existing or planned bus rapid or light rail transit, are eligible for no maximum height limits, subject to the Chapter 20.530 Station Areas Overlay.
    a. Increased Maximum Height.
        i. No maximum.
4. Other Overlay Requirements: The following may also apply:
    a. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.
    b. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.
    c. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

## 20.420.160 Commercial Block Building Type (CBB)

A. *Definition.* A Commercial Block Building (CBB) is a small, low-rise rectangular building with individual entrances for in-line shops or stores, designed to foster an active and engaging street presence. The building should be oriented with entrances facing the street, while parking is placed at the rear to prioritize pedestrian access.

B. *Applicability.* Table 20.420.160-1 and Image 20.420.160-1 identify the allowable zoning district for CBB Building Types. Character images are advisory only.

**TABLE 20.420.160-1. COMMERCIAL BLOCK BUILDING TYPE ALLOWABLE BY DISTRICT**

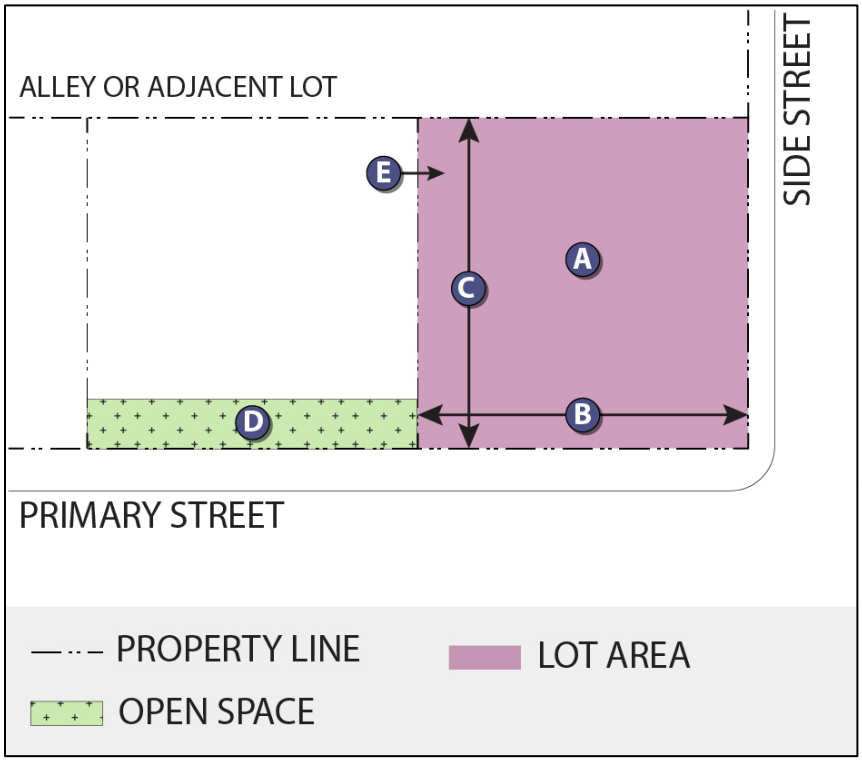
| | |
|---|---|
| Low-Scale Neighborhood District (LS) | Yes |
| Medium-Scale Neighborhood District (MS) | Yes |
| Mixed-Use Neighborhood District (MX) | Yes |
| Regional Activity Center District (RA) | Yes |
| Institutional/Campus District (IC) | Yes |
| Industrial/Employment District (IE) | Yes |
| Heavy Industrial District (HI) | No |
| Manufactured Home Development District (MH) | No |
| Parks/Open Space District (PO) | No |
| Natural Areas District (NA) | No |

**IMAGE 20.420.160-1. COMMERCIAL BLOCK BUILDING TYPE EXAMPLE**

*This image is advisory only.*

C. *Lot Dimension and Coverage.*

1. Figure 20.420.160-1. CBB Lot Dimension and Coverage




a. Minimum and Maximum Lot Size.

i. Minimum: Not applicable.

ii. Maximum: Not applicable.

b. Maximum Lot Width.

i. Not applicable.

c. Maximum Lot Depth.

i. Not applicable.

d. Minimum Open Space Area.

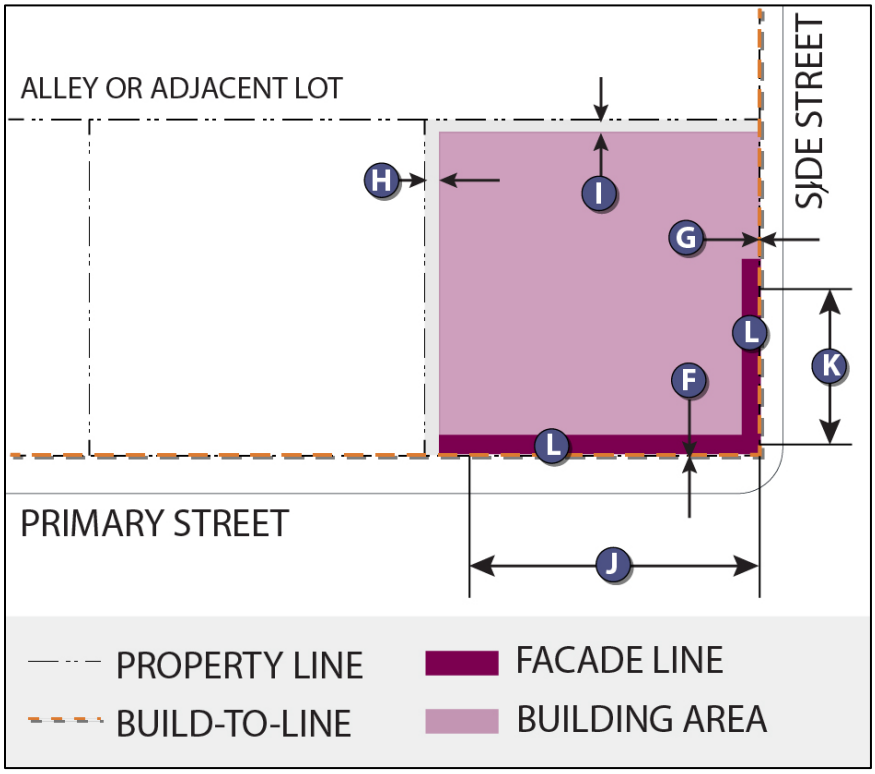
i. Not applicable.

e. Maximum Impervious Area.

i. Not applicable.

D. *Building Placement and Buildout*.

1. Figure 20.420.160-2. CBB Building Placement and Buildout




f. Front Build-to-Line (Primary Street).

i. Maximum of five (5') feet from the lot line.

ii. Public plazas, as defined in Chapter 20.150 VMC, shall be considered exempt from the front build-to-line.

g. Side Build-to-Line (Side Street).

i. Maximum of five (5') feet from the lot line.

h. Side Setback Line (Adjacent Lot).

i. Subject to screening and buffering standards.

i. Rear Setback Line (Adjacent Lot or Alley).

i. Subject to screening and buffering standards.

j. Front Build-Out (Primary Street).

i. Minimum of ninety (90%) percent of the front build-to-line.

k. Side Build-Out (Side Street).

i. Minimum of fifty (50%) percent of the side build-to-line.

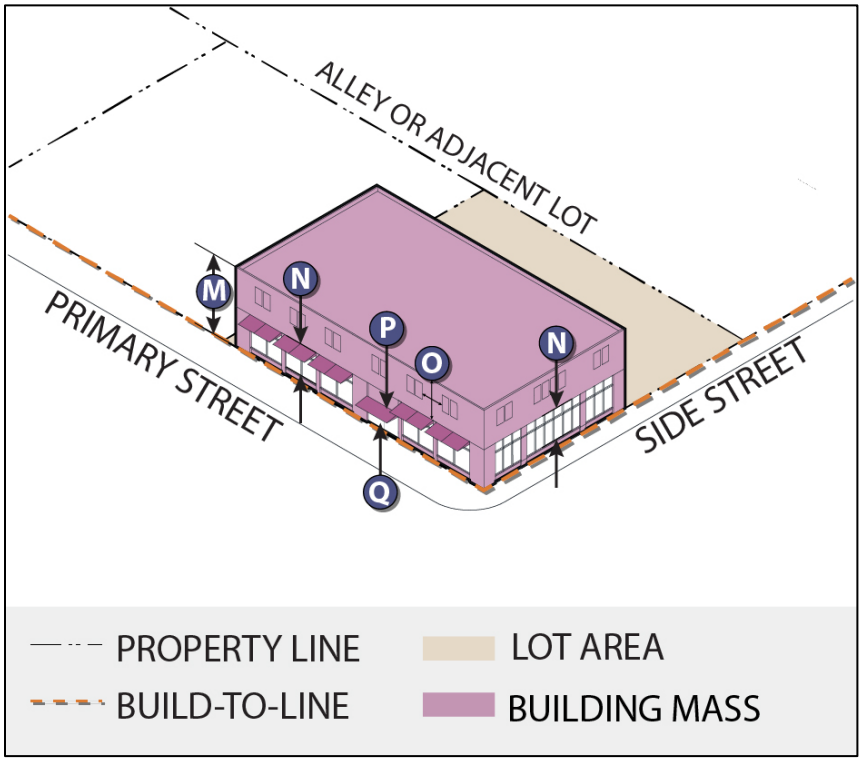
l. Maximum Facade Length.

i. Maximum two-hundred (200') feet without a building break; unrestricted public, pedestrian access; facade modulation; or change in materials or color.

ii. Note: Building Placement and Buildout Standards are not applicable on building types located within the IC, IE, and HI Districts.

E. *Building Height and Frontage*.

1. Figure 20.420.160-3. CBB Building Height and Frontage




m. Minimum and Maximum Height.

i. See Chapter 20.410 Zoning Districts height range for minimum and maximum height.

n. Ground Floor Transparency.

i. Primary Street. Minimum of fifty (50%) percent transparent windows or doors.

ii. Side Street. Minimum of twenty (20%) percent transparent windows or doors.

o. Blank Wall Limitations (Any Public Street).

i. No blank frontage walls greater than fifteen (15') feet.

p. Weather Protection.

i. Required at all primary and side street entrances only when building facade is located at the lot line.

ii. Minimum of seventy (70%) percent linear coverage on primary streets.

iii. Minimum vertical clearance of ten (10') feet.

iv. Maximum vertical clearance of twenty (20') feet.

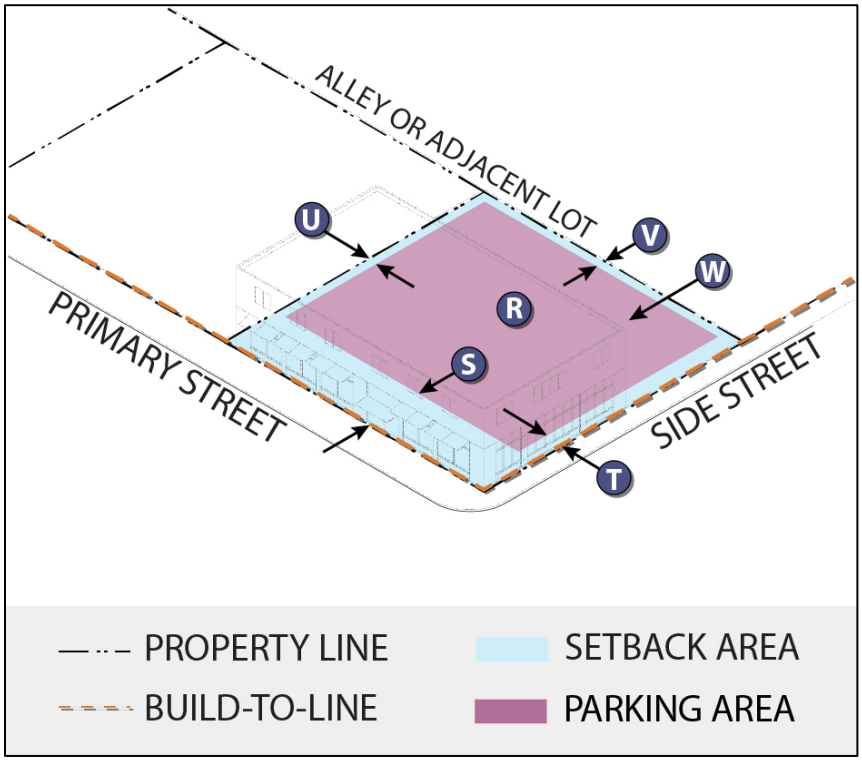
v. Minimum overhang of six (6') feet.

q. Entrances and Access Points.

i. No requirements for shared pedestrian entrances.

F. *Parking and Access.*

1. Figure 20.420.160-4. CBB Parking and Access




r. Parking Ratios.

i. See Section 20.450.045 Parking and Loading Revised for parking requirements.

s. Front Setback (Primary Street).

i. Minimum of twenty (20') feet from the lot line.

t. Side Setback (Side Street).

i. Minimum of ten (10') feet from the lot line.

u. Side Setback (Adjacent Lot).

i. Minimum of five (5') feet from the lot line.

v. Rear Setback (Adjacent Lot or Alley).

i. Minimum of five (5') feet from the lot line.

w. Access Points.

i. Parking shall be accessed by way of a side street or an alley abutting the lot. If neither are present, parking may be accessed by way of a primary street. See Title 11 Streets and Sidewalks for additional requirements.

G. *Overlay Requirements*.

1. Ground Floor Activation. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.510 Active Ground Floor Use Overlay shall be required to comply with the following requirements:

a. Required Frontage Type. Table 20.420.160-2 shows the allowable frontage types for this building type that apply to frontage on primary and side streets. Internal frontage is not regulated. See Chapter 20.440 Frontage Types of this code for additional frontage type requirements.

**TABLE 20.420.160-2. ALLOWABLE FRONTAGE TYPES FOR CBB**

| Frontage Type | Allowable |
|---|---|
| Awnings | Yes |
| Balconies | No |
| Bay Windows | No |
| Cafe | Yes |
| Common Yard | No |
| Courtyard | No |
| Gallery | No |
| Light Court | Yes |
| Porch | No |
| Stoop | No |
| Shopfront | Yes |

b. Frontage Modulation Requirements.

   i. One (1) vertical modulation of minimum twelve (12") inches every fifty (50') feet of facade on all streets.

c. Ground Floor Use Activation.

   i. Fifty (50%) percent of ground floor frontage along primary streets must be Active Retail Uses per Chapter VMC 20.430 Use Requirements; or the side street when no primary street is present.

d. Minimum Ground Floor-to-Ceiling Height.

i. Minimum of fourteen (14') feet (floor-to-ceiling) for all primary uses.

e. Increased Ground Floor Transparency.

i. Primary Street. Minimum of sixty (60%) percent transparent windows or doors.

ii. Side Street. Minimum of thirty (30%) percent transparent windows or doors.

2. Ground Floor Ready. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.520 Active Ground Floor Use Ready Overlay shall be required to comply with the following requirements:

a. Minimum Ground Floor-to-Ceiling Height.

i. Minimum of twelve (12') feet (floor-to-ceiling) for all primary uses.

b. Increased Ground Floor Transparency.

i. Primary Street. Minimum of sixty (60%) percent transparent windows or doors.

ii. Side Street. Minimum of thirty (30%) percent transparent windows or doors.

3. Transit-based Height Allowance. Pursuant to this Chapter and Washington State Law, any building type located within a 1/4-mile radius of an existing or planned bus rapid or light rail transit, are eligible for no maximum height limits, subject to the Chapter 20.530 Station Areas Overlay.

a. Increased Maximum Height.

i. No maximum.

4. Other Overlay Requirements. The following may also apply:

a. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.

b. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.

c. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

## 20.420.170 Big Box Retail Building Type (BRB)

A. *Definition.* A Big Box Retail Building (BRB) is a larger footprint, building that often spans an entire block, designed with a single, controlled entrance to manage high volumes of goods and customer traffic. Entrances should face the street and be easily accessible, with parking situated at the rear or sides to promote walkability and pedestrian-oriented frontage. When satellite buildings are included, it is crucial to include pedestrian safety and landscaping around the site for a cohesive and safe environment. If a permit application has more than one (1) lot, all other lots must meet the requirements of the CBB Building Type. If a lot has more than one (1) primary street, that lot is only required to meet the primary street requirements for one (1) of those primary streets and all other streets may be defined as a side street.

B. *Applicability.* Table 20.420.170-1 and Image 20.420.170-1 identify the allowable zoning district for BRB Building Types. Character images are advisory only.

**TABLE 20.420.170-1. BIG BOX RETAIL BUILDING TYPE ALLOWABLE BY DISTRICT**

| | |
|---|---|
| Low-Scale Neighborhood District (LS) | No |
| Medium-Scale Neighborhood District (MS) | No |
| Mixed-Use Neighborhood District (MX) | No |
| Regional Activity Center District (RA) | Yes |
| Institutional/Campus District (IC) | Yes |
| Industrial/Employment District (IE) | Yes |
| Heavy Industrial District (HI) | No |
| Manufactured Home Development District (MH) | No |
| Parks/Open Space District (PO) | No |

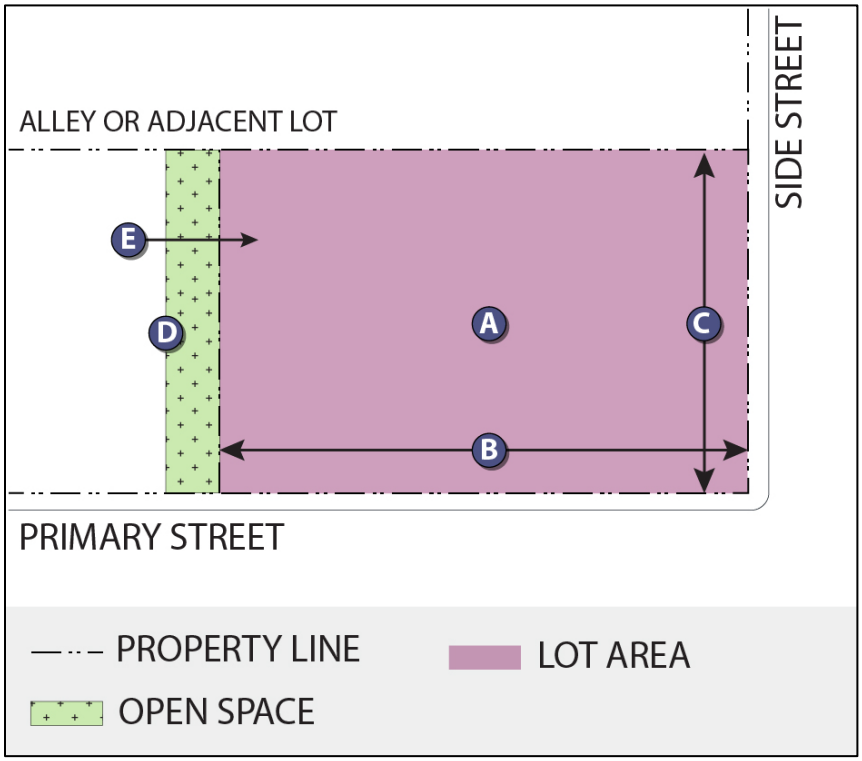
| | |
|---|---|
| Natural Areas District (NA) | No |

**IMAGE 20.420.170-1. BIG BOX RETAIL BUILDING TYPE EXAMPLE**

*This image is advisory only.*

C. *Lot Dimension and Coverage*.

1. Figure 20.420.170-1. BRB Lot Dimension and Coverage




a. Minimum and Maximum Lot Size.

i. Minimum: Not applicable.

ii. Maximum: Not applicable.

b. Maximum Lot Width.

i. Not applicable.

c. Maximum Lot Depth.

i. Not applicable.

d. Minimum Open Space Area.

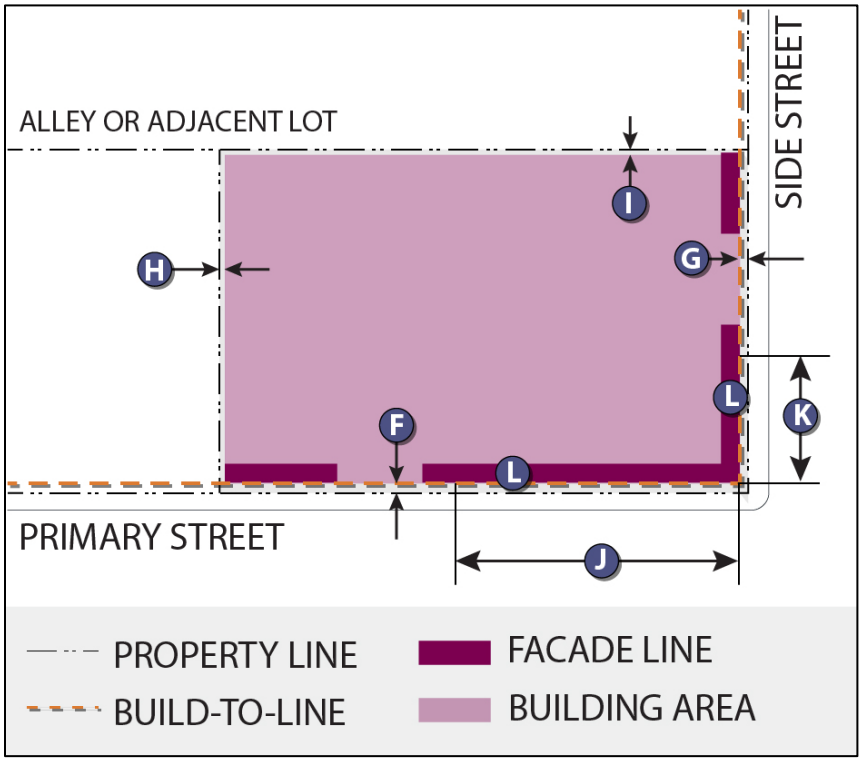
i. Not applicable.

e. Maximum Impervious Area.

i. Not applicable.

D. *Building Placement and Buildout.*

1. Figure 20.420.170-2. BRB Building Placement and Buildout




f. Front Build-to-Line (Primary Street).

i. Maximum of ten (10') feet from the lot line.

g. Side Build-to-Line (Side Street).

i. Maximum of ten (10') feet from the lot line.

h. Side Setback Line (Adjacent Lot).

i. Minimum of five (5') feet from the lot line.

i. Rear Setback Line (Adjacent Lot or Alley).

i. Minimum of five (5') feet from the lot line.

j. Front Build-Out (Primary Street).

i. Minimum of sixty (60%) percent of the front build-to-line.

k. Side Build-Out (Side Street).

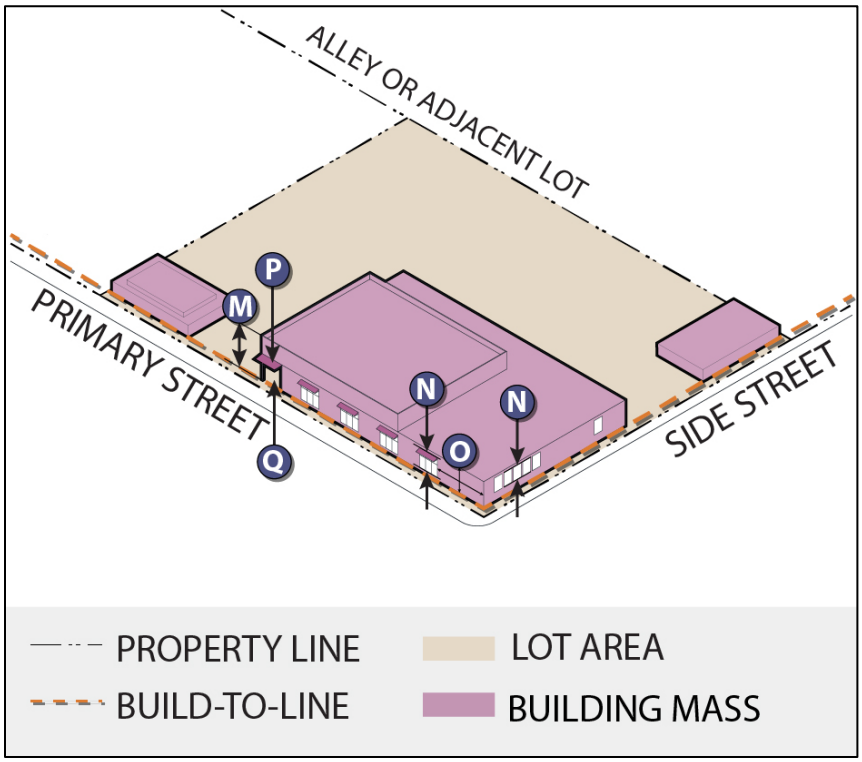
i. Minimum of thirty (30%) percent of the side build-to-line.

l. Maximum Facade Length.

i. Maximum two-hundred (200') feet without a building break; unrestricted public, pedestrian access; facade modulation; or change in materials or color.

E. *Building Height and Frontage.*

1. Figure 20.420.170-3. BRB Building Height and Frontage




m. Minimum and Maximum Height.

i. See Chapter 20.410 Zoning Districts height range for minimum and maximum height.

n. Ground Floor Transparency.

i. Primary Street. Minimum of forty (40%) percent transparent windows or doors.

ii. Side Street. Minimum of twenty (20%) percent transparent windows or doors.

o. Blank Wall Limitations (Any Public Street).

i. No blank frontage walls greater than fifty (50') feet.

p. Weather Protection.

i. Required at all primary and side street entrances only when building facade is located at the lot line.

ii. Minimum of fifty (50%) percent linear coverage on primary streets.

iii. Minimum vertical clearance of ten (10') feet.

iv. Maximum vertical clearance of twenty (20') feet.

v. Minimum overhang of six (6') feet.

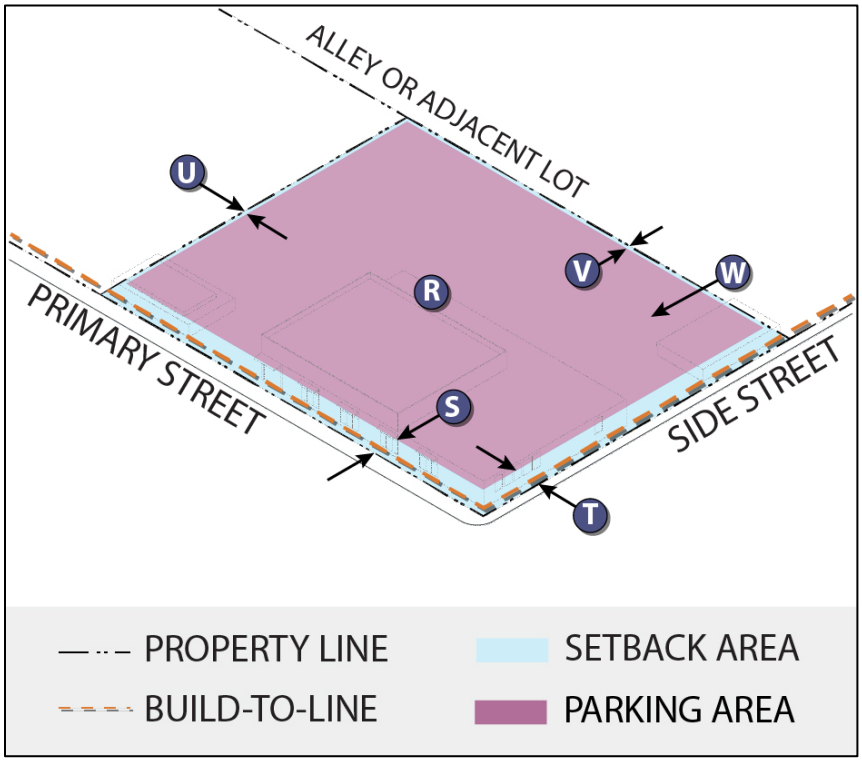
q. Entrances and Access Points.

i. No requirements for shared pedestrian entrances.

ii. Pedestrian entrances on additional buildings on other lots must meet the entrances and access points requirements for BRB.

F. *Parking and Access.*

1. Figure 20.420.170-4. BRB Parking and Access




r. Parking Ratios.

i. See Section 20.450.045 VMC Parking and Loading Revised for parking requirements.

s. Front Setback (Primary Street).
    i. Minimum of twenty (20') feet from the lot line.
t. Side Setback (Side Street).
    i. Minimum of five (5') feet from the lot line.
u. Side Setback (Adjacent Lot).
    i. Minimum of five (5') feet from the lot line.
v. Rear Setback (Adjacent Lot or Alley).
    i. Minimum of five (5') feet from the lot line.
w. Access Points.
    i. Parking shall be accessed by way of a side street or an alley abutting the lot. If neither are present, parking may be accessed by way of a primary street. See Title 11 Streets and Sidewalks for additional requirements.
    ii. Note: Any BRB Building located within the RA industrial and IE districts must utilize a Structured Parking Garage (SPB) Building Type. Surface parking is allowed with a BBR Building in all other zoning districts.

G. *Overlay Requirements*.
1. Ground Floor Activation. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.510 Active Ground Floor Use Overlay shall be required to comply with the following requirements:
    a. Required Frontage Type. Table 20.420.170-2 shows the allowable frontage types for this building type that apply to frontage on primary and side streets. Internal frontage is not regulated. See Chapter 20.440 Frontage Types of this code for additional frontage type requirements.

**TABLE 20.420.170-2. ALLOWABLE FRONTAGE TYPES FOR BRB**

| Frontage Type | Allowable |
|---|---|
| Awnings | Yes |
| Balconies | No |
| Bay Windows | No |
| Cafe | Yes |
| Common Yard | No |
| Courtyard | No |
| Gallery | No |
| Light Court | No |
| Porch | No |
| Stoop | No |
| Shopfront | Yes |

b. Frontage Modulation Requirements.

   i. One (1) vertical modulation of minimum twelve (12”) inches every fifty (50’) feet of facade on all streets.

c. Ground Floor Use Activation.

   i. Fifty (50%) percent of ground floor frontage along primary streets must be Active Retail Uses per Chapter VMC 20.430 Use Requirements; or the side street when no primary street is present.

d. Minimum Ground Floor-to-Ceiling Height.

i. Minimum of fourteen (14') feet (floor-to-ceiling) for all primary uses.

e. Increased Ground Floor Transparency.

i. Primary Street. Minimum of sixty (60%) percent transparent windows or doors.

ii. Side Street. Minimum of thirty (30%) percent transparent windows or doors.

2. Ground Floor Ready. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.520 Active Ground Floor Use Ready Overlay shall be required to comply with the following requirements:

a. Minimum Ground Floor-to-Ceiling Height.

i. Minimum of twelve (12') feet (floor-to-ceiling) for all primary uses.

b. Increased Ground Floor Transparency.

i. Primary Street. Minimum of sixty (60%) percent transparent windows or doors.

ii. Side Street. Minimum of thirty (30%) percent transparent windows or doors.

3. Transit-based Height Allowance. Pursuant to this Chapter and Washington State Law, any building type located within a 1/4-mile radius of an existing or planned bus rapid or light rail transit, are eligible for no maximum height limits, subject to the Chapter 20.530 Station Areas Overlay.

a. Increased Maximum Height.

i. No maximum.

4. Other Overlay Requirements. The following may also apply:

a. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.

b. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.

c. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

## 20.420.180 Flexible Use Building Type (FUB)

A. *Definition*. A Flexible-Use Building (FUB) is a larger footprint, rectangular building designed to accommodate diverse uses such as office, innovation, medical, research, and light manufacturing. When upper floors are included, access is through a shared ground-floor entrance, with interior circulation tailored to the number of tenants and specific layout. Parking and loading docks should be located at the rear or along an alley to maintain a clean streetscape. Side setbacks are ideal for creating outdoor areas and shared spaces that enhance the ground-floor facilities.

B. *Applicability*. Table 20.420.180-1 and Image 20.420.180-1 identify the allowable zoning district for BRB Building Types. Character images are advisory only.

**TABLE 20.420.180-1. FLEXIBLE USE BUILDING TYPE ALLOWABLE BY DISTRICT**

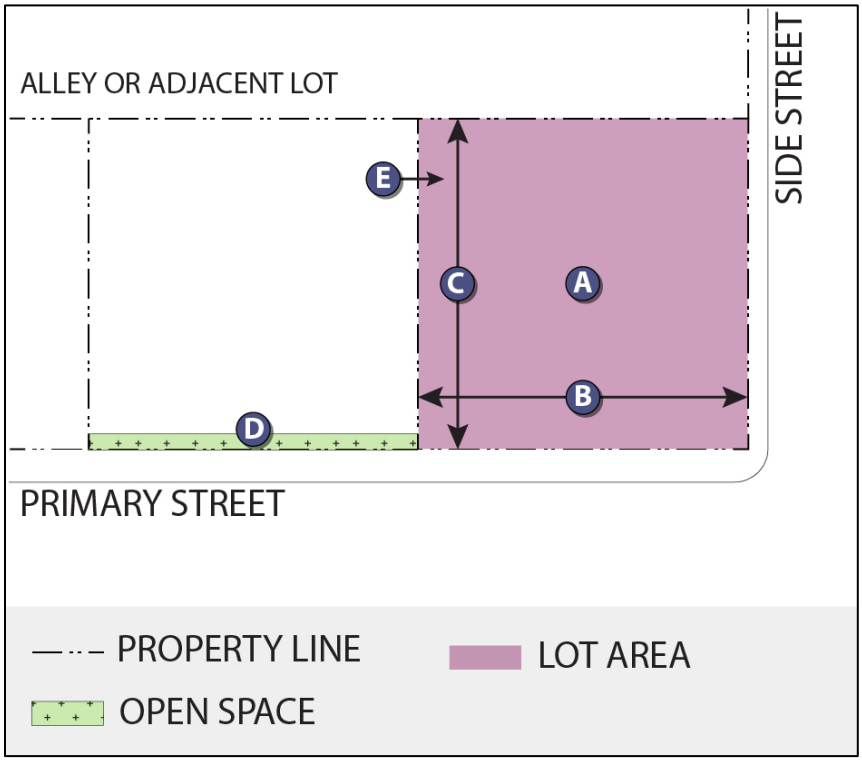
| | |
|---|---|
| Low-Scale Neighborhood District (LS) | No |
| Medium-Scale Neighborhood District (MS) | Yes |
| Mixed-Use Neighborhood District (MX) | Yes |
| Regional Activity Center District (RA) | Yes |
| Institutional / Campus District (IC) | Yes |
| Industrial / Employment District (IE) | Yes |
| Heavy Industrial District (HI) | Yes |
| Manufactured Home Development District (MH) | No |
| Parks / Open Space District (PO) | No |
| Natural Areas District (NA) | No |

**IMAGE 20.420.180-1. FLEXIBLE USE BUILDING TYPE EXAMPLE**

*This image is advisory only.*

C. Lot Dimension and Coverage.

1. Figure 20.420.180-1. FUB Lot Dimension and Coverage




a. Minimum and Maximum Lot Size.

i. Minimum: Not applicable.

ii. Maximum: Not applicable.

b. Maximum Lot Width.

i. Not applicable.

c. Maximum Lot Depth.

i. Not applicable.

d. Minimum Open Space Area

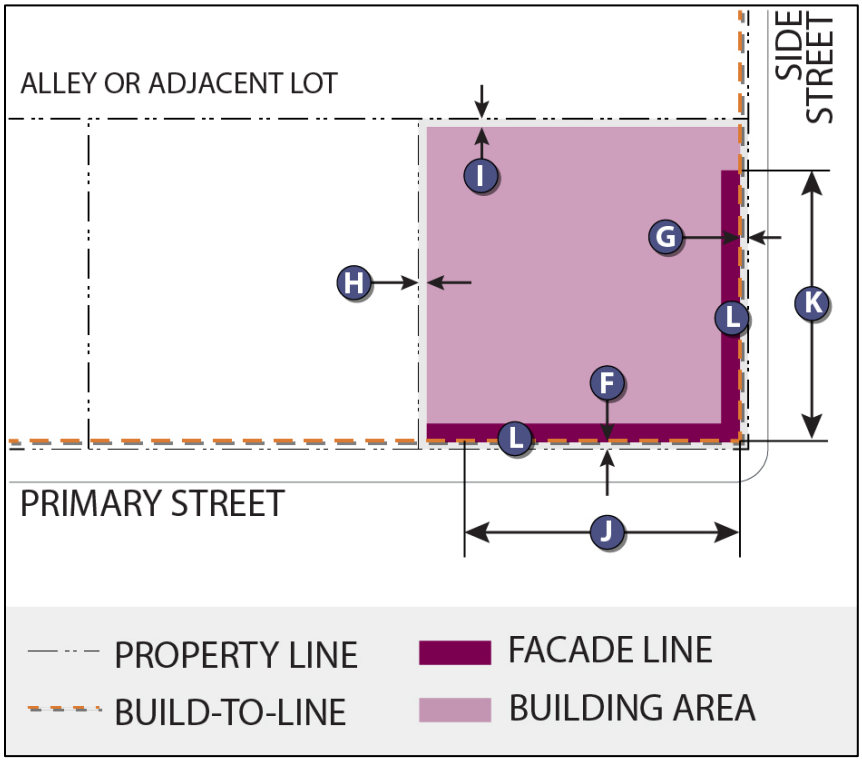
i. Not applicable.

e. Maximum Impervious Area.

i. Not applicable.

D. Building Placement and Buildout.

1. Figure 20.420.180-2. FUB Building Placement and Buildout




f. Front Build-to-Line (Primary Street).

i. Five (5') to twenty (20') feet from the lot line.

g. Side Build-to-Line (Side Street).

i. Maximum of ten (10') feet from the lot line.

h. Side Setback Line (Adjacent Lot).

i. Minimum of five (5') feet from the lot line.

i. Rear Setback Line (Adjacent Lot or Alley).

i. Minimum of five (5') feet from the lot line.

j. Front Build-Out (Primary Street).

i. Minimum of sixty (60%) percent of the front build-to-line.

k. Side Build-Out (Side Street).

i. Minimum of fifty (50%) percent of the side build-to-line.

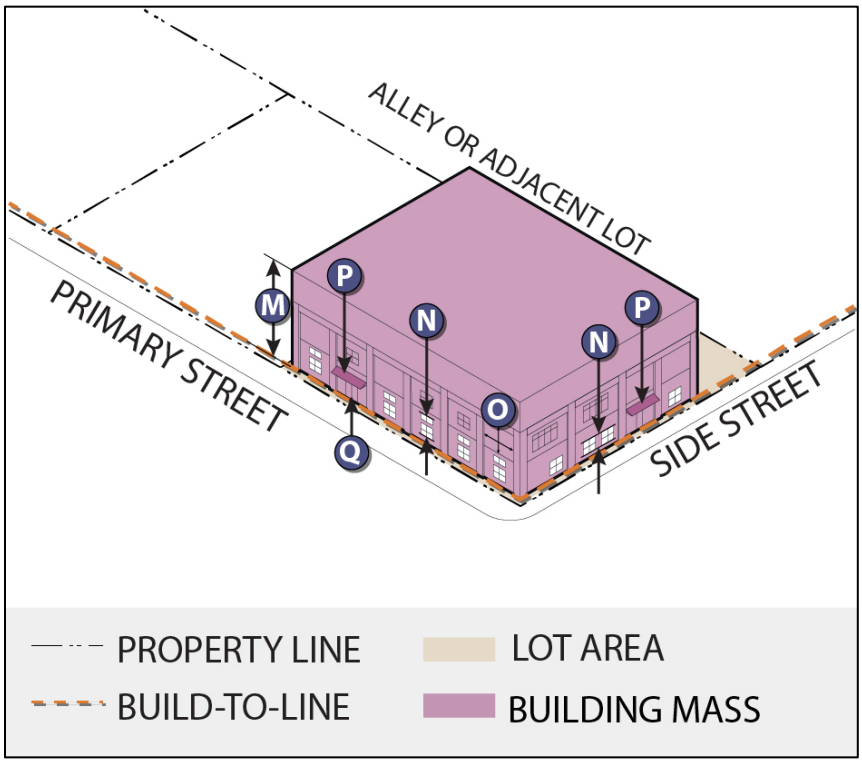
l. Maximum Façade Length.

i. Maximum two-hundred (200') feet without a building break; unrestricted public, pedestrian access; facade modulation; or change in materials or color.

ii. Note: Building Placement and Buildout Standards are not applicable on building types located within the IC, IE, and HI Districts.

E. Building Height and Frontage.

1. Figure 20.420.180-3. FUB Building Height and Frontage




m. Minimum and Maximum Height.

i. See Chapter 20.410 Zoning Districts height range for minimum and maximum height.

n. Ground Floor Transparency.

i. Primary Street. Minimum of fifty (50%) percent transparent windows or doors.

ii. Side Street. Minimum of twenty (20%) percent transparent windows or doors.

o. Blank Wall Limitations (Any Public Street).

i. No blank frontage walls greater than fifty (50') feet.

p. Weather Protection.

i. Required at all primary and side street entrances only when building facade is located at the lot line.

ii. Minimum of forty (40%) percent linear coverage on primary streets.

iii. Minimum vertical clearance of ten (10') feet.

iv. Maximum vertical clearance of twenty (20') feet.

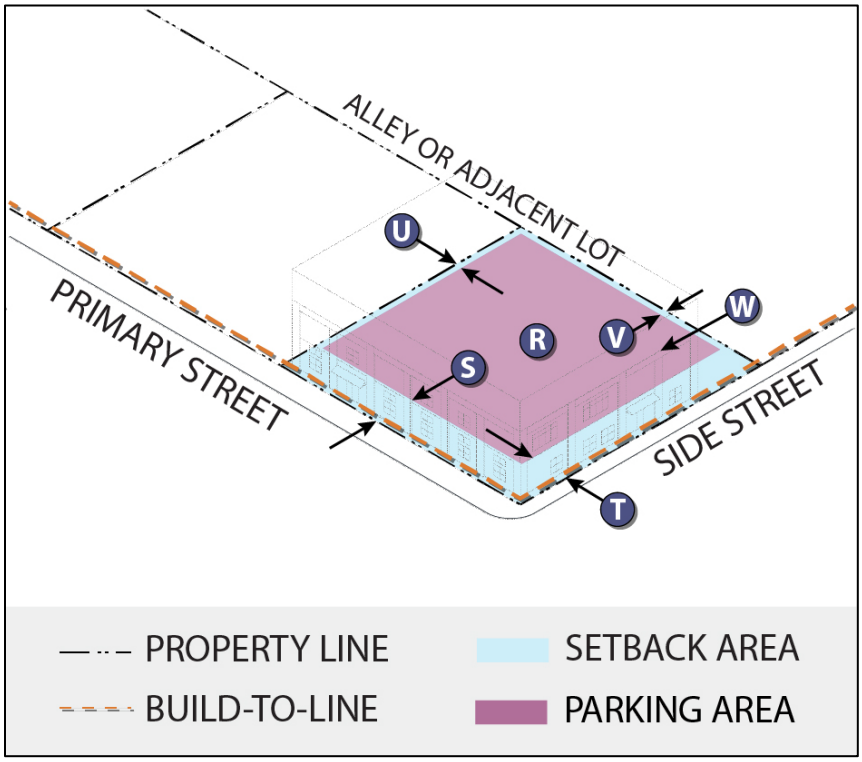
v. Minimum overhang of six (6') feet.

q. Entrances and Access Points.

i. No requirements for shared pedestrian entrances.

F. Parking and Access.

1. Figure 20.420.180-4. FUB Parking and Access




r. Parking Ratios.

i. See Section 20.450.045 VMC Parking and Loading Revised for parking requirements

s. Front Setback (Primary Street).
   i. Minimum of twenty (20') feet from the lot line.
t. Side Setback (Side Street).
   i. Minimum of twenty (20') feet from the lot line.
u. Side Setback (Adjacent Lot)
   i. Minimum of five (5') feet from the lot line.
v. Rear Setback (Adjacent Lot or Alley).
   i. Minimum of five (5') feet from the lot line.
w. Access Points.
   i. Parking shall be accessed by way of a side street or an alley abutting the lot. If neither are present, parking may be accessed by way of a primary street. See Title 11 Streets and Sidewalks for additional requirements.

G. Overlay Requirements.
1. *Ground Floor Activation*. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.510 Active Ground Floor Use Overlay shall be required to comply with the following requirements:
   a. Required Frontage Type. Table 20.420.180-2 shows the allowable frontage types for this building type that apply to frontage on primary and side streets. Internal frontage is not regulated. See Chapter 20.440 Frontage Types of this code for additional frontage type requirements.

**TABLE 20.420.180-2. ALLOWABLE FRONTAGE TYPES FOR FUB**

| Frontage Type | Allowable |
|---|---|
| Awnings | Yes |
| Balconies | No |
| Bay Windows | No |
| Cafe | No |
| Common Yard | No |
| Courtyard | No |
| Gallery | No |
| Light Court | No |
| Porch | No |
| Stoop | No |
| Shopfront | Yes |

b. Frontage Modulation Requirements.

i. One (1) vertical modulation of minimum twelve (12") inches every fifty (50') feet of facade on all streets.

c. Ground Floor Use Activation.

i. Fifty (50%) percent of ground floor frontage along primary streets must be Active Retail Uses per Chapter VMC 20.430 Use Requirements; or the side street when no primary street is present.

d. Minimum Ground Floor-to-Ceiling Height.

i. Minimum of fourteen (14') feet (floor-to-ceiling) for all primary uses.

e. Increased Ground Floor Transparency.

i. Primary Street. Minimum of sixty (60%) percent transparent windows or doors.

ii. Side Street. Minimum of thirty (30%) percent transparent windows or doors.

2. *Ground Floor Ready*. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.520 Active Ground Floor Use Ready Overlay shall be required to comply with the following requirements:

a. Minimum Ground Floor-to-Ceiling Height.

i. Minimum of twelve (12') feet (floor-to-ceiling) for all primary uses.

b. Increased Ground Floor Transparency

i. Primary Street. Minimum of sixty (60%) percent transparent windows or doors.

ii. Side Street. Minimum of thirty (30%) percent transparent windows or doors.

3. Transit-based Height Allowance.

a. Pursuant to this Chapter and Washington State Law, any building type located within a 1/4-mile radius of an existing or planned bus rapid or light rail transit, are eligible for no maximum height limits, subject to the Chapter 20.530 Station Areas Overlay.

b. Increased Maximum Height.

i. No maximum.

4. *Other Overlay Requirements*. The following regulations may also apply:

a. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.

b. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.

c. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

## 20.420.190 Industrial/Distribution Building Type (IDB).

A. *Definition*. An Industrial / Distribution Building (IDB) is a large standalone building, typical of business parks or commercial corridors, often featuring setbacks and green space. The entrance is strategically located based on local circulation patterns, typically near or visible from the main street for ease of access. Vehicular access and loading areas should be positioned along secondary streets or at the rear of the lot to accommodate large trucks and deliveries, ensuring smooth operations for industrial and manufacturing uses while maintaining attractive frontage.

B. *Applicability*. Table 20.420.190-1 and Image 20.420.190-1 identify the allowable zoning district for IDB Building Types. Character images are advisory only.

**TABLE 20.420.190-1. INDUSTRIAL/DISTRIBUTION BUILDING TYPE ALLOWABLE BY DISTRICT**

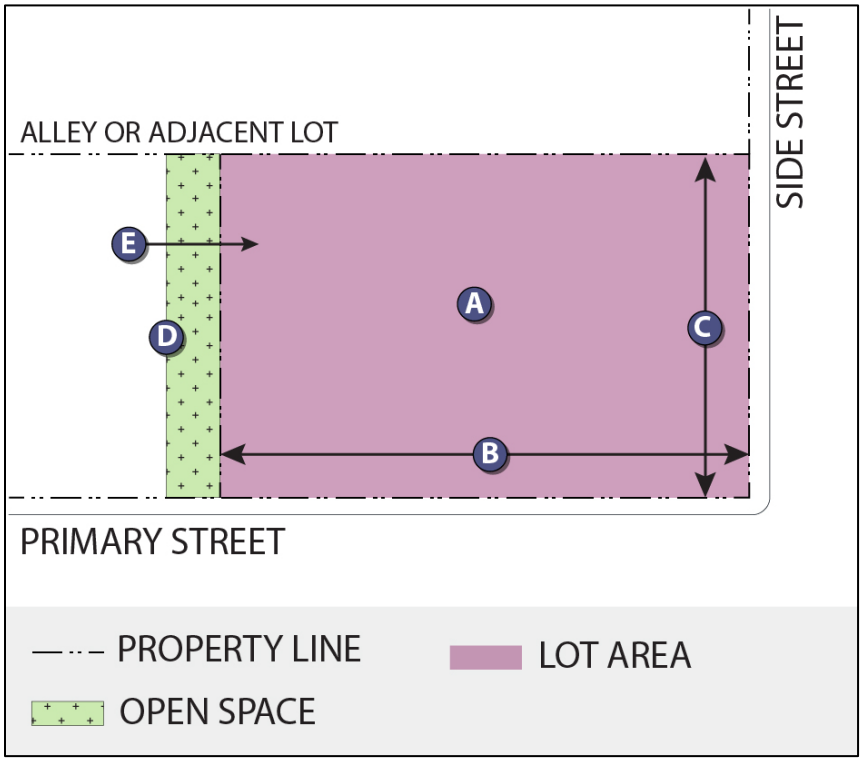
| | |
|---|---|
| Low-Scale Neighborhood District (LS) | No |
| Medium-Scale Neighborhood District (MS) | No |
| Mixed-Use Neighborhood District (MX) | No |
| Regional Activity Center District (RA) | No |
| Institutional / Campus District (IC) | Yes |
| Industrial / Employment District (IE) | Yes |
| Heavy Industrial District (HI) | Yes |
| Manufactured Home Development District (MH) | No |
| Parks / Open Space District (PO) | No |
| Natural Areas District (NA) | No |

**IMAGE 20.420.190-1. INDUSTRIAL/DISTRIBUTION BUILDING TYPE EXAMPLE**

*This image is advisory only.*

C. Lot Dimension and Coverage.

1. Figure 20.420.190-1. IDB Lot Dimension and Coverage




a. Minimum and Maximum Lot Size.

i. Minimum: Not applicable.

ii. Maximum: Not applicable.

b. Maximum Lot Width.

i. Not applicable.

c. Maximum Lot Depth.

i. Not applicable.

d. Minimum Open Space Area

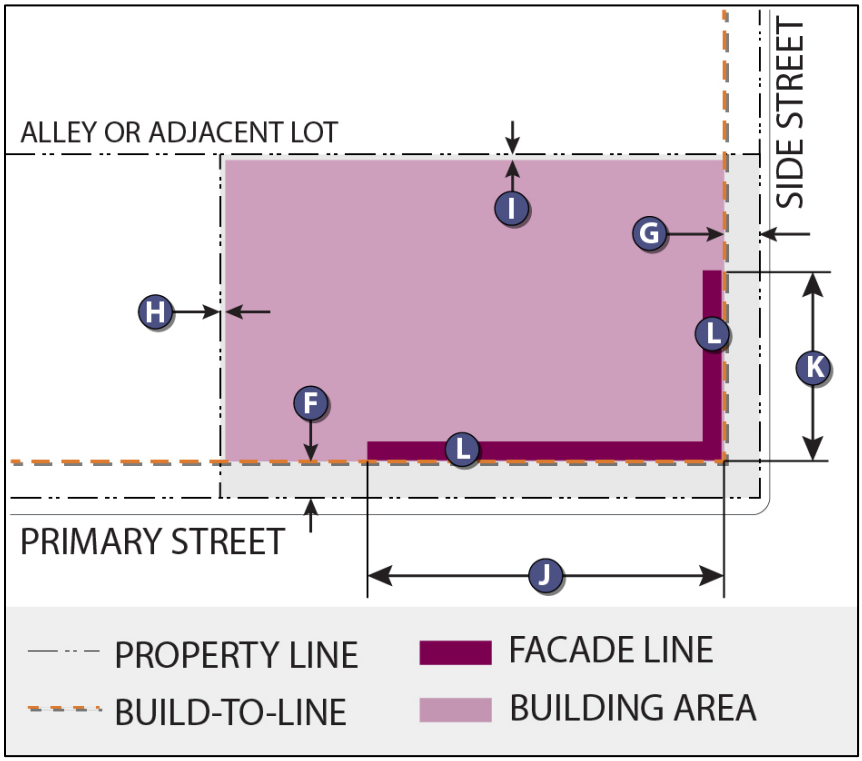
i. Not applicable.

e. Maximum Impervious Area.

i. Not applicable.

D. Building Placement and Buildout.

1. Figure 20.420.190-2. IDB Building Placement and Buildout




f. Front Build-to-Line (Primary Street).

i. Not applicable.

g. Side Build-to-Line (Side Street).

i. Not applicable.

h. Side Setback Line (Adjacent Lot).

i. Minimum of five (5') feet from the lot line.

i. Rear Setback Line (Adjacent Lot or Alley).

i. Minimum of five (5') feet from the lot line.

j. Front Build-Out (Primary Street).

i. Not applicable.

k. Side Build-Out (Side Street).

i. Not applicable.

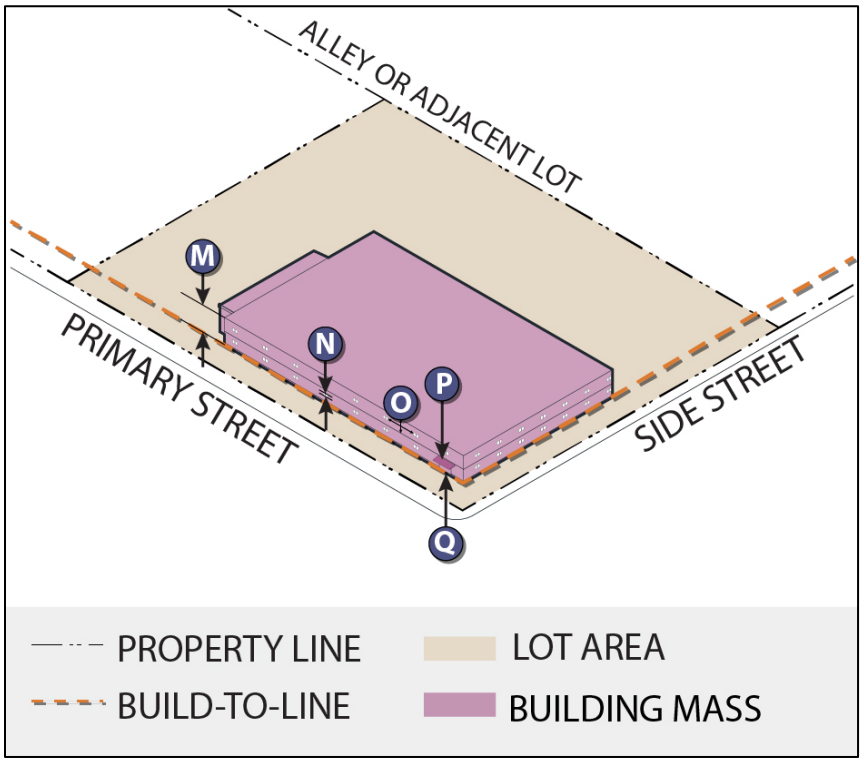
l. Maximum Façade Length.

i. Not applicable.

ii. Note: Building Placement and Buildout Standards are not applicable on building types located within the IC, IE, and HI Districts.

E. Building Height and Frontage.

1. Figure 20.420.190-3. FUB Building Height and Frontage




m. Minimum and Maximum Height.

i. See Chapter 20.410 Zoning Districts height range for minimum and maximum height.

n. Ground Floor Transparency.

i. Primary Street. Minimum of ten (10%) percent transparent windows or doors.

ii. Side Street. Minimum of five (5%) percent transparent windows or doors.

o. Blank Wall Limitations (Any Public Street).

i. No blank frontage walls greater than fifty (50') feet.

p. Weather Protection.

i. Required at all primary and side street entrances only when building facade is located at the lot line.

ii. Minimum vertical clearance of ten (10') feet.

iii. Maximum vertical clearance of twenty (20') feet.

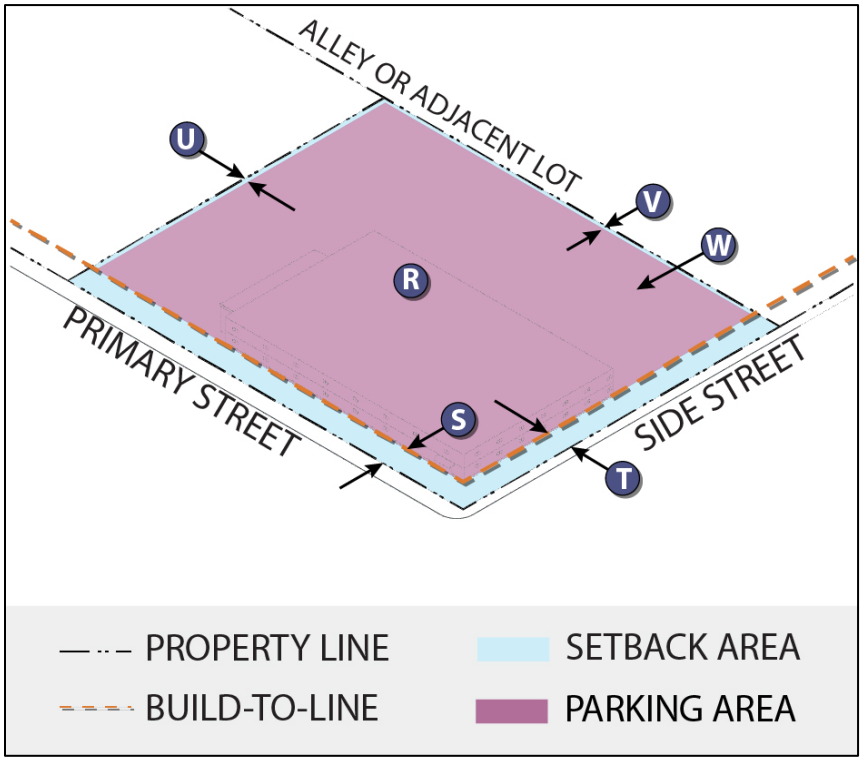
iv. Minimum overhang of six (6') feet.

q. Entrances and Access Points.

i. Not applicable.

F. Parking and Access.

1. Figure 20.420.190-4. IDB Parking and Access




r. Parking Ratios.

i. See Section 20.450.045 VMC Parking and Loading Revised for parking requirements

s. Front Setback (Primary Street).

i. Minimum of twenty (20') feet from the lot line.

t. Side Setback (Side Street).

i. Minimum of twenty (20') feet from the lot line.

u. Side Setback (Adjacent Lot)

i. Minimum of five (5') feet from the lot line.

v. Rear Setback (Adjacent Lot or Alley).

i. Minimum of five (5') feet from the lot line.

w. Access Points.

i. Parking shall be accessed by way of a side street or an alley abutting the lot. If neither are present, parking may be accessed by way of a primary street. See Title 11 Streets and Sidewalks for additional requirements.

G. Overlay Requirements.

1. *Ground Floor Activation.* Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.510 Active Ground Floor Use Overlay shall be required to comply with the following requirements:

a. Required Frontage Type. Table 20.420.190-2 shows the allowable frontage types for this building type that apply to frontage on primary and side streets. Internal frontage is not regulated. See Chapter 20.440 Frontage Types of this code for additional frontage type requirements.

**TABLE 20.420.190-2. ALLOWABLE FRONTAGE TYPES FOR IDB**

| Frontage Type | Allowable |
|---|---|
| Awnings | Yes |
| Balconies | No |
| Bay Windows | No |
| Cafe | No |
| Common Yard | No |
| Courtyard | No |
| Gallery | No |
| Light Court | No |
| Porch | No |
| Stoop | No |
| Shopfront | Yes |

b. Frontage Modulation Requirements.

   i. One (1) vertical modulation of minimum twelve (12") inches every fifty (50') feet of facade on all streets.

c. Ground Floor Use Activation.

   i. Fifty (50%) percent of ground floor frontage along primary streets must be Active Retail Uses per Chapter VMC 20.430 Use Requirements; or the side street when no primary street is present.

d. Minimum Ground Floor-to-Ceiling Height.

i. Minimum of fourteen (14') feet (floor-to-ceiling) for all primary uses.

e. Increased Ground Floor Transparency.

i. Primary Street. Minimum of sixty (60%) percent transparent windows or doors.

ii. Side Street. Minimum of thirty (30%) percent transparent windows or doors.

2. *Ground Floor Ready*. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.520 Active Ground Floor Use Ready Overlay shall be required to comply with the following requirements:

a. Minimum Ground Floor-to-Ceiling Height.

i. Not applicable.

b. Increased Ground Floor Transparency

i. Not applicable.

3. Transit-based Height Allowance.

a. Pursuant to this Chapter and Washington State Law, any building type located within a 1/4-mile radius of an existing or planned bus rapid or light rail transit, are eligible for no maximum height limits, subject to the Chapter 20.530 Station Areas Overlay.

b. Increased Maximum Height.

i. No maximum.

4. *Other Overlay Requirements*. The following regulations may also apply:

a. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.

b. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.

c. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

## 20.420.200 Structured Parking Garage Building Type (SPB).

A. *Definition*. A Structured Parking Garage Building (SPB) is a neighborhood scale or larger parking garage serving multiple uses or buildings within a city or commercial corridor. These structures can be underground or above ground, and where possible, should incorporate active commercial spaces at the ground level. Design elements should enhance visual interest at the pedestrian scale and mitigate the visual impact of the parking levels above, creating a more attractive and engaging streetscape.

B. *Applicability*. Table 20.420.200-1 and Image 20.420.200-1 identify the allowable zoning district for SPB Building Types.

**TABLE 20.420.200-1. STRUCTURED PARKING GARAGE BUILDING TYPE ALLOWABLE BY DISTRICT**

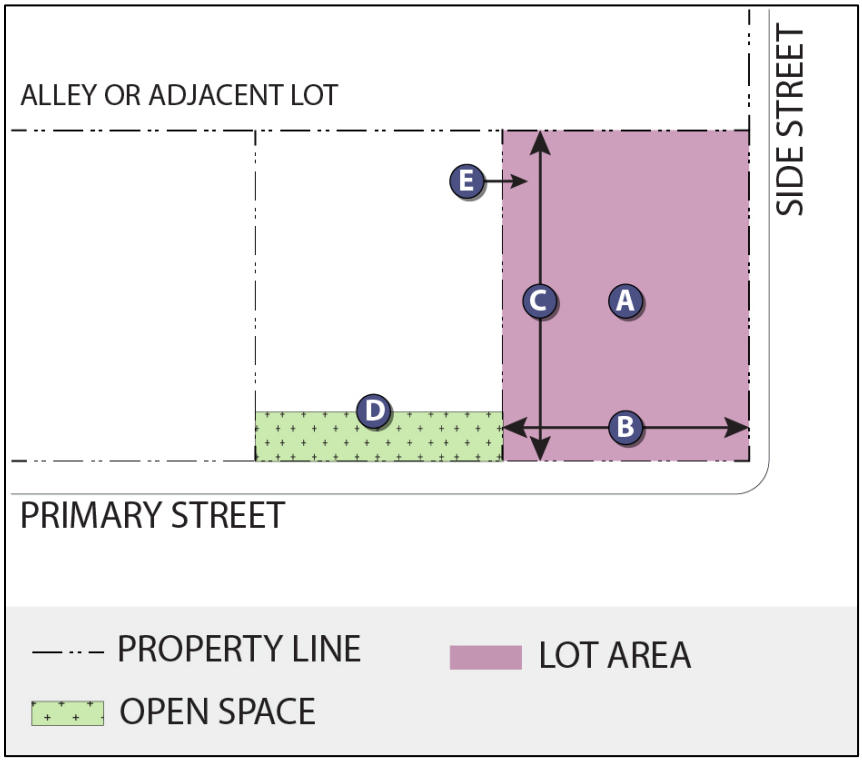
| | |
|---|---|
| Low-Scale Neighborhood District (LS) | No |
| Medium-Scale Neighborhood District (MS) | No |
| Mixed-Use Neighborhood District (MX) | Yes |
| Regional Activity Center District (RA) | Yes |
| Institutional / Campus District (IC) | Yes |
| Industrial / Employment District (IE) | Yes |
| Heavy Industrial District (HI) | Yes |
| Manufactured Home Development District (MH) | No |
| Parks / Open Space District (PO) | No |
| Natural Areas District (NA) | No |

IMAGE 20.420.200-1. STRUCTURED PARKING GARAGE BUILDING TYPE EXAMPLE

*This image is advisory only.*

C. Lot Dimension and Coverage.

1. Figure 20.420.200-1. SPB Lot Dimension and Coverage




a. Minimum and Maximum Lot Size.

i. Minimum: Not applicable.

ii. Maximum: Not applicable.

b. Maximum Lot Width.

i. Not applicable.

c. Maximum Lot Depth.

i. Not applicable.

d. Minimum Open Space Area

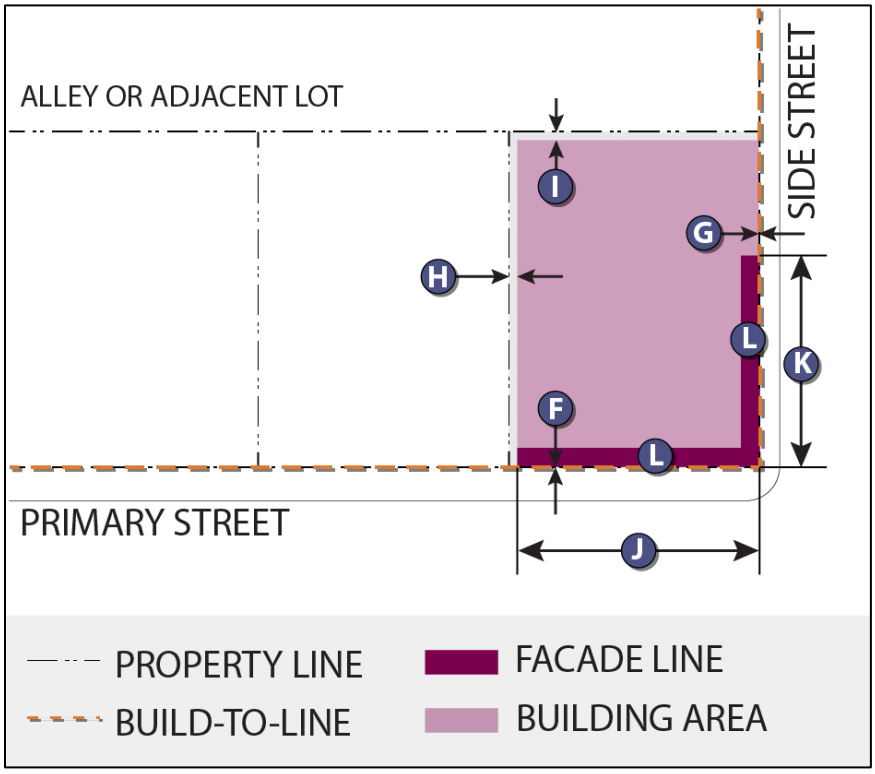
i. Not applicable.

e. Maximum Impervious Area.

i. Not applicable.

D. Building Placement and Buildout.

1. Figure 20.420.200-2. IDB Building Placement and Buildout




f. Front Build-to-Line (Primary Street).

i. Maximum of five (5') feet from the lot line.

g. Side Build-to-Line (Side Street).

i. Maximum of five (5') feet from the lot line.

h. Side Setback Line (Adjacent Lot).

i. Minimum of five (5') feet from the lot line.

i. Rear Setback Line (Adjacent Lot or Alley).

i. Minimum of five (5') feet from the lot line.

j. Front Build-Out (Primary Street).

i. Minimum of ninety (90%) percent of the front build-to-line.

k. Side Build-Out (Side Street).

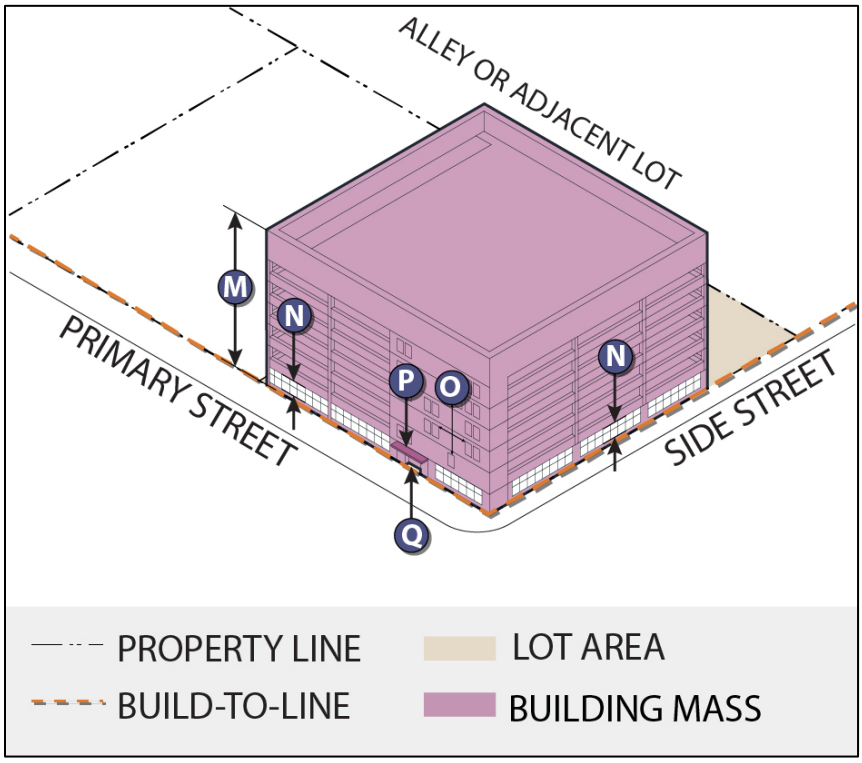
i. Minimum of fifty (50%) percent of the side build-to-line.

l. Maximum Façade Length.

i. Not applicable.

E. Building Height and Frontage.

1. Figure 20.420.200-3. SPB Building Height and Frontage




m. Minimum and Maximum Height.

i. See Chapter 20.410 Zoning Districts height range for minimum and maximum height.

n. Ground Floor Transparency.

i. Primary Street. Minimum of twenty (20%) percent transparent windows or doors.

ii. Side Street. Minimum of twenty (20%) percent transparent windows or doors.

iii. May exclude those portions of the facades devoted to driveway entrances and exits, stairwells, elevators and centralized payment booths from the calculation.

o. Blank Wall Limitations (Any Public Street).

i. No blank frontage walls greater than fifteen (15') feet.

p. Weather Protection.

i. Required at all primary and side street entrances only when building facade is located at the lot line.

ii. Minimum of forty (40%) percent linear coverage on primary streets.

iii. Minimum vertical clearance of ten (10') feet.

iv. Maximum vertical clearance of twenty (20') feet.

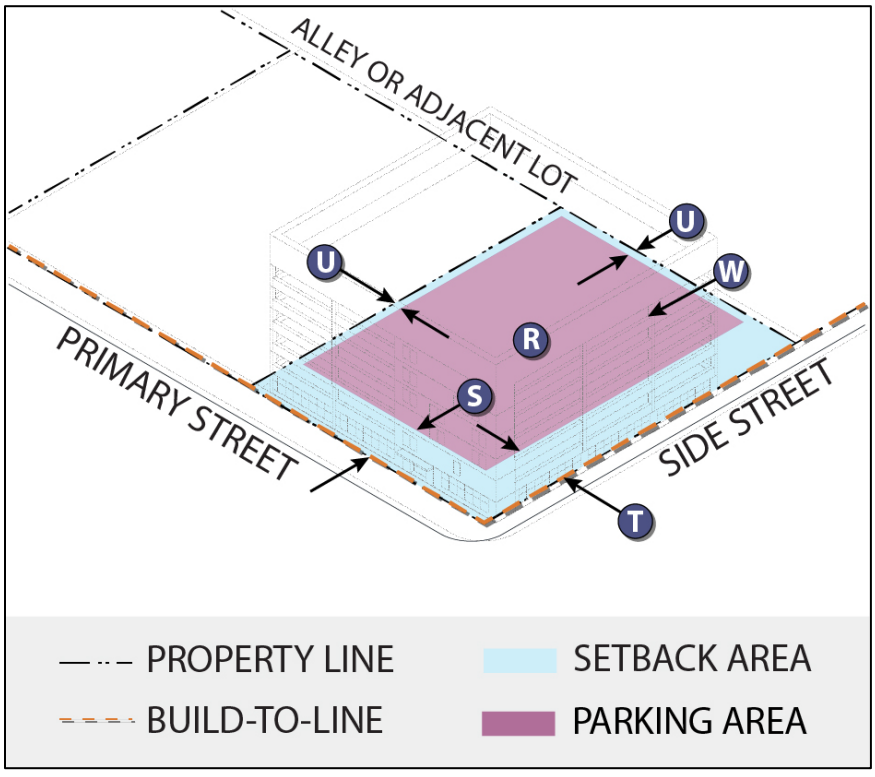
v. Minimum overhang of six (6') feet.

q. Entrances and Access Points.

i. A shared pedestrian entrance must be located facing a primary street. Additional pedestrian entrances may be located facing side streets. If no primary street is present, the pedestrian entrance must face the side street.

F. Parking and Access.

1. Figure 20.420.200-4. SPB Parking and Access




r. Parking Ratios.

i. See Section 20.450.045 VMC Parking and Loading Revised for parking requirements

s. Front Setback (Primary Street).

i. Minimum of twenty (20') feet from the lot line.

ii. Parking is allowed within twenty (20') feet provided it is internal to the structure.

t. Side Setback (Side Street).

i. Minimum of twenty (20') feet from the lot line.

ii. Parking is allowed within twenty (20') feet provided it is internal to the structure.

u. Side Setback (Adjacent Lot)

i. Minimum of five (5') feet from the lot line.

v. Rear Setback (Adjacent Lot or Alley).

i. Minimum of five (5') feet from the lot line.

w. Access Points.

i. Parking shall be accessed by way of a side street or an alley abutting the lot. If neither are present, parking may be accessed by way of a primary street. See Title 11 Streets and Sidewalks for additional requirements.

G. Overlay Requirements.

1. *Ground Floor Activation*. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.510 Active Ground Floor Use Overlay shall be required to comply with the following requirements:

a. Required Frontage Type. Table 420.200-2 shows the allowable frontage types for this building type that apply to frontage on primary and side streets. Internal frontage is not regulated. See Chapter 20.440 Frontage Types of this code for additional frontage type requirements.

**TABLE 20.420.200-2. ALLOWABLE FRONTAGE TYPES FOR SPB**

| Frontage Type | Allowable |
|---|---|
| Awnings | Yes |
| Balconies | No |
| Bay Windows | No |
| Cafe | Yes |
| Common Yard | No |
| Courtyard | No |
| Gallery | No |
| Light Court | No |
| Porch | No |
| Stoop | No |
| Shopfront | Yes |

b. Frontage Modulation Requirements.

   i. One (1) vertical modulation of minimum twelve (12”) inches every fifty (50’) feet of facade on all streets.

c. Ground Floor Use Activation.

   i. Fifty (50%) percent of ground floor frontage along primary streets must be Active Retail Uses per Chapter VMC 20.430 Use Requirements; or the side street when no primary street is present.

d. Minimum Ground Floor-to-Ceiling Height.
    i. Minimum of fourteen (14') feet (floor-to-ceiling) for all primary uses.
e. Increased Ground Floor Transparency.
    i. Minimum of forty (40%) percent windows or doors on all street types.

2. *Ground Floor Ready*. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.520 Active Ground Floor Use Ready Overlay shall be required to comply with the following requirements:
    a. Minimum Ground Floor-to-Ceiling Height.
        i. Minimum of twelve (12') feet (floor-to-ceiling) for all primary uses.
    b. Increased Ground Floor Transparency
        i. Minimum of forty (40%) percent windows or doors on all street types.
3. Transit-based Height Allowance.
    a. Pursuant to this Chapter and Washington State Law, any building type located within a 1/4-mile radius of an existing or planned bus rapid or light rail transit, are eligible for no maximum height limits, subject to the Chapter 20.530 Station Areas Overlay.
    b. Increased Maximum Height.
        i. No maximum.
4. *Other Overlay Requirements*. The following regulations may also apply:
    a. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.
    b. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.
    c. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

## 20.420.210 Civic/Institutional Building Type (CIB).

A. *Definition*. A Civic / Institutional Building (CIB) is a standalone building designed to accommodate various uses such as arts, culture, education, recreation, transportation, government, and public assembly. These buildings can have multiple floors with flexible design requirements to suit diverse functions. The main entrance should be easily accessible from the primary street, with parking located at the rear. Outdoor spaces, such as courtyards, plazas, or parks, are typically provided either in front of the building or within an accessible courtyard, enhancing public engagement and gathering opportunities.

B. *Applicability*. Table 20.420.210-1 and Image 20.420.210-1 identify the allowable zoning district for CIB Building Types.

**TABLE 20.420.210-1. CIVIC/INSTITUTIONAL BUILDING TYPE ALLOWABLE BY DISTRICT**

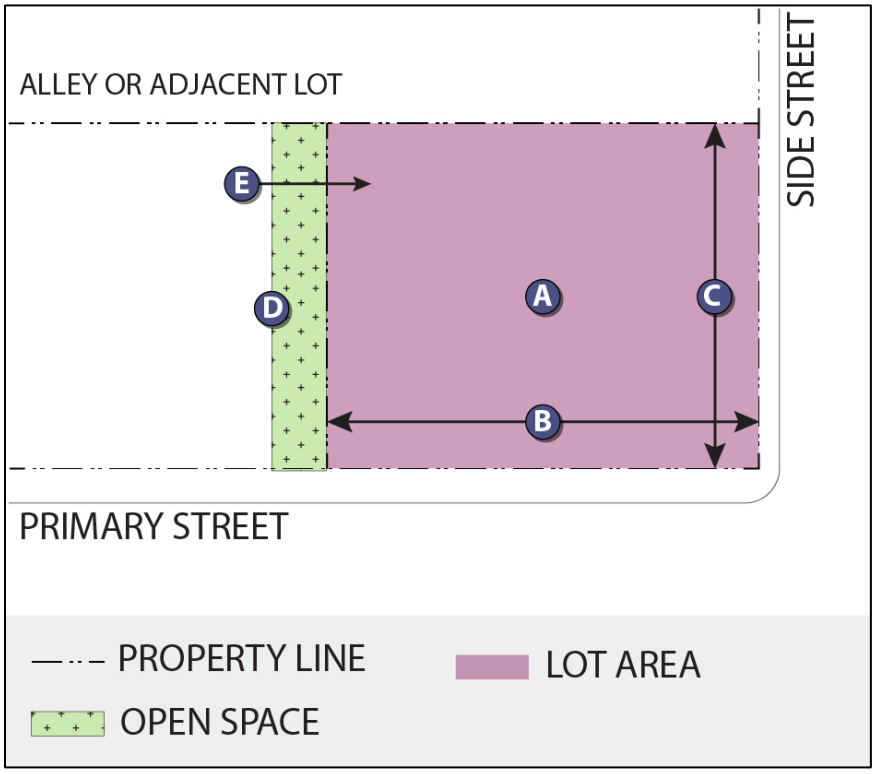
| | |
|---|---|
| Low-Scale Neighborhood District (LS) | Yes |
| Medium-Scale Neighborhood District (MS) | Yes |
| Mixed-Use Neighborhood District (MX) | Yes |
| Regional Activity Center District (RA) | Yes |
| Institutional / Campus District (IC) | Yes |
| Industrial / Employment District (IE) | Yes |
| Heavy Industrial District (HI) | No |
| Manufactured Home Development District (MH) | No |
| Parks / Open Space District (PO) | Yes |
| Natural Areas District (NA) | No |

IMAGE 20.420.210-1. CIVIC/INSTITUTIONAL BUILDING TYPE EXAMPLE

*This image is advisory only.*

C. Lot Dimension and Coverage.

1. Figure 20.420.210-1. CIB Lot Dimension and Coverage




a. Minimum and Maximum Lot Size.

i. Minimum: Not applicable.

ii. Maximum: Not applicable.

b. Maximum Lot Width.

i. Not applicable.

c. Maximum Lot Depth.

i. Not applicable.

d. Minimum Open Space Area

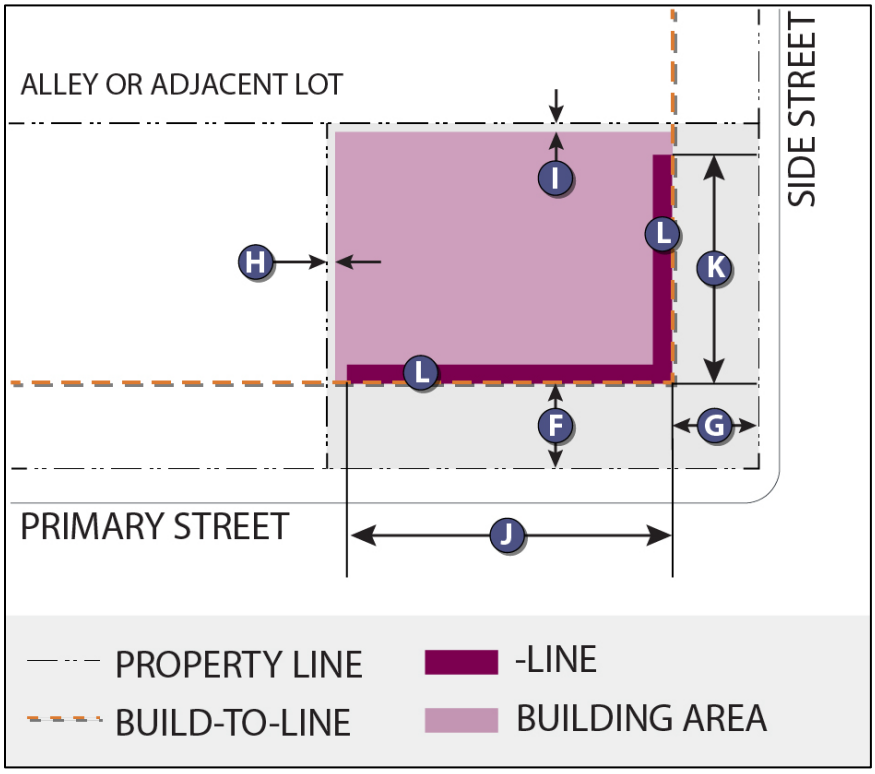
i. Not applicable.

e. Maximum Impervious Area.

i. Not applicable.

D. Building Placement and Buildout.

1. Figure 20.420.210-2. CIB Building Placement and Buildout




f. Front Build-to-Line (Primary Street).

i. Maximum of fifty (50') feet from the lot line.

g. Side Build-to-Line (Side Street).

i. Maximum of five (5') feet from the lot line.

h. Side Setback Line (Adjacent Lot).

i. Minimum of five (5') feet from the lot line.

i. Rear Setback Line (Adjacent Lot or Alley).

i. Minimum of five (5') feet from the lot line.

j. Front Build-Out (Primary Street).

i. Minimum of fifty (50%) percent of the front build-to-line.

k. Side Build-Out (Side Street).

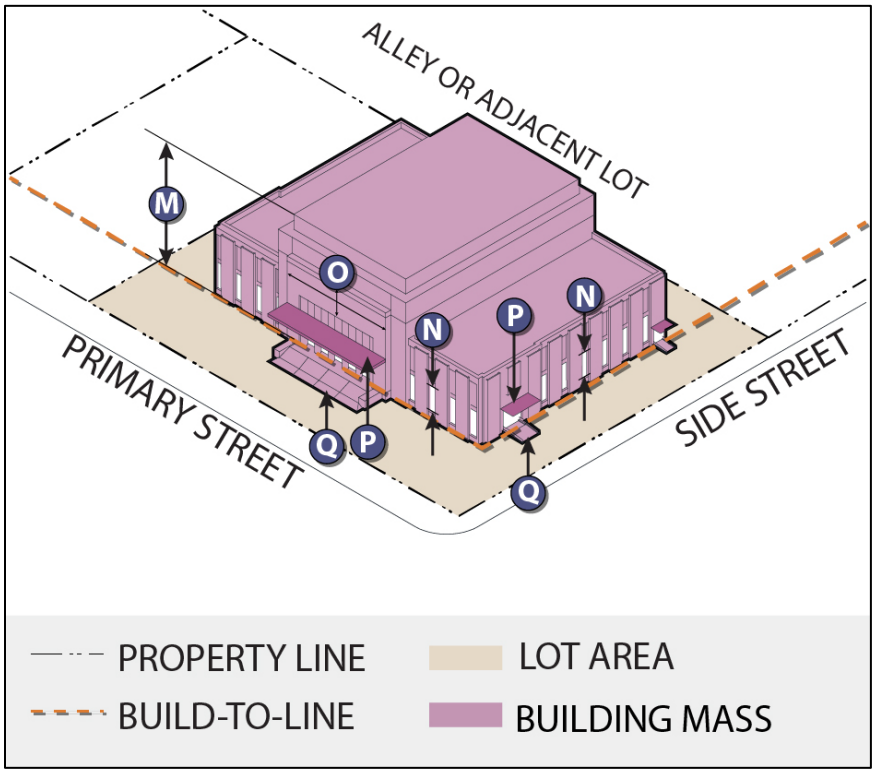
i. Minimum of fifty (50%) percent of the side build-to-line.

l. Maximum Façade Length.

i. Not applicable.

E. Building Height and Frontage.

1. Figure 20.420.210-3. CIB Building Height and Frontage




m. Minimum and Maximum Height.

i. See Chapter 20.410 Zoning Districts height range for minimum and maximum height.

n. Ground Floor Transparency.

i. Primary Street. Minimum of forty (40%) percent transparent windows or doors.

ii. Side Street. Minimum of forty (40%) percent transparent windows or doors.

o. Blank Wall Limitations (Any Public Street).

i. No blank frontage walls greater than thirty (30') feet.

p. Weather Protection.

i. Required at all primary and side street entrances only when building facade is located at the lot line.

ii. Minimum of forty (40%) percent linear coverage on primary streets.

iii. Minimum vertical clearance of ten (10') feet.

iv. Maximum vertical clearance of twenty (20') feet.

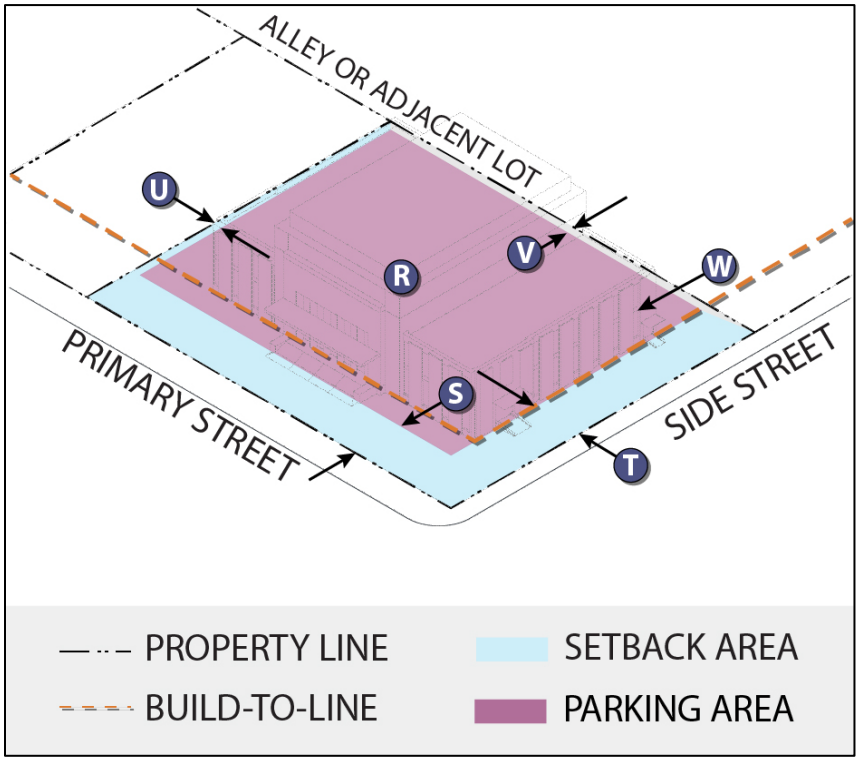
v. Minimum overhang of six (6') feet.

q. Entrances and Access Points.

i. Not applicable.

F. Parking and Access

1. Figure 20.420.210-4. CIB Parking and Access




r. Parking Ratios.

i. See Section 20.450.045 VMC Parking and Loading Revised for parking requirements

s. Front Setback (Primary Street).

i. Minimum of twenty (20') feet from the lot line.

t. Side Setback (Side Street).

i. Minimum of twenty (20') feet from the lot line.

u. Side Setback (Adjacent Lot)

i. Minimum of five (5') feet from the lot line.

v. Rear Setback (Adjacent Lot or Alley).

i. Minimum of five (5') feet from the lot line.

w. Access Points.

i. Parking shall be accessed by way of a side street or an alley abutting the lot. If neither are present, parking may be accessed by way of a primary street. See Title 11 Streets and Sidewalks for additional requirements.

G. Overlay Requirements.

1. *Ground Floor Activation.* Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.510 Active Ground Floor Use Overlay shall be required to comply with the following requirements:

a. Required Frontage Type. Table 420.210-2 shows the allowable frontage types for this building type that apply to frontage on primary and side streets. Internal frontage is not regulated. See Chapter 20.440 Frontage Types of this code for additional frontage type requirements.

**TABLE 20.420.210-2. ALLOWABLE FRONTAGE TYPES FOR CIB**

| Frontage Type | Allowable |
|---|---|
| Awnings | Yes |
| Balconies | No |
| Bay Windows | No |
| Cafe | Yes |
| Common Yard | No |
| Courtyard | No |
| Gallery | No |
| Light Court | No |
| Porch | No |
| Stoop | No |
| Shopfront | Yes |

b. Frontage Modulation Requirements.

   i. One (1) vertical modulation of minimum twelve (12") inches every fifty (50') feet of facade on all streets.

c. Ground Floor Use Activation.

   i. Fifty (50%) percent of ground floor frontage along primary streets must be Active Retail Uses per Chapter VMC 20.430 Use Requirements; or the side street when no primary street is present.

d. Minimum Ground Floor-to-Ceiling Height.
    i. Minimum of fourteen (14') feet (floor-to-ceiling) for all primary uses.
e. Increased Ground Floor Transparency.
    i. Minimum of sixty (60%) percent windows or doors on all street types.

2. *Ground Floor Ready*. Pursuant to this Chapter, any building type located within a zoning district subject to Chapter 20.520 Active Ground Floor Use Ready Overlay shall be required to comply with the following requirements:
    a. Minimum Ground Floor-to-Ceiling Height.
        i. Minimum of twelve (12') feet (floor-to-ceiling) for all primary uses.
    b. Increased Ground Floor Transparency
        i. Minimum of sixty (60%) percent windows or doors on all street types.
3. Transit-based Height Allowance.
    a. Pursuant to this Chapter and Washington State Law, any building type located within a 1/4-mile radius of an existing or planned bus rapid or light rail transit, are eligible for no maximum height limits, subject to the Chapter 20.530 Station Areas Overlay.
    b. Increased Maximum Height.
        i. No maximum.
4. *Other Overlay Requirements*. The following regulations may also apply:
    a. See Chapter 20.500 VMC Overlay Districts of this code for other requirements that may apply to this district.
    b. See Chapter 20.600 VMC Subarea Plans of this code for other requirements that may apply to this district.
    c. See Chapter 20.700 VMC Environmental Regulations of this code for other requirements that may apply to this district.

***THE VANCOUVER MUNICIPAL CODE IS CURRENT THROUGH MAY 5, 2026, PASSED JUNE 1, 2026.***

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# Chapter 20.430
# Use Requirements

## Sections:

20.430.010 Purpose.

20.410.020 Applicability.

20.410.030 Establishment of Use Requirements.

20.410.040 Primary Use Types by District.

20.430.050 Primary Use Types and Standards

20.430.060 Accessory Use Types and Standards

20.430.070 Accessory Structures

20.430.080 Temporary Use Types and Standards

## 20.430.010Purpose.

A. The purpose of this Chapter is to introduce eight (8) primary use types regulated by the zoning district. Each primary use on a lot is classified as permitted, conditional, or prohibited, as outlined in Tables 20.430.040-1 through 20.430.040-8, and may be subject to specific standards. This chapter also outlines accessory and temporary uses, which may either support a primary use or exist independently on a lot, depending on the specific type of use.

## 20.410.020Applicability.

A. This chapter shall be applicable to all permit applications on any lot or lots. Primary uses included in this chapter are subject to Chapter 20.280 VMC Site Plan Review, as applicable per standards or submittal requirements.

## 20.410.030Establishment of Use Requirements.

A. This chapter includes the following Use requirements:

1. Primary Use Types and Standards.
2. Accessory Use Types and Standards.
3. Accessory Structures.
4. Temporary Use Types and Standards.

## 20.410.040 Primary Use Types by District.

A. The primary use is defined as the principal or main activity conducted on a lot, which is the primary purpose for which the property is used. A primary use must comply with all applicable use permissions, standards, and zoning district requirements. All other uses on the lot, such as accessory or temporary uses, must be subordinate and clearly incidental to the designated primary use. The primary use types include the following:

1. Residential Uses (RES).
2. Civic/Institutional Uses (CIN).
3. Active Retail Uses (ACR).
4. Passive Retail Uses (PAR).
5. Office Uses (OFF).
6. Industrial Uses (IND).
7. Infrastructure Uses (INF).
8. Open Space Uses (OPN).

### Residential Uses

A. *Definition*. Residential uses include facilities and spaces intended for long-term habitation by individuals or households and may include a range of housing types and densities, from single-family homes to multi-family developments intended to support a mix of lifestyles and household needs.

B. *Applicability*. Residential uses are permitted, conditional, and prohibited as follows, listed in Table 20.430.050-1.

**TABLE 20.430.050-1. RESIDENTIAL USE REQUIREMENTS BY ZONING DISTRICT**

| | LS | MS | MX | RA | IC | IE | HI | MH | PO | NA | *Standards* | *Additional Approvals, Policies, or Submittals* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Residential uses.** | | | | | | | | | | | | |
| 1. Group living | P | P | P | P | P | X | X | X | X | X | Yes | Not Applicable. |
| 2. Household living | P | P | P | P | P | P | X | P | X | X | Yes | Not Applicable. |
| 3. Short-term rentals | P | P | P | P | P | X | X | X | X | X | Yes | Yes |
| 4. Temporary shelter/housing (i.e., safe stays, transitional housing) | P | P | P | P | P | C | X | C | X | X | Yes | Not Applicable. |

Table Notes: [P]= Permitted Use, [C] = Conditional Use, and [X] = Prohibited

### Civic/Institutional Uses

A. *Definition.* Civic/institutional uses include governmental, medical, educational, cultural, or religious functions. These uses are typically accessible to the public and contribute to the social and cultural infrastructure of the community.

B. *Applicability.* Civic/institutional uses are permitted, conditional, and prohibited as follows, listed in Table 20.430.050-2.

**TABLE 20.430.050-2. CIVIC/INSTITUTIONAL USE REQUIREMENTS BY ZONING DISTRICT**

| | LS | MS | MX | RA | IC | IE | HI | MH | PO | NA | *Standards* | *Additional Approvals, Policies, or Submittals* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Civic/institutional uses.** | | | | | | | | | | | | |
| 1. Ambulance services | X | X | C | P | P | P | X | X | X | X | Not Applicable. | Not Applicable. |
| 2. Community centers | C | C | P | P | P | P | X | X | P | X | Not Applicable. | Not Applicable. |
| 3. Cultural centers | P | P | P | P | P | P | X | X | P | X | Not Applicable. | Not Applicable. |
| 4. Colleges | P | P | P | P | P | C | C | X | X | X | Yes | Not Applicable. |
| 5. Community recreation | P | P | P | P | P | P | X | X | P | X | Yes | Not Applicable. |
| 6. Day care (child care centers and institutional adult day care) | P | P | P | P | P | P | X | X | X | X | Yes | Yes |
| 7. Detention and post-detention facilities | X | X | X | C | X | C | C | X | X | X | Not Applicable. | Not Applicable. |
| 8. Emergency services (except ambulance) | P | P | P | P | P | P | X | X | X | X | yes | Not Applicable. |
| 9. Medical centers | C | C | P | P | P | P | X | X | X | X | Not Applicable. | Not Applicable. |
| 10. Religious institutions | P | P | P | P | P | P | X | X | X | X | Yes | Yes |
| 11. Schools (public and private) | P | P | P | P | P | P | X | X | X | X | Yes | Yes |

| | LS | MS | MX | RA | IC | IE | HI | MH | PO | NA | *Standards* | *Additional Approvals, Policies, or Submittals* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 12. Social/fraternal and clubs/lodges | P | P | P | P | P | P | X | X | X | X | Not Applicable. | Not Applicable. |

Table Notes: [P]= Permitted Use, [C] = Conditional Use, and [X] = Prohibited

### Active Retail Uses

A. *Definition.* Active retail uses include facilities and spaces dedicated to the sale of goods, merchandise, or services directly to consumers. These uses are typically located on ground floors in pedestrian-oriented areas and are designed to generate foot traffic and contribute to the economic vitality and vibrancy of the streetscape.

B. *Applicability.* Active Retail uses are permitted, conditional, and prohibited as follows, listed in Table 20.430.050-3.

**TABLE 20.430.050-3. ACTIVE RETAIL USE REQUIREMENTS BY ZONING DISTRICT**

| | LS | MS | MX | RA | IC | IE | HI | MH | PO | NA | *Standards* | *Additional Approvals, Policies, or Submittals* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Active retail uses.** | | | | | | | | | | | | |
| 1. Artisan and specialty goods production | P | P | P | P | P | P | X | X | X | X | Yes | Not Applicable. |
| 2. Eating and drinking establishments | P | P | P | P | P | P | P | X | X | X | Yes | Not Applicable. |
| 3. Personal Services | P | P | P | P | P | P | X | X | X | X | Not Applicable. | Not Applicable. |
| 4. Repair-oriented | P | P | P | P | P | P | P | X | X | X | Not Applicable. | Not Applicable. |
| 5. Sales-oriented | P | P | P | P | P | P | P | X | X | X | Yes | Yes |

Table Notes: [P]= Permitted Use, [C] = Conditional Use, and [X] = Prohibited

### Passive Retail Uses

A. *Definition.* Passive retail uses include spaces that complement active retail uses. Secondary retail is not intended to act as the primary drivers of foot traffic or economic activity in an area. These uses often provide support or specialized goods and services that enhance the overall retail environment.

B. *Applicability*. Passive Retail uses are permitted, conditional, and prohibited as follows, listed in Table 20.430.050-4.

**TABLE 20.430.050-4. PASSIVE RETAIL USE REQUIREMENTS BY ZONING DISTRICT**

| | LS | MS | MX | RA | IC | IE | HI | MH | PO | NA | *Standards* | *Additional Approvals, Policies, or Submittals* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Passive retail uses.** | | | | | | | | | | | | |
| 1. Animal kennel/shelters | X | X | C | C | C | P | P | X | X | X | Yes | Not Applicable. |
| 2. Adult entertainment | X | X | X | X | X | C | C | X | X | X | Yes | Not Applicable. |
| 3. Auto salvage/repair | X | X | X | X | X | P | P | X | X | X | Not Applicable. | Not Applicable. |
| 4. Bulk sales | X | X | X | X | X | P | P | X | X | X | Not Applicable. | Not Applicable. |
| 5. Commercial and transient lodging (i.e., hotels, etc.) | C | C | P | P | P | P | X | C | X | X | Yes | Yes |
| 6. Dog day care | C | P | P | P | P | P | P | X | X | X | Yes | Not Applicable. |
| 7. Electric vehicle (EV) battery exchange station | X | X | X | X | P | P | P | X | X | X | Not Applicable. | Not Applicable. |
| 8. Electric vehicle (EV) charging station (stand-alone) | P | P | P | P | P | P | P | X | X | X | Not Applicable. | Not Applicable. |
| 9. Indoor entertainment | X | X | P | P | P | P | X | X | X | X | Yes | Yes |
| 10. Major event entertainment | X | X | X | C | C | X | X | X | X | X | Not Applicable. | Yes |
| 11. Motor vehicle sales/rental | X | X | C | X | X | P | X | X | X | X | Yes | Not Applicable. |
| 12. Motor vehicle servicing/repair | X | X | X | X | P | P | P | X | X | X | Yes | Not Applicable. |

| | LS | MS | MX | RA | IC | IE | HI | MH | PO | NA | *Standards* | *Additional Approvals, Policies, or Submittals* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 13. Outdoor sales | X | X | X | X | P | P | P | X | X | X | Yes | Not Applicable. |
| 14. Self-service storage | X | X | P | P | | P | X | X | X | X | Yes | Yes |
| 15. Vehicle fuel sales (i.e., gas stations) | X | X | X | X | P | P | P | X | X | X | Yes | Not Applicable. |

Table Notes: [P]= Permitted Use, [C] = Conditional Use, and [X] = Prohibited

## Office Uses

A. *Definition*. Office uses include spaces used for professional, administrative, business, or clerical activities, typically conducted indoors with minimal environmental or external impacts on surrounding areas.

B. *Applicability*. Office uses are permitted, conditional, and prohibited as follows, listed in Table 20.430.050-5.

**TABLE 20.430.050-5. OFFICE USE REQUIREMENTS BY ZONING DISTRICT**

| | LS | MS | MX | RA | IC | IE | HI | MH | PO | NA | *Standards* | *Additional Approvals, Policies, or Submittals* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Office uses.** | | | | | | | | | | | | |
| 1. Extended office | P | P | P | P | P | P | P | X | X | X | Not Applicable. | Not Applicable. |
| 2. General office | P | P | P | P | P | P | P | X | X | X | Yes | Not Applicable. |
| 3. Medical office | P | P | P | P | P | P | P | X | X | X | Not Applicable. | Not Applicable. |

Table Notes: [P]= Permitted Use, [C] = Conditional Use, and [X] = Prohibited

### Industrial Uses

A. *Definition*. Industrial uses include production, manufacturing, processing, warehousing, distribution, or repair of goods, as well as related research and development. These uses are typically characterized by operations that may generate higher levels of noise, emissions, truck traffic, or other external impacts.

B. *Applicability*. Industrial uses are permitted, conditional, and prohibited as follows, listed in Table 20.430.050-6.

**TABLE 20.430.050-6. INDUSTRIAL USE REQUIREMENTS BY ZONING DISTRICT**

| | LS | MS | MX | RA | IC | IE | HI | MH | PO | NA | *Standards* | *Additional Approvals, Policies, or Submittals* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Industrial uses.** | | | | | | | | | | | | |
| 1. Bulk fossil fuel storage and handling facility | X | X | X | X | X | X | C | X | X | X | Yes | Yes |
| 2. Cleaner fuels storage and handling facility | X | X | X | X | X | X | C | X | X | X | Yes | Yes |
| 3. Employment Services | X | X | X | X | P | P | P | X | X | X | Not Applicable. | Not Applicable. |
| 4. Energy plants | X | X | C | C | C | C | P | X | X | X | Yes | Not Applicable. |
| 5. Industrial services | X | X | X | X | X | P | P | X | X | X | Not Applicable. | Not Applicable. |
| 6. Manufacturing and production | X | X | P | P | P | P | P | X | X | X | Yes | Yes |
| 7. Organic materials management facilities | C | C | P | P | P | P | P | X | X | X | Not Applicable. | Not Applicable. |
| 8. Recycling facilities | X | X | X | X | X | X | C | X | X | X | Not Applicable. | Not Applicable. |
| 9. Research and development | X | X | P | P | P | P | P | X | X | X | Yes | Yes |
| 10. Small fossil fuel or cleaner fuel storage and distribution facilities | X | X | X | X | X | X | P | X | X | X | Yes | Yes |

| | LS | MS | MX | RA | IC | IE | HI | MH | PO | NA | *Standards* | *Additional Approvals, Policies, or Submittals* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 11. Solid Waste Handling Facilities | X | X | X | X | X | X | P | X | X | X | Yes | Yes |
| 12. Truck stops | X | X | X | X | X | P | P | X | X | X | Yes | Not Applicable. |
| 13. Warehouse/freight movement | X | X | X | X | P | P | P | X | X | X | Yes | Not Applicable. |
| 14. Wholesale sales | X | X | X | X | P | P | X | X | X | X | Yes | Not Applicable. |

Table Notes: [P]= Permitted Use, [C] = Conditional Use, and [X] = Prohibited

### Infrastructure Uses

A. *Definition*. Infrastructure uses include facilities and spaces essential for the movement of people and goods, as well as the delivery of critical services across the city. This includes transportation networks, utility systems, rail infrastructure, and communication facilities, all of which support urban functionality, connectivity, and growth.

B. *Applicability*. Infrastructure uses are permitted, conditional, and prohibited as follows, listed in Table 20.430.050-7.

**TABLE 20.430.050-7. INFRASTRUCTURE USE REQUIREMENTS BY ZONING DISTRICT**

| | LS | MS | MX | RA | IC | IE | HI | MH | PO | NA | *Standards* | *Additional Approvals, Policies, or Submittals* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Infrastructure uses.** | | | | | | | | | | | | |
| 1. Airports/airparks | X | X | X | X | X | P | P | X | X | X | Yes | Yes |
| 2. Basic utilities | P | P | P | P | P | P | P | X | P | C | Not Applicable. | Yes |
| 3. Data Centers | *Not Allowed in Any Zoning District.* | | | | | | | | | | Not Applicable. | Not Applicable. |

| | LS | MS | MX | RA | IC | IE | HI | MH | PO | NA | *Standards* | *Additional Approvals, Policies, or Submittals* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 4. Heliports | X | X | C | C | C | C | X | X | X | X | Not Applicable. | Not Applicable. |
| 5. Major utility facilities | X | X | C | C | C | C | C | X | P | C | Not Applicable. | Yes |
| 6. Park and ride facilities | C | C | C | C | P | P | X | X | X | X | Yes | Yes |
| 7. Rail lines/utility corridors | P | P | X | X | P | P | P | X | C | C | Yes | Not Applicable. |
| 8. Railroad yards | X | X | X | X | X | X | P | X | X | X | Not Applicable. | Not Applicable. |
| 9. Structured parking facilities (i.e., parking garages) | X | P | P | P | P | P | P | X | X | X | Yes | Not Applicable. |
| 10. Surface parking facilities (i.e., parking lots) | X | C | C | C | C | C | C | X | C | X | Not Applicable. | Yes |
| 11. Transportation facilities | C | C | C | P | P | P | P | X | C | X | Not Applicable. | Yes |
| 12. Water-related or water-enjoyment (as defined by VMC 20.760 Shoreline Management) | X | X | C | C | C | C | C | X | C | X | Yes | Not Applicable. |
| 13. Wireless communication facilities | X | X | P | P | P | P | P | X | X | X | Yes | Yes |

Table Notes: [P]= Permitted Use, [C] = Conditional Use, and [X] = Prohibited

### Open Space Uses

A. *Definition.* Open space uses include parks and land preserved or developed for outdoor activities, ecological function, or community interaction. These spaces are regulated by their form, design elements, and relationship to surrounding structures, rather than specific activities alone.

B. *Applicability.* Open Space uses are permitted, conditional, and prohibited as follows, listed in Table 20.430.050-8.

**TABLE 20.430.050-8. OPEN SPACE USE REQUIREMENTS BY ZONING DISTRICT**

| | LS | MS | MX | RA | IC | IE | HI | MH | PO | NA | *Standards* | *Additional Approvals, Policies, or Submittals* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Open space uses.** | | | | | | | | | | | | |
| 1. Agriculture/ horticulture/ silviculture | P | P | P | P | P | P | P | X | P | P | Yes | Not Applicable. |
| 2. Cemeteries | P | P | P | P | P | P | P | X | X | X | Yes | Not Applicable. |
| 3. Environmental Management and Education | X | X | X | X | X | X | X | X | P | P | Not Applicable. | Not Applicable. |
| 4. Fish hatcheries | X | X | X | X | X | X | P | X | X | X | Not Applicable. | Not Applicable. |
| 5. Motorized recreational activities | P | P | P | P | P | P | P | X | P | P | Yes | Not Applicable. |
| 6. Parks or Natural Area (urban) | P | P | P | P | P | P | P | X | P | P | Not Applicable. | Not Applicable. |
| 7. Parks or Natural Area (regional) | P | P | P | P | P | P | P | X | P | P | Not Applicable. | Not Applicable. |
| 8. Trails | P | P | P | P | P | P | P | P | P | P | Not Applicable. | Not Applicable. |

Table Notes: [P]= Permitted Use, [C] = Conditional Use, and [X] = Prohibited

## 20.430.050 Primary Use Types and Standards

A. Residential Uses

1. Group Living.

a. Standards. The following standards apply:

i. One (1) person shall reside on the site who is responsible for supervising, managing, monitoring and/or providing care, training or treatment of residents.

ii. Residential care homes, state or federally approved, with ; all larger group living uses prohibited in LS, MS, MX, and RA districts.

b. Additional approvals, policies, or submittals. Not applicable.

2. Household Living.

a. Standards. The following standards apply:

i. Length of tenancy. Tenancy is longer than thirty (30) calendar days.

ii. Residential care homes. Residential care homes, state or federally approved, with eight (8) or fewer residents and any required on-site residential staff permitted by right.

b. Cottage Cluster Dwellings. Must meet the standards in Section VMC 20.450.080.

c. Manufactured Home Development. Must meet standards in Section VMC 20.450.085.

d. Additional approvals, policies, or submittals. Not applicable.

3. Short-Term Rental

a. Standards. The following standards are required for the operation of a short-term rental. Failure to comply with any or all the following development standards will result in the revocation of a short-term rental permit:

i. Licenses required and permit approval.

(A). Business license. Short-term rental use is a business that requires the operator to register with the Washington State Department of Revenue and obtain a city of Vancouver business license.

(B). Operations. Short-term rental operations are regulated through a short-term rental permit application, subject to the development standards listed below. Short-term rental permits are nontransferable business operation permits and do not run with the land. Short-term rental permits automatically expire when property ownership changes.

ii. Development standards.

(A). Regulations. A short-term rental must meet all applicable state and local health, safety and building code regulations such as fire and smoke protections, egress and accessibility, and structural design, as well as applicable provisions of the Washington Administrative Code (WAC) and the Revised Code of Washington (RCW).

(B). Off-Site Impacts. A short-term rental must not generate measurable levels at the property line of dust, smoke, odor, glare, or noise beyond those associated with a residential use. The short-term rental must not generate solid waste in volume or type not normally associated with a residential use.

iii. Limitations.

(A). Legal status. Short-term rentals are only permitted within a legally established dwelling unit. Short-term rentals may not be operated outdoors, in an accessory structure, in a recreational vehicle, or in any other nonresidential structure.

(B). Multifamily tax exemption. Short-term rentals are not permitted in any dwelling unit or building that has received approval under the city's multifamily tax exemption (MFTE) program (Chapter 3.22 VMC, as now existing or hereafter amended). This limitation does not apply after the MFTE program exemption period has ended.

(C). Total rental limitation. To limit the impact of short-term rentals on the available long-term housing supply, the city may issue no more than eight hundred and seventy (870) active short-term rental permits at any given time. Permits will be approved on a first-come, first-served basis.

(D). Liability Insurance. Short-term rental operators must have current, valid liability insurance coverage for any short-term rental unit that complies with the requirements of RCW 64.37.050, as now existing or hereafter amended.

(E). Notification. Prior to the city application process for a short-term rental permit, the property owner must provide a courtesy notice regarding the short-term rental to all property owners abutting or adjacent to the proposed short-term rental location. This notification must include a description of the operation, number of bedrooms to be rented to overnight guests, and contact information for the owner or operator by phone.

iv. Violations.

(A). Unlawful use. It is unlawful to rent, offer for rent, or advertise for rent a dwelling unit located on any property with the city as a short-term rental without a permit and license authorizing such use issued and approved in the manner required by this chapter.

(B). Enforcement. Failure of the property owner or authorized agent or local contact of a short-term rental to meet the standards contained herein is subject to the enforcement provisions contained in Section 22.02.020 VMC.

b. Additional approvals, policies, or submittals. The following apply:

i. Application – Fees. The short-term rental applicant must submit a completed short-term rental permit application form as prescribed by the city's planning official with the applicable fee per Chapter 20.190 VMC.

ii. Required Permit Application Information.

(A). Affidavit. Affidavit of mailing showing proof of mailing of notification to property owners abutting and adjacent to the proposed short-term rental.

(B). Liability insurance. Copy of liability insurance for the short-term rental.

(C). Continual compliance with these standards. Acknowledgment by the property owner attesting that the short-term rental will continuously comply with the required standards in this chapter and allowing the city to inspect the premises in accordance with Chapter 17.08 VMC.

4. Temporary Shelter/Housing (i.e. safe stays, transitional housing).

a. Standards. The following apply:

i. Transitional, PSH, and emergency housing in IE and MH. Transitional housing, permanent supportive housing (PSH), and emergency housing or shelters are allowed in the IE and MH districts per RCW 36.70A, as amended by HB 1220; all other temporary shelter/housing uses are not allowed.

ii. Transitional and emergency housing or shelters on land owned or controlled by a religious organization. Transitional and emergency housing or shelters are allowed in all zones on property owned or controlled by a religious organization per RCW 35.21.915.

b. Additional approvals, policies, or submittals. Not applicable.

B. Civic/Institutional Uses

1. Ambulance Services.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

2. Community centers.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

3. Cultural centers.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

4. Colleges.

a. Standards. The following apply:

i. Access Points: The lot shall take primary access for vehicles from no less than a primary street as defined by this code.

ii. Maximum Lot Size in LS and MS Districts: The site contains no more than twelve (12) acres and not to exceed seventy-five thousand (75,000 GSF) gross square feet.

iii. Exemption: Schools are not required to meet the Front Build-to-Line and Side Build-to-Line requirements.

b. Additional approvals, policies, or submittals. Not applicable.

5. Community recreation.
   a. Standards. The following apply:
      i. Incidental uses. There shall be no external evidence of any incidental commercial activities taking place within the building.
   b. Additional approvals, policies, or submittals. Not applicable.
6. Day care (childcare centers and institutional adult day care).
   a. Standards. The following apply:
      i. Family Child Day Care Home.
         (A). Signs. Signs are subject to Home Occupations of this code.
      ii. Child Care Center.
         (A). Signs. Signs are subject to Home Occupations of this code.
      iii. Adult Family Home. An existing adult family home may provide services to up to eight adults upon approval from the department of social and health services in accordance with RCW 70.128.066.
         (A). Signs. Signs are subject to Home Occupations of this code.
      iv. Institutional Adult Day Care. None.
   b. Additional approvals, policies, or submittals. Not applicable.
7. Detention and post detention facilities.
   a. Standards. Not applicable.
   b. Additional approvals, policies, or submittals. Not applicable.
8. Emergency services (except ambulance).
   a. Standards. The following apply:
      i. Access Points. The lot shall take primary access for vehicles from no less than a primary street as defined by this code.
   b. Additional approvals, policies, or submittals. Not applicable.
9. Medical centers.
   a. Standards. Not applicable.
   b. Additional approvals, policies, or submittals. Not applicable.

10. Religious institutions.
    a. Standards. The following apply:
        i. Access Points: The lot shall take primary access for vehicles from no less than a primary street as defined by this code.
        ii. Maximum Lot Size and Maximum Main Building Size for a Typical Lot. The lot must not contain more than two (2 AC) acres and main building must not exceed thirty thousand (30,000 GSF) gross square feet.
        iii. Maximum Lot Size and Maximum Main Building Size for a Lot with a School. If a religious institution also has a school, the lot must not contain more than seven (7 AC) acres and 60,000 gross square feet of building area.
    b. Additional approvals, policies, or submittals. Development that exceeds the above standards are required to obtain a Conditional Use Permit pursuant to Chapter 20.245 VMC of this code.
11. Schools (public and private).
    a. Standards. The following apply:
        i. Access Points. The lot shall take primary access for vehicles from no less than a primary street as defined by this code.
        ii. Maximum Lot Size in LS and MS Districts. The site contains no more than twelve (12) acres and not to exceed seventy-five thousand (75,000 GSF) gross square feet.
        iii. Exemption: Schools are not required to meet the Front Build-to-Line and Side Build-to-Line requirements.
    b. Additional approvals, policies, or submittals. Development that exceeds the above standards are required to obtain a Conditional Use Permit pursuant to Chapter 20.245 VMC of this code.
12. Social/fraternal and clubs/lodges.
    a. Standards. Not applicable.
    b. Additional approvals, policies, or submittals. Not applicable.

C. Active Retail Uses
    1. Artisan and specialty goods production.

a. Standards. The following apply:

i. Public viewing and windows: A public viewing or customer service space is required on all building types with windows or glass doors covering at least twenty-five (25%) percent of the front of the building face abutting the street or indoor lobby wall.

ii. Visibility of activities: Activities except loading shall occur within the buildings; outdoor storage and repair is prohibited

b. Additional approvals, policies, or submittals. Not applicable.

2. Eating and drinking establishments.

a. Standards. The following apply:

i. Drive Thru: Drive-through eating and drinking establishments are only allowed in the MX district.

b. Additional approvals, policies, or submittals. Not applicable.

3. Personal services

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

4. Repair-oriented

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

5. Sales-oriented.

a. Standards. The following apply:

i. Marijuana and marijuana-related stores: Marijuana and marijuana-related stores are subject to:

(A). Distance Restrictions. A marijuana retail, processing, or production business shall not be located on parcels located within one thousand feet (1000') of parcels containing any of the following uses, as officially defined in WAC 314-55-010. The distance shall be measured as the shortest straight line from property line to property line, as set forth in WAC 314-55-050(10).

(1). Elementary or secondary school, public or private;

(2). Playground, publicly managed;

(3). Recreation center or facility, providing a broad range of activities intended primarily for minors and managed by a public or charitable nonprofit entity;

(4). Child care facility, licensed by the Department of Early Learning providing child care regularly for less than twenty-four (24) hours;

(5). Public park, having facilities for active or passive recreation, exclusive of trails;

(6). Public transit center where several transit routes converge;

(7). Library; or

(8). Game arcade where admission is not restricted to persons age twenty-one (21) and older.

(B). Retail marijuana retail business shall not be located within three hundred (300') feet of other state-licensed marijuana retail business, as measured from property line to property line as specified in this chapter.

(C). Prohibitions.

(1). Retail, processing, and production businesses are prohibited in LS and MS districts.

(2). Marijuana businesses are not permitted as a home occupation shall not operate at a dwelling and shall not be located in a mobile structure.

(3). Retail marijuana business shall not sell marijuana, marijuana-infused products, or marijuana paraphernalia or otherwise be open for business before eight (8) am or after eleven (11:00) pm on any day.

(D). Signs. For signage, marijuana retail, processing and production businesses shall be subject to the substantive requirements of Chapter 314-55-155 WAC and Section 20.450.050 VMC, whichever is more restrictive. No off-premises signage is permitted.

(E). Outdoor limitations.

(1). A marijuana business must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors.

(2). Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the marijuana business is located.

(F). Storage. In addition to the security requirements in Chapter 315-55 WAC, during nonbusiness hours, all recreational marijuana producers, processors, and retailers shall store all useable marijuana, marijuana-infused product, and cash in a safe or in a substantially constructed and locked cabinet. The safe or cabinet shall be incorporated into the building structure or securely attached thereto. For useable marijuana products that must be kept refrigerated or frozen, these products may be stored in a locked refrigerator or freezer container in a manner approved by the Planning Official, provided the container is affixed to the building structure.

(G). Additional approvals, policies, or submittals.

(1). Licensing. To operate within the City, each recreational marijuana business is required to have a current license issued by Washington State under the provisions of Chapter 314-55 WAC and a current business license issued by the City under the provisions of Chapter 5.04 VMC. No application for a business license for a marijuana business shall be accepted unless the applicant has a current license issued under Chapter 314-55 WAC.

(2). State Requirements.

(3). Marijuana businesses are subject to all applicable requirements of Title 69 RCW and Chapter 314-55 WAC and other state statutes, as they now exist or may be amended.

(4). Marijuana businesses shall incorporate odor control technology and provisions and ensure that emissions do not exceed Southwest Washington Clean Air Agency regulations, including but not limited to those specified for odors at 400.040(4).

(5). City Restrictions. No more than twelve (12) retail marijuana businesses shall be allowed within the city.

(6). Nuisance Declared. The City of Vancouver finds that production or processing of marijuana or marijuana infused products or storage or growing of plants in residences, pursuant to RCW 69.51A, that can be readily seen by normal unaided vision, or readily smelled, from a public place or private residence shall constitute a nuisance for enforcement purposes.

(7). Enforcement of Violations. Violations of this Chapter shall be subject to enforcement action as provided in the Uniformed Controlled Substances Act, Title 69 RCW. In addition, violations of this Chapter shall be subject to the enforcement provisions set forth in VMC Chapter 20.140.

(8). Non-Conforming Uses. No use that constitutes or purports to be a marijuana producer, marijuana processor, or marijuana retailer, as those terms are defined in this ordinance, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally established use under the provisions of the Vancouver Municipal Code and that use shall not be entitled to claim legal non- conforming status.

D. Passive Retail Uses

1. Animal kennel/shelters.

a. Standards. The following apply:

i. Compliance:

(A). Applicants shall demonstrate compliance with all of the requirements of Section 20.450.008 VMC Off-Site Impacts, and Section 8.24 VMC, Animals.

(B). Dog day care activities within kennels shall comply with Section 20.430.050 VMC Passive Retail Uses – Dog day care, except that limits on the number of dogs shall be as specified herein.

ii. Setbacks. Where allowed, kennels and shelters shall be located not less than fifty (50') feet from any property line.

(A). Kennels providing adequate soundproofing pursuant to the off-site noise provisions of Section 20.450.040 VMC may have said setback wholly or partially waived to no less than the extent of any main or accessory building setbacks as may also be applicable.

(B). Access. Such facilities shall provide automobile and truck ingress and egress.

(C). Parking. Such facilities shall provide parking and loading spaces so designed as to minimize traffic hazards and congestion.

(D). Limits. Capacity shall be no more than one hundred and seventy-five (175) animals at one time; provided, that the animal control agent has the authority to limit proposed facilities to lower capacity levels where necessary to achieve full compliance with all applicable standards.

b. Additional approvals, policies, or submittals. Not applicable.

2. Adult entertainment.

a. Standards. The purpose of these regulations is to separate certain uses from the secondary effects of adult entertainment businesses by establishing criteria to adequately separate such establishments from neighborhoods, schools, permanent religious institutions, licensed daycare facilities and parks. The following apply:

i. Applicability: Adult entertainment business as defined in this Section shall be allowed as a conditional use in the IC, IE, and HI districts subject to a Type II review. The use shall be subject to the following development standards:

(A). Distance restrictions. It shall be unlawful for anyone to establish an adult entertainment business or to relocate an adult entertainment business within one thousand feet (1,000›) measured in a straight line without regard to intervening structures or objects, of any existing adult business or public park; child care facility licensed by the State of Washington; preschool; permanent religious institution; and/or public or private elementary, middle, junior high or high school.

(B). Distance restrictions from a residential district. It shall further be unlawful to locate or relocate any adult entertainment business within five hundred (500') of the LS, MS, MX, and RA districts.

ii. Non-conforming status. The location of a newly-established public park, licensed child care facility, permanent religious institution, preschool or school within one thousand (1,000') or the establishment of an LS, MS, MX, or RA district within five hundred (500') of an existing adult entertainment business shall not cause the existing adult entertainment business to be deemed a nonconforming use.

iii. Enforcement of violations. Anyone convicted of violating this Section shall be subject to enforcement actions as contained in Chapter 20.140 VMC Enforcement. If subject to an enforcement action, the applicant shall be sentenced to a maximum thirty (30) calendar days in jail, or fined a maximum five hundred ($500) dollars per such violation.

b. Additional approvals, policies, or submittals. Not applicable.

3. Auto salvage/repair.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

4. Bulk sales.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

5. Commercial and transient lodging (i.e., hotels, etc.).

a. Standards. The following apply:

i. General. In all zoning district, bed-and-breakfast establishments containing three to six bedrooms for guests must meet the Department of Health Bed-and-Breakfast Guidelines. These guidelines are enforced by DSHS.

ii. Specific to LS and MS.

(A). In LS and MS districts. A bed-and-breakfast establishment must be accessory to a Household Living use on a site, as defined in Section 20.160.020(A)(1) VMC. This means that an individual or family which operates the establishment must occupy the house as their primary residence. The house must have been used as a residence for at least a total of five (5) years prior to filing the application for a bed-and-breakfast establishment.

(B). In LS and MS districts. Banquets, parties, weddings or meetings for guests or other non-family members for the general public are prohibited. These services may be provided only to residents or overnight patrons of the facility.

(C). In LS and MS districts. Residential structures may be remodeled for the development of bed-and-breakfast establishments. Structural alterations may not be made which prevent the structure from being used as a house.

b. Additional approvals, policies, or submittals. The following apply:

i. Conditional. A three (3) – six (6) bedroom bed-and-breakfast establishment in the LS zones is permitted as a conditional use, subject to the requirements of Chapter 20.245 VMC Conditional Uses, Chapter 20.210 VMC Decision-Making Procedures, and the requirements of state law.

ii. Permit Type. A bed-and-breakfast-establishment in MS, MX, RA, IC is subject to a Type I review, pursuant to Section 20.285.040 VMC.

iii. Submittal.

(A). Site plan. A site plan showing where guest parking will be provided.

(B). Floor plan. A floor plan of both existing structure and modifications for bed-and-breakfast use.

iv. Traffic impacts. A statement indicating the potential impact on traffic in the area.

v. State certification. For establishments containing three (3) or more units, a statement from the State Department of Social and Health Services indicating that the proposed bed-and-breakfast can meet the DSHS's Bed-and-Breakfast Guidelines.

vi. Sign plan. Proposed sign plan if applicable.

6. Dog day care.

a. Standards. The following apply:

i. General: Regardless of the zone, all Dog Day Care facilities shall comply with the following:

(A). Extent. The dogs may be groomed, trained, exercised and socialized, but not kept or boarded overnight, bred, sold, or let for hire.

(B). Facilities. Dog Day Care facilities shall be subject to Section 8.24 VMC – Animals.

(C). Walls. Walls, partitions and floor/ceilings assemblies separating Dog Day Care facilities from residential uses shall have a sound transmission class (STC) as required by the Building Code.

(D). Fencing. Fencing for all on-site outdoor recreation areas shall provide full containment for the dogs. The fence structure shall be deep enough and secured to the ground to prevent escape and high enough to prevent dogs from jumping or climbing over. The Fence shall be subject to Section 20.450.020 VMC Fences and Walls.

(E). Licenses/Permits. The applicant shall be required to obtain all licenses and permits, and meet the City's Limited and Conditional Use and Site Plan review requirements, as applicable.

ii. Specific to MS.

(A). Lot size: Minimum lot size of one (1) acre.

(B). Maximum Dogs. Thirty (30) dogs maximum on premises.

(C). Activity Setbacks. Outdoor areas where dogs will be allowed must be a minimum of fifty (50') feet from any property line. This does not apply if all activity is contained indoors.

(D). Hours of Operation. Six (6) a.m. to nine (9) p.m.

iii. Specific to MX and RA.

(A). Lot size. None.

(B). Maximum Dogs. Forty (40) dogs maximum on premises.

(C). Activity Setbacks. Outdoor areas where dogs will be allowed must be a minimum of fifty (50') feet from any property line if the dog day care facility abuts the LS or MS districts. This does not apply if all activity is contained indoors.

(D). Hours of Operation. Six (6) a.m. to ten (10) p.m.

iv. Specific to IE and HI.

(A). Lot size. None

(B). Maximum Dogs. None

(C). Activity Setbacks. Outdoor areas where dogs will be allowed must be a minimum of fifty (50') feet from any property line if the dog day care facility abuts the LS or MS districts. This does not apply if all activity is contained indoors.

(D). Hours of Operation: 6 Six (6) a.m. to ten (10) p.m.

b. Additional approvals, policies, or submittals. Not applicable.

7. Electric vehicle (EV) battery exchange station.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

8. Electric vehicle (EV) charging station (stand-alone).

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

9. Indoor entertainment.

a. Standards. The following apply:

i. Indoor Target Shooting Ranges.

(A). Building design and construction.

(1). Solid masonry or concrete on all walls in the shooting areas.

(2). Trap construction to prevent bullet penetration and ricochet.

(3). Sound baffling to assure noise levels not greater than sixty-five (65) dBA at the property line.

(4). Air ventilation and filtration system capable of removing dangerous levels of smoke and particulates.

(B). Noise.

(1). Hearing protection devices shall be required for all persons exposed to noise levels above seventy-five (75) dBA.

(2). Baffling to assure noise levels do not exceed sixty (60) dBA in the waiting area and fifty (50) dBA in the office area.

b. Additional approvals, policies, or submittals. The following apply:

i. Permits. Air emission permit shall be obtained from Southwest Clean Air Agency (SWCAA) prior to occupancy permit.

10. Major event entertainment.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. The following apply:

i. Conditional uses. Conditional Use approval requires review through the process set forth in Chapters 20.245 and 20.210 VMC.

11. Motor vehicle sales/rental.

a. Standards. The following apply:

i. Minimum lot size. Minimum lot size is forty thousand (40,000 SF) square feet or ten thousand (10,000 SF) square feet for a corner lot.

ii. Primary street access. Must be located on a primary street with average traffic in excess of ten thousand (10,000) trips per day.

iii. Vehicle display location: No vehicle display in setback areas is allowed.

b. Additional approvals, policies, or submittals. Not applicable.

12. Motor vehicle servicing/repair.

a. Standards. The following apply:

i. Lot Size. Minimum lot area shall be ten thousand (10,000 SF) square feet.

ii. Frontage. Each lot area shall contain at least one hundred (100') frontage on a public street.

iii. Parking.

(A). Loading docks. All loading docks shall be outfitted with electric wiring and conduit extending to electric panels to enable future installation of outlets for charging of electric-powered trucks.

(B). Electric Vehicle Charging. EV charging stations shall be provided at a minimum of twenty (20%) percent of parking spaces on site.

iv. Landscaping. Trees shall be planted at a density of at least thirty-three (33) tree units per acre of the project site, subject to the size, locational and maintenance requirements of Chapter 20.450 VMC. Such additional trees may be planted in a tree tract on site or at an off-site location owned by the applicant and within the limits of the designated neighborhood association within which the development is located, and as approved by the city forester.

v. Fencing. A solid or woven fence or solid evergreen hedge, free of advertising, which is six (6') feet in height, shall be maintained along property lines which abut the LS, MS, MX, and RA districts.

vi. Surfacing. The entire area to be used for driveway, service or parking shall be surfaced with light bituminous macadam or better.

vii. Off-site impacts.

(A). Compliance. The facility shall comply with all of the applicable requirements of Section 20.450.040 VMC Off-Site Impacts governing glare, noise, vibration, dust and heat.

(B). Idling. Truck engine idling is prohibited while parked or loading/unloading.

viii. Outdoor limitations.

(A). Repair work. All repair work shall be done within an enclosed building.

(B). Retail. Sale of merchandise shall be conducted within a building except for items used for the maintenance and servicing of automotive vehicles.

b. Additional approvals, policies, or submittals. Not applicable.

13. Outdoor sales

a. Standards. The following apply:

i. Compliance: All development is subject to Chapter 20.450 VMC.

b. Additional approvals, policies, or submittals. Not applicable.

14. Self-service storage

a. Standards. The following apply:

i. General use prohibition. Self-storage units shall not be used for:

(A). Heavy manufacturing, fabrication, or processing of goods, service or repair of vehicles, engines, appliances or other electrical equipment, or any other heavy industrial activity.

(B). Conducting garage or estate sales. This does not preclude auctions or sales for the disposition of abandoned or unclaimed property.

(C). Storage of flammable, perishable or hazardous materials or the keeping of animals.

ii. Residential use prohibition. No tenant may use a self-service storage facility for residential purposes.

iii. Locational prohibitions. Self-service storage shall be prohibited on properties located in whole or part within five hundred (500') feet of primary streets, which is measured from the centerline of the street. Map on file with department and available for search on individual site-specific parcels.

iv. Other prohibitions. Outdoor storage is prohibited. All goods and property stored at a self-storage facility shall be stored in an enclosed building. No outdoor storage of boats, RVs, vehicles, or similar, or storage in outdoor storage pods or shipping containers is permitted.

v. Buildings.

(A). Self-service storage is permitted only within multi-story structures.

(B). Self-storage units shall gain access from the interior of the building(s) or site. No unit doors may face the street.

(C). Each floor above the ground floor of a self-storage facility building that is facing a street shall at a minimum be comprised of fifteen (15%) percent glass.

vi. Public Realm. At least seventy (75%) percent of the width of any new or reconstructed first-story building wall facing a primary street shall be devoted to interest-creating features, such as pedestrian entrances, reliefs, murals, landscaping, transparent show or display windows, or windows affording views into retail, office, or lobby space.

vii. Staffing and security requirement. One (1) ground floor caretaker/security/manager residence is allowed if it is an integral part of a mini-storage building.

b. Additional approvals, policies, or submittals. The following apply:

i. Expansions. Existing self-service storage businesses are permitted to expand or construct new buildings within parcels being used for self-storage as of the date of adoption of the ordinance codified in this Section. The expansion or new construction shall be consistent with and meet all applicable standards of the zoning district as well as this Chapter.

15. Vehicle fuel sales (i.e., gas stations)

a. Standards. The following apply:

i. Lot Size. Minimum lot area shall be 10,000 square feet.

ii. Frontage. Each lot area shall contain at least 100' frontage on a public street.

iii. Parking.

(A). Loading docks. All loading docks shall be outfitted with electric wiring and conduit extending to electric panels to enable future installation of outlets for charging of electric-powered trucks.

(B). Electric Vehicle Charging. EV charging stations shall be provided at a minimum of twenty (20%) percent of parking spaces on site.

iv. Landscaping. Trees shall be planted at a density of at least thirty-three (33) tree units per acre of the project site, subject to the size, locational and maintenance requirements of Chapter 20.450 VMC. Such additional trees may be planted in a tree tract on site or at an off-site location owned by the applicant and within the limits of the designated neighborhood association within which the development is located, and as approved by the city forester.

v. Fencing. A solid or woven fence or solid evergreen hedge, free of advertising, which is six (6') feet in height, shall be maintained along property lines which abut the LS, MS, MX, and RA districts.

vi. Surfacing. The entire area to be used for driveway, service or parking shall be surfaced with light bituminous macadam or better.

vii. Off-site impacts.

(A). Compliance. The facility shall comply with all of the applicable requirements of Section 20.450.040 VMC governing glare, noise, vibration, dust and heat.

(B). Idling. Truck engine idling is prohibited while parked or loading/unloading.

viii. Outdoor limitations.

(A). Repair work. All repair work shall be done within an enclosed building.

(B). Retail. Sale of merchandise shall be conducted within a building except for items used for the maintenance and servicing of automotive vehicles.

b. Additional approvals, policies, or submittals. Not applicable.

E. Office Uses

1. Extended office.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

2. General office.

a. Standards. The following apply:

i. Exclusion: Excludes medical office and related facilities.

b. Additional approvals, policies, or submittals. Not applicable.

3. Medical office.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

F. Industrial Uses

1. Bulk fossil fuel storage and handling facility.

a. Standards. The following apply:

i. Compliance.

(A). Non-Capacity Improvements. The city may approve activities or structures for one or more of the following purposes as a limited use, provided there is no increase in baseline capacity:

(1). Maintenance, repair, or replacement.

(2). Improvement of the safety or security of the infrastructure, including seismic upgrades.

(3). Decrease in air or water emissions.

(4). Allow the facility infrastructure or buildings to meet new regulatory requirements.

(5). Addition of accessory structures or activities that do not add to the baseline capacity of the facility.

ii. Non-capacity improvements. The applicant for non-capacity improvements shall specify the baseline capacity for the facility as of the date of the ordinance codified in this Section.

iii. Standards for Bulk Fossil Fuel Storage and Handling Facilities – New or Capacity Expansion.

(A). New Facilities. New bulk fossil fuel storage and handling facilities are prohibited, regardless of size.

(B). Baseline Established. The baseline for storage, transportation, and transshipment facilities is established by the following information available as of November 3, 2022. Storage baseline capacity shall be established using Washington Department of Ecology industrial chapter permits and oil spill prevention plans or other verifiable documentation. Transshipment and transportation facility baseline is established through the most recent spill prevention plans approved by the Department of Ecology or where a local permit documenting such facilities has been approved more recently. If an existing facility does not have an established refining or storage baseline from a past industrial chapter permit or spill prevention plan, the baseline must be established as part of a permit application.

(C). Expansion. Expansion of bulk fossil fuel storage and handling facilities is allowed up to fifteen (15%) percent increase above the baseline capacity if converted to cleaner fuels, as defined by Section 20.150.040A VMC, and subject to the requirements of Chapter 20.430 VMC.

(D). Bulk fossil fuel storage and handling facilities are greater than sixty thousand (60,000 GA) gallons cumulative storage.

(E). Prohibited. New bulk fossil fuel storage and handling facilities are prohibited in all zoning district.

iv. Non-Capacity Improvements. Activities or structures that do not include capacity improvements are permitted. This includes maintenance, repair, or replacement; the improvement of the safety or security of the infrastructure, including seismic upgrades; decrease air or water emissions; upgrading to meet new regulatory requirements; addition of accessory structures.

b. Additional approvals, policies, or submittals. The following apply:

i. Federal Laws. The director may refer to RCW 82.38.020 or other state or federal laws to assist in interpretation of this use classification.

ii. Existing Facilities. Existing bulk fossil fuel storage and handling facilities converted to cleaner fuels may be expanded, subject to approval of a conditional use permit and compliance with this Section.

iii. Maintenance and Safety. Maintenance and safety improvements to existing bulk fossil fuel storage and handling facilities are allowed subject to compliance with requirements in this Section.

iv. Non-Capacity Specifications. The applicant for non-capacity improvements shall specify the baseline capacity for the facility as of the date of the ordinance codified in this section of this chapter.

2. Cleaner fuels storage and handling facility.

a. Standards. The following apply:

i. Non-Capacity Improvements. The city may approve activities or structures for one or more of the following purposes as a conditional use, provided there is no increase in baseline capacity:

(A). Maintenance, repair, or replacement.

(B). Improvement of the safety or security of the infrastructure, including seismic upgrades.

(C). Decrease in air or water emissions.

(D). Allow the facility infrastructure or buildings to meet new regulatory requirements.

(E). Addition of accessory structures or activities that do not add to the baseline capacity of the facility.

ii. Non-capacity improvements. The applicant for non-capacity improvements shall specify the baseline capacity for the facility as of the date of the ordinance codified in this chapter.

iii. Standards for Cleaner Fuels Storage and Handling Facilities – New or Expansion.

(A). New or expanded facilities. New or expanded cleaner fuel storage and handling facilities are allowed subject to a conditional use permit if no larger than one million (1,000,000 GA) gallons of cumulative storage, on a site three (3 AC) acres or less in size, and if located at least one thousand (1,000') feet from the LS, MS, MX, and RA Districts. Size cannot exceed the smaller of one million (1,000,000 GA) gallons or site acreage three acres. Such facilities shall meet spill prevention/fire response, seismic upgrade, GHG assessment, and annual reports in this chapter.

(B). Existing facilities. Existing bulk fossil fuel storage and handling facilities may be converted to cleaner fuels, as defined by Section 20.150.040A VMC, as a conditional use, subject to the requirements of this chapter.

(C). Conversion to cleaner fuels. Existing bulk fossil fuel storage and handling facilities converted to cleaner fuels may be expanded, subject to approval of a conditional use permit and compliance with the following criteria:

(1). Total or partial conversion. Total or partial conversion of an existing fossil fuel storage and handling to cleaner fuel infrastructure is allowed. If a facility is converted the facility may be increased by up to fifteen (15%) percent above the baseline capacity. The expansion shall be in proportion to the amount of cleaner fuel storage. For example, if twenty-five (25%) percent of the facility is converted to cleaner fuels, the storage and handling infrastructure may expand by three and three-quarters (3/4%) percent. If fifty (50%) percent of the facility is converted to cleaner fuels, storage and handling infrastructure may expand by seven and one-half percent (7.5%). If one hundred (100%) percent of the facility is converted into cleaner fuels storage and handling, then fifteen (15%) percent of the infrastructure may be increased.

(2). Shared facilities. If a fossil fuel storage and handling facility is partially or fully converted to cleaner fuel infrastructure, that share of the facility used for cleaner fuel storage, transportation, or transshipment of petroleum-based fossil fuels shall be maintained on the overall site; products may be moved to different storage tanks on the site; provided, that the cleaner fuel percentage of the total storage is maintained. The applicant shall provide a comprehensive spill prevention plan and fire response plan to the satisfaction of the planning official and fire marshal.

(3). Seismic upgrades. Seismic upgrades pursuant to current building code requirements shall be made to any existing fuel storage facilities.

(4). GHG Assessment. Greenhouse gas emissions impacts shall be assessed for expanded facilities. The applicant is responsible to provide an expert evaluation by a qualified professional consistent with the requirements of this code. The evaluation shall document baseline life cycle greenhouse gas emissions from the facility, net increases in life cycle greenhouse gas emissions, and mitigation of greenhouse gas emission increases. Life cycle emissions shall be quantified as defined in 42 U.S.C. § 7545. The planning official shall require mitigation to address the project's direct greenhouse gas emissions and may require mitigation to address the project's indirect emissions. The assessment shall address mitigation for net increases in greenhouse gas emissions, which may include, but is not limited to, one or more of the following: on-site efficiency improvements, carbon capture and storage, purchase of carbon offsets from any carbon registry approved by the city or a state agency, implementation of strategies in Vancouver's Climate Action Plan, or other measures approved by the planning official. The mitigation may concurrently satisfy any other requirements imposed by county, state or federal governments. Mitigation shall be made conditions of approval, and shall be specific, identifiable, quantifiable, permanent, enforceable, and verifiable.

(5). Financial Assurance in Case of Accidents. To ensure applicants are able to mitigate the consequences of accidents, proof of financial assurance (such as trust funds, letters of credit, insurance, self-insurance, financial tests, corporate guarantees, payment bonds or performance bonds) shall be provided sufficient to comply with the financial responsibility requirements set forth in any state and federal law applicable to their proposed project. If the applicant relies on an insurance policy for compliance with a state or federal financial assurance requirement, the applicant must add the city of Vancouver as an additional insured as a condition of permit issuance.

(6). Annual Report. The applicant shall provide an annual report to the planning official of the following:

i. Description. A description of on-site storage capacity including the number of tanks, tank volumes, and products.

ii. Vessel transfers. The number of vessel transfers of fuel, both inbound and outbound from the site, the type and quantity of products transferred, and the product destination.

iii. Rail cars transporting fuels. The number of rail cars transporting fuels, both to and from the site, including a description of the product, volume, and destination.

iv. Trucks transporting fuels. The number of trucks transporting fuels, both to and from the site, including a description of the product, volume, and destination.

v. Documentation. Documentation that on-site activity is similar to the established baseline of storage and/or throughput.

vi. Compliance. Conformity with applicable regional, state, and federal reporting or permit requirements pursuant to laws and rules implemented by Southwest Washington Clean Air Agency, Washington Department of Ecology, U.S. Environmental Protection Agency, and U.S. Energy Information Administration to ensure compliance with the requirements herein.

b. Additional approvals, policies, or submittals. The following apply:

i. Non-capacity Specifications. The applicant for non-capacity improvements shall specify the baseline capacity for the facility as of the date of the ordinance codified in this chapter.

ii. Capacity Specifications. The applicant shall document the existing baseline, and any proposed additional storage capacity and fuel type(s) to be stored. Documentation shall be consistent with this chapter.

3. Employment services.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

4. Energy plants.

a. Standards. The following apply:

i. Prohibition on coal-fired plants. Coal-fired electricity generating plants are prohibited.

ii. Prohibition on biomass energy plants. Biomass energy generating plants are prohibited within the

b. Additional approvals, policies, or submittals. Not applicable.

5. Industrial services.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

6. Manufacturing and production.

a. Standards. The following apply:

i. Specific Use Prohibition. Electroplating and related uses not permitted in any zoning district.

ii. Size Limitation. Maximum manufacturing or production uses of twenty thousand (20,000 GSF) gross square feet allowed on lot applicable in RA district only.

iii. Conditional Use. Manufacturing or production uses over twenty thousand (20,000 GSF) gross square feet subject to a Conditional Use permit.

b. Additional approvals, policies, or submittals. The following apply:

i. MX and RA District. Microbreweries and manufacturing of optical, medical and dental devices, goods, and equipment allowed by right; all other types of manufacturing uses are conditional.

7. Organic materials management facilities.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable

8. Recycling facilities.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

9. Research and development.

a. Standards. The following apply:

i. Size Limitation and Clean Air Permit in MX and RA Districts. Maximum research and development uses of twenty thousand (20,000 GSF) gross square feet allowed on lot. Use cannot require a Southwest Washington Clean Air Permit.

b. Additional approvals, policies, or submittals. Not applicable.

10. Small fossil fuel or cleaner fuel storage and distribution facilities.

a. Standards. The following apply:

i. Non-Capacity Improvements. The city may approve activities or structures for one or more of the following purposes as a conditional use, provided there is no increase in baseline capacity:

(A). Maintenance, repair, or replacement.

(B). Improvement of the safety or security of the infrastructure, including seismic upgrades.

(C). Decrease in air or water emissions.

(D). Allow the facility infrastructure or buildings to meet new regulatory requirements.

(E). Addition of accessory structures or activities that do not add to the baseline capacity of the facility.

ii. Other Non-capacity improvements. The applicant for non-capacity improvements shall specify the baseline capacity for the facility as of the date of the ordinance codified in this chapter. The baseline for storage, transportation, and transshipment facilities is established by the following information available as of November 3, 2022. Storage baseline capacity shall be established using Washington Department of Ecology industrial chapter permits and oil spill prevention plans or other verifiable documentation. Transshipment and transportation facility baseline is established through the most recent spill prevention plans approved by the Department of Ecology or where a local permit documenting such facilities has been approved more recently. If an existing facility does not have an established refining or storage baseline from a past industrial chapter permit or spill prevention plan, the baseline must be established as part of a permit application.

iii. Standards for New or Expanded Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities.

(A). Existing baseline. The applicant shall document the existing baseline, and any proposed additional storage capacity and the fuel type(s) to be stored. Documentation shall be consistent with the requirements for non-capacity improvements in this chapter.

(B). Seismic upgrades. The planning official shall require seismic upgrades to existing facilities as a condition of the land use permit.

(C). Adjacency to residential uses. New small fossil fuel or cleaner fuel storage and distribution facilities shall be located at least one thousand (1,000') feet away from residentially zoned properties.

b. Additional approvals, policies, or submittals. Not applicable.

i. Comprehensive spill prevention and fire response plans. The applicant shall obtain approval of comprehensive spill prevention and fire response plans to the satisfaction of the planning official and fire marshal.

11. Solid Waste Handling facilities.

a. Standards. The following apply:

i. Radioactive or high explosive materials. Ten-day hazardous waste handling and transfer facilities do not include facilities handling radioactive or high explosive materials.

ii. Repackage waste. Ten-day hazardous waste facilities shall not repackage waste.

iii. Distance from Residential Uses. Ten-day hazardous waste facilities shall be located at least two hundred (200') feet from any residential use.

iv. Hazardous Waste Storage. Ten-day hazardous waste facilities shall not store hazardous wastes, except those described under 40CR Part 273, for more than ten (10) days.

b. Additional approvals, policies, or submittals. See Section 20.450.055 VMC.

12. Truck stops.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

13. Warehouse/freight movement.

a. Standards. The following apply:

i. Maximum Size in IC and IE District. Warehouse/freight movement buildings up to two hundred fifty thousand (250,000 GSF) square feet of gross floor area on the ground floor of the building allowed, provided all activities, except outdoor storage of materials, are wholly contained within building(s).

ii. Prohibition. Warehouse/freight movement buildings larger than two hundred fifty thousand (250,000 GSF) of gross floor area on the ground floor of the building are prohibited.

iii. Miscellaneous Standards. Warehouse/freight movement uses larger than two hundred fifty thousand (250,000 GSF) of gross floor area on the ground floor per building allowed must meet the following:

(A). Traffic. Tractor trailers delivering goods to or from warehouses covered by this chapter shall not travel on Fruit Valley Road.

(B). Visual Impact Reduction. Warehouses covered by this chapter located adjacent to a public street or highway shall provide a combination of:

(1). Architectural elements. Architectural elements such as windows, articulation of the façade, and/or moderately dark color (e.g., not white or light-colored) walls; and

(2). Landscape buffer. A twenty-five (25') foot deep landscaped buffer between the building and street or highway consisting of native or climate adaptive conifer trees that typically reach at least sixty (60') feet in height at maturity, spaced no further than twenty (20') feet apart. If a sidewalk or utility easement exists in the landscaped buffer, the minimum width shall be increased accordingly. Such buffer area may be counted toward meeting tree density requirements.

iv. Climate Action Measures.

(A). Building roofs. Building roofs shall be designed and constructed to handle the structural load of solar panels and equipment, electrical panels and conduit shall be installed to facilitate rooftop solar panels in the future, and rooftop HVAC systems shall be clustered as much as possible to facilitate maximum use of roof area for solar panels.

(B). Roof windows. Skylights and/or clerestory windows shall be provided to facilitate natural light; skylights shall be double-paned and located to facilitate maximum use of roof area for solar panels.

(C). Roof color. Roofs shall be white or light colored to reduce heat retention.

(D). Truck Idling. Truck engine idling is prohibited while parked or loading/unloading.

(E). Loading docks. All loading docks shall be outfitted with electric wiring and conduit extending to electric panels to enable future installation of outlets for charging of electric-powered trucks.

(F). Electric Vehicle Charging. EV charging stations shall be provided at a minimum of twenty (20%) percent of parking spaces on site.

(G). Trees. Trees shall be planted at a density of at least thirty-three (33) tree units per acre of the project site, subject to the size, locational and maintenance requirements of Section 20.450.035 VMC. Such additional trees may be planted in a tree tract on site or at an off-site location owned by the applicant and within the limits of the designated neighborhood association within which the development is located, and as approved by the city forester.

b. Additional approvals, policies, or submittals. Not applicable.

14. Wholesale sales.

a. Standards. The following apply:

i. Maximum Size. Wholesale sales buildings up to two hundred fifty thousand (250,000 GSF) square feet of gross floor area on the ground floor of the building allowed, provided all activities, except outdoor storage of materials, are wholly contained within building(s).

ii. Prohibition. Wholesale sales buildings larger than two hundred fifty thousand (250,000 GSF) of gross floor area on the ground floor of the building are prohibited.

b. Additional approvals, policies, or submittals. Not applicable.

G. Infrastructure Uses

1. Airports/airparks.

a. Standards. The following apply:

i. Prohibition on New Facilities. New airports/airparks are prohibited.

b. Additional approvals, policies, or submittals. See Section 20.450.045 VMC.

2. Basic utilities.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. See Section 20.450.065 VMC.

3. Data centers.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

4. Heliports.

a. Standards. The following apply:

i. Landing Strip Orientation. All landing strips for aircraft or heliports shall be so designed and the runways and facilities so oriented, that the incidence of aircraft passing directly over dwellings during their landing or take-off patterns is minimized. They shall be located so that traffic shall not constitute a nuisance to neighboring uses. The proponents shall show that adequate controls or measures will be taken to prevent offensive noise, vibrations, dust, or bright lights.

ii. Airpark related uses. Airpark related uses are permitted in Pearson Airpark and Evergreen Airport only.

b. Additional approvals, policies, or submittals. The following apply:

i. Conditional Uses.

ii. New landing strips and heliports. New landing strips and heliports shall not be construed to be permitted in any base zoning established by this Title, unless and until a conditional use permit shall first have been secured.

iii. Review process. Approval requires review through the process set forth in Chapters 20.245 and 20.210 VMC.

5. Major utility facilities.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. See Section 20.450.045 VMC.

6. Park and ride facilities.

a. Standards. The following apply:

i. Design. All development should be compatible with the scale, architectural style and design of buildings in the immediate vicinity and/or any adopted design guidelines and standards for the area.

ii. Active Uses. Park & Ride facilities within corridors and urban centers designated in the Vancouver Comprehensive Plan must be designed and constructed to accommodate active uses on the street level of streets designated for active pedestrian use. Areas designed to accommodate active uses shall be developed at the time of construction.

iii. This standard must be met along 100 percent of the ground floor walls that front onto active pedestrian streets in centers and corridors, except where used for the auto entry/exit lanes for the parking structure, or plazas, or other public open spaces.

iv. MX and RA zones: In park & ride facilities located in these zone districts, at least 50 percent of the ground floor area in each building must be designed and constructed to accommodate the active uses allowed by the base zone. Active uses include lobbies, retail or service commercial and visitor services. The Planning Official may make an adjustment to the active use requirements for park & ride facilities when it can be demonstrated that the topography of the ground or location adjacent to highway ramps makes it infeasible.

v. Spaces designed to accommodate active pedestrian uses shall have a minimum floor to ceiling height of 15 feet, a minimum street front bay width of 15 feet and a minimum active use space depth of 20 feet.

b. Additional approvals, policies, or submittals. The following apply:

i. Transportation Management. Applicants shall submit a Transportation Management Plan that describes on-site management systems and operations. At a minimum, this includes assurance of efficient ingress and egress; safety of facility users and adjacent properties; and that the facility will contribute to an active urban center or corridor by providing parking opportunities during nonpeak hours for non transit riders and as a resource for reducing overall parking need within one half (½) mile, by for example, executing a shared parking agreement. TMP shall describe how on-street and off-street parking impacts associated with the park and ride facility will be mitigated. TMP shall demonstrate compliance with all other applicable standards, including Section 20.450.065 VMC, and that the facility is designed and managed to encourage environmentally sustainable community, for example by giving priority to carpools and/or providing plug-in stations for electric vehicles.

7. Rail lines and utility corridors.

a. Standards. The following apply:

i. Distance from Residential Uses: Prohibited within two hundred (200') feet from any residential use that is a primary use.

b. Additional approvals, policies, or submittals. Not applicable.

8. Railroad yards.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

9. Structured parking facilities (i.e., parking garages).

a. Standards. The following apply:

i. Park and ride facilities. Any surface parking facility that is intended for a park and ride is subject to Section 20.430.050(G)(6).

ii. Parking Garage.

(A). Dimensions. Parking structure dimensions and design shall be subject to review and approval by the Transportation Manager.

(B). Ground-floor windows/wall openings. All above-grade parking structures shall provide ground-floor windows or wall openings along the street frontages. Blank walls are prohibited. Any wall facing the street shall contain windows, doors or display areas equal to at least twenty (20%) percent of the ground floor wall area facing the street excluding those portions of the face(s) devoted to driveway entrances and exits, stairwells, elevators and centralized payment booths. Required windows shall have a sill no more than 4› above grade. Where the interior floor level prohibits such placement, the sill may be raised to allow it to be no more than 2› above finished floor wall up to a maximum sill height of 6› above grade. These openings shall be glazed or grated.

(C). Entrance/Exit Design. Adequate vision clearance shall be provided so that motorists leaving a parking structure have a clear view of the sidewalk on either side of the exit, and so that approaching pedestrians have a clear view of any approaching vehicle. Parking structure entrances and exits shall be designed to achieve travel speeds not to exceed five (5) miles per hour, and shall require a vehicle stop directly prior to crossing the street sidewalk. Entrance and exit areas shall be designed so that vehicles approaching or leaving the parking structure can queue to enter/exit the traffic stream without blocking the sidewalk.

(D). Parking Structure Internal Design and Pedestrian Circulation. Parking structure internal circulation design shall include provisions for the safe and convenient circulation of pedestrians. Design speed shall not exceed ten (10) miles per hour, and traffic control measures shall be provided at any location where vehicle circulation crosses a pedestrian walk way.

b. Additional approvals, policies, or submittals. Not applicable.

10. Surface parking facilities (i.e., surface parking lots).

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

11. Transportation facilities.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. See Section 20.450.045 VMC.

12. Water-related or water-enjoyment (as defined by Chapter 20.730 VMC).

a. Standards. The following apply:

i. Compliance: All development is subject to Chapter 20.730 VMC.

b. Additional approvals, policies, or submittals. Not applicable.

13. Wireless communication facilities.

a. Standards. See Section 20.450.075 VMC.

b. Additional approvals, policies, or submittals. See Section 20.450.075 VMC.

14. Agriculture/horticulture/silviculture.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

15. Cemeteries.

a. Standards. The following apply:

i. Access. A cemetery or related facility shall have its principal access on a primary street with ingress and egress designed so as to minimize traffic congestion as determined by the city engineer.

ii. Landscaping. A cemetery shall establish and maintain a fifteen (15') foot landscape buffer along its entire perimeter except driveways, as governed by Section 20.450.035 VMC.

b. Additional approvals, policies, or submittals. Not applicable.

16. Environmental Management and Education.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

17. Fish hatcheries.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

18. Motorized recreational activities.

a. Standards. The following apply:

i. Motorized Boats: Motorized boats are permitted only on Vancouver Lake and the Columbia River.

b. Additional approvals, policies, or submittals. Not applicable.

19. Parks and Natural Areas (Urban).

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

20. Parks and Natural Areas (Regional).

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

21. Trails.

a. Standards. Not applicable.

b. Additional approvals, policies, or submittals. Not applicable.

## 20.430.060 Accessory Use Types and Standards

A. *Purpose*. The purpose of this Section is to provide definitions and standards for accessory uses and structures.

1. *Applicability*. An accessory use is subordinate to a primary use either within a building or on the same lot. All accessory uses are dependent upon the presence of an approved primary use.

2. *Respect for zoning district*. It is not the intent of this chapter to provide a means to circumvent the strict application of the permitted uses in the zoning district.

3. *Location*. All accessory uses addressed in this chapter shall be located outside of the public right-of-way.

B. *Definitions and standards*. The following definitions and standards apply:

1. Bed and breakfast establishments. The regulations are intended to allow for a more efficient use of large, older houses for a use that has been found to be compatible with residential uses. Through these regulations, the proprietor can take advantage of the scale and often the architectural and historical significance of a residence and provide an alternative form of lodging for visitors who prefer a residential setting.

a. Definition. A bed and breakfast establishment is an accessory use that is a residential establishment providing short-term lodging and breakfast accommodations to guests, typically operated by the property owner or manager who resides on-site.

i. Standards. The following apply:

(A). Development Standards.

(1). Accessory use. In residential zoning district, a bed-and-breakfast establishment must be accessory to a Household Living use on a site, as defined in Chapter 20.160.020(A)(1) VMC. This means that an individual or family which operates the establishment must occupy the house as their primary residence. The house must have been used as a residence for at least a total of five (5) years prior to filing the application for a bed-and-breakfast establishment.

(2). Uses. In the LS, MS, MX, and RA districts, banquets, parties, weddings or meetings for guests or other non-family members for the general public are prohibited. These services may be provided only to residents or overnight patrons of the facility.

(3). Compliance with state guidelines. In all zoning district, bed-and-breakfast establishments containing three (3) to six (6) bedrooms for guests must meet the Department of Health Bed-and-Breakfast Guidelines. These guidelines are enforced by DSHS.

(4). Appearance. In the LS, MS, MX, and RA districts, residential structures may be remodeled for the development of bed-and-breakfast establishments. Structural alterations may not be made which prevent the structure from being used as a house.

(5). Parking. In the LS and MS districts, a minimum of two (2) off-street parking spaces are required. In all other zoning district, parking is subject to the requirements of this chapter. Additional off-street spaces may be required as a condition of approval for those bed-and-breakfast establishments governed by conditional use approval, per the requirements of Chapter 20.245 VMC.

(6). Signs. Signs in LS, MS, MX, RA, and IC Districts shall conform to appropriate chapters of Section 20.450.060 VMC.

(B). Additional approvals, policies, or submittals. The following apply:

(1). Site plan. A site plan showing where guest parking will be provided.

(2). Floor plan. A floor plan of both existing structure and modifications for bed-and-breakfast use.

(3). Traffic impacts. A statement indicating the potential impact on traffic in the area.

(4). State certification. For establishments containing three (3) or more units, a statement from the State Department of Social and Health Services indicating that the proposed bed-and-breakfast can meet the DSHS's Bed-and-Breakfast Guidelines.

(5). Sign plan. Proposed sign plan if applicable.

(6). Conditional Uses. A 3-6 bedroom bed-and-breakfast establishment in the LS district is permitted as a conditional use, subject to the requirements of Chapter 20.245 VMC Conditional Uses, 20.210 VMC Decision-Making Procedures, the standards included in this chapter, and the requirements of state law.

2. Domestic animals and livestock.

a. Definition. Domestic animals and livestock as defined per 20.150.040 are allowed for hobby and personal use purposes within all zoning districts subject to the standards in this chapter below, in addition to any applicable requirements of Chapter 8.20 VMC Nuisances and Chapter 8.24 Animals.

b. Standards. The following apply:

i. General.

(A). Domestic Animals. The keeping of domestic animals shall comply with all requirements of this chapter and all requirements of Chapters 8.20 VMC and 8.24, as noted above.

(B). Off-site impacts. The keeping of domestic animals or livestock shall comply with all of the applicable requirements of Section 20.450.040 VMC,

(C). Nuisances. The raising and keeping of animals is also subject to Chapters 8.20 VMC and 8.24.

(D). Kennels. The keeping of four or more dogs, which are five (5) months old or older constitutes a Kennel and must meet requirements of this chapter. Excludes veterinary clinics, animal hospitals and dog day care.

(E). Minimum Lot Size. The minimum lot size is dependent on the size of the livestock as follows:

(1). Large Livestock. The keeping of livestock that will weigh more than five hundred (500 LBS) pounds at maturity requires a minimum lot size of one (1) acre for the first animal. For each additional animal, an additional contiguous ten thousand (10,000 SF) square feet must be available. The minimum one (1 AC) acre lot may include a normally permitted residence, provided that at least one-half (1/2) acre is still available for livestock use.

(2). Small Livestock. The keeping of livestock that will weigh one hundred (100) to five hundred (500) pounds at maturity will require a minimum lot size of one-half (1/2) acre for the first animal. For each additional such animal, an additional contiguous five thousand (5,000 SF) square feet must be available. The minimum half (1/2 AC) acre lot may include a normally permitted residence, provided that at least one-quarter (¼ AC) acre is available for livestock use.

(3). Miniature Livestock. Miniature livestock, such as certain breeds of mini-goats and mini-horses, that will weigh under one hundred (100) pounds at maturity are considered domestic animals. The combined total of all miniature animals and dogs on a single premises shall not be more than three (3), unless the lot size requirements for small livestock specified above are met.

(4). Poultry and Rabbits. The keeping of chickens, ducks, geese, domesticated hare or rabbit, and similar animals is permitted with no required minimum lot size. No turkeys, peacocks, or roosters are permitted.

(F). Accessory Structures. Barns, sheds, and shelters used to house livestock shall be located in the rear yard and meet the same side and rear yard setbacks as the primary residence. Doorways and other openings shall be oriented away from neighboring properties. Livestock shall be confined or tethered in such a manner that intrusion on to neighboring property or damage to neighboring landscaping and fences is avoided. Such facilities shall be included in lot coverage percentage calculations.

c. Additional approvals, policies, or submittals. The following apply:

i. Prohibitions.

(A). Commercial. The raising and keeping of domestic animals for commercial purposes is prohibited. Commercial purposes does not include incidental sale of livestock off-spring, milk, or eggs subject to Washington State health and agricultural regulations.

(B). Exceptions to Swine Prohibition. Notwithstanding the above prohibition of swine, the keeping of that type of swine commonly referred to as Miniature Vietnamese, Chinese or Oriental pot-bellied pig (sus scrofa vittatus) is allowed, subject to the following conditions:

(1). The maximum height of the swine may be no more than eighteen (18") inches at the shoulder and weight shall be no more than ninety-five (95) pounds;

(2). The swine must have been spayed or neutered prior to entry into the City;

(3). Registration, vaccination and other requirements as set forth in Chapter 8.24.022 VMC must be met; and

(4). No more than two (2) such pigs shall be kept at any one address for any period in excess of three (3) calendar days.

(C). Lot size exceptions. The minimum lot size does not apply to miniature livestock, as addressed above in this chapter or Miniature Vietnamese, Chinese or Oriental pot-bellied pig (sus scrofa vittatus), as defined herein.

(D). Off-site impact. The keeping of domestic animals or livestock shall comply with all of the applicable requirements of Section 20.450.040 VMC Off-Site Impacts.

3. Electric vehicle (EV) basic charging station.
    a. Definition. An electric vehicle (EV) basic charging station is an accessory use that is a slow to medium level charging station for electric vehicles that may be an accessory to a range of other primary uses, such as single-family residences, apartments, and businesses. Level 1 (120-volt AC) is considered slow charging. Level 2 (208- or 240-volt AC) is considered medium charging.
    b. Standards. Not applicable.
    c. Additional approvals, policies, or submittals. No land use approvals are required; however, building codes apply.
4. Electric vehicle (EV) rapid charging station.
    a. Definition. An electric vehicle (EV) rapid charging station is an industrial-grade electrical outlet that allows for faster charging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540. Such stations are also known as Level 3 facilities and are considered fast or rapid charging (480-volt AC) and are generally available to the public.
    b. Standards. Not applicable.
    c. Additional approvals, policies, or submittals. Not applicable.
5. Environmental management and education activities.
    a. Definition. A range of activities focused on the conservation, restoration, and sustainable management of natural resources, as well as public education on environmental topics such as habitat restoration, stormwater management, guided tours, research and monitoring, renewable energies, and waste reduction/recycling.
    b. Standards. Not applicable.
    c. Additional approvals, policies, or submittals. Not applicable.
6. Home occupation.

a. Definition. A home occupation is an accessory use which is commercial, office or other economic activity wholly contained within the main building or accessory building within which it is located and is clearly subordinate to the primary residential use on the lot.

b. Standards. The following apply:

   i. Purpose. The purpose is to: provide presidents with an opportunity to use their homes to engage in small-scale business activities; reduce home-to-work and work-to home trips that add to the congestion on the city's streets during the morning and evening peak periods; and establish approval criteria and standards to ensure that home occupations are conducted as lawful uses that are subordinate to the residential use of the property are conducted in a matter that is not detrimental or disruptive in terms of appearance or operation to neighboring properties to protect neighborhood character.

   ii. Employees. Two (2) nonresident employees are permitted for home occupation activities located in all zoning district. The primary person or persons providing the business or service must reside within the dwelling on the premises.

   iii. Incidental Sales. The sale of consumer goods shall be prohibited except when the product to be sold is clearly incidental and secondary to the services authorized by such home occupation.

   iv. Off-site impacts. No home occupation shall generate measurable levels at the property line of dust, smoke, odor or glare as defined in Section 20.450.040 VMC Off-Site Impacts, or noise in excess of the state standards outlined in WAC 173-06-050 as specified in Section 20.450.040 VMC. The home occupation activity shall not generate solid waste in volume or type which is not normally associated with residential use unless specifically permitted.

   v. Disturbing Influences. The home occupation use shall not create electronic interference, including but not limited to: interference with radio, satellite reception, telephone or television reception.

vi. Exterior modification. To preserve the residential appearance of the structure, there shall be no evidence of the home occupation from the exterior of the structure, except one door nameplate or freestanding sign not to exceed two (2 SF) square feet is permitted. Freestanding signage shall be located within ten (10') feet of the residence and positioned facing the street parallel to the front of the residence.

vii. Limitations on customers and visitors. The combined total number of customers and business visitors associated with the home occupation shall be limited to no more than an average of six (6) per day per week (Monday through Sunday).

viii. Location of use. All uses or activities associated with home occupations shall be wholly carried on within a dwelling or accessory structure by a member or members of a family except as allowed in this chapter. Such activity shall be secondary to the use of the dwelling for living purposes. Not more than twenty-five (25%) percent of the combined floor space of such dwelling and accessory structure or one thousand (1,000 SF) square feet, whichever is less, may be used for the home occupation.

ix. Outdoor storage. No outdoor storage associated with home occupation shall be permitted.

x. Vehicles. Vehicles related to the home occupation shall be restricted to standard noncommercial cars, trucks, and vans.

xi. Examples of Permitted: examples of permitted uses include but are not limited to the following:

(A). Artists, illustrators, writers, photographers (no photo processing), editors, drafters, publishers;

(B). Professional office for consultants and other similar activities;

(C). Bookkeeping, law office, and architect;

(D). Distribution of products assembled at home for off-premises sales (such as garden produce or crafts);

(E). Janitorial services (office);

(F). Mail-order business or sales representative;

(G). Interior decorator;

(H). Manufacturer's representative

(I). Light furniture making and woodworking that does not result in the use or storage of amounts of hazardous, flammable, or combustible materials above the allowed exempt quantities as detailed in the building and fire codes adopted by VMC Titles 16 and 17.

(J). Cottage food operations, as defined by Chapter 69.07 RCW.

(K). Medical, disabled or elderly transportation service provided only one vehicle associated with the home business is permitted.

xii. Examples of Prohibited: Examples of prohibited uses include, but are not limited to, the following:

(A). Auto repair;

(B). Welding shops;

(C). Large appliance/electronics or equipment repair or service;

(D). Truck hauling and/or tow storage yard;

(E). Vehicle sales;

(F). Cabinet making;

(G). Manufacturing and/or related storage;

(H). Kennel or stable;

(I). Wholesale or retail sales;

(J). Restaurants/drinking establishments;

(K). Metal plating;

(L). Any use generating, storing or utilizing hazardous waste;

(M). Commercial limousine service.

xiii. Hours of Operation. Normal hours of operation shall be 7:00 a.m. to 8:00 p.m. with after-hours activity permitted if wholly indoors and fully compliant with the off-site impact standards of Section 20.450.040 VMC and Table 20.450.040-1 regarding maximum permissible noise levels.

c. Approvals, other policies, or submittal requirements. The following apply:

i. Permit Review. Home occupations shall be a limited use in all zoning district within legally established residential homes. Such uses shall be subject to a Type I review, pursuant to Section 20.210.040 VMC, subject to the standards in subchapter B of this chapter.

ii. Exemptions.

(A). Garage sales are exempt from obtaining a home occupation permit.

(B). Child care homes licensed by the state for the care of twelve (12) or fewer children are exempt from obtaining a home occupation permit. City business license requirements apply. No signs allowed.

(C). Adult care homes licensed by the state for the care of eight (8) or fewer persons. No signs allowed.

(D). Home occupations that occupy less than twenty-five (25%) percent of a residence (up to one thousand (1,000 SF) square feet of combined space), have no customer visits, and no on-site retail sales are exempt from obtaining a home occupation permit. The home occupation standards of this chapter and the city business license requirements apply.

7. Other accessory uses.

a. Definition. Other accessory uses which are not listed in this code are considered Unlisted uses. The Planning Official shall make a determination as to whether an Unlisted use is permitted, conditional or prohibited under the procedures of Section 20.160.030 VMC Unlisted Use: Authorization of Similar Use process.

b. Standards. Not applicable.

c. Additional approvals, policies, or submittals. Not applicable.

8. Residential adult day care.

a. Definition. Residential adult day care is an accessory use which involves the provision of adult day care services for six (6) or fewer handicapped and/or elderly adults, with or without compensation, in the home of the provider.

b. Standards. The following apply:

i. Compliance. Adult care facilities for six (6) or fewer adults are allowed and are subject to compliance with the standards governing home occupations.

ii. Limitation in MS. Adult day care facilities with twelve (12) or fewer clients are permitted outright; larger facilities are permitted as conditional uses.

c. Additional approvals, policies, or submittals. Not applicable.

9. Roadside agricultural stands.

a. Definition. A roadside agricultural stand is an accessory structure that is exclusively for the sale of agricultural, horticultural, or silvicultural products.

b. Standards. Not applicable.

c. Additional approvals, policies, or submittals. Not applicable.

## 20.430.070 Accessory Structures

A. *Purpose*. The purpose of this chapter is to provide the development standards by which accessory structures are regulated to assure (1) that these clearly remain subordinate and incidental to the primary use and buildings on the same lot; and (2) in combination with primary buildings do not result in undue crowding, restriction of access, or other adverse impacts on the site and surrounding property.

B. Standards. The following apply:

1. Detached accessory buildings. A detached building, accessory to any lot with one (1) or more residential units, may be constructed under one of the following criteria:

2. Overall. A detached building, accessory to a single family or duplex residence, may be constructed according to the requirements and regulations for a principal building and the building type (See Chapter 20.420 Building Types) associates with it, e.g., max impervious, setbacks, building height, etc.

3. Existing accessory structures may be converted to dwelling units even if they violate current code requirements for setbacks and/or max impervious.

4. Other. Additional Provisions for smaller buildings within setbacks. A detached building, accessory to a single family or duplex residence, may be constructed within the rear and/or side setbacks provided:

a. The detached accessory structure does not exceed one hundred and twenty (120 SF) square feet in floor area and used for tool and storage sheds, play houses, or greenhouse and hothouses, and similar uses.

b. No portion of the detached accessory building shall exceed eight (8') feet in height above grade, to roof peak.

c. The detached accessory building shall not cover more than fifty (50%) percent of a required rear and/or side yard setback area.

d. The nearest wall of the detached accessory building must be located a minimum of six (6') feet from the wall of any building. Eaves of adjacent buildings must be at least four (4') feet apart.

e. Detached accessory buildings are subject to the Building Code provisions of Title 17.

f. The detached accessory structure shall be located behind the front elevation of the primary structure.

5. Prior to primary structure completion. Accessory buildings shall not be permitted prior to the completion of the primary building/structure and/or permitted use on the same lot, or in the event that the primary building/structure/use ceases to exist.

## 20.430.080 Temporary Use Types and Standards

A. *Purpose*. The purpose of this chapter is to provide an administrative approval process whereby the city may permit uses to locate with the city on an interim basis without requiring full compliance with the development standards for the applicable zoning district, or by which the city may allow seasonal or transient uses not otherwise permitted.

1. Respect for zoning district. It is not the intent of this chapter to provide a means to circumvent the strict application of the permitted uses in the zoning district. Time limits are to be strictly enforced.

2. Location. All temporary uses addressed in this chapter shall be located outside of the public right-of-way.

B. Temporary Uses.

C. Exemptions.

1. Defined. The following activities are exempt from the requirements of this chapter, but shall comply with other substantive requirements of this chapter, unless specifically noted otherwise:

a. Garage sale and yard sale lasting no longer than two (2) days;

b. Christmas tree lots;

c. Temporary sales office or model home either in a housing unit or in another temporary building for the purpose of facilitating the sale of homes to prospective buyers in any subdivision or planned development within this city under a permit issued by the building department;

d. Storage of equipment during the construction of roads or development or job trailer associated with an active land use and/or building permit.

D. Other temporary uses.

1. The planning official may authorize a temporary use permit for a use not specifically listed herein.

E. Seasonal or special events.

1. Defined. This type of temporary use includes seasonal or special events which involve the placement of tents, canopies, membrane structures or storage containers.

F. Temporary storage units.

1. Defined. Temporary storage units are box-like containers used for storing household items that are being moved to another location or being stored during a home remodel projects. A temporary use permit is not required for a temporary storage unit, but must meet all standards in this chapter:

2. Placement Standards.

a. On properties with single-family residences, the unit shall be placed in the driveway or other paved surface, not to extend into public right-of-way.

b. On properties with multi-family residences, the unit shall be placed in a parking space. Not to extend into an aisle way or public right-of-way.

c. Alternate location may be approved at the discretion of the City Planning Official, provided that the alternate location does not create an unsafe condition.

d. A City street use permit shall be required for the placement of temporary storage units in a public right-of-way.

3. Duration of placement.

a. Allowed up to thirty (30) days without a permit.

b. Allowed up to ninety (90) days total with a land use permit.

c. Safety. Storage of flammable or hazardous material within temporary storage units is prohibited.

d. Signs. Signs on temporary storage units may only identify the owner or provider of the storage unit and not include advertisement of any other product or service.

4. Temporary uses in certain zoning districts.i

a. Defined. This type of temporary use includes a temporary trailer or prefabricated building for use on any properties in the MX, RA, IC, IE and HI Districts within the city as a temporary commercial or industrial office or space associated with the primary use on the property.

5. Unforseen/emergency situations.

a. Defined. This type of temporary use is one for which there is a need because of an unforeseen event such as fire, windstorm, flood or other event deemed by the planning official to be an emergency situation.

G. Approval Process.

1. Decision-making process. Temporary uses shall be reviewed by means of a Type I procedure unless waived by the planning official.

2. Effective period. An approval for a temporary use by the planning official shall be effective for a period of not more than one (1) year unless otherwise stipulated by the approval or renewed pursuant to this chapter.

3. Lapsing of approval. An approval for the temporary use by the planning official shall lapse if:

a. Substantial construction of the approved plan or onset of the approved activity has not begun within the approval period; or

b. Construction or activity on the site is a departure from the approved plan; or

c. The temporary use does not comply with approval criteria in this chapter.

4. Renewal of approval.

a. General. A temporary use approval may be renewed no more than twice (2X) by the planning official for a period not to exceed one (1) year each. The request for an extension shall be processed by means of a Type I procedure, as governed by VMC 20.210.040.

H. Submission Requirements.

1. General submission requirements. The applicant for a temporary use shall submit the following information:

   a. Application form (including property owner's signature) provided by the planning official for a Type I procedure.

   b. Site plan drawn to scale that illustrates the proposed temporary use in relationship to other improvements on the site and showing how such use is in compliance with applicable development standards (setbacks, lot coverage, etc.).

   c. Narrative that provides the information necessary to determine compliance with the relevant approval criteria contained in this chapter.

2. Emergency situations. The planning official may waive any of the requirements in this chapter for cases that involve destruction of an existing structure due to fire, natural causes or other circumstances that are beyond the control of the applicant. An emergency as allowed by this subchapter shall not include failure by the applicant to submit a temporary use request as provided in this chapter.

   a. Approval Criteria.

      i. The planning official shall approve a request for temporary use permit if the application satisfies the following criteria:

         (A). The temporary use will not be materially detrimental to the public health, safety or welfare, nor injurious to property or improvements in the immediate vicinity;

         (B). The applicant has proof of the property owner's permission to place the temporary use on the property;

         (C). There will be no parking utilized by the customers and employees of the temporary use which is needed by the property owner to meet the minimum parking requirements, as governed by VMC 20.450.045.F Off-Street Parking Requirements;

         (D). The temporary use will not interfere with adequate vision clearance, as governed by Chapter 20.450.060 VMC, Vision Clearance, and shall not obstruct pedestrian access on public rights-of-way;

(E). Conditions may be required by building official and/or fire marshal to determine compliance with minimum building, fire and life safety codes; and

(F). Adequate provisions for trash disposal and sanitary facilities shall be provided.

(G). The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will affect the adjoining uses as governed by Chapter 20.450.040 VMC, Off-Site Impacts.

(H). The use can adequately be served by sewer or septic system and water, if applicable.

(I). For seasonal and special events, the event occurs for no longer than thirty (30) days in a calendar year on the approved event site.

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***THE VANCOUVER MUNICIPAL CODE IS CURRENT THROUGH MAY 5, 2026, PASSED JUNE 1, 2026.***

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# Chapter 20.440
# Frontage Types

## Sections:

20.440.010 Purpose.

20.440.020 Applicability.

20.440.030 Establishment of Frontage Types.

20.440.040 Frontage Type Requirements

## 20.440.010 Purpose.

A. The purpose of this chapter is to introduce nine (9) frontage types. Frontage types offer a range of options for how a selected building type interacts with the street, shaping the overall character of the streetscape. For instance, shopfront and cafe frontage types are better suited for active and retail retail uses, while common yard and porch frontages are more appropriate for residential uses. The choice of frontage type, based on the building's intended use, plays a key role in defining the character of the public space it creates.

## 20.440.020 Applicability.

A. This chapter shall be applicable to all permit applications for new construction or major renovations on any lot applicable to Chapter 20.510 Active Ground Floor Use Overlay and are allowable per the overlay requirements of the assigned building type in Chapter 20.420 Building Types. A project may incorporate one (1) or more frontage types; however, in the event of a conflict between standards, the planning official may determine which frontage requirement applies.

## 20.440.030 Establishment of Frontage Types.

A. The frontage types include the following:

1. Awnings (AWN).
2. Balconies (BAL).
3. Bay Windows (BAY)
4. Cafe (CAF).

5. Common Yard (COM).
6. Courtyard (COU).
7. Porch (POR).
8. Stoop (STP).
9. Terrace/Light Court (TLC).

## 20.440.040 Frontage Type Requirements

A. Awnings

1. Description. A frontage type where the building is placed at or near the front property line, with a ground-floor entrance directly accessible from the sidewalk. A fixed or retractable awning or canopy projects from the façade over the sidewalk, providing shade and weather protection. Awnings are typically mounted above storefront windows and doors and are integral to pedestrian-oriented retail and commercial activity on the ground floor of buildings.

   Awnings may project over the build-to-line or into public rights-of-way.

**IMAGE 20.440.040-1. AWNINGS**

*Image is advisory only*

2. Dimensional Requirements. Awnings must meet the dimensional requirements in Table 20.440.040-1. See Figures 20.440.040-1 and 20.440.040-2 for representative examples.

**TABLE 20.440.040-1. AWNING DIMENSIONAL REQUIREMENTS**

| | |
|---|---|
| **Facade Coverage** | Minimum coverage of seventy-five (75%) of the primary building facade and must cover all windows and points of entry. |
| **Facade Projection** | Minimum depth of four (4') feet and maximum depth of eight (8') feet. Never more than five (5') feet into a public Right-of-Way. |
| **Ground Clearance** | Minimum clearance of eight (8') feet above the grade of the sidewalk. |
| **Material Quality and Anchoring** | Must be made of durable, weather-resistant materials and permanently anchored to the building facade. |
| **Material Prohibition** | Plastic or vinyl sheeting; reflective, fluorescent, or highly glossy materials; unfinished or untreated materials; and illuminated or back lit plastic may not be utilized. |

**FIGURE 20.440.040-1. AWNINGS STREET VIEW**

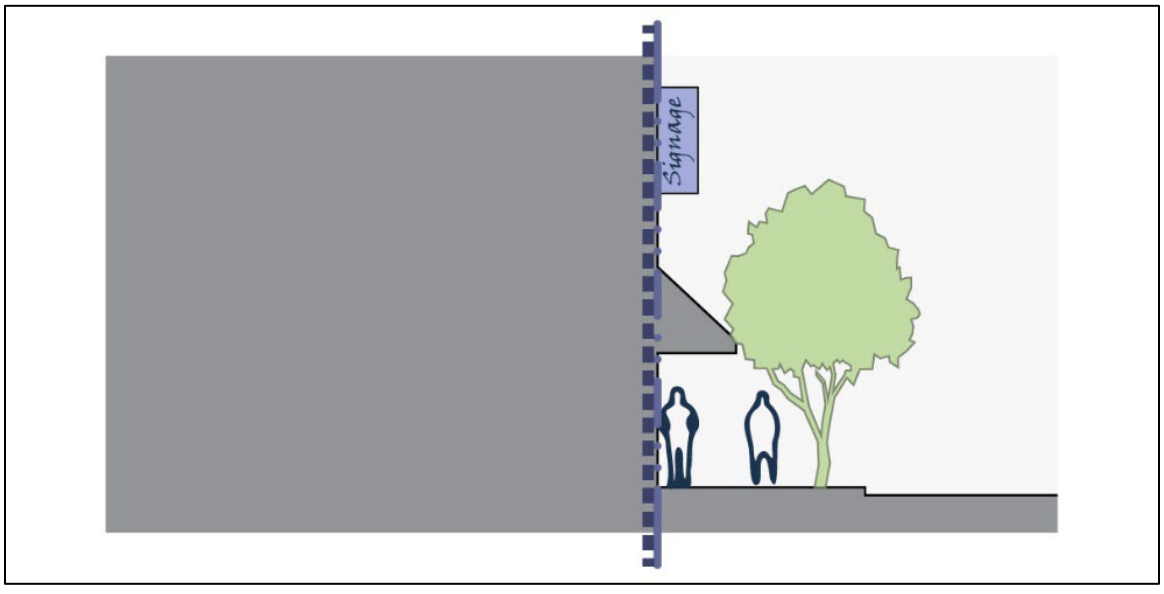
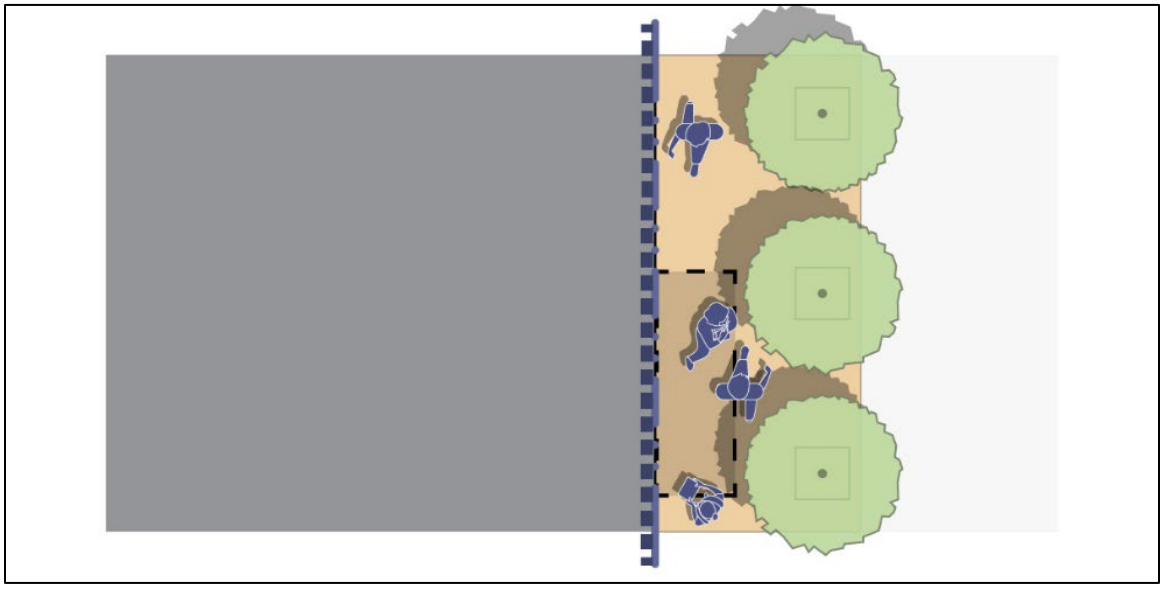


**FIGURE 20.440.040-2. AWNINGS AERIAL VIEW**



B. Balconies

1. Description. A frontage type with a platform that projects from the façade of a building above the sidewalk and are typically enclosed by a railing or balustrade, and accessible from an interior room. Balconies must remain unenclosed, non-conditioned spaces and may be roofed but not fully enclosed by walls or windows. Balconies are generally only allowed only on upper stories of mixed-use or residential buildings and may wrap around corner façades to address frontages on multiple streets.

   Balconies may project over the build-to-line or into public rights-of-way.

**IMAGE 20.440.040-2. BALCONIES**

*Image is advisory only*

2. Dimensional Requirements. Awnings must meet the dimensional requirements in Table 20.440.040-2. See Figures 20.440.040-3 and 20.440.040-4 for representative examples.

**TABLE 20.440.040-2. BALCONY DIMENSIONAL REQUIREMENTS**

| | |
|---|---|
| **Facade Location** | May be utilized on the second story or higher; and may not be utilized on the ground floor of any building type. |
| **Facade Projection** | Minimum depth of two (2') feet and maximum depth of six (6') feet. Never more than five (5') feet into a public Right-of-Way. |
| **Ground Clearance** | Minimum clearance of ten (10') feet above the grade of the sidewalk. |
| **Material Quality and Anchoring** | Must be made of durable, weather-resistant materials and permanently anchored to the building facade. |

| | |
|---|---|
| **Material Prohibition** | Plastic or vinyl sheeting; reflective, fluorescent, or highly glossy materials; unfinished or untreated materials; and illuminated or back lit plastic may not be utilized. |

**FIGURE 20.440.040-3. BALCONY STREET VIEW**

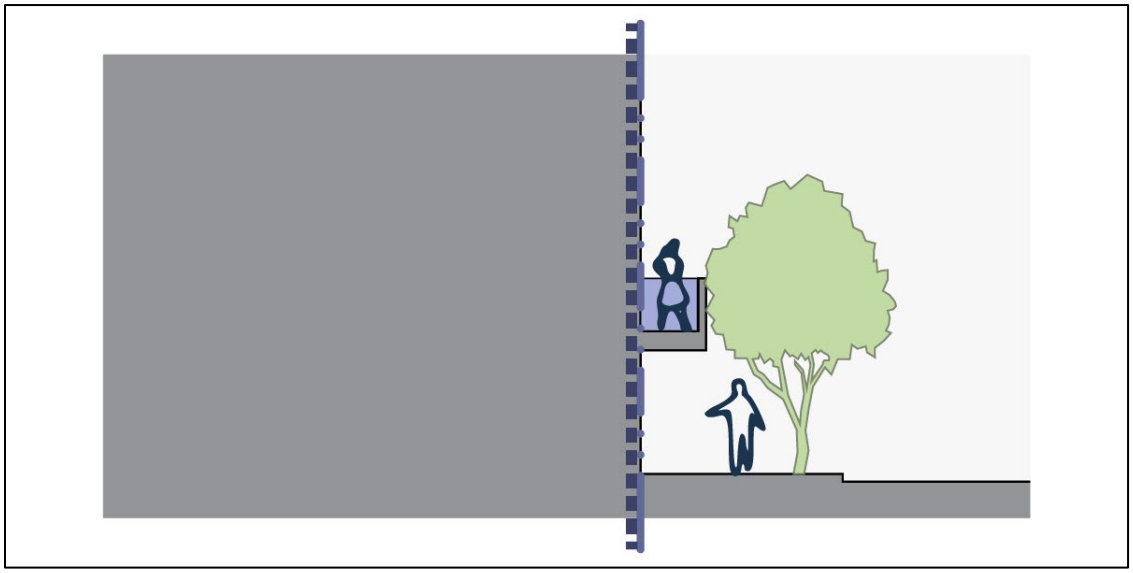
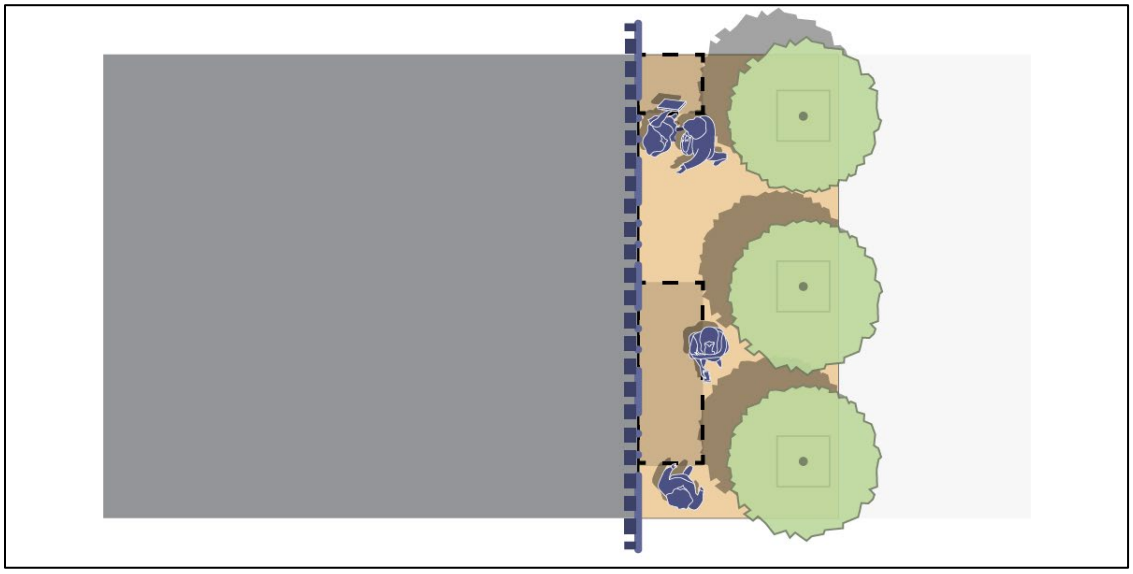


**FIGURE 20.440.040-4. BALCONY AERIAL VIEW**



C. Bay Windows

1. Description. A frontage type in which a window structure projects outward from the main facade of a building, forming a "bay" or alcove within the interior space. Bay windows are typically used on residential buildings and consist of a central window flanked by angled or perpendicular side windows, and they often provide expanded views, increased natural light, and additional interior floor area. They may be located on any story of a building other than the ground floor and may include architectural detailing such as trim, brackets, or roofing.

   Bay Windows may project over the build-to-line or into public rights-of-way.

**IMAGE 20.440.040-3. BAY WINDOWS**

*Image is advisory only*

2. Dimensional Requirements. Bay Windows must meet the dimensional requirements in Table 20.440.040-3. See Figures 20.440.040-5 and 20.440.040-6 for representative examples.

**TABLE 20.440.040-3. BAY WINDOW DIMENSIONAL REQUIREMENTS**

| | |
|---|---|
| **Facade Location** | May be utilized on the second story or higher; and may not be utilized on the ground floor of any building type. |
| **Facade Projection** | Minimum depth of two (2') feet and maximum depth of four (4') feet. |
| **Facade Width** | Maximum width of ten (10') feet per bay window; minimum of four (4') feet between bay windows; no maximum number of bay windows. |
| **Ground Clearance** | Minimum clearance of ten (10') feet above the grade of the sidewalk. |
| **Material Quality and Anchoring** | Must be made of durable, weather-resistant materials and permanently anchored to the building facade. |

**FIGURE 20.440.040-5. BAY WINDOW STREET VIEW**

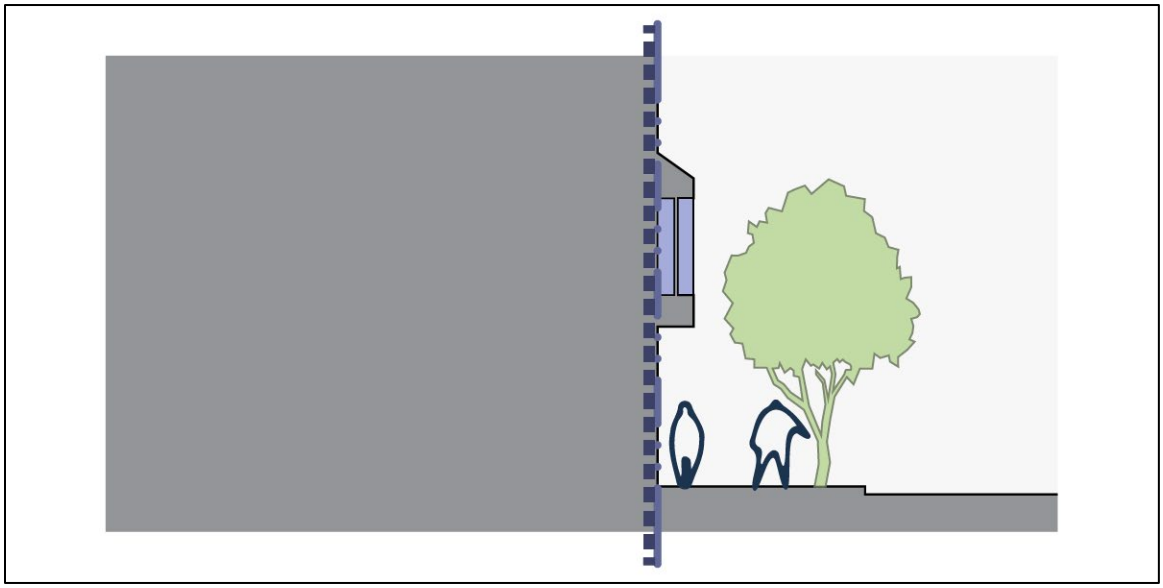
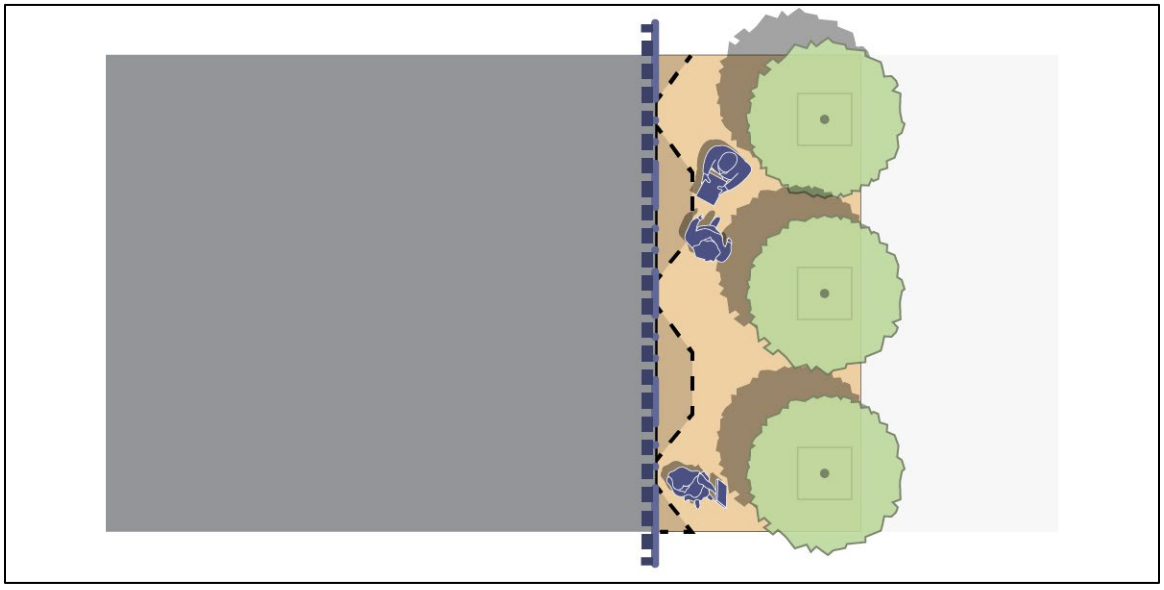


**FIGURE 20.440.040-6. BAY WINDOW AERIAL VIEW**



D. Cafe

1. A frontage type tailored for storefronts that support outdoor seating for restaurants, cafés, and similar active commercial uses. Buildings are typically positioned at the build-to-line or very close, directly abutting the sidewalk to encourage pedestrian interaction with seating areas. Café frontages often include roll-up or bi-fold doors that open the interior to the street and may feature either covered or open-air seating areas which add depth to the building facade. Often combined with courtyard frontage and awning frontage.

   Café elements as part of this frontage type may encroach into the public rights-of-way but may never impede the sidewalk.

**IMAGE 20.440.040-4. CAFE**

*Image is advisory only*

2. Dimensional Requirements. Cafe must meet the dimensional requirements in Table 20.440.040-4. See Figures 20.440.040-7 and 20.440.040-8 for representative examples.

**TABLE 20.440.040-4. CAFÉ DIMENSIONAL REQUIREMENTS**

| | |
|---|---|
| **Sidewalk Zone** | Must maintain a six (6') foot sidewalk zone for pedestrians at all locations and access to entrances. Sidewalk zone may separate portions of the cafe. |
| **Barrier Projection** | May project up to six (6') feet from the facade of a building when connected. No requirements for cafe spaces that do not project into public rights-of-way. |
| **Barrier Dimensions** | Minimum of thirty-six (36") inches and maximum of forty-two (42") inches tall; minimum of two (2") inches thick. |
| **Barrier Access/Egress** | Minimum of thirty-six (36") inches wide. |
| **Barrier setback from the Curb or utilities** | Minimum of eighteen (18") inches setback from any curb to allow door clearance for vehicles or access to any utilities such as streetlights, fire hydrants, tree wells, and other utility boxes. |
| **Overhead Clearance** | Any awnings, canopies, umbrellas or other elements that impede the sidewalk zone must have a minimum clearance of eight (8') feet for pedestrians. |

**FIGURE 20.440.040-7. BAY WINDOW STREET VIEW**

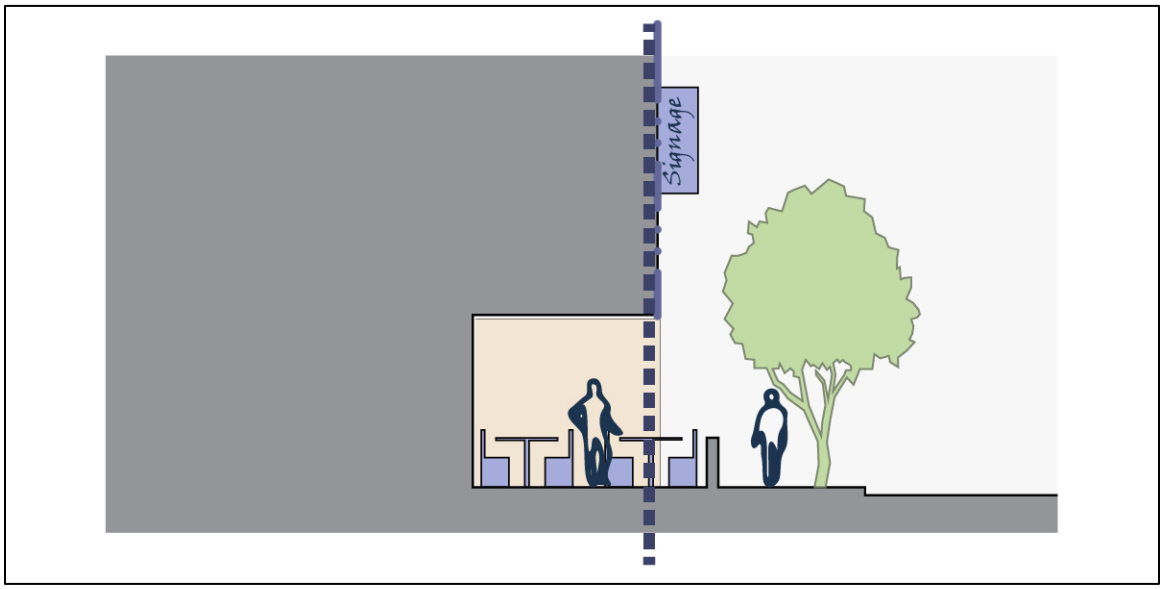
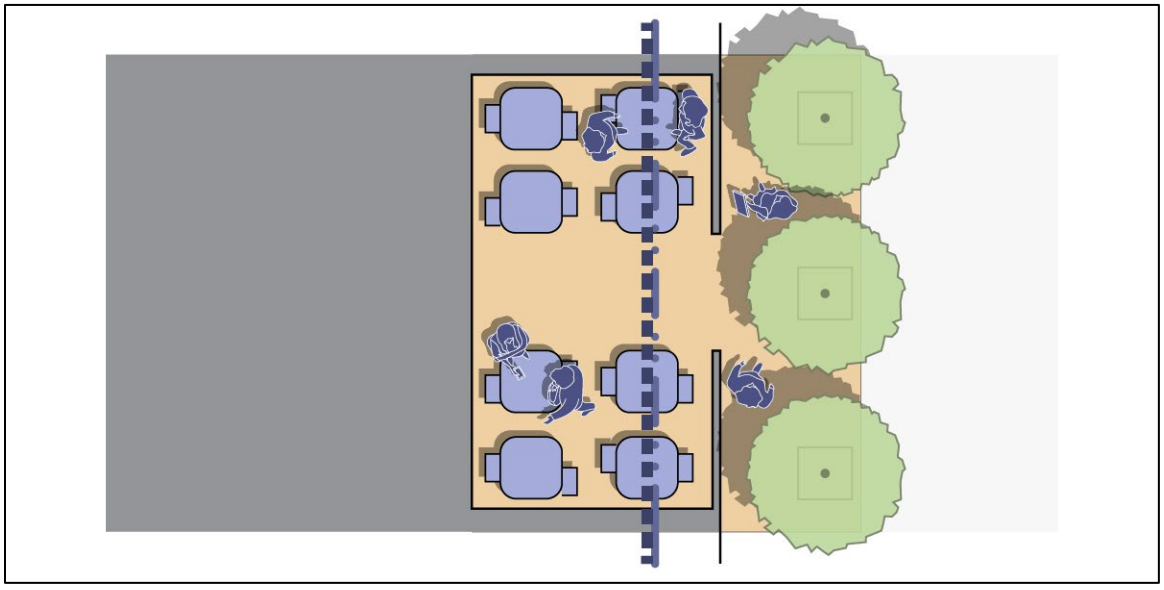


**FIGURE 20.440.040-8. CAFE AERIAL VIEW**



E. Common Yard

1. A frontage type characterized by a building facade set back from the front lot line, creating a common yard that contributes to a cohesive streetscape. This yard may be either defined or open, fenced or unfenced, and typically blends visually with adjacent yards. Common yards may incorporate entry features such as canopies or vestibules and can be combined with other frontage types where appropriate. The yard may either slope gradually from the sidewalk or be elevated with a retaining wall and entry steps.

   Common Yards do not have any elements that project over the build-to-line into public rights-of-way.

**IMAGE 20.440.040-5. COMMON YARD**

*Image is advisory only*

2. Dimensional Requirements. Common Yards must meet the dimensional requirements in Table 20.440.040-5. See Figures 20.440.040-9 and 20.440.040-10 for representative examples.

**TABLE 20.440.040-5. COMMON YARD DIMENSIONAL REQUIREMENTS**

| | |
|---|---|
| **Terracing and Retaining** | Lots with elevation changes of greater than three (3') feet must utilize stepped terracing or retaining walls to mitigate steep slopes. |
| **Fencing Dimensions** | If fencing is provided in front or side yards, it must be a minimum of two (2") inches thick and maximum of forty-two (42") inches tall. |
| **Fencing Materials** | If fencing is provided, it must be made of durable, permanent materials such as wood, composite wood, wrought iron, decorative metal, masonry, or other long-lasting materials. |
| **Lot Buffering Width** | A landscape buffer along side lot lines that is a minimum of three (3') feet in width when mature landscaping is required per Section 20.450.035 VMC. |
| **Lot Buffering Height** | A landscape buffer along side lot lines that is a minimum of six (6') feet in height when mature landscaping is required per Section 20.450.035 VMC. |

FIGURE 20.440.040-9. COMMON YARD STREET VIEW

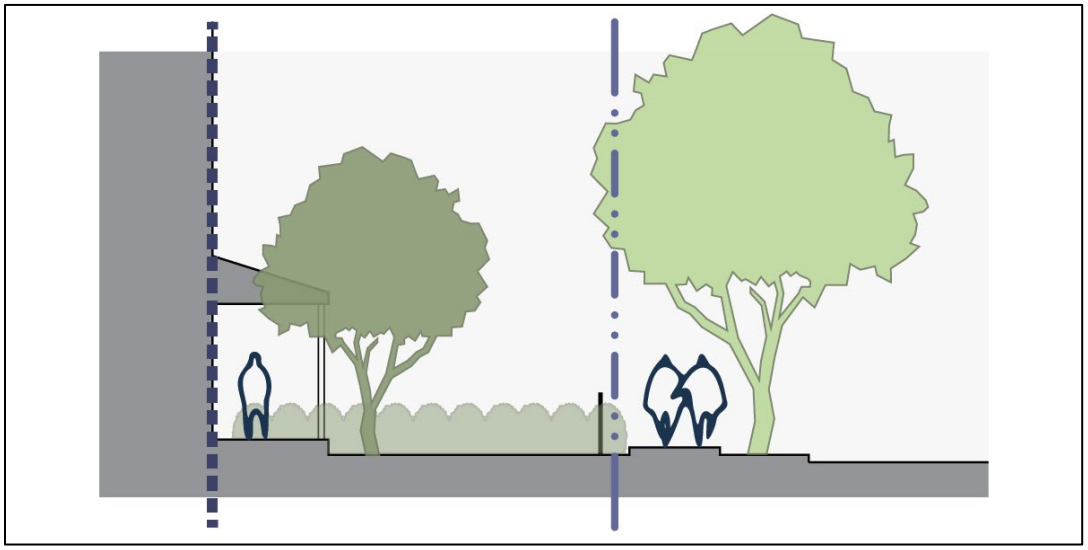
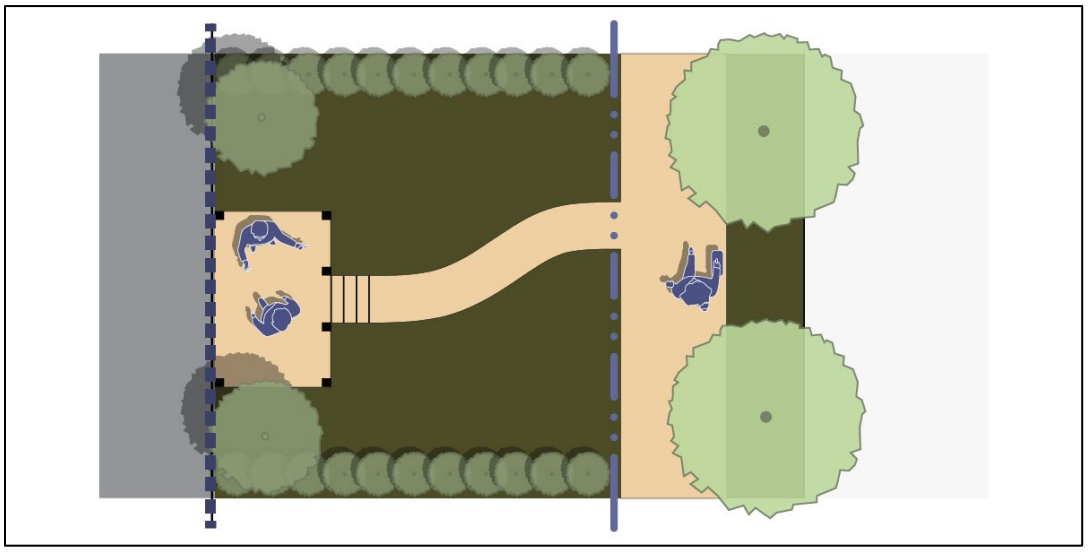


FIGURE 20.440.040-10. COMMON YARD AERIAL VIEW



F. Courtyard

A frontage type characterized by a building facade positioned at or near the build-to-line, with a recessed area that forms a forecourt. This open-air space serves as a semi-private or public transition zone and may be used as an entry plaza, shared garden for residential buildings, expanded seating for retail or dining establishments, or, in some cases, a small vehicular drop-off area. Forecourts should include a balanced combination of paving and landscaping to enhance usability, visual interest, and pedestrian comfort.

Courtyards do not have any elements that project over the build-to-line into public rights-of-way.

**IMAGE 20.440.040-6. COURTYARD**

*Image is advisory only*

1. Dimensional Requirements. Courtyards must meet the dimensional requirements in Table 20.440.040-6. See Figures 20.440.040-11 and 20.440.040-12 for representative examples.

**TABLE 20.440.040-6. COURTYARD DIMENSIONAL REQUIREMENTS**

| | |
|---|---|
| **Facade Coverage** | Maximum coverage of fifty (50%) percent of any building facade. |
| **Minimum Dimensions** | Minimum dimensions of ten (10') feet by ten (10') feet. |
| **Maximum Dimensions** | Maximum of fifty (50') feet deep on any lot. |
| **Hardscaping and Landscaping** | Should be a balance of paved areas and landscaped areas depending upon use. |
| **Fencing and Wall Dimensions** | When provided should be no less than two (2") inches thick and forty-two (42") inches tall. |

| | |
|---|---|
| **Fencing and Wall Materials** | When fencing or walls are provided, they must be made of durable, permanent materials such as wood, composite wood, wrought iron, decorative metal, masonry, or other long-lasting materials. |
| **Accessibility from the Street** | When controlled, gate access is provided, it must have a width no less than three (3') feet wide. |

**FIGURE 20.440.040-11. COURTYARD STREET VIEW**

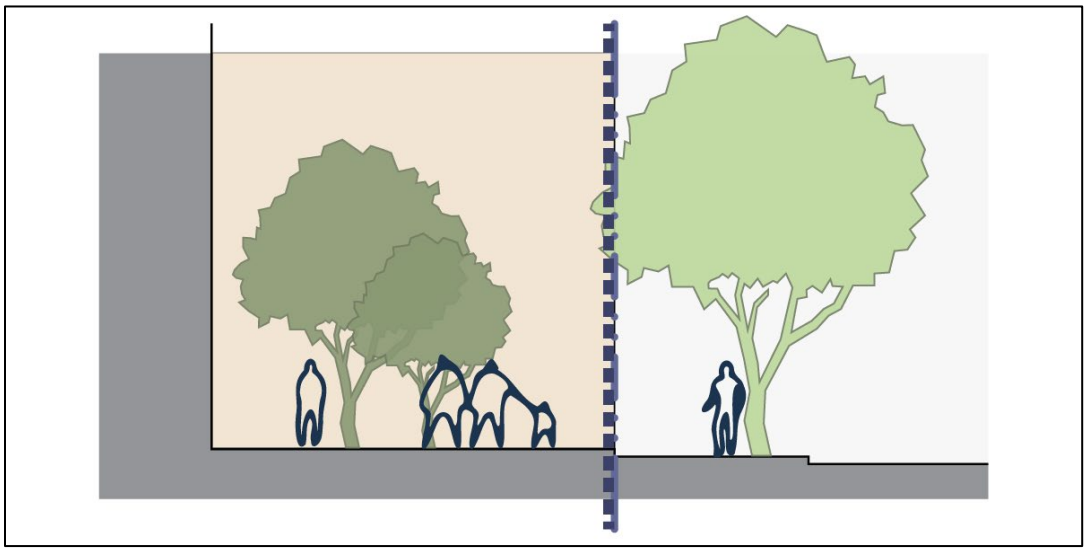
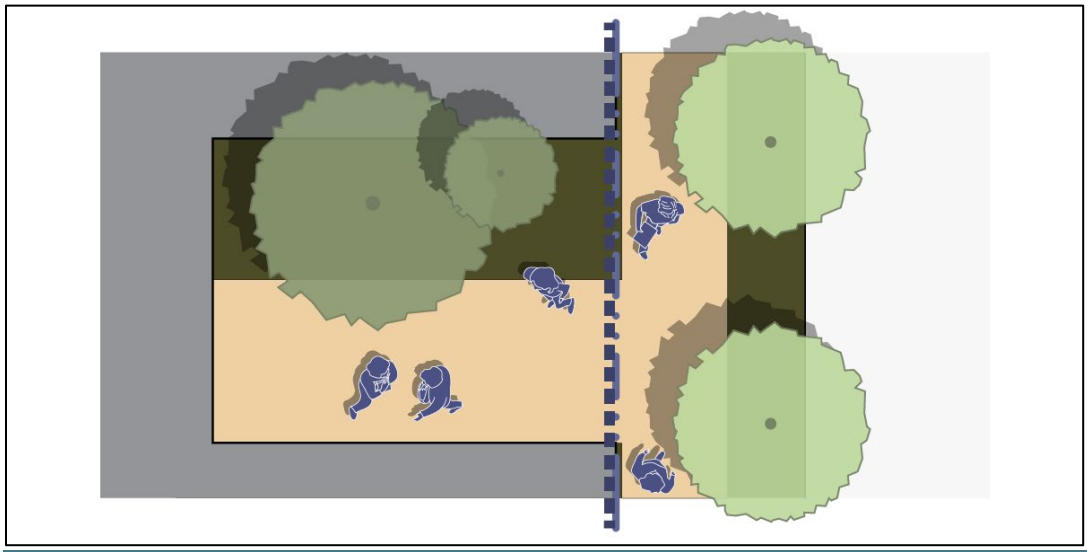


**FIGURE 20.440.040-12. COMMON YARD AERIAL VIEW**



G. Porch

1. A frontage type most commonly associated with detached single-family homes, though it may be applied to other building types based on context. Porches must remain unenclosed, open-air spaces and may not be screened or air-conditioned. Typically limited to a single story in height, porch widths and lengths may vary to suit the architectural style. Porches must be elevated to match the interior finished floor level, providing a seamless and inviting transition between the public sidewalk and the building entrance.

   Porches may project over the build-to-line but never into public rights-of-way

**IMAGE 20.440.040-7. PORCH**

*Image is advisory only*

2. Dimensional Requirements. Porches must meet the dimensional requirements in Table 20.440.040-7. See Figures 20.440.040-13 and 20.440.040-14 for representative examples.

**TABLE 20.440.040-7. PORCH DIMENSIONAL REQUIREMENTS**

| | |
|---|---|
| **Facade Coverage** | Minimum coverage of sixty (60%) percent of the building facade. |

| | |
|---|---|
| **Minimum Depth** | Minimum clear depth of six (6') feet. |
| **Maximum Height** | Minimum clear height of eight (8') feet from floor to ceiling. |
| **Floor Level Requirement** | Porch level must match the finished floor level of the first floor of the building. |
| **Stair Dimensions** | Stairs up to a porch may be no less than six (6') feet wide. |
| **Enclosure Prohibition** | Porches may not be enclosed or conditioned. |

**FIGURE 20.440.040-13. PORCH STREET VIEW**

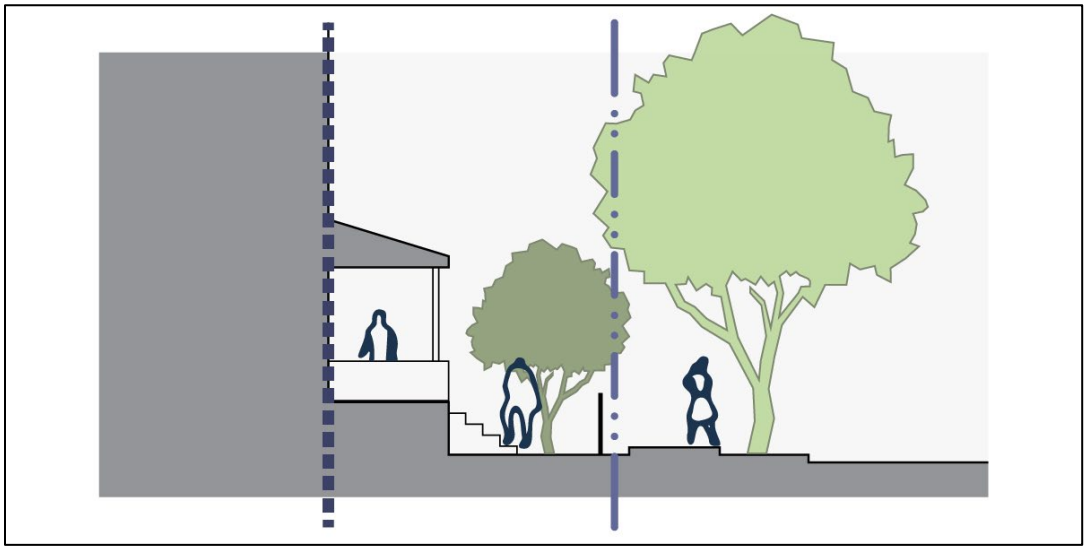
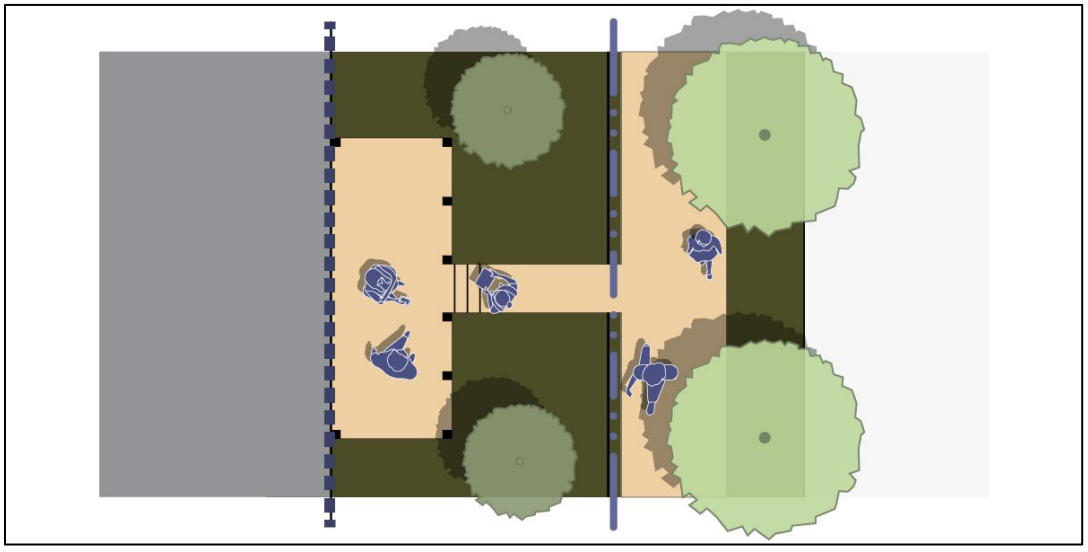


**FIGURE 20.440.040-14. PORCH AERIAL VIEW**



H. Stoop

1. A frontage type where the building facade is positioned close to the front property line, with the ground floor elevated above the sidewalk to provide privacy for windows and front rooms. A stoop, typically consisting of an exterior stair and landing, connects the building to the sidewalk in front of the build-to-line. The stoop is elevated, and the stairs can either lead directly to the sidewalk or be side-loaded. The stoop may also feature a roof for additional coverage. Stoops can be at grade or raised to facilitate the transition into the building.

   Stoops may project over the build-to-line but never into public rights-of-way

**IMAGE 20.440.040-8. STOOP**

*Image is advisory only*

2. Dimensional Requirements. Stoops must meet the dimensional requirements in Table 20.440.040-8. See Figures 20.440.040-15 and 20.440.040-16 for representative examples.

**TABLE 20.440.040-8. STOOP DIMENSIONAL REQUIREMENTS**

| | |
|---|---|
| **Locational Requirement** | No portion of stoop may be within twenty-five (25') feet of two intersecting streets. |
| **Facade Coverage** | Maximum coverage of forty (40%) percent of building facade. |
| **Minimum Depth** | Minimum depth of six (6') feet. |
| **Minimum Width** | Minimum width of six (6') feet. |
| **Maximum Height** | Maximum height of stoop above sidewalk must be five (5') feet or less. |
| **Stair Dimensions** | Stairs as part of a stoop may be no less than six (6') feet wide. |

**FIGURE 20.440.040-15. STOOP STREET VIEW**

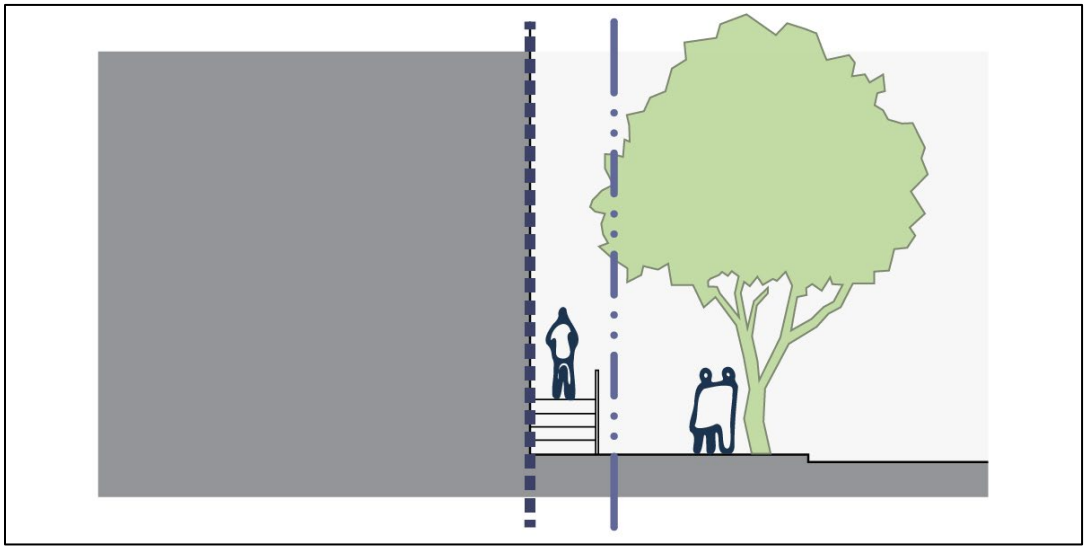
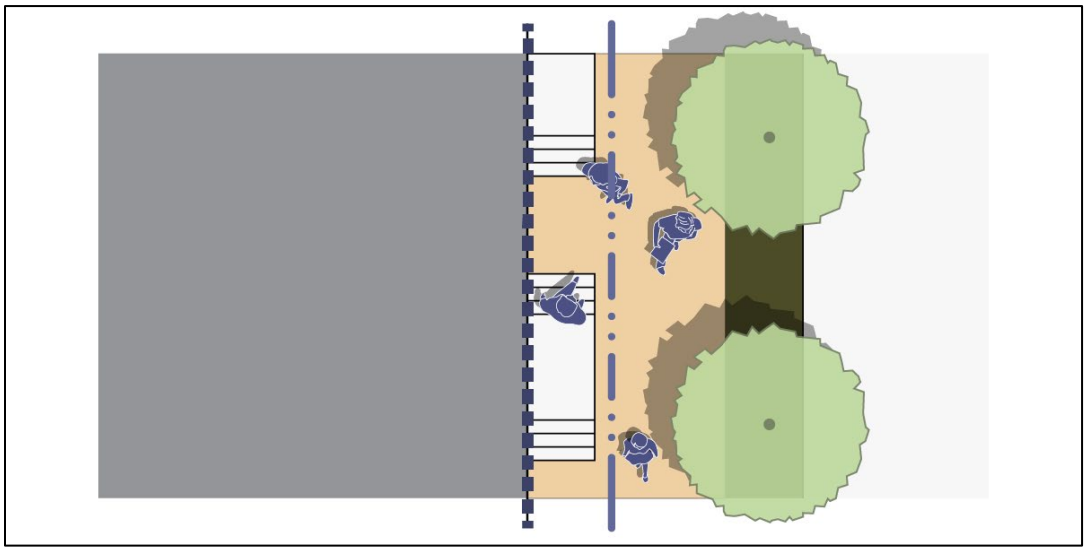


**FIGURE 20.440.040-16. STOOP AERIAL VIEW**



l. Terrace/Lightcourt

1. A frontage type characterized by a partial setback of the building facade to accommodate either an elevated terrace and a sunken light court. This configuration creates a transitional space that buffers private residential or lower-level commercial uses from the public sidewalk while preserving a clear distinction between public and private realms. Elevated terraces support outdoor café seating and lively street interaction, while sunken light courts bring daylight and access to lower-level spaces like sub-basements or garden levels.

Terrace/lightcourts do not have any elements that project over the build-to-line into public rights-of-way.

**IMAGE 20.440.040-9. TERRACE/LIGHTCOURTS**

*Image is advisory only*

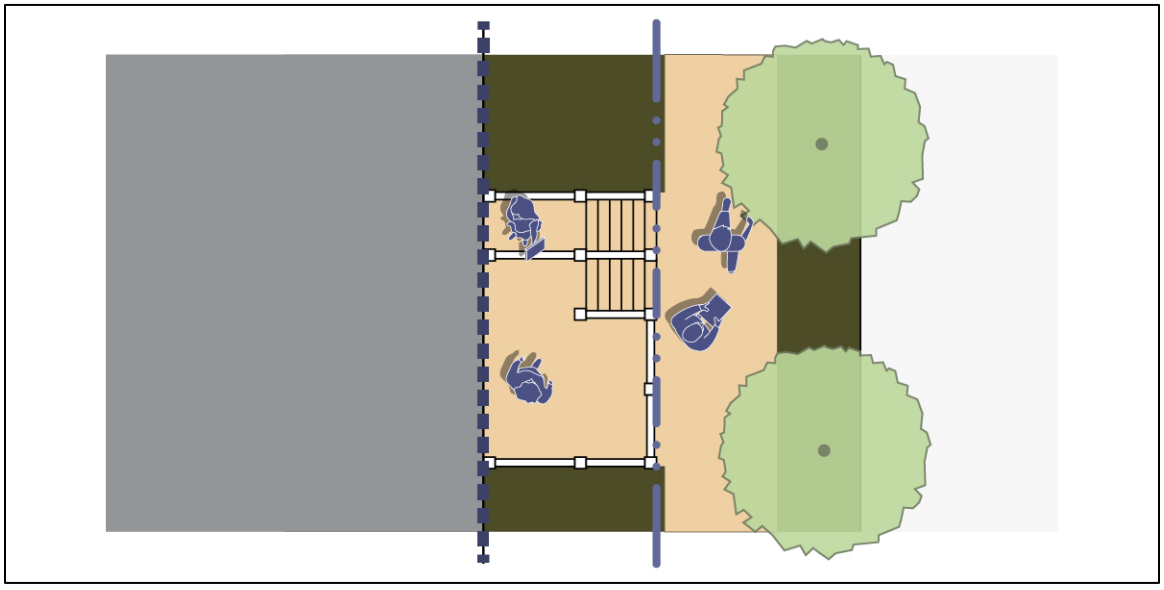
2. Dimensional Requirements. Terrace/lightcourts must meet the dimensional requirements in Table 20.440.040-9. See Figures 20.440.040-17 and 20.440.040-18 for representative examples.

**TABLE 20.440.040-9. TERRACE/LIGHTCOURTS DIMENSIONAL REQUIREMENTS**

| | |
|---|---|
| **Locational Requirement** | No portion of a terrace or lightcourt may be within twenty-five (25') feet of two intersecting streets. |
| **Facade Coverage** | Maximum coverage of twenty-five (25%) percent of building facade for any lower-level portions of the lightcourt. |
| **Maximum Height of the Terrace** | No terrace may be higher than five (5') feet above the adjacent sidewalk. |
| **Stair Dimensions** | Stairs up to a terrace or down to the lightcourt may be no less than six (6') feet wide. |
| **Roofs or Coverings** | Minimum clearance of eight (8') feet above the grade of the terrace level, the lightcourt level, or any stairs connecting them. |
| **Walls and Railings** | Any wall or railing for a terrace must be at least thirty-six (36") tall and two (2") inches thick. |
| **Landscaping Area** | Lower level lightcourts may have landscaping, planters, and other greenery as necessary to support the use. |

**FIGURE 20.440.040-17. TERRACE/LIGHTCOURTS STREET VIEW**

FIGURE 20.440.040-18. TERRACE/LIGHTCOURTS AERIAL VIEW



***The Vancouver Municipal Code is current through May 5, 2026, passed June 1, 2026.***

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.

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# Chapter 20.450
# Additional Development Standards

## Sections:

20.450.010 Escrow and Assurances

20.450.015 Exceptions and Interpretations

20.450.020 Fences And Walls

20.450.025 Gated Access Standards

20.450.030 Impact Fees

20.450.035 Landscaping and Tree Conservation

20.450.040 Off-Site Impacts

20.450.045 Parking and Loading Revised

20.450.050 Signs

20.450.055 Solid Waste Disposal and Recycling

20.450.060 Vision Clearance

20.450.065 Essential Public Facilities

20.450.070 Dark Sky Outdoor Lighting Requirements

20.450.075 Wireless Communications Facilities Standards

20.450.080 Cottage Cluster Dwelling

20.450.085 Manufactured Home Development

## 20.450.010 Escrow and Assurances

A. *Purpose*. To provide flexibility in the construction of certain private improvements associated with approved developments, this chapter establishes the circumstances under which the Planning Official may allow a delay in construction of certain required private improvements by use of an escrow or other form of security acceptable to the City to assure that such private improvements are constructed within a specified timeline and in accordance with approved standards.

B. *Provisions*.

1. The Planning Official may delay construction of certain required private improvements beyond certificate of occupancy provided it is determined that good cause has been shown by the applicant. Where mitigation for environmental impacts has not been completed prior to the City final permit approval (such as final plat approval or final building inspection) and is therefore required as a condition of final permit approval, good cause shall be deemed to exist.

2. *Guarantee for provision of private improvements*. On all projects where private improvements are required, the Planning Official may require an escrow or other form of security acceptable to the City in an amount not less than one hundred (100%) percent of the cost of the improvements that secures and provides for the actual construction and installation of the improvements required as condition(s) of approval for the development. The use of escrow or other form of security shall be limited to:

   a. Approved private transportation system improvements, including sidewalks and streetlights, provided emergency access improvements are constructed on-site as needed;

   b. Approved private stormwater collection and management facilities;

   c. Approved landscaping and trees to meet minimum on-site tree density or landscaping requirements, including installation and maintenance costs.

   d. Approved fences and walls.

   e. Approved mitigation for environmental impacts, including but not limited to, construction, maintenance, and monitoring to ensure that mitigation is fully functional.

C. *Requirements*.

1. The applicant shall request approval of an extension on the construction of private improvements listed in Subsection B above by means of a Type I permit, pursuant to Section 20.210.040. Such request shall state the remaining improvements not yet constructed, the reasons for a requested delay, and requested timeline for improvements to be made. The request shall be accompanied by a draft escrow agreement or other security acceptable to the City.
2. Each escrow or other form of security acceptable to the City request shall include the following:
    a. A scheduled cost breakdown for project work to be completed presented as Exhibit A, an escrow agreement shall not be accepted without an approved unit cost breakdown for the remaining improvements.
    b. The draft escrow agreement in a form provided by the City.
    c. An irrevocable license signed by the owner of subject property to run with the property which provides the City with the right to allow the employees, agents or contractors of the City to go on the subject property for the purpose of inspecting and, if necessary, doing the work or making the improvements covered by the escrow or other form of security acceptable to the City.
    d. Any other documents deemed necessary by the City.
    e. Applicable processing fee as contained in Chapter 20.190 VMC, Fees.
3. *Failure to carry out agreement*. In the event the applicant fails to carry out provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the escrow or other form of security acceptable to the City shall be forfeited and the money shall be paid to the City to defray its costs. If the amount of the escrow or other form of security acceptable to the City exceeds the cost and expense incurred by the City, the City shall release the remainder, and if the amount of the escrow or other form of security acceptable to the City is less than the cost and expense incurred by the City, the applicant shall be liable to the City for the difference.

D. *Release of escrow or security*. Upon completion of required improvements, the applicant shall request in writing that the Planning Official release all or a portion of the funds held in escrow. Such improvements shall be inspected and accepted as complete by the City prior to the release of any such escrow funds, or portion thereof.

### 20.450.015 Exceptions and Interpretations

A. *Purpose*. The Planning Official has the authority to make exceptions to and interpretations of the provisions in this Title per the process outlined in Chapter 20.255 VMC. From time to time, the Planning Official is directed to codify those exceptions and interpretations that have broad applicability. The purpose of this chapter is to provide a place where these interpretations can be codified.

B. Lot Dimensions and Coverage for Building Types. *Pre-existing legal lots*. If any lot, legally platted at the time of its creation, or the aggregate of such contiguous lots or land parcels held in single ownership has an area or dimension less than required by lot dimensions and coverage for the building type proposed for the property, the lot or aggregate holdings may be occupied by any permitted use in the district subject to compliance with all other requirements of the district and building type including the building placement and buildout requirements thereof; provided, however, that the use of a lot in a zoning district which allows for residential uses has an area deficiency shall be limited to one (1) single-family dwelling. All lots shall have a minimum of sixteen (16) feet of access to a public or private street, or access easement. Single ownership of abutting parcels shall not affect the right of the Planning Official to approve development of the single lot that has an area deficiency.

C. Height Limitations on Building Types.

1. *Exceptions*. Except for the Airport Height Overlay District, maximum height limitations set forth in the zoning districts in Chapter 20.410 of this Title shall not apply to the following:

   a. Barns, silos, water towers and tanks, or other farm buildings and structures, provided they are not less than fifty (50') feet from every lot line; and

   b. Chimneys, church spires, belfries, cupolas, domes, smokestacks, flagpoles, grain elevators, cooling towers, solar energy collectors, monuments, fire house towers, masts, aerials, elevator shafts, street lights, power or communication distribution lines, and other similar projections;

D. Build-to-Line and Setback Requirements for Building Types.

1. *Projections into required yards*. Certain architectural features on Building Types proposed for a lot may project into required yards or courts as follows:

a. Cornices, canopies, eaves, belt courses, bay windows, sills or other similar architectural features, or fireplaces not including floor extensions may extend no more than twenty-four (24") inches into any required yard area.

b. Fire escapes, open-uncovered porches, balconies, or outside stairways may extend no more than eighteen (18") inches into any required side build-to-lines (side street) side yard setback (adjacent lots), or rear yard setback (adjacent lot or alley), and no more than six (6') feet into any required front build-to-lines (primary street). Open porches, decks or stoops not exceeding eighteen (18") inches in height may extend no closer than eighteen (18") inches to any lot line.

c. Any component of a frontage type, when required by this title.

2. Exceptions to primary street requirements for Building Types.

a. If there are legally established structures on both abutting lots with front build-to-lines less than the required depth for the district, the front build-to-line for the lot need not exceed the average front build-to-lines of the abutting structures.

b. If there is a legally established structure on one (1) abutting lot with a front build-to-line less than the required depth for the district, the front build-to-line need not exceed a depth of halfway between the depth of the build-to-line on the abutting lot and the required front build-to-line depth.

3. *Flag lots.* The building placement and buildout requirements for flag lots may be reduced upon review and approval of the Planning Official; provided, that no build-to-line or setback is less than five (5') feet.

4. Exception for existing setbacks. Additions to legally established building floor area may be continued along existing setback lines so long as a minimum setback of three feet is maintained. This provision does not allow additional building height.

E. Building Types with Zero Lot Line Development.

Conditions under which permitted. The following conditions shall exist before any building permit is issued for a Building Type with zero lot line development:

1. *Side setback line (adjacent lot).* The setback on the adjacent lot to the zero setback side yard lot shall be either zero (0) or at least five (5) feet.

2. *Covenants.* Covenants running with the land, approved by the City Attorney, which guarantee that the opposite side setback line (adjacent lot) of not less than five (5) feet shall be kept perpetually free of permanent obstructions, shall be filed with the deed(s) or noted on a plat.
3. Building Walls.
    a. The building wall on the zero-foot side setback line (adjacent lot) shall be constructed of window-free, fire resistive construction per the Building Code standards of Title 17, no portion of which shall project over any property line. The construction shall be subject to review by the Building Official.
    b. Covenants running with the land, approved by the City Attorney, shall convey a four (4) foot maintenance easement with a one and one-half (1-1/2) foot encroachment into the easement provision, in order to permit variations in design from the adjoining lot. No windows shall be allowed along this wall in any case.
    c. Zero lot line (common-wall) construction may be permitted, provided adjoining walls are fire- resistive and constructed according to the standards of sound transmission, per the Building Code standards of Title 17. Common walls must be attached a minimum 60% of the length of the entire building wall.
4. *Exception.* Zero lot line development standards do not apply to free-standing fences and/or walls that are not directly connected to a roof structure.

## 20.450.020 Fences And Walls

A. *Purpose*. The purpose of this chapter is to establish standards for fences, walls and sound walls constructed in the City of Vancouver whether individually or included with a Building Type per Chapter 20.420 Building Types.

B. *Applicability*. This section applies to all fences and walls not a part of a building, including retaining walls and sound walls constructed in the City of Vancouver. Special standards are established for gated access communities in Section 20.450.025 VMC, Gated Access Standards.

C. *Permits required.*

1. *Land Use Permits.* Type I site plan approval is required for any sound wall. No land use permit is required for other wall or fence; however the standards of this chapter shall apply, unless exempted by VMC 20.450.020D.

2. *Building Permit*. Building permits are required for all fences over six (6') feet in height. Building permits are also required for walls four (4') feet or over and for walls which support additional weight from a building or parking area.

D. Exemptions.

1. This chapter does not apply to fences or walls thirty (30") inches or less in height, measured from grade, unless such a wall is structurally supporting additional weight from a building or parking area.
2. Hedges located in a vision clearance triangle must be maintained at a height of thirty (30") inches or less measured from street grade. All other hedges within private property are not regulated by this title.

E. Location and Height of Fences and Walls.

1. Fences and walls must be wholly contained on the applicant's property, or located on a property line when both abutting property owners are in agreement.
2. Fences and walls must not be placed in any manner to hinder access to an easement.
3. In the LS, MS, and MH zoning districts, fences that are streetward of the front wall of the house in front build-to-line (primary streets) shall be limited to five (5) feet in height, so long as the top one (1) foot is constructed to be at least eighty (80) percent open to views (e.g., wrought iron, chainlink, etc.). In other required side build-to-lines (side streets), side yard, and rear yard setbacks areas, solid fences shall be limited to six (6) feet in height. See exceptions for sound walls at 20.450.020(G).
4. In the MX, RA, IC, IE, HI, PO, and NA zoning districts , fences within the required setback area are limited to six (6) feet in height. See Exception for sound walls at 20.450.020(G).
5. Land Use Permits cannot be issued for fences or walls that are in the public right-of-way.
6. Fences and walls shall not interfere with vision clearance at an intersection of roads or driveways. Fences and walls under thirty (30) inches in height are generally allowed in a vision clearance triangle unless the topography causes a restriction of clear vision. Fences that are eighty (80) percent open (such as wrought iron and chain link) are allowed in a vision clearance triangle when maintained in a manner that is clear of vegetation that could restrict clear vision.

F. Prohibited Fences and Fencing Material.

1. Barbed wire, razor wire and electrically charged fences are not permitted as accessory to residential uses in any zoning district.
2. Within the IC, IE, HI, PO, and NA zoning districts, barbed wire and razor wire are only allowed as the top to a security fence accessory to permitted non-residential uses. In these cases, two (2) feet of such wire can be attached to the top of a six (6) foot wall or fence, as long as it is vertical or angled in toward the enclosure.
3. Barbed wire, razor wire, and electrically charged fences are prohibited in the MX and RA zoning districts.

G. Sound Walls. When sound walls are required to mitigate sound impacts for properties located adjacent to a railroad right-of-way, state highway, or where Residential Uses abut Primary Retail Uses, Secondary Retail Uses, Office Uses, or Industrial Uses, the Planning Official may approve a sound wall which exceeds the height limit of 20.450.020(E) up to maximum of eight (8) feet if the following criteria are met:

1. *Landscaping*. Exterior walls facing a street or highway shall be landscaped with groundcover, shrubs, vines, mounds and trees such that at least fifty (50) percent of the height of the wall shall be screened from the adjacent public street within two (2) years.
2. *Type of Wall*. Walls shall be constructed of graffiti-resistant solid brick or other material that requires minimum maintenance. A textured surface treatment that is compatible with and appropriate to the area for which it is proposed shall be provided.
3. *Walls between properties*. All property owners shall agree on the height and type of wall prior to approval from the City.
4. *Height of Walls*. Walls may exceed eight (8) feet in height, to a maximum of twelve (12) feet, provided they are adjacent to a public right-of-way as outlined above, and based on an approved noise study prepared by a licensed acoustical engineer that demonstrates the additional height is necessary in order to reduce noise levels at the property line to sixty-five (65 dBA) A-weighted decibels. An approved noise study shall include an analysis of potential impacts of sound transfer as a result of construction of a proposed wall.

5. The Planning Official may deny a request for a sound wall if it is determined that the proposed height and/or materials of the wall would not be in keeping with the visual character of surrounding properties, or that such placement would create a threat to public health and safety.

## 20.450.025 Gated Access Standards

A. *Purpose*. The standards for Gated Access are provided here as a Type I review as authorized at 20.210.020(B)(1). These standards are intended to implement safe ingress and egress while promoting visual attractiveness and site security.

B. Permit and Development Standards.

1. *Land use permit required.* A land use permit is required for any gate across an access driveway, unless exempted by 20.450.025(B).

2. *Exemptions*. The permit and development standards of 20.450.025 shall not apply for the following: any use where the gate will remain open during business hours, or any residential gate for secondary driveway to be used exclusively for access to RV, boat or similar vehicle parking area.

3. *Development standards*. A detailed site plan shall be submitted with the Type I application which depicts the access point(s) and demonstrates all of the following required elements:

a. *Stacking area.* Each access point shall show an area of sufficient length and width to safely stack traffic coming onto the property from the adjacent roadway. Transportation Services shall determine the length of the stacking area based on the adjacent roadway type and design configuration. A parking area shall be provided to the right of the entry lane to accommodate visitors not able to open the gate.

b. *Entrance/Exit Design.* Adequate vision clearance shall be provided so that motorists leaving a gated community have a clear view of the sidewalk on either side of the exit, and so that approaching pedestrians have a clear view of any approaching vehicle. Gated community entrances and exits shall be designed to achieve travel speeds not to exceed 5 miles per hour, and shall require a vehicle stop directly prior to crossing the street sidewalk. Entrance and exit areas shall be designed so that vehicles approaching or leaving the gated community can queue to enter/exit the traffic stream without blocking the sidewalk.

c. *Turnaround feature*. Each gate access point shall have an area that allows traffic to safely maneuver a turnaround when the gate is in closed position.

d. *Lane width inside the gate*. Fire and emergency access vehicles require passing room within the development. Twenty feet of unobstructed driving surface is required on the interior side of the access point and gate.

e. *Emergency vehicle access required*. Each project will require the applicant to produce a confirmation of approval from the Fire Marshal that indicates that the design of the gate(s) meets the Fire Marshal's requirements for emergency entry. The Fire Marshal's written approval shall be submitted with this application.

f. No encroachment into publicly owned right-of-way. The gates, operating equipment and fencing shall be located wholly within the private portion of the property. The property line shall be clearly indicated on the site plan. Swing gates are not allowed to encroach into the public right-of-way. The drives, streets and lanes inside a gated community are to remain private.

g. *Pedestrian Access*. Separate pedestrian access from driving lanes. Each access point shall have a pedestrian access and walkway that is separate from the driving lanes and links directly to the public sidewalk. Pedestrian walkways shall meet all standards for accessibility required by the Americans with Disabilities Act.

h. *Lighting*. Lighting fixtures shall be established and maintained at the access points to provide vehicle and pedestrian safety. The required lighting shall be automatically controlled to turn on during the hours of darkness and shall adhere to Section 20.450.070 VMC, Dark Sky Outdoor Lighting Requirements, of this code.

i. *Vision Clearance*. Each access point shall demonstrate vision clearance as per 20.450.020 VMC.

j. *Gate Material*. The moving portion of the gate shall be constructed of material that is at least eighty (80) percent open. Typically, wrought iron or other decorative material is used.

k. *Gate opening width*. Each gate must open to a minimum width of fifteen (15) feet or as required by the Fire Marshal.

## 20.450.030 Impact Fees

A. *Purpose*. It is the purpose of this chapter to ensure that adequate facilities are available to serve new growth and development, and to promote orderly growth and development by requiring that new development pay a proportionate share of the cost of new facilities needed to serve growth. In addition, it is also the purpose of this chapter to ensure that impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicate fees for the same impact.

B. Applicability.

1. *Uniform applicability*. This chapter shall be uniformly applicable to development that occurs within a designated service area or overlay service areas.

2. *For pre-development permit issuance*. No building permit shall be issued for a development in a designated service area or overlay service area as defined in this chapter unless the impact fee is calculated and paid pursuant to this chapter.

3. For new development requiring a building permit the impact fee(s) shall be calculated at time of building permit application. Impact fees shall be due and payable at the time the building permit is issued except as provided in VMC 20.450.030. Notwithstanding the foregoing, all impact fees shall be recalculated for building permit applications that have not been issued within one year.

4. *For development not requiring a building permit*. For development not requiring a building permit (e.g., approval of a change in use of a building or land), the impact fee shall be calculated and imposed at the time of the associated development approval.

5. *For manufactured homes or home developments*. For manufactured home or home developments, the impact fee shall be calculated and imposed at the time of site plan approval.

6. All impact fees shall be calculated using the impact fee rates in effect at the time of calculation.

C. Establishment of Development Service Areas.

1. *General*. Service areas, which may vary by type of public facility, are established as shown on the Park Impact Fee Technical Document and Vancouver Transportation Impact Fees Program Technical Document, which are incorporated herein by reference.

2. *Service areas and fees.* Such areas will provide a nexus between those paying the fees and receiving the benefits to ensure that those developments paying impact fees receive substantial benefits.
3. *Establishment of overlay service areas.* Overlay service areas may be established for system improvements identified in the capital facilities plan which are:
    a. Designed to serve geographic areas whose boundaries are not generally contiguous with established service areas; or
    b. Designed to serve more than one established service area; or
    c. Where a system improvement is designed to serve an established service area, or service areas, but is located partly or entirely outside of the city or urban growth area, and provides a substantial benefit to the assigned service area. Properties within this type of overlay service area are not subject to city impact fees to the extent those properties are outside the city.
4. *Factors affecting service areas.* Additional or revised service areas may be designated by the city council upon consideration of the following factors:
    a. The Comprehensive Plan;
    b. Standards for adequate public facilities incorporated in the capital facilities plan;
    c. The projections for full development as permitted by land use ordinances and timing of development;
    d. The need for and cost of un-programmed capital improvements necessary to support projected development; and
    e. Such other factors as the city council may deem relevant.
5. *Service areas and urban growth boundaries.* Service areas adjoining an urban growth boundary shall automatically be adjusted to conform to any change in such boundary.

D. Traffic Impact Fee.

1. *Formula.* The impact fee component for roads shall be calculated using the following formula:

$$TIF = FxTxA$$

a. "TIF" means the traffic impact component of the total development impact fee.

b. "F" means the traffic impact fee rate per vehicle trip in dollar amounts, for each service area. Such rate shall be established in the Traffic Impact Fee Program Technical Document, incorporated herein by this reference, for each service area by estimating the cost of anticipated growth-related roadway projects divided by the projected number of growth-related trips within that service area. Between major program updates, the calculated per trip fee will be adjusted annually to account for inflation using the Engineering News Record Construction Cost Index for Seattle, and as outlined in the Traffic Impact Fee Program Technical Document.

c. "T" means the trips generated by a proposed development and calculated according to the Traffic Impact Fee Program Technical Document. The calculation of "T" described in the Traffic Impact Fee Program Technical Document includes, for some retail commercial land uses, a "business enhancement factor (BEF)" adjustment. Refer to the Traffic Impact Fee Program Technical Document for land uses eligible for the BEF. In the absence of a land use code precisely fitting the development proposal, the director of public works or designee shall select the most similar code and may make appropriate adjustments to the trip equation applicable thereto. In selecting the appropriate land use code and in making adjustments thereto, the Review Authority shall be guided by the most recent edition of the Trip Generation Manual, Institute of Transportation Engineers.

d. "A" means an adjustment for the portion of anticipated additional tax revenues resulting from a development which is prorated to system improvements contained in the capital facilities plan. Such adjustment for traffic impacts is determined to be 15%, so that "A" equals 85%.

E. Park Impact Fee.

1. *Formula.* The impact fee component for parks shall be calculated using the following formula:

$$PIF = F \times U$$

a. "PIF" means the parks impact component of the total development impact fee.

b. "F" means the parks impact fee rate per unit of housing, regardless of residential building type, as applicable, for each service area. Such rate shall be established in the parks impact fee program technical document, incorporated herein by this reference, for each service area by estimating the cost of anticipated growth-related parks projects. Between major program updates, the calculated per unit fee will be adjusted annually pursuant to the methodology set forth in VMC 3.08.100 and as outlined in the parks impact fee program technical document.

c. "U" means the number of units, either single-family or multifamily, whichever is applicable, consistent with a proposed development.

2. At least one copy of the park impact fee technical document adopted by the city council, including the current park impact fee schedule as calculated thereunder, shall be filed in the office of the city clerk for use and examination by the public.

F. School Impact Fee.

1. *Plan adoption*. In order for the city to collect school impact fees on behalf of a school district, said school district's capital facilities plan shall be adopted as a portion of the city of Vancouver's comprehensive plan in accordance with the provisions of this section.

2. *Plan submittal*. In conjunction with mandated comprehensive plan updates, a school district requesting impact fees shall submit to the Planning Commission a capital facilities plan adopted by the school board and consisting of the following elements:

a. A standard of service which identifies the program year, class size by grade span, number of classrooms, types of facilities, and other factors identified by the school district.

b. The district's capacity over the next six (6) years based upon an inventory of the district's facilities either existing or under construction and the district's standard of service.

c. A forecast of future needs for school facilities based upon the district's enrollment projections.

d. At least a six (6) year financing plan component, updated as necessary to maintain at least a six-year forecast period, for financing needed school facilities within projected funding levels.

e. Application of the formula set out in subsection F of this section based upon information contained in the capital facilities plan. Separate fees shall be calculated for dwelling units based upon the Building Types, based upon the student generation rates determined by the district for each type of dwelling unit. If insufficient information is available for a district to calculate a student generation rate, a county-wide average shall be utilized. For purposes of this chapter, manufactured homes or home developments and each individual unit in any Building Type shall be treated as one (1) dwelling.

3. *Planning Commission review.* The Planning Commission shall review a school district's capital facilities plan or plan update in accordance with the provisions of this subsection.

   a. *Factors.* The Planning Commission shall consider:

      i. Whether the district's forecasting system for enrollment projections appears reasonable and reliable;

      ii. Whether the anticipated level of state and voter-approved funding appears reasonable and historically reliable;

      iii. Whether the district appropriately applied the formula set out in subsection F of this section.

   b. *Public hearing.* In the event the district or the Planning Commission on its own motion proposes to modify the school impact fee, the Planning Commission shall not make its recommendation until holding a duly advertised public hearing on the proposal.

   c. *Recommendation.* The Planning Commission may request a school district to review and to resubmit its capital facilities plan or update consistent with the provisions of this section. The Planning Commission shall submit an annual report to the board for each school district for which school impact fees are collected.

4. *Council action.* No new or revised school impact fees shall be effective until adopted by the council following a duly advertised public hearing to consider the school district's capital facilities plan or plan update.

5. *Interlocal agreement.* School impact fees shall not become effective until the school district has entered into an interlocal agreement provided for in VMC 20.450.030(K).

6. *Formula.* The impact fee component for schools shall be separately calculated for each participating school district using the following formula:

$$SIF = \{ (CS \times SF) - (SM) - (TC) - (FC) \} \times A$$

   a. *SIF* means the school component of the total development impact fee.

   b. *CS* means the cost of the improvements for each type of facility listed in the school district's capital facilities plan less the cost to cure existing overcapacity divided by the capacity of the improvement. Type of facility means elementary school, middle school and high school.

   c. *SF* means student factor. The student factor is the number of students typically generated from one residential unit for each type of school facility.

   d. *SM* means state match. State match is the amount received from the state toward school construction costs. The state match component of the formula is that amount representing the per student amount of state matching funds. This is calculated for each type of facility as: student factor times Boeckh Index (average annual construction cost of a school facility per square foot) times square-foot standard per student established by the Superintendent of Public Instruction times state match percentage (that percentage of the total cost of a school facility funded by state funds). The state match for each school district shall be calculated annually.

   e. *TC* means tax credit. This is calculated as:

$$TC = (1 + i)^{10} - 1i(1 + i)^{10} \times (AAV) \times (SPTL)$$

      i. *AAV* means the average assessed value for the dwelling per single family unit.

      ii. *SPTL* means the current school district capital property tax levy rate.

      iii. *i* means the current interest rate as stated in the Bond Buyer Twenty Bond General Obligation Bond index.

      iv. *FC* means facilities credit. This is the value of any improvements listed in a school district's capital facilities plan provided by the developer.

      v. *A* means an adjustment for the portion of anticipated additional tax revenues resulting from a development that is prorated to system improvements contained in the capital facilities plan. The adjustment for school impacts is determined to be eighty-five (85%) percent.

G. Calculation of Impact Fee.

1. For Building Types which contain an individual use type, including Industrial Uses, Office Uses, Active Retail Uses, Residential Uses, or Passive Retail Uses. The impact fee for a Building Type with only Industrial Uses, Office Uses, Active Retail Uses, or Passive Retail Uses shall be computed by applying the traffic impact fee formula set out in VMC 20.450.030.D.1. The impact fee for a Building Type with only residential uses shall be computed by applying the traffic impact fee (20.450.030.D), park impact fee (20.45.030.E) and school impact fee (20.450.030.F) formulas, combining the results; provided, that the school impact fee component shall not apply to housing which by restrictive covenant is exclusively for persons fifty-five (55) years of age or older.
2. For Building Types which contain any combination of Office Uses, Active Retail Uses, Residential Uses, and Passive Retail Uses. If the development for which approval is sought contains a mix of uses, the impact fee must be separately calculated for each type of use.
3. Criteria to reduce or eliminate impact fees. An administrative appeal may be considered by the director of community development to reduce or eliminate impact fees by submittal of an application prior to the payment of fees. Appeals shall be reserved for unusual circumstances which make the standard impact fee as applied to the development unreasonable. Upon receipt of an application for any such appeal, the city shall distribute a written notice of appeal and a copy of the supporting studies and data required below to the office, department, or school district responsible for the applicable capital facilities for which the impact fee is imposed. The appeal must be supported by reasonable studies and data provided by the applicant showing that:
    a. The formula or method contained in VMC 20.450.030.D, 20.450.030.E or 20.450.030.F to calculate the fees do not accurately reflect the cost of system improvements that are reasonably related to the service demands and needs of a particular development; or
    b. Such facility improvements will not reasonably benefit the proposed development.

4. The current development proposal implements a concomitant rezone agreement, development agreement or other development approval pursuant to which public facilities identified in the capital facilities plan were dedicated or constructed, and which are of benefit to the community at large and which fall within the definition of system improvements. The appellant shall have the burden of producing and presenting studies and data that clearly show the basis and substantiation of the appeal upon submittal. Appeals shall be reviewed by means of a Type I procedure, pursuant to VMC 20.210.020. Impact fees may be paid under protest in order to obtain a permit or approval of development activity.

H. Additional provisions for Deferral of Impact fees for Building Types that Only Include One (1) Dwelling Unit.

1. Prior to issuance of permits for any Building Type with one (1) unit, an application may be submitted for deferral of payment of full impact fees until scheduling of final building inspection by the City.
2. The amount of impact fees deferred shall be determined by the fees in effect at the time the applicant applies for a deferral. “Applicant” as defined in this section shall include an entity that controls the applicant, that is controlled by the applicant, or is under common control with the applicant.
3. An impact fee deferral application must be submitted for each parcel to be developed. This application shall include:
    a. A locally recorded impact fee deferral lien against the property involved, granted to the City of Vancouver in the amount of the deferral. The deed shall be signed by all owners of the property, with signatures acknowledged as required for a deed. The deed shall be binding on all successors, and subordinate to one mortgage for construction of the property granted by the impact fee deferral applicant.
    b. The deferral period shall not exceed a period of eighteen (18) months from issuance of the building permit, at which time any deferred impact fees shall be due.
    c. Upon receipt of all deferred impact fees, the City of Vancouver shall execute release of the lien for the property. The property owner at that time shall be responsible for recording the release, at their expense.

d. The City of Vancouver may institute foreclosure proceedings for unpaid impact fees due. For unpaid School Impact Fees, School Districts may also institute foreclosure proceedings if the City of Vancouver has not done so within forty-five (45) days after receiving notice from the District requesting initiation of such proceedings.

l. Impact Fee Exemptions, Reductions, and Waivers.

1. *Exemptions from impact fees.* The following developments shall be exempt from the requirement for payment of impact fees: publicly operated elementary, middle, junior high and senior high schools, and administrative, maintenance and other facilities of a school district and facilities of an Educational Service District.

2. *Exemption or waiver from impact fees for low-income housing pursuant to RCW 82.02.060(2).* Pursuant to RCW 82.02.060(2), the review authority may grant a total or partial exemption or waiver from impact fees for housing developments containing up to three dwelling units and qualifying as low-income housing as defined in this chapter, to be owned and occupied by, or leased to, low-income persons. Requests for exemption and/or waiver for four or more dwelling units must be approved by the city council. No such impact fee exemption and/or waiver shall be granted for any low-income housing that has been granted a property tax exemption pursuant to Chapter 3.22 VMC, Multi-Family Tax Abatement. Any such exemption or waiver shall be subject to:

a. Provision being made for payment of the impact fee from public funds other than impact fee accounts; and

b. Adequate documentation that the housing meets appropriate standards regarding household income, rent levels, sales price, location, and number of units;

3. *Alternative exemption from impact fees for low-income housing pursuant to RCW 82.02.060(3).* Pursuant to RCW 82.02.060(3), the city council may grant an alternative exemption for low-income housing under this subsection. No such impact fee exemption and/or waiver shall be granted for any low income housing that has been granted a property tax exemption pursuant to Chapter 3.22 VMC, Multi-Family Tax Abatement

a. The city council may either:

i. Grant a partial exemption of not more than eighty (80%) percent of impact fees, in which case there is no requirement to pay the exempted portion of the fee from public funds other than impact fee accounts; or

ii. Provide a full waiver, in which case the remaining percentage of the exempted fee must be paid from public funds other than impact fee accounts; and

b. Compliance with all of the requirements of subsection D of this section is required.

4. An exemption for low-income housing granted under subsection B or C of this section must comply with all of the following conditions:

a. The developer shall record a covenant with the Clark County auditor. The covenant must:

i. Prohibit using the property for any purpose other than for low-income housing.

ii. Require that if the property is converted to a use other than for low-income housing, the property owner must pay the applicable impact fees in effect at the time of conversion.

iii. Define low-income housing as housing for which the monthly housing expense is no greater than thirty (30%) percent of eighty (80%) percent of the median-family income adjusted for family size for Clark County, Washington, as reported by the United States Department of Housing and Urban Development.

b. When the city grants an exemption for low-income housing granted under subsection B or C of this section, it may not collect revenue lost through the granting of the exemption by increasing impact fees unrelated to the exemption.

c. A school district that receives school impact fees collected by the city must consent in writing prior to city approval of any exemption from school impact fees granted under subsection B or C of this section. Failure of a school district to provide consent in writing to the city within thirty (30) days of the school district's receipt of written request for approval from the city shall constitute disapproval of the requested exemption.

5. *Impact Fees for Accessory Dwelling Units.* Impact fees for up to two ADUs (1,000 square feet or less) on a site shall be 50% of the principal unit but are otherwise calculated based on the ADU square footage. If the primary unit is an existing structure, the impact fees for the ADU will be calculated based on the principal unit fee if it were built today.
6. *Criteria for calculating impact fees.* The impact fee for an exempt or waived development shall be calculated as provided for in this chapter and paid with public funds; except that there is no requirement to pay the exempted portion of the fee from public funds other than impact fee account for a partial exemption of not more than eighty (80%) percent of impact fees that has been approved under subsection C of this section. Such payment may be made by including such amount(s) in the public share of system improvements undertaken within the applicable service area. If an impact fee(s) is waived, the review authority, pursuant to VMC 20.450.030(G), or state law may determine whether a public share-contribution or a reduced public-share contribution is required.

J. Impact Fee Credits.

1. For the developer. The developer shall be entitled to a credit against the applicable impact fee as follows:
   a. The developer shall be entitled to a credit against the applicable impact fee for the fair market value of any dedication of land for and reasonable documented construction costs acceptable to the City associated with the improvement to, or new construction of any system improvements provided by the developer that are identified in the capital facilities plan and that are required by the City as a condition of approval to the development proposal against which the impact fee is assessed.
   b. No credit shall be given for project improvements as defined under VMC 20.150.
   c. *Traffic Impact Fee Credit.* Effective June 3, 2015 (effective date of ordinance), the maximum traffic impact credit shall be in the amount of the impact fee applicable to the development proposal against which the impact fee is assessed. The credit shall be applied to the impact fee as calculated for the development proposal against which the impact fee is assessed and shall not exceed the impact fee due.

d. *Street Project Assessment Reimbursement Contract for Excess Costs.* If a developer has incurred costs for street project system improvements in excess of the amount of the traffic impact fee applicable to the development proposal against which the impact fee is assessed, the developer may apply to the City for a street project assessment reimbursement contract pursuant to VMC Chapter 11.10.

e. *Existing traffic impact fee credits.* TIF credits that existed prior to June 3, 2015 (effective date of ordinance) shall be utilized consistent with the provisions of the TIF Program Technical Document. The value and ownership of such TIF credits as of June 3, 2015 (effective date of ordinance) shall be documented by a list thereof published by the City and distributed by US mail to the last known addresses of said owners on June 3, 2015 (effective date of ordinance).

2. *Traffic Impact Fee Credit for the developer.* Additionally, the developer may be provided a credit against the impact fee in an amount up to ten (10%) percent of the traffic component to account for contributions of mass transit facilities that are approved by the City and made a condition of approval for the development.

3. *Impact fee reduction.* Where impact fees are owing prior to completion of a system improvement undertaken by the developer, the impact fee shall be reduced by 85% from the Director of Public Works estimate of the credit to be due upon dedication and completion of the required work, provided, if the same has been assured by a bond or other guarantee, as governed by Section 20.450.010 VMC, to be completed no later than the date of occupancy for Building Types with Office Uses, Active Retail Uses, Passive Retail Uses, Industrial Uses, or Residential Uses with more than one (1) dwelling unit or the final building inspection for Building Types with Residential Uses having only one (1) dwelling unit and other uses. Upon completion of the required system improvement, appropriate refunds shall be made and credits recognized up to but not to exceed the amount of the impact fee applicable to the development proposal against which the impact fee is assessed based upon the Director of Public Works' determination of the value of dedication and reasonable construction costs.

4. *City credit utilization.* Traffic impact fee credits issued by the City after June 3, 2015, (effective date of adopted ordinance) may be utilized in lieu of cash payment only for traffic impact fees for the development proposal against which the impact fee is assessed, as provided in subsection (J)(1) above. Other impact fee credits recognized by the City may be utilized in lieu of cash payment of impact fees for the subject development and/or any other development within the same service area.

K. Other provisions.

1. *Process for revision of traffic impact fees.* Traffic impact fee rates shall be adjusted periodically to reflect changes in costs of land acquisition and construction, facility plan projects and anticipated growth. Traffic Impact Fee Program Technical Document may contain provision for automatic revision of traffic impact fee rate no more than once annually to reflect the change in a generally recognized and applicable inflation/deflation index.
2. Park impact fee rates may be revised. Rates may be revised using the following process:
    a. The adopted Park Impact Fee Technical Document may be revised periodically by the city council when financial analysis establishes that there is a need for a major program update, but no less than every three years to evaluate the status of the rate of collection and the projected need to serve future residents. Such adjustments shall only become effective upon adoption by the city council.
    b. *Process for revision of school impact fees.* School impact fee rates shall be adjusted periodically to reflect changes in costs of land acquisition and construction, facility plan projects and anticipated growth. Such adjustments shall only become effective upon adoption by the city council of a modification to the capital facilities plan.
3. *Operation of impact fee fund.* The city has created and established a special purpose, nonlapse impact fee fund. The city finance director shall establish separate accounts within such fund and maintain records for each such account whereby impact fees collected can be segregated by type of facility and by service area:
    a. *Collected interest.* All interest shall be retained in the account and expended for the intended purposes that the impact fees were imposed.

b. *Impact fee fund annual report*. By April of each year, the finance director shall provide a report for the previous calendar year on each impact fee account showing the source and amount of moneys collected, earned or received and system improvements that were financed in whole or in part by impact fees.

4. *Inter-local agreements and fees*. The city of Vancouver may enter into an inter-local agreement with Clark County to establish a coordinated program for the imposition, collection, administration and expenditure of traffic and park impact fees.

5. *School impact fees*. School impact fees shall not be collected on behalf of any school district until such district enters into an inter-local agreement with city of Vancouver providing for submittal of capital facilities plans, fund administration, report of expenditure, allocation of risk, and other appropriate matters. Where Clark County adopts a substantially similar school impact fee for a district whose boundaries include portions of the city of Vancouver, such an inter-local agreement may include the county. The inter-local agreement may include a fee to cover the city's cost of administering the school impact fee program.

6. *Imposition of impact fees for costs previously incurred*. The Review Authority may impose an impact fee for system improvements costs previously incurred by the city of Vancouver to the extent that new growth and development will be served by the previously constructed improvements, provided such fee shall not be imposed to make up for any system improvement deficiencies.

7. *Expenditures for system improvements with impact fees*. Impact fees for system improvements shall be expended only in conformance with the capital facilities plan. Impact fees shall be expended or encumbered for a permissible use within ten (10) years of receipt, unless an extraordinary and compelling reason exists for fees to be held longer than ten (10) years. Such extraordinary or compelling reasons shall be identified in written findings by the city council.

8. *Refunds for the current owner*. The current owner of property on which an impact fee has been paid may receive a refund of such fee if the city fails to expend or encumber the impact fees within ten (10) years of when the fees were paid, or such other period of time established pursuant to this subsection, on public facilities intended to benefit the development activity for which the impact fees were paid. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first-in, first-out basis. The current owner likewise may receive a proportionate refund where the public funding of applicable service area projects by the end of such ten (10) year period has been insufficient to satisfy the ratio of public-to-private funding for such service area as established in the capital facilities plan. The city shall notify potential claimants by first-class mail deposited with the United States Postal Service at the last known address of claimants.
    a. *Refund time period*. The request for refund money must be submitted to the Vancouver city council in writing within one year of the date the right to claim the refund arises or the date the notice is given, whichever is later. Any impact fees that are not expended within these time limitations, and for which no application for refund has been made within this one-year period, shall be retained and expended on the indicated capital facilities. Refunds of impact fees under this subsection shall include interest earned on the impact fees.
9. *Criteria for a refund with interest*. A developer may request and shall receive a refund, including interest earned on the impact fees, when the building permit for which the impact fee has been paid has lapsed for noncommencement of construction. A partial refund shall be provided where the project for which a building permit has been issued has been altered resulting in a decrease in the amount of the impact fee due.
10. *Impact fees as additional and supplemental requirements*. The impact fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the city on the development of land or the issuance of building permits. This is provided that any other such city development regulation which would require the developer to undertake dedication or construction of a facility contained within the city capital facility plan shall be imposed only if the developer is given a credit against impact fees as provided for in subsection 20.450.030(J) VMC.

## 20.450.035 Landscaping and Tree Conservation

A. *Purpose*. The intent of this chapter is to ensure that all Building Types with new or substantially remodeled buildings, accessory uses, and parking lots, garages and structures are provided with landscaping and trees to ameliorate air and noise pollution; to afford protection from wind and inclement weather protection; to enhance ecological and economic value; and to regulate open storage to make the City a more aesthetically pleasing place to live, work and play as well as to establish a process and standards to provide for the protection, preservation, replacement, proper maintenance and use of trees, associated vegetation and soils located in the City of Vancouver.

1. The City recognizes the aesthetic, ecological and economic values of trees and landscaping to:

   a. Establish and protect vegetation and tree canopy coverage in urban areas for aesthetic, health (e.g. improved air quality, reduction in atmospheric carbon dioxide, etc.) and urban wildlife reasons;

   b. Reduce stormwater runoff pollution, temperature, and rate and volume of flow;

   c. Promote compatibility between land uses by reducing the visual, noise and lighting impacts of specific development on users of the site and abutting uses;

   d. Aid in energy conservation by providing shade from the sun and shelter from the wind; and

   e. Restore natural communities through reestablishment of native plants.

   f. Promote site planning, building, and development practices to prevent indiscriminate removal or destruction of trees and vegetation and avoid unnecessary disturbance to the City's natural vegetation;

   g. Comply with the requirements of the Forest Practice Rules pertaining to land use conversion activities;

   h. Implement the goals and objectives of Low Impact Development from the Washington State Department of Ecology as required in the Western Washington Phase II Municipal Stormwater Permit.

   i. Cost-effective protection against severe weather conditions with cooling effects in the summer months and insulating effects in winter;

j. Provide habitat, cover, food supply and corridors for a diversity of fish and wildlife; and

k. Contribute to the region's natural beauty and enhance the aesthetic character of the community.

B. Applicability. The provisions of this chapter shall apply to all site development including the construction of new structures, parking, access, etc., removal of existing trees, and areas of site disturbance, unless expressly exempted herein.

1. *Permit required.* No person or representative, directly or indirectly, shall remove, or destroy any tree, within the city, without first obtaining a tree removal permit as provided in this Chapter, unless the activity is exempted.

2. *Tree, Vegetation, and Soil Plan required*. A tree, vegetation and soil plan which meets the minimum tree retention, tree density and tree canopy coverage standards of subsection 20.450.035(C) and in accordance with 20.450.035(D) shall be submitted to the Planning Official for review and approval.

3. *Landscape plan required*. A landscape plan which meets the minimum percentages, buffering of Section 20.450.035(C), and prepared in accordance with subsection 20.450.035(D) shall be submitted to the Planning Official for review and approval.

4. *Review procedures.* Landscape and tree plans shall be reviewed in conjunction with the associated application. In the event that the landscape or tree removal plan is proposed as a separate action, the Planning Official shall approve, approve with conditions, or deny a plan submitted under the provisions of this chapter by means of a Type I procedure, per Chapter 20.210 VMC, Decision-Making Procedures.

5. *Extent of liability*. Nothing in this Chapter shall be deemed to impose any liability upon the city or upon any of its officers or employees, or to relieve the owner or occupant of any private property from the duty to keep in safe and healthy condition the trees upon their property or upon a public right-of-way over their property.

C. General Requirements

1. *Alternative compliance.* All tree removal permit activities regulated by this chapter shall be performed in compliance with the applicable standards contained in this chapter, unless the applicant demonstrates that alternate measures or procedures will be equal or superior to the provisions of this chapter in accomplishing the purposes of this chapter. Such alternative measures and procedures shall require approval by the Planning Official.
2. *Application, fee and mitigation costs.* An application for a tree removal permit and/or tree, vegetation, and soil plan review shall be made on a form provided by the city, and shall be submitted at the same time as the tree, vegetation, and soil plan. The applicant shall pay a permit fee to the community development department. Prior to tree removal, mitigation costs are required to be paid to the City Tree Account based on tree units of non-exempt existing trees permitted to be removed. Mitigation costs are not required for hazardous, nuisance, dead/declining, invasive or damaged trees, trees in poor or very poor condition and trees on the City of Vancouver Invasive Tree List. Enhanced mitigation costs of one and a half (1.5) times the regular mitigation costs are required to be paid to the City Tree Account based on the largest tree units of existing non-exempt trees permitted to be removed below the thirty-three (33%) percent preservation threshold.
3. Exemptions to Standards.
    a. Exemptions for Tree Removal. The following tree removal activities are exempt from the tree, vegetation, and soil plan and tree removal permit requirements, unless located within a critical area or buffer.
        i. *Commercial nurseries or tree farms.* Removal of trees that are being grown to be sold as Christmas or landscape trees.
        ii. *Emergencies.* Removal of trees necessary to protect public safety or private or public property from imminent danger, unless otherwise determined by the Planning Official.
        iii. *Harvesting with a Class II or III forest practices permit.* Removal of trees as allowed with a Class II or III forest practices permit issued by the Washington State Department of Natural Resources.
        iv. *Parcels occupied with single dwelling unit.* Removal of trees less than twelve (12”) inches DBH unless the tree is a code requirement or has the presence of a critical area.

v. *Undeveloped property*. Removal of up to a total of six (6) trees from an undeveloped parcel within any consecutive thirty-six (36) month period, if the parcel is intended to remain undeveloped for a period of six (6) years. Such intent shall be recorded in a covenant. A copy of the covenant shall be provided to the Planning Official. Removal of trees on parcels of less than one acre in size shall be limited in proportion to six (6) trees per acre (i.e., on a half (1/2) acre parcel can remove three (3) trees).

vi. *Minor development*. A tree, vegetation, and soil plan is not required for any site disturbance less than five hundred (500 SF) square feet and where no tree will be removed or adjacent tree(s) impacted.

b. Exemptions from Minimum Tree Density, Tree Canopy Coverage and Cool Site Surfaces Requirements. For the purpose of calculating required minimum tree density, tree canopy coverage and meeting cool site surfaces requirements, the following areas and activities are exempt:

i. Maintenance and repair activities (e.g. parking lot repaving);

ii. Public rights-of-way, areas to be dedicated as public right-of-way, private streets constructed to city standards, alleys, and railroad corridors;

iii. Areas where trees are not appropriate as determined by the Planning Official (e.g., athletic fields, designated contamination areas, utility corridors and water quality facilities);

iv. Docks and related overwater facilities;

v. Existing Port of Vancouver marine terminals as of the date of this ordinance;

vi. Properties zoned RAC Regional Activity Center in the Heights Subarea and Downtown Design Guidelines District; and

vii. Development activities carried out consistent with the provisions of a programmatic permit that has been issued the City or on sites for which tree density mitigation has previously been provided and documented.

c. Exemptions from Tree Preservation Requirement in 20.450.006. 030.C. For the purposes of the minimum preservation standard, exempt trees include:

i. Trees in poor, very poor, or dead condition;

ii. Trees meeting the nuisance tree criteria;

iii. Trees meeting the hazard tree criteria;

iv. Trees on the City of Vancouver Invasive Tree List;

v. Offsite trees that are preserved;

vi. Street trees in the public right of way; and

vii. Trees that are less than 12 inches DBH.

d. Exemption from Water Conservation Standards.

*i.* The water conservation standards shall not apply to landscaping in private areas of Building Types with one (1) to six (6) dwelling units. Parks, playgrounds, sports fields, golf courses, schools, and cemeteries are exempt from specified turf area limitations where a functional need for turf is established. All other requirements are applicable.

4. *Preservation of Existing Trees and Vegetation*. For all development projects, existing vegetation and non-exempt trees shall be preserved and protected according to the following standards:

a. Projects shall be designed to preserve and protect a minimum of thirty-three (33%) percent of non-exempt existing trees at least twelve (12") inch DBH and in fair and good condition and incorporate them into the tree and landscape plan where preservation of thirty-three (33%) percent of non-exempt existing trees in fair and good condition will not prevent reaching the minimum density range for the underlying zone.

b. When there are location alternatives on site for proposed building structures or other site improvements, existing vegetation and trees are to be preserved, even if the minimum tree density and minimum tree canopy percentage is exceeded. This may require site redesign including but not limited to: redesign of streets, sidewalks, stormwater facilities, utilities; changing the shape and size of the parking lot; reducing or limiting proposed site grading; construction of buildings on pier foundations, and changing the location or reducing the number of buildings or building lots as long as the project is within the allowed density range.

c. The developer shall provide methods for the protection of existing vegetation to be retained, such as protective fencing to remain during the construction process.

d. Plants to be saved and areas not to be disturbed shall be noted on the landscape plan. The plan shall locate fencing used to protect vegetation and soils from damage during construction

e. If existing trees and vegetation meet the requirements for the required landscaping, they shall have priority over and may substitute for the required landscaping pursuant to the guidelines established in subsection 20.450.035(G).

f. In designing a development project and in meeting the required minimum tree density and tree canopy coverage percentage, the applicant shall prepare the required tree, vegetation, and soil plan in the following order of tree preservation priority. Trees and native vegetation to be preserved must be healthy, wind-firm, and appropriate to the site at their mature size, as identified by a qualified professional.

   i. Heritage trees.

   ii. Trees located within or adjacent to sensitive areas.

   iii. Floodplains and wellhead protection areas.

   iv. Other individual trees or groves of trees.

g. On sites where there are currently inadequate numbers of existing trees, or where the trees are inappropriate for preservation, as determined by the Planning Official, then replacement tree planting shall be required. In designing a development project and in meeting the required minimum tree density and tree canopy coverage percentages the following trees shall be planted in the following order of priority:

   i. Trees planted within or adjacent to designated sensitive areas.

   ii. Trees planted adjacent to stormwater retention/detention ponds.

   iii. Trees planted within or adjacent to floodplains and wellhead protection areas.

   iv. Entrance landscaping, traffic islands, separate deeded tree tracts, and other common areas in residential subdivisions.

   v. Trees planted on individual lots with building types with residential primary uses.

vi. Trees planted throughout the development in groupings to create canopy corridors and to reflect the regional landscape.

5. Minimum Landscape Requirements.

a. *Landscaping percentage and screening*. Landscaping shall be provided and maintained per Section 20.410.150 Lot Buffers and Table 20.450.035-1.

**TABLE 20.450.035-1. LANDSCAPING AND SCREENING DESIGN STANDARDS[1]**

| Type | Name | Description | Minimum Shrubs Based on Buffer Depth | Minimum Trees | Wall or Berm or Fence Required – Standards |
|---|---|---|---|---|---|
| L1 | General (for open areas) | Used where distance is primary means of separating uses or development, and landscaping enhances area between them | a. Ten (10') feet or less = None<br><br>b. Over ten (10') feet = two (2) high or three (3) low shrubs per four hundred (400 SF) square feet landscaped area | a. One (1) tree per thirty (30') lineal ft.<br><br>b. One (1) tree per eight hundred (800 SF) square feet | None |
| L2 | Low Screen | Distance and low-level screening intended to separate uses or development. Applied where low-level screening sufficiently reduces the impact of a use or development, or where visibility between areas is | Continuous screen three (3') feet high, ninety-five (95%) percent opaque year-round. Three or more) (3+) gallon containers or equivalent with spread eighteen or more (18"+) inches | One (1) tree per thirty (30') lineal feet of landscaped area or as needed to provide a tree canopy over the landscaped area | Three (3') foot high masonry wall or F2 fence or a berm may substitute for shrubs |

| Type | Name | Description | Minimum Shrubs Based on Buffer Depth | Minimum Trees | Wall or Berm or Fence Required – Standards |
|---|---|---|---|---|---|
| | | more important than a greater visual screen. | | | |
| L3 | High Screen | Physical and visual separation between uses or development principally using screening. Used where full separation is warranted by impacts of proposed development, notwithstanding loss of direct views. | Enough shrubs to form a six (6') foot high buffer screen ninety-five (95%) percent opaque year-round; five or more (5+) gallon containers or equivalent with spread of thirty or more (30"+) inches | | Six (6') foot F1 or F2 high wall or fence with or without berm may substitute for shrubs |
| L4 | High Wall | Used where extensive screening of visual and noise impacts is needed to protect abutting sensitive uses and/or there is little space for | Four (4) high shrubs required per thirty (30') lineal feet of wall | | Six (6') foot F2 high wall required |

| Type | Name | Description | Minimum Shrubs Based on Buffer Depth | Minimum Trees | Wall or Berm or Fence Required – Standards |
|---|---|---|---|---|---|
| | | separation between uses. | | | |
| L5 | High Berm | Used instead of L4 where extensive screening is warranted and more space is available for separation between uses. | L2 low shrubs on top of berm so total screen height = six (6') feet. | | Four (4') feet to six (6') feet high berm required. If under six (6') feet high, plant L2 low shrubs on top of berm so overall screen height is six (6') feet. |
| F1 | Partially Sight-Obscuring Fence | Partial visual separation applied where a proposed use or development has little impact, or where visibility between areas is more important than a total visual screen. | | | Six (6') feet high – at least fifty (50%) percent sight-obscuring – wood, metal, chain link with slats, bricks, masonry or other permanent materials. |

| Type | Name | Description | Minimum Shrubs Based on Buffer Depth | Minimum Trees | Wall or Berm or Fence Required – Standards |
|---|---|---|---|---|---|
| F2 | Fully Sight-Obscuring Fence | Full visual separation where complete screening is needed to protect abutting uses, and landscaping alone cannot provide that separation. | | | Six (6') feet high – one hundred (100%) percent sight-obscuring – made of wood, metal, bricks, masonry or other permanent materials – no chain link fences with slats or similar construction. |

[1] Additional Requirements:

L1, L2, L3, L4, L5 – Groundcover plants, grass lawn or approved flowers must fully cover the landscaped area not in shrubs or trees.

L2, L3 – When applied along front build-to-lines (primary streets) or side build-to-lines (side streets), the screen or wall is to be placed along the interior side of the landscaped area.

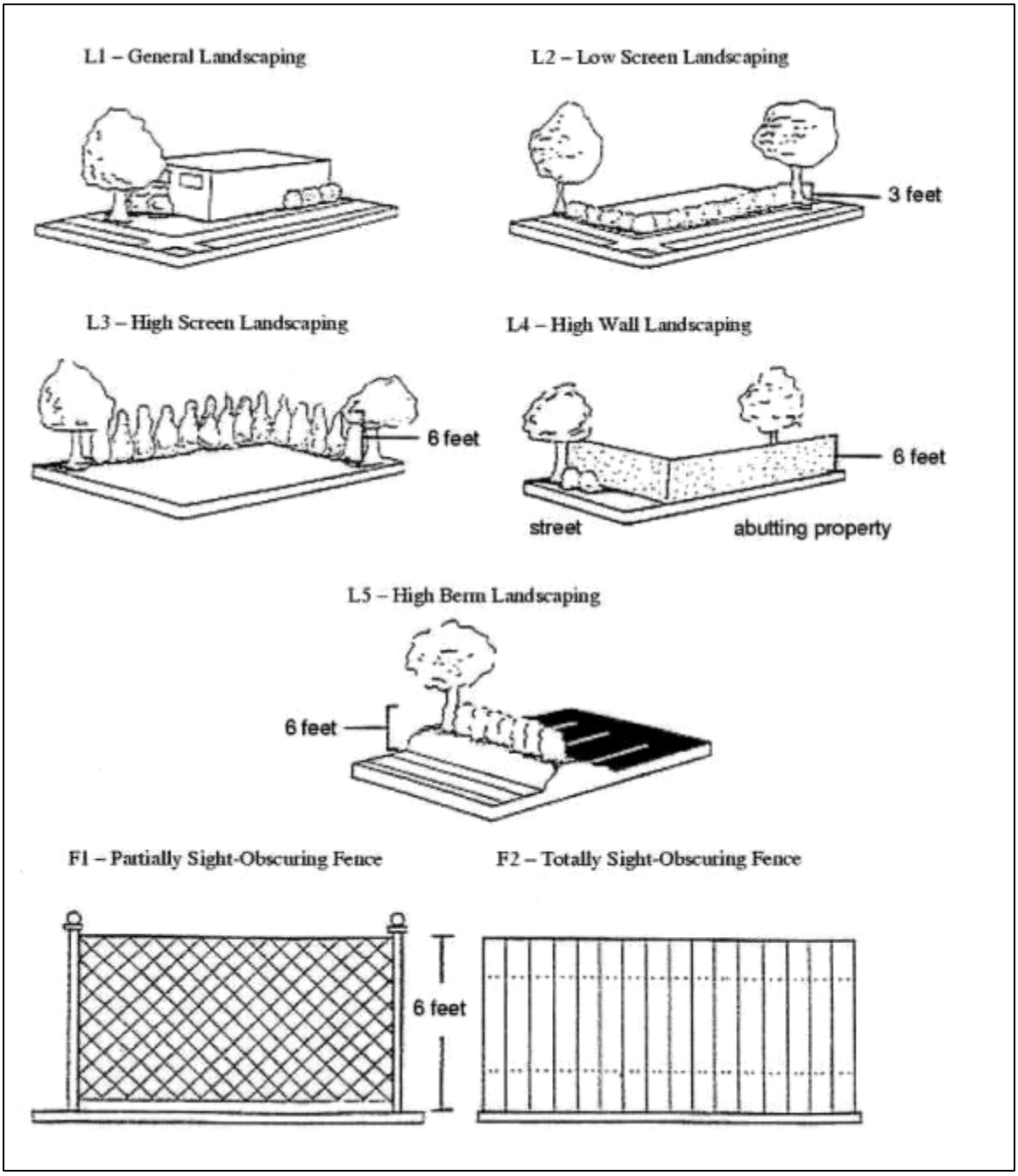
L4 – When abutting another property along side setback lines (adjacent lot) or rear setback lines (adjacent lot), the wall shall abut the property line. When abutting front build-to-lines (primary streets) or side build-to-lines (side streets), the wall shall be on the interior side of the landscaped area.

L1 – Within any Building Type with Office Uses, Active Retail Uses, or Passive Retail Uses where the Building Type is to be placed at the buffer line for a front setback, concrete or brick pavers may be used in place of the required groundcover for the length of the building for the front build-to-line only, provided the required trees are still supplied, the paved area is connected to the public sidewalk, and pedestrian amenities are provided such as benches or pedestrian plazas. Building need not be placed at the required buffer line to utilize this section if the area between the buffer line and the Building Type is devoted entirely to pedestrian-only areas.

L1, L2, L3, L4, L5 – Groundcover plants to be placed not more than thirty (30) inches on center and thirty (30) inches between rows. Rows of plants shall be staggered for a more effective covering. Groundcover shall be supplied in a minimum four (4) inch size container or a two-and-one-quarter-inch (2-1/4") container or equivalent if planted eighteen (18") inches on center.

L1-L5, F1, F2 - Buffer Trees. Required number of trees to be planted within the buffer shall be planted along each property line to provide buffering along all adjacent properties. When space is unavailable for planting the required buffer trees as determined by the Planning Official due to site constraints-not design constraints, then the applicant shall pay the estimate costs of the current market value of the trees, including installation and maintenance costs into the City's Tree Account.

FIGURE 20.450.035-1 LANDSCAPING AND SCREENING DESIGN TYPES ILLUSTRATED




b. Parking Lot Landscaping and Screening. Interior landscaping shall be provided for sites containing more than ten (10) parking spaces.

i. *Standards.* The landscape materials shall meet the below standards:

(A). At least ten (10%) percent of the parking and maneuvering areas, not including driveway areas shall be landscaped

(B). The landscaping shall be dispersed throughout the parking area. All of the required landscape area may be in the parking area, or some may be in the loading areas.

(C). Perimeter landscaping may not substitute for interior landscaping. However, interior landscaping may join perimeter landscaping as long as it extends at least four (4') feet into the parking areas from the perimeter landscape line.

ii. *Individual tree-planting spaces.* Where an individual tree is planted in a space surrounded by pavement, the planting area shall have a minimum of four hundred and fifty-nine (459 CF) cubic feet of open soil per tree (for example: nine (9') feet by seventeen (17') feet by three (3') feet in depth and minimum width of six (6') feet or greater). If other elements such as, but not limited to fire hydrants, streetlights, and utility vaults are to be included in landscape islands, landscape island shall be enlarged to provide at least four hundred and fifty-nine (459 CF) cubic feet of open soil per tree and appropriate distance between additional elements and the required tree.

iii. *Required landscape materials for parking lot landscaping.* Landscape materials for parking lot interior and perimeter landscaping shall be provided as follows:

(A). *Trees required.* At least one tree shall be provided for every five (5) parking stalls in addition to any additional trees required to achieve fifty (50%) percent tree canopy coverage of the parking lot, where coverage is based upon the mature size of the tree. Trees shall be evenly distributed throughout the parking area. Existing trees may be used to meet this standard. Broadleaf trees shall be at least two (2) caliper inches at the time of planting and conifer trees shall be at least six (6') feet tall at the time of planting. Trees shall be dispersed throughout the parking area to provide shade for the parking area. Some trees may be grouped, but the groups shall be dispersed.

(B). *Shrubs required.* At least one shrub shall be provided for every thirty (30 SF) square feet of required landscaped area. Shrubs shall be at least one (1) gallon container size.

(C). *Ground cover required.* All of the landscaped areas that are not planted with trees and shrubs shall be planted in ground cover plants, which may include grasses. Paths made of paving stones, flagstones, bricks, pavement, or similar materials may provide access across landscaped areas, but the surface area of impermeable materials does not count toward the required landscaped area.

(D). *Native Species.* Priority shall be given to plantings with sustainable features like long-lived, large form, drought-tolerant, climate-resilient, low irrigation, and/or native to the Pacific Northwest.

iv. *Screening of Parking, Loading and Maneuvering Areas.* All parking, loading and maneuvering areas including driveways and drive-through lanes shall be screened from view per the below standards.

(A). Perimeter Landscaping. Any off-street parking area, other than for projects with one (1) to six (6) dwelling units, shall be effectively screened by a sight obscuring fence, wall or evergreen planting on each side which adjoins property situated in a residential zone, the premises of any school or like institution, or a public or private street.

(B). Screening along a common property line shall be six (6') feet high. Landscape screening shall be capable of attaining a height of six (6') feet within two (2) years of planting. Screening along all public or private streets shall be a minimum of three (3') feet high.

6. Minimum Tree Density Requirements.

a. Minimum tree density requirement established. The required minimum tree density is thirty (30) tree units per acre for new development and two hundred (200) tree units for conversion option harvest forest practices.

i. Tree density may consist of existing non-exempt trees, replacement trees or a combination of existing non-exempt trees and replacement trees, pursuant to the priority established in subsection 20.450.035(C)(3). Existing tree units in excess of the minimum density may be required to be retained based on the tree, vegetation, and soil plan review standards of subsection 20.450.035(D). Required street trees may be counted toward the minimum tree density requirement.

ii. When trees are retained in tree tract(s) in a subdivision with Residential Uses, a higher minimum tree density may be set based on the nature of the grove(s); provided, that the creation and establishment of tree tract(s) shall not reduce the housing density allowed on the subject site under applicable requirements of this Title.

iii. Tree density calculation for individual trees.

(A). Diameter Breast Height (DBH) shall be measured in inches at four and one-half (4.5') feet above the ground line or as otherwise specified using the most recent edition of the Guide for Plant Appraisal for trees that do not have a single or uniform trunk at four and one-half (4.5') feet above ground.

(B). The tree unit value that corresponds with DBH shall be found in Table 20.450.006.030-3.

iv. Tree density calculations for heavily forested sites.

(A). The average basal area per acre of the dominant and co-dominant stems shall be based upon the inventory of the existing forested stand using forest mensuration techniques.

(B). Tree units per acre shall be obtained by multiplying the Average Basal Area by two (2) to obtain the Average Basal Area.

v. Trees required to meet minimum tree density shall be planted according to the following priority:

(A). On-site and adjacent rights-of-way or access easements;

(B). *Off-site*. When room is unavailable for planting the required trees on-site, then they may be planted at another approved location in the city;

(C). *City Tree Account*. When on-site and off-site locations are unavailable to meet minimum tree density due to site constraints - not design constraints, then the applicants may mitigate by paying the estimated cost of the current market value of the trees, including installation and maintenance costs, into the City's Tree Account established for purchase, installation, and maintenance of such trees at a rate set by the Urban Forester.

**TABLE 20.450.035-2 TREE DENSITY FOR EXISTING TREES**

| DBH | Tree Units | DBH | Tree Units | DBH | Tree Units |
|---|---|---|---|---|---|
| One (1") to six (6") inches | One (1). | Twenty-four (24") inches. | Seven (7). | Thirty-eight (38") inches. | Fourteen (14). |
| Six (6") to twelve (12") inches. | One and one-half (1.5). | Twenty-six (26") inches. | Eight (8). | Forty (40") inches. | Fifteen (15). |
| Fourteen (14") inches. | Two (2). | Twenty-eight (28") inches. | Nine (9). | Forty-two (42") inches. | Sixteen (16). |
| Sixteen (16") inches. | Three (3). | Thirty (30") inches. | Ten (10). | Forty-four (44") inches. | Seventeen (17). |
| Eighteen (18") inches. | Four (4). | Thirty-two (32") inches. | Eleven (11). | Forty-six (46") inches. | Eighteen (18). |
| Twenty (20") inches. | Five (5). | Thirty-four (34") inches. | Twelve (12). | Forty-eight (48") inches. | Nineteen (19). |
| Twenty-two (22") inches. | Six (6). | Thirty-six (36") inches. | Thirteen (13). | Fifty (50") inches. | Twenty (20). |

vi. *Minimum Size and Tree Density Value for Replacement Trees.* The required minimum size of the replacement shall be pursuant to Table 20.450.035-3. Each planted tree shall be equivalent to one (1) tree unit. Larger trees are not eligible to receive credit for more than one tree unit.

**TABLE 20.450.035-3 PLANTING STOCK SIZE REQUIREMENTS**

| Development Type | Planting Location | Tree Type | Required Min. Size | Tree Unit Value |
|---|---|---|---|---|
| Subdivision with Building Types with Residential Uses. | Tree Tracts. | Broadleaf. | One (1") inch Caliper. | One (1). |
| | | Conifer. | Three (3') feet tall. | One (1). |
| Building Types with Active Retail Uses, Industrial Uses, Passive Retail Uses or Residential Uses with seven (7) or more dwelling units. | All developed locations. | Broadleaf. | Two (2") inch caliper. | One (1). |
| | | Conifer. | Six (6') feet tall. | One (1). |
| | Undeveloped locations (i.e. woodland interplanting, etc.) | Broadleaf. | One (1") inch caliper | One (1). |
| | | Conifer. | Three (3') feet tall. | One (1). |
| Building Types with Residential Uses with six (6) or fewer dwelling units. | All locations. | Conifer. | Fourt (4') feet tall. | One (1). |
| | | Broadleaf. | One and one-quarter (1.25") inch caliper, branched. | One (1). |
| Undeveloped Property (Conversion Option Harvest). | All locations. | Conifer/Broadleaf. | 2-0 Bareroot Seedlings. | One (1). |
| Required Street Trees. | Public right-of-way or private easement. | Broadleaf. | Two (2") inch caliper. | One (1). |

vii. *Replacement tree quality*. Replacement trees shall meet the quality and size standards of this chapter. Replacement trees shall be American Standard for Nursery Stock Grade No. 1 or better.

viii. *Replacement tree planting standards*. Trees shall be planted pursuant to the planting standards delineated herein. For all properties other than those electing conversion option harvest:

(A). The species selection and spacing of trees to be planted shall be such that it provides for the eventual mature size of the trees. Soil type, soil conditions and other site constraints shall be considered when selecting species for planting.

(B). Replacement trees shall optimize tree diversity; include native species and at least sixty (60%) percent large stature native or climate adaptive conifers; utilize insect and disease resistant trees; and shade trees unless determined by the Planning Official as not appropriate for the site conditions. The planting of large stature trees is required to meet the purpose and goals of this Chapter for ecosystem services. The planting of ornamental and columnar trees shall be minimized. The City will maintain a list of large stature, native, climate adaptive, and shade trees for meeting tree planting requirements. Other trees may be approved for planting subject to review and approval by the City.

(C). Trees shall be watered as necessary to ensure establishment, survival and growth, during the first two (2) growing seasons after planting. Trees shall be mulched with composted mulch four (4") inches deep, three (3") inches away from the trunk of the tree and six (6') feet in diameter or to the hardscape edge such as curb or sidewalk. Staking and fertilizer shall be required where deemed necessary by the Planning Official.

7. Minimum Tree Canopy Coverage Requirements.

a. Minimum tree canopy coverage shall be required for new development per Table 20.450.035-4. Projects which exceed Minimum Canopy Coverage % by at least three (3%) percent are eligible for a twenty-five (25%) percent reduction in tree removal mitigation costs.

**TABLE 20.450.035-4 MINIMUM TREE CANOPY COVERAGE**

| Use Types | Minimum Canopy Coverage % |
|---|---|
| Building Types with Active Retail Uses, Office Uses, Passive Retail Uses; | Fifteen (15%) percent. |
| Building Types with Industrial Uses. | Nine (9%) percent. |
| Building Types with Residential Uses and one (1) or more primary uses – Mixed-Use | Twenty-four (24%) percent. |
| Building Types with Residential Uses with six (6) or fewer dwelling units. | Thirty-three (33%) percent. |
| Building Types with Residential Uses with seven (7) or more dwelling units. | Twenty-seven (27%) percent. |

b. Minimum tree canopy percentage may consist of existing non-exempt trees, replacement trees or a combination of existing non-exempt trees and replacement trees, pursuant to the priority established in subsection 20.450.035(G). Existing trees in excess of the minimum tree canopy percentage may be required to be retained based on the tree, vegetation, and soil plan review standards of 20.450.035.D.

c. Minimum tree canopy coverage calculation. For the purpose of calculating required minimum tree canopy coverage, the following standards apply:

   i. The entire development site area shall be included in the calculations;

   ii. For development sites that are over one (1) acre in size, the applicant may choose to apply the minimum tree canopy coverage to the area of site disturbance;

   iii. Tree canopy cover for onsite trees shall be the existing tree canopy area of retained and protected trees measured according to Figure 20.450.035-2, plus the anticipated tree canopy area after twenty (20) years of each planted tree at the spacing provided;

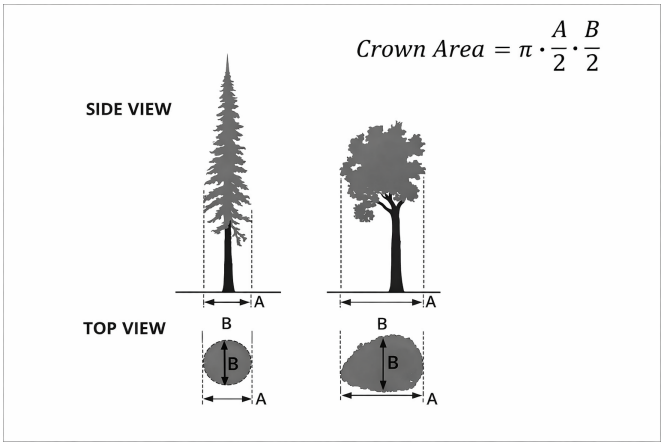
iv. Credit for street tree canopy is only for the portion directly over the development site for existing trees or for planted trees, the tree canopy portion that is anticipated to cover the parcel in twenty (20) years;

v. Overlap of tree canopy between two (2) or more trees shall not receive additional credit;

vi. The City will maintain a list of mature tree canopy coverage areas for trees approved for meeting tree planting requirements. Other trees and their associated canopy areas may be approved subject to review and approval by the City.

d.

**FIGURE 20.450.035-2. MEASURING CANOPY AREA OF EXISTING TREES**




e. When projects cannot achieve the minimum tree canopy coverage percentage, then the applicant shall pay a tree canopy fee based on the square footage of tree canopy below the minimum requirements into the City's Tree Account. The tree canopy fee shall be required according to the 20.190 Fees VMC

8. *Cool Site Surfaces*. Unless exempted, at least fifty (50%) percent of the development site area outside of building footprints shall consist of cool surfaces. Cool surfaces shall be highly reflective, highly permeable, vegetated, shaded, or a mix of these features as follows:

a. Highly reflective surface: Paving materials with an initial solar reflectance of at least 0.33 or Solar Reflectance Index (SRI) of at least twenty-nine (29).

b. Highly permeable surface: Such surface shall consist of open-graded (uniform-sized) aggregate, permeable pavement, permeable pavers, or porous pavers (open-grid pavers). Permeable pavement and permeable pavers shall have a percolation rate of not less than 2 gal./min per square foot.

c. Vegetated surfaces: Includes vegetated landscape areas or use of plants that provide foliage or tree canopy cover over impervious surfaces on the site within twenty (20) years after planting. Plants must be in place prior to final building inspection or issuance of certificate of occupancy and cannot include artificial turf or other non-living plant material. The square footage of plant foliage or tree canopy over impervious surfaces is eligible for credit towards this standard. Examples for meeting this standard include vegetated landscape beds, parking lot tree canopy cover, and vegetated roofs over breezeways.

d. Shaded surfaces: Provide shade with architectural devices or structures. Area of shading shall be the same as the area of the roof surface (e.g. from a light source projected straight down). If the device or structure is a roof with a slope of less than 2:12, it shall have a three-year aged solar reflectance value of at least 0.55. If the device or structure is not a roof such as a pergola, also with a slope less than 2:12, or if aged solar reflectance information is not available, it shall have (at installation) an initial solar reflectance of at least 0.55. Structures may be covered by energy generation systems such as solar thermal collectors, photovoltaics, and wind turbines without having to meet the above reflectance values.

e. Fee in lieu of Cool Surfaces: For non-exempt sites that are unable to meet this standard, a fee based on the square footage of the site that is deficient of cool surfaces shall be required according to 20.190 Fees, VMC.

9. Street Trees

a. *Street trees required.* All development projects fronting on a primary street, side street, or a private street shall plant street trees in accordance with the below standards. Street trees may be counted toward meeting the minimum on-site tree density requirement.

b. *Street tree planting list.* Approval of any planting list shall be subject to review by the Planning Official, since certain tree species can damage utilities, streets and sidewalks.

c. *Size, and spacing and placement of street trees.* The specific spacing of street trees by size of tree shall be as follows:

i. One two (2") inch caliper tree shall be provided for every thirty (30') feet of frontage on a public or private street, provided that the Planning Official may adjust the spacing to accommodate access points or other obstructions. When space is unavailable for planting the required street trees of one for every thirty (30') feet as determined by the Planning Official, due to site constraints-not design constraints, then the applicant(s) shall pay the estimated cost of the current market value of the street trees, including installation and maintenance costs, into the City's Tree Account established for purchase, installation, and maintenance of such trees;

ii. The species selection and spacing of trees to be planted shall be such that it provides for the eventual mature size of the trees. Soil type, soil conditions and other site constraints shall be considered when selection species for planting;

iii. No new utility pole location shall be established closer than five (5') feet to any existing street tree;

iv. Tree pits shall be located so as not to include utilities (e.g., water and gas meters) in the tree well;

v. On-premises utilities (e.g., water and gas meters) shall not be installed within existing tree well areas;

vi. Street trees shall not be planted closer than twenty (20') feet to light standards;

vii. New light standards shall not be positioned closer than twenty (20') feet to existing street trees except when public safety dictates, then they may be positioned no closer than ten (10) feet;

viii. Where there are overhead power lines, the street tree species selected shall be of a type which, at full maturity, will not interfere with the lines.

ix. Trees shall not be planted closer than two (2') feet from the back of the curb; and

x. Trees shall not be planted closer than two (2') feet from any permanent hard surface paving or walkway:

(A). Space between the tree and the hard surface may be covered by a nonpermanent hard surface such as bricks on sand, paved blocks and cobblestones; and

(B). Sidewalk cuts in concrete for tree planting shall be at least four (4') feet x six (6') feet or six (6') feet x nine (9') feet, or larger depending on the space constraints and the mature size of the tree, to allow for air and water into the root area.

d. *Cut and fill around existing trees.* Existing non-exempt trees may be used as street trees if no cutting or filling takes place within the critical root zone of the tree unless an adjustment is approved by the Planning Official by means of a Type I procedure, per Chapter 20.210 VMC, Decision-Making Procedures.

e. *Replacement of street trees.* Existing street trees removed by development projects or other construction shall be replaced by the developer with those types of trees approved by the Planning Official. The replacement trees shall be of a size and species similar to the trees that are being removed unless lesser-sized alternatives are approved by the Planning Official.

10. Re-vegetation.

a. *When revegetation is required.* Where natural vegetation has been removed through grading in areas not affected by the landscaping requirements and that are not to be occupied by structures, such areas are to be replanted as set forth in this Section to prevent erosion after construction activities are completed.

b. *Preparation for re-vegetation.* Topsoil removed from the surface in preparation for grading and construction is to be stored on or near the sites and protected from erosion while grading operations are underway.

i. Such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved; and

ii. After completion of such grading, the topsoil is to be restored to exposed cut and fill embankments or building pads and amended with compost to provide a suitable base for seeding and planting.

c. Methods of revegetation.

i. Acceptable methods of re-vegetation include replanting with native trees, shrubs, and groundcover and hydro-mulching or the planting of rye grass, barley, or other seed with equivalent germination rates;

(A). The use of native trees, shrubs and groundcovers plant materials is encouraged to reduce irrigation and maintenance demands;

(B). The use of lawn and turf should be minimal. Where lawn or turf grass is to be established, lawn grass seed or other appropriate landscape cover is to be sown at not less than four (4 lbs) pounds to each one thousand (1,000 SF) square feet of land area;

(C). Other revegetation methods offering equivalent protection may be approved by the Planning Official;

(D). Plant materials are to be watered at intervals sufficient to ensure survival and growth; and

(E). Employ other erosion control techniques as required in Chapter 14.24 VMC Erosion Control.

11. *Open Storage and Screening of Service Facilities*. Buffering and screening of service facilities, solid waste receptacles, and open storage shall be required as follows:

a. *Screening of service facilities*. Except for Single-Family, Townhouse/Rowhouse, Stacked Multi-plex, Flex-Plex, and Cottage Court Building Types (Chapter 20.420 VMC), with six (6) dwelling units or less, Any ground-level service facilities such as gas meters, electrical boxes, and air conditioners which would be visible from a public street, parking area, or any other property located in the Low-Scale or Medium-Scale zoning districts, shall be screened from view by placement of a solid wood fence, chain link fence with slats, evergreen hedge or masonry wall.

b. *Open Storage*. Open storage, or storage not wholly within an enclosed building, shall meet the following requirements of Table 20.450.035-6:

**TABLE 20.450.035-6. OPEN STORAGE STANDARDS**

| Zoning District | Open Storage Requirement |
|---|---|
| Low Scale Neighborhood (LS) and Manufactured Home Park (MH). | Not allowed. |

| | |
|---|---|
| Medium Scale Neighborhood (MS). | Storage no higher than five (5') feet, screened by site-obscuring fence or evergreen hedge six (6') feet in height. |
| Mixed Use Neighborhood (MX) and Regional Activity Center (RA). | Not allowed. |
| Institutional Campus (IC) and Industrial Employment (IE). | Storage no higher than five (5') feet, screened on all sides by a site-obscuring fence or evergreen hedge six feet (6') in height. |
| Heavy Industrial (HI). | Open storage facing a primary street or side street shall be screened. |
| Open Space (PO) and Natural Areas (NA). | Not allowed except for agricultural implements. |

12. Heritage Trees.

    a. Heritage tree inventory.

        i. The city shall develop a Heritage Tree Inventory that shall satisfy the criteria of this section. The initial inventory shall be the responsibility of the Urban Forestry Commission as established under Chapter 12.02 VMC and shall be updated annually by the Commission. The City Council, Planning Commission, Urban Forestry Commission, neighborhood association, property owner, or any person may recommend to the city that a tree be designated a heritage tree.

        ii. The heritage tree designation may be applied to a tree or grove of trees.

iii. The Urban Forestry Commission shall process additions or changes to the inventory by means of a Type III process as set forth in Section 20.210.060 VMC. In addition to other required notice, the city shall notify each property owner by certified or registered mail when a tree on the owner's property has been proposed for designation to the Heritage Tree Inventory. The notice and a response form shall be mailed at least thirty (30) calendar days prior to the public hearing. If the owner of the property objects to such designation in writing to the Urban Forestry Commission prior to the public hearing or at the public hearing, the designation procedure shall not proceed.

iv. After the commission completes its hearing, it shall add the designated tree(s) to the Heritage Tree Inventory if it meets the criteria found in subsection 2 below. Decisions of the Urban Forestry Commission may be appealed by any aggrieved party as set forth in Section 20.210.130 VMC.

b. *Criteria*. For any individual tree or grove of trees to be listed as a heritage tree(s), it must be in an apparently healthy growing condition and one (1) or more of the following exist:

i. The tree has a DBH of thirty-six (36") inches or greater;

ii. The tree is included in the City of Vancouver Heritage Tree Inventory as established by the Urban Forestry Commission based on one (1) or more of the following criteria:

(A). The tree has a distinctive size, shape, or location, or is of a distinctive species or age which warrants a Heritage Tree status; or

(B). The tree possesses exceptional beauty which warrants a Heritage Tree status; or

(C). The tree is distinctive due to a functional or aesthetic relationship to a natural resource, such as trees located along stream banks or trees located along ridge lines; or

(D). The tree has a documented association with a historical figure, property, or significant historical event.

c. A grove may be considered for Heritage Grove Status if it is in a healthy growing condition and one or more of the following criteria:

i. The grove is relatively mature and is of a rare or unusual nature containing trees that are distinctive either due to size, shape, species or age; or

ii. The grove is distinctive due to a functional or aesthetic relationship to a natural resource, such as trees located along stream banks, or trees located along ridge lines; or

iii. The grove has documented association with a historical figure, property, or significant historical event.

d. Heritage tree development review.

i. When development is proposed for property which contains a heritage tree, and the Planning Official determines that the proposed development may affect a heritage tree, the property owner must have a tree preservation plan prepared by a qualified arborist demonstrating how the heritage tree will be protected and preserved. A heritage tree shall be preserved unless the Urban Forestry Commission determines that the tree may be removed based on the criteria for heritage tree removal found in Subsection 5 below.

ii. A tree preservation plan shall be composed of the following:

(A). A site plan indicating the location of heritage trees.

(B). The methods to be used to preserve the heritage trees.

(C). If a heritage tree is proposed for removal, a narrative statement outlining the reasons why the heritage tree should be removed from the inventory.

(D). A mitigation plan indicating the replacement of trees or additional new trees to be placed on the site. The mitigation plan should demonstrate, to the extent possible, that the character of the site will not substantially change as the result of development.

iii. Site design adjustments may be allowed in some cases, as follows:

(A). The Planning Official may grant a variance to front, side, and/or rear yard setback standards by up to twenty (20%) percent to retain a heritage tree(s). The adjustment shall be the minimum necessary to accomplish preservation of trees on site and shall not conflict with the City Adopted Building Code or other adopted ordinances or conditions placed on the property.

(B). The Planning Official may grant a ten percent (10%) percent variance to the identified Building Type's lot dimensions and coverage, and building placement and buildout in approving a short plat or other land division if necessary to retain heritage trees. The Planning Official may accept a preliminary plat application and recommend approval to the hearing body of a plat that provides for similar variance to lot dimensions and coverage standards if necessary to retain heritage trees.

e. Removal of a heritage tree.

i. Except as provided herein, no person may cut or remove a heritage tree without obtaining approval from the Urban Forestry Commission. The tree removal permit shall be approved if one of the criteria is satisfied:

(A). Retention of the tree would make reasonable use of the property allowed under the current zoning impractical or impossible in that the development would not be allowed to meet the minimum density allowed by the applicable zoning.

(B). The removal is necessary to accommodate a new improvement, structure or remodeled structure, and no alternative exists for relocation of the improvement on the site, or that variances to setback provisions of this Title will not allow the tree to be saved or will cause other undesirable circumstances on the site or adjacent properties.

(C). The tree is hazardous, diseased or storm damaged and poses a threat to the health, safety or welfare of the public.

(D). The tree has lost its importance as a heritage tree due to damage from natural or accidental causes, or is no longer of historic or natural significance.

(E). The tree needs to be removed to accomplish a public purpose and no practical alternative exists.

ii. The limb structure, or crown, of a heritage tree may be pruned in any one-year period without obtaining approval from the Urban Forestry Commission, provided that at least eighty (80%) percent of the existing tree crown remains undisturbed.

iii. Any person who wishes to prune a heritage tree in excess of twenty (20%) percent of the existing crown shall obtain approval from the Urban Forestry Commission subject to the following conditions:

(A). The protected tree shall be pruned following acceptable arboricultural standards.

(B). The tree shall be pruned in a manner that ensures safety to public and private property and shall be done by a qualified arborist.

13. *Nuisance Trees.* A nuisance tree shall meet the following criteria:

a. Tree is causing obvious, physical damage to private or public property, including but not limited to: sidewalk, curb, road, parking lot, building foundation, or roof unless it can be corrected by reasonable practices, including but not limited to those described in subsection 3;

b. Tree has been damaged by past maintenance practices, that cannot be corrected with proper arboricultural practices; or

c. The problems associated with the tree must be such that they cannot be corrected by any other reasonable practice. Including but not limited to the following:

i. Pruning of the crown or roots of the tree and/or, structural changes to a building, parking lot, sidewalk or other site modifications such as correcting hardscape damage to alleviate the problem.

ii. Pruning, bracing, cabling, to reconstruct a healthy crown.

iii. Maintenance such as but not limited to gutters, roof and landscape maintenance.

14. *Hazard Tree Criteria.* A hazard tree must meet the following criteria as determined by a Certified Arborist that is tree risk assessment qualified:

a. The tree must have high or extreme overall risk rating over the next five years timeframe according to a tree risk assessment using International Society of Arboriculture standards; and

b. The risk cannot be reduced to a low or moderate overall risk rating with reasonable and proper arboricultural practices or target protection, removal or relocation.

15. *Undeveloped properties, conversion option harvest.* For properties proposing a conversion option harvest, the following standards shall apply:
    a. Trees to remain should be dominant or co-dominant in the stand, healthy and wind-firm.
    b. Trees to remain should be located on the site in areas that would most likely facilitate their preservation through the build-out of the site.
    c. Up to thirty (30%) percent of the number or volume of trees, by species, can be removed every ten (10) years.
    d. No removal of trees from designated sensitive areas, unless otherwise outlined by this title.
    e. No removal of designated heritage trees.
    f. No removal of trees that would cause trees on adjacent properties to become hazardous.
    g. Logging operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be retained where feasible. Where not feasible, appropriate erosion control practices shall be implemented pursuant to Chapter 14.24 VMC, Erosion Control.
    h. Slash abatement practices shall be implemented pursuant to Vancouver Fire Department standards.
    i. Stocking levels are acceptable if a minimum of two-hundred (200) tree units per acre of well distributed, vigorous, undamaged trees are established on the site. This requirement includes both existing and newly planted trees.
    j. Species chosen for planting shall be suited to the constraints of the site including, but not limited to: soils, available moisture, topography, light conditions, existing and potential disease.
    k. Trees shall be planted during the next planting season (October-March) after the harvesting operation is finished.
16. Water Conservation Standards.

a. *Applicability*. In order to ensure efficient water use in landscaped areas, the following standards shall be applied to all landscaping associated with Building Types that contain Active Retail Uses, Civic / Institutional Uses, Industrial, Office Uses, Open Space Uses, Passive Retail Uses, and Residential Uses with more than six (6) dwelling units and/or commonly-owned or maintained areas.

b. Plant selection and use limitation.

   i. Minimize the amount of irrigated turf.

   ii. Turf, high-water-use plantings (e.g. annuals, container plants) and water features (e.g. fountains, pools) shall be considered high-water-uses and shall be limited to not more than twenty-five (25%) percent of the projects landscaped area.

   iii. Plants selected in all areas not identified for turf or high-water-use plantings shall include native vegetation or be well-suited to the climate, soils, and topographic conditions of the site, and shall be low water use plants once established.

   iv. Plants having similar water use shall be grouped together in distinct hydrozones and shall be irrigated with separate irrigation circuits.

   v. No turf or high-water-use plants shall be allowed on slopes. Slopes shall be revegetated with native trees, shrubs, and groundcover.

   vi. No turf or high-water-use plants shall be allowed in areas eight (8) feet wide or less except public right-of-way planter strips.

   vii. No turf shall be installed within Tree, Vegetation, and Soil Protection Areas.

   viii. Landscaped areas shall consist of at least seventy-five (75%) percent of vegetative cover.

c. Water efficient landscape (xeriscape) standards.

   i. As an alternative to traditional landscaping, the City encourages the use of xeriscape practices, which minimize the need for watering or irrigation. Xeriscape principles can be summarized as follows:

      (A). Using plants with low moisture requirements;

      (B). Selecting plants for specific site microclimates that vary according to slope, aspect, soil, and exposure to sun and moisture;

(C). Using native, noninvasive, adapted plant species;

(D). Minimizing the amount of irrigated turf;

(E). Planting and designing slopes to minimize storm water runoff;

(F). Use of separate irrigation zones adjusted to plant water requirements and use of drip or trickle irrigation systems.

(G). Using mulch in planted areas to control weeds, cool the soil and reduce evaporation; and

(H). Emphasizing soil improvement, such as deep tilling, adding organic matter and other amendments based on soil tests.

ii. *Appropriate plant species*. Trees and plants used in xeriscape plantings pursuant to this Section shall:

(A). Be appropriate for the ecological setting in which they are to be planted;

(B). Have noninvasive growth habits;

(C). Encourage low maintenance and sustainable landscape design

(D). Be commercially available;

(E). Not be plant material that was collected in the wild; and

(F). Be consistent with the purpose and intent of this Section.

iii. *Native vegetation*. Within xeriscape areas, a minimum of fifty (50%) percent native plants shall be used.

iv. *Prohibited species*. The City shall maintain a list of prohibited species, which are invasive or noxious. Where such species already exist, their removal shall be a condition of development approval.

v. Additional planting standards.

(A). For xeriscape areas, soil samples shall be analyzed to determine what soil conditioning or soil amendments should be used at the time of planting. Soil conditioning measures shall be adequate for the plant species selected.

(B). Trees, shrubs, perennials, perennial grasses and groundcovers shall be located and spaced to accommodate their mature size on the site.

vi. *Plant replacement*. The developer shall maintain xeriscape plantings for a two (2) year period from the date of planting. Within the two (2) year period, the developer shall replace or otherwise guarantee any failed plantings:

(A). Dead or dying trees or shrubs shall be replaced; and

(B). Plantings of perennials, perennial grasses or groundcovers shall be replanted to maintain a maximum twenty (20%) percent mortality rate from the date of planting.

d. *Stormwater*. Applicants are encouraged to incorporate landscaping into the on-site stormwater treatment system where determined to be appropriate.

D. Landscape and Tree, Vegetation and Soil Plan Requirements

All non-exempt development applications shall submit landscape, tree, and soil preservation and planting plans for approval with the associated land use application. Such plans may be prepared separately or combined provided it is legible.

1. Landscape Plan Requirements.

a. *General*. Any development, except individual lots for Building Types containing up to six (6) dwelling units, requiring landscape installation shall require the submission of a landscape development plan. The landscape development plan shall become part of the Site Plan required elsewhere in this Title for the purposes of review, approval, and compliance for any land use development permit, building permit and/or certificate of occupancy.

b. *Information Required*. Landscape plans shall contain the following information:

i. North arrow, scale, date, title, and name of owner;

ii. Accurate site plan (at a scale of 1" = 20' or larger, or as appropriate for the scale of development) showing the location of property lines and their dimensions;

iii. Existing and proposed water courses, drainage features, streets, sidewalks, utility lines and easements, and other public or semi-public improvements within or adjacent to the site;

iv. Delineation of existing residential structures, if any, on adjacent properties;

v. All existing plant material to be removed or retained and delineation and specification of protection methods for plant materials to be retained;

vi. Existing and proposed elevations at sufficient locations of the site to show drainage patterns;

vii. Contour lines when the slope exceeds six (6%) percent;

viii. Existing and proposed buildings and other structures, paved areas, curbs, walks, light standards, signs, fences and screen walls, and other permanent features to be added and/or retained on the site;

ix. Calculation of total site area, setback areas, required buffer areas, paved vehicular use areas, required proportional landscape areas, and required plant quantities and types;

x. Location, type, and quantity of any soil amendments;

xi. The location, approximate mature size, and type of all plant materials graphically depicted on the plan;

xii. Complete description of plant materials shown on the plan, including common and botanical names, quantities, spacing, container or caliper size at installation, and mature height and spread;

xiii. Irrigation plans showing location and type of all outlets (spray, bubbler, drip, etc.); location and size of water meter or other connection; location, type, and installation details of backflow prevention device; and delineation of each watering zone or circuit; and

xiv. Landscape areas where xeriscape principles are to be applied shall be clearly delineated in the plan submittal; and native and nonnative species plants should be clearly distinguished;

xv. Calculations demonstrating conformance with applicable parking lot soil and tree canopy standards (20.450.035.C.5.b. and 20.450.035.C.7.), site tree density standards (20.450.035.C.6), site tree canopy standards(20.450.006.030.C), cool site surfaces standards (20.450.035.C.8), and street tree standards (20.450.035.C.9).

2. *Tree, Vegetation, and Soil Plan Requirements.* The basic components of a tree, vegetation, and soil plan are a site plan with existing vegetation and proposed site activity, indication of the trees to be retained and removed based on the activity, location of trees for mitigation if required, and a description of protection during construction of trees, native vegetation, and healthy soils to be preserved. The health condition of each tree shall be assessed using the following categories: 1. Good (no significant health issues); 2. Fair (moderate health issues but likely viable for the foreseeable future); 3. Poor (significant health issues and likely in decline); and 4. Very poor or dead (in severe decline or dead). The scale of the project and the size and quantity of trees proposed for removal, preservation, and planting will determine which level of tree, vegetation, and soil plan is required. Table 20.450.035-7 lists activities or projects and the level of tree, vegetation, and soil plan typically required.

**TABLE 20.450.035-7. LEVEL TREE PLAN REQUIRED FOR PROJECTS OR ACTIVITIES**

| | Project or Activity | Level |
|---|---|---|
| 1. | Proposed short plat, residential projects with 1-6 units, and existing projects with 1-6 units proposing site disturbance | I |
| 2. | Proposed Active Retail Uses, Industrial Uses, Office Uses, Passive Retail Uses, and Residential Uses with over six (6) dwelling units, parks, conditional uses, proposing a building addition or other site disturbance. | II |
| 3. | Nuisance or hazard tree removal permit. | III |
| 4. | Proposed subdivisions with Building Types having Residential Units, planned developments, Building Types with Active Retail Uses, Industrial Uses, Office Uses, Passive Retail Uses, and Residential Uses with over six (6) dwelling units, parks, and conditional uses with no impact on trees. | IV |
| 5. | Proposed subdivisions with Building Types having Residential Units, planned developments, Building Types with Active Retail Uses, Industrial Uses, Office Uses, Passive Retail Uses, and Residential Uses with over six (6) dwelling units, parks, and conditional uses in which trees are removed or will be impacted. | V |
| 6. | Conversion option harvest permit. | VI |
| 7. | Undeveloped parcels. | VII |

a. *Level I Tree, Vegetation, and Soil Plan.* A Level I tree, vegetation, and soil plan is required for proposed Building Types with one (1) dwelling unit, short plats, Building Types with two (2) to six (6) dwelling units, or applicable Building Types with one (1) dwelling unit and Building Types with two (2) to six (6) units proposing site disturbance. The plan must be developed with the assistance of a qualified professional, such as a Certified Arborist. A Level I tree vegetation, and soil plan shall include the following components:

i. *Site plan.* The site plan shall show the footprint of the Building Types, house(s), driveway(s), streets and any other improvements and grading, and the health condition, size (DBH), species and location of trees to be removed and retained.

ii. *Tree, vegetation, and soil protection.* If existing trees are to be retained and their critical root zone is within construction or disturbance areas, a tree, vegetation, and soil protection plan must be submitted.

iii. *Tree planting plan.* The plan showing species of trees proposed for planting shall include location, size, and number of trees.

iv. *Tree density, Minimum Tree Canopy Coverage, and Mitigation Costs.* Plan shall include: area of site for tree density, tree density calculation for the existing trees to be preserved, trees to be removed, mitigation cost calculations, tree density calculation for trees proposed for planting, and minimum tree canopy percentage calculations.

b. *Level II Tree, Vegetation, and Soil Plan.* A Level II tree, vegetation, and soil plan is required for existing buildings with Active Retail Uses, Industrial Uses, Office Uses, Passive Retail Uses, and Residential Uses with more than six (6) dwelling units, parks, conditional use sites proposing an addition or site disturbance. It can be developed by the applicant but may require the assistance of a qualified professional. A Level II tree, vegetation, and soil plan shall include the following components:

i. *Site plan.* The site plan shall show the existing conditions and any new additions or site disturbances, and the health condition, size (DBH), species, and location of trees to be removed and retained as typically required for site plan review.

ii. *Tree, vegetation, and soil protection.* If the proposed changes to the site will be within the critical root zone of any existing tree on site a tree, vegetation, and soil protection plan will be required. This plan shall be included on the grading plan, and shall include the following information:

(A). Locations of existing tree(s) potentially impacted by the proposed site changes.

(B). Assessment of the potential damage to the tree(s) by a qualified professional.

(C). Any required measures to ensure protection of trees, vegetation, and soil to be preserved.

iii. *Tree planting plan.* The planting plan shall include the following information:

(A). Location, size, species, and numbers of trees to be planted.

(B). Narrative description and detail showing any site preparation, installation and maintenance measures, necessary for the long-term survival and health of the trees.

(C). Timeline for site preparation, installation and maintenance of plant materials.

(D). Cost estimate for the purchase, installation and three-year maintenance of trees.

iv. *Tree density, Minimum Tree Canopy Coverage and Mitigation Costs.* Plan shall include area of site for tree density, tree density calculation for the existing trees to be preserved, trees to be removed, mitigation cost calculations, tree density calculation for trees proposed for planting, and minimum tree canopy percentage calculations.

c. *Level III Tree, Vegetation, and Soil Plan.* A Level III tree, vegetation, and soil plan is required for the removal of any nuisance tree or for determination of a hazard tree. The plan must be developed with the assistance of a Certified Arborist. See VMC 20.450.035.C.13 for nuisance and VMC 20.450.035.C.14 for hazard tree removal criteria. A Level III tree, vegetation, and soil plan shall include the following components:

i. *Site plan.* The site plan shall show the approximate location of the tree(s), buildings, and any other pertinent site improvements.

ii. *Arborist Report or Narrative report.* An Arborist report or narrative shall include:

(A). The species, size (DBH), location and overall health and structure of the tree(s) in question.

(B). Description of the problems associated with the tree including, how the tree meets the nuisance or hazard tree removal criteria, which may include tree risk assessment, past history of problem, methods attempted to alleviate the problems and recommendations.

iii. *Tree replacement plan*. Location and species of tree(s) proposed for replacement planting. The replacement would be one tree unit per tree removed. Replacement trees shall be of similar genetic potential unless determined by the Planning Official. The plan shall include a timeline for installation of the required trees, and a cost estimate for the purchase, installation and three (3) year maintenance of the trees

d. *Level IV Tree, Vegetation, and Soil Plan*. A Level IV tree, vegetation, and soil plan is required for proposed subdivisions with Residential Uses, Active Retail Uses, Industrial Uses, Office Uses, Passive Retail Uses, and Residential Uses with more than six (6) dwelling units, parks, and sites that do not have any existing trees or where existing trees will not be impacted nor pose a hazard to the proposed project. The plan must be developed with the assistance of a qualified professional such as a Registered Landscape Architect or Certified Arborist. A Level IV tree, vegetation, and soil plan shall include the following components:

i. *Site plan*. The site plan shall have the following information:

(A). Approximate locations of any existing trees on site.

(B). Species, size (DBH) and health condition of trees to be retained.

ii. *Planting plan*. The planting plan shall include the following information:

(A). Location, size, species and numbers of trees to be planted.

(B). Narrative description and detail showing any site preparation, installation and maintenance measures, necessary for the long-term survival and health of the trees.

(C). Timeline for site preparation, installation and maintenance of trees.

(D). Cost estimate for the purchase, installation and three years' maintenance of trees.

iii. *Tree density and minimum tree canopy coverage*. Calculations on the landscape or tree plan shall include: area of site for tree density, tree density calculation for the existing trees to be preserved, and tree density calculation for trees proposed for planting and minimum tree canopy percentage calculations.

e. *Level V Tree, Vegetation, and Soil Plan.* A Level V tree, vegetation, and soil plan is required for proposed residential subdivisions, commercial, industrial, multifamily (7 units or more), parks, conditional use sites in which existing trees are proposed for removal, could be damaged by construction activities, and/or could become hazardous. The plan must be developed with the assistance of a qualified professional, such as a Certified Arborist. The plan shall include the following information:

i. *Site plan.* Drawn to scale on the site plan shall be a map delineating vegetation types. Each type shall include the following information:

(A). Average number of trees and basal area per acre, by species and two-inch diameter class for significantly wooded areas, which all or a portion of the stand is to be retained. For nonforested areas with individual trees, provide an inventory including size (DBH), species and health condition of each tree and a general description of the vegetation present.

(B). Narrative description of the potential for tree preservation for each vegetation type, and for individual trees that are or will be standalone. This report shall include soils, wind throw potential, insect and disease problems, and approximate distance to existing and proposed targets.

(C). Description of any off-site tree or trees which could be adversely affected by the proposed activity, and the proposed mitigation for such impact.

ii. *Tree, vegetation, and soil protection plan.* Drawn to scale on the grading and erosion control plans the tree, vegetation, and soil protection plan shall be made for trees to be preserved. It shall include the following information:

(A). Surveyed locations, conducted by a surveyor licensed by the state of Washington, of perimeters of groves of trees or tree tracts and individual trees to be preserved outside of groves or tree tracts, adjacent to the proposed limits of construction. General locations of trees proposed for removal. The critical root zones of trees to be preserved shall be shown on the plan.

(B). Limits of construction and existing and proposed grade changes on site.

(C). Narrative description, graphic detail of tree, vegetation, and soil protection, and tree maintenance measures required for the preservation of existing trees to be preserved.

(D). Timeline for clearing, grading and installation of tree, vegetation, and soil protection measures.

iii. *Tree planting plan.* The planting plan shall include the following information:

(A). Location, size, species and numbers of trees to be planted.

(B). Narrative description and detail showing any site preparation, installation and maintenance measures, necessary for the long-term survival and health of the trees.

(C). Timeline for site preparation, installation and maintenance of trees.

(D). Cost estimate for the purchase, installation and three years' maintenance of trees.

iv. *Tree Density, Minimum Tree Canopy Coverage, and Mitigation Costs.* The following information shall be included on the landscape or tree plan: area of site for tree density, tree density calculation for the existing trees proposed for preservation, trees to be removed, mitigation costs calculations, and tree density calculation for trees proposed for planting and minimum tree canopy coverage calculations.

f. *Level VI Tree, Vegetation, and Site Plan.* A Level VI tree, vegetation, and soil plan is required for a conversion option harvest permit. The plan shall be developed by a qualified professional. A Level VI tree, vegetation, and soil plan shall include the following components:

i. *Forest inventory.* The professional tree inventory shall include:

(A). A statistically accurate inventory and a stand stocking table showing the number of trees per acre, basal area per acre, and volume per acre by species and six (6") inch diameter class.

(B). A map showing the locations of existing vegetation types delineated by forest type.

(C). A map showing the location and a description of trees growing on adjacent property which may be jeopardized by the proposed activity.

(D). A map showing any sensitive areas and the required sensitive area buffers, as defined in Section 20.720 VMC, Critical Areas and 20.730 VMC, Shoreline Management, and in the Shoreline Management Master Program.

(E). A map showing the location and a description of any heritage trees as defined in herein.

ii. *Harvest plan.* The harvest plan shall include:

(A). A description of the harvesting method.

(B). A map showing the locations of trees proposed for removal, skid roads and landings.

(C). A stand stocking table showing the volume, number, basal area, and species of trees proposed for removal.

(D). Slash abatement plan, pursuant to Vancouver fire department standards.

(E). An erosion control plan, pursuant to Chapter 14.24 VMC, Erosion Control.

iii. *Reforestation/tree planting plan.* The reforestation plan shall include:

(A). Location, size, species and numbers of trees to be planted.

(B). Narrative description and detail showing site preparation, installation and maintenance measures necessary for the long-term survival and health of the trees.

(C). Timeline for site preparation, installation and maintenance of trees.

(D). Cost estimate for the purchase, installation and three years' maintenance of trees.

iv. *Tree density.* The following information shall be included: area of site for tree density, tree density calculation for the existing trees proposed for retention, tree density calculation for trees proposed for planting.

g. *Level VII Tree, Vegetation, and Soil Plan.* A Level VII tree, vegetation, and soil plan is required for tree removal above the six-trees-per-acre limit on undeveloped properties. It can be developed by the applicant but may require the assistance of a qualified professional. A Level VII tree, vegetation, and soil plan shall include the following information:

i. *Site plan*. The site plan shall show the approximate location of the tree(s), buildings, and any other pertinent site improvements. It shall also list species, size (DBH) and health condition of the tree.

ii. *Narrative report*. The report shall include the following:

(A). The species, size (DBH), and health condition of the tree(s) in question.

(B). Description of the reason for removal with short-term and long-term goals.

iii. *Planting plan*. Location and species of trees proposed for replacement planting. This shall include a timeline for installation of the required trees, and a cost estimate for the purchase, installation and three (3) years' maintenance of the trees.

iv. *Tree density, Minimum Tree Canopy Coverage, and Mitigation Costs*. Tree density calculations on the site plan shall include the density of the trees proposed for removal, mitigation cost calculations, tree density calculations for trees proposed for planting, and tree canopy percentage calculations.

E. Standalone Tree Removal Permit Review Procedure.

1. Timeline and action. Tree permit applications submitted separate from a development application shall be processed as a Type I action within the timelines and procedures established by Section 20.210.040 VMC except that a notice of applications shall be posted on the site as required by subsection 20.450.035(E).

2. Public Notice. For tree permit applications and plans submitted separate from a development application, a notice of application shall be posted on the site within seven (7) calendar days after the application is accepted as fully complete. The notice shall be posted in a place on the property that is clearly visible to passersby. The notice of application shall contain the name of the applicant, a description of the tree removal proposal, the case number assigned by the City of Vancouver, and the name and phone number of the city staff person assigned to review the application. The notice shall remain on the site for a period of fourteen (14) calendar days.

3. *Permit Duration*. A permit issued under this Chapter shall be valid for one hundred and eighty (180) days or the duration of the associated development permit or approval. The Planning Official may authorize a one hundred and eighty (180) day extension.

4. *Permit Amendments*. The permittee may request an amendment to an approved permit. In addition, the Urban Forester may require minor project changes to protect drainage-ways, sensitive areas, floodplains and wellhead protection areas, and adjoining property and structures from damage or to alleviate hazardous conditions as they relate to the trees.

F. Tree, Vegetation, and Soil Protection During Construction.

*During construction*. Prior to initiating tree removal on the site, soils, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities pursuant to the following standards.

1. Placing Materials Near Trees.
   a. No person may conduct any activity within the protected area of any tree designated to remain, including, but not limited to, parking equipment, placing solvents, storing building material and soil deposits, dumping concrete washout and locating burn holes.
   b. During construction, no person shall attach any object to any tree designated for protection.
2. *Protective Barrier*. Before development, land clearing, filling or any land alteration for which a Tree Removal Permit is required, the applicant:
   a. Shall erect and maintain readily visible protective tree fencing along the outer edge and completely surrounding the protected area of all protected trees or groups of trees that are to remain undisturbed. Fences shall be constructed of chain link and at least four feet high, unless other type of fencing is authorized by the Planning Official.
   b. Shall prohibit excavation or compaction of earth or other potentially damaging activities within the barriers.
   c. Shall maintain the protective barriers in place until the Planning Official authorizes their removal or a final certificate of occupancy is issued, whichever occurs first
   d. Shall ensure that any landscaping done in the protected zone subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor. No turf or lawn areas are to be installed within protected area.
   e. In addition to the above, the Planning Official may require the following:

i. Cover with mulch to a depth of at least six (6") inches or with plywood or similar material the areas adjoining the critical root zone of a tree in order to protect roots from damage caused by heavy equipment.

ii. Minimize root damage by excavating a two (2') foot deep trench, at edge of critical root zone, to cleanly sever the roots of trees to be retained.

iii. Have corrective pruning performed on protected trees in order to avoid damage from machinery or building activity.

iv. Maintain trees throughout the construction period by watering and fertilizing.

3. Grade.

a. The grade shall not be elevated or reduced within the critical root zone of trees to be preserved without the Planning Official's authorization. The Planning Official may allow coverage of up to one half of the area of the tree's critical root zone with light soils (no clay) to the minimum depth necessary to carry out grading or planting plans, if it will not imperil the survival of the tree. Aeration devices may be required to ensure the tree's survival.

b. If the grade adjacent to a preserved tree is raised such that it could slough or erode into the tree's critical root zone, it shall be permanently stabilized to prevent suffocation of the roots.

c. The applicant shall not install an impervious surface within the critical root zone of any tree to be retained without the authorization of the Planning Official. The Planning Official may require specific construction methods and/or use of aeration devices to ensure the tree's survival and to minimize the potential for root induced damage to the impervious surface.

d. To the greatest extent practical, utility trenches shall be located outside of the critical root zone of trees to be retained. The Planning Official may require that utilities be tunneled under the roots of trees to be retained if the Planning Official determines that trenching would significantly reduce the chances of the tree's survival.

e. Trees and other vegetation to be retained shall be protected from erosion and sedimentation. Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be maintained on the individual lots, where feasible. Where not feasible appropriate erosion control practices shall be implemented pursuant to VMC Chapter 14.24.

4. *Directional felling.* Directional felling of trees shall be used to avoid damage to trees designated for retention and shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be retained where feasible. Where not feasible, appropriate erosion control practices shall be implemented pursuant to VMC Chapter 14.24, Erosion Control.

5. *Additional requirements.* The Planning Official may require additional tree protection measures which are consistent with accepted best management practices.

G. Installation and Maintenance.

1. *Installation requirements.* The installation of all landscaping shall be as follows:

a. All landscaping shall be installed according to accepted planting procedures;

b. The plant materials shall be of high grade, and shall meet the quality and size standards of the American Standards for Nursery Stock (ANSI Z60 as updated); and

c. All landscaped areas, including islands and street trees shall be provided supplemental water with an automated irrigation system.

d. All landscaped areas shall be provided with a six (6") inch curb which could include curb cuts, wheel stops or other protective measure to allow for stormwater flow as part of LID.

e. Landscaped areas shall have a minimum length or width dimension of five (5') feet in order to count toward the minimum required landscaped area.

f. Soils, soil conditioning and mulching.

i. A minimum of twelve (12") inch depth of non-mechanically compacted soil shall be available for water absorption and root growth in planted areas.

ii. A minimum of a four (4”) inch layer of porous mulch shall be applied to all exposed soil surfaces of nonturf areas within the landscape area except for a three (3”) radius from the trunk of the trees. Plant types that are intolerant of mulch shall be exempt from this requirement. Non-porous material, such as plastic sheeting, shall not be placed under the mulch. However, porous landscape fabric is permitted.

iii. Areas that have been cleared, graded, or compacted and that have not been covered by impervious surface, incorporated into a drainage facility or engineered as structural fill or slope shall be amended with organic matter.

2. *Maintenance*. Unless otherwise provided by the lease agreement, the owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping and screening, which shall be maintained in good condition so as to present a healthy, neat and orderly appearance, shall be replaced or repaired as necessary, and shall be kept free from refuse and debris.

   a. Trees, vegetation, and soils are to be properly maintained in a vigorous and healthy condition, free from diseases, pests and weeds. Competing vegetation shall be controlled to the extent necessary to allow establishment, survival, and growth of planted trees. To ensure that competing vegetation is properly controlled, the Planning Official may require the use of mulch, weed control fabric, tree shelters, and/or other measures deemed necessary.

   b. Trees and groundcover vegetation which become diseased, severely damaged or which die shall be removed by the owner as soon as possible but no later than sixty (60) days after notification by the city. All trees and groundcover vegetation removed under this section shall be replaced with healthy trees and vegetation of the same size, species, and planting standards as required by the approved landscaping, tree, vegetation, and soil plan for the property unless otherwise approved by the Planning Official.

   c. Cool site features provided in accordance with 20.450.035(C)(8), including but not limited to paving, shading structures and vegetation, shall be maintained. Vegetative features shall be maintained in accordance with 20.450.035(G)(2). Non-vegetative features shall be kept clean and shall be repaired in kind if damaged or deteriorated.

3. *Maintenance as a Condition of Plat Approval*. In development with Building Types and Residential Uses that exceeds four (4) lots, soils, vegetation, mitigation trees, retained trees, and areas dedicated as tree tracts shall be properly maintained and retained unless removal is approved by the Planning Official. The tree, vegetation, and soil plan shall be a condition of plat approval and on the face of the plat.
4. Building Types with Residential Uses having more than six (6) dwelling units, or Active Retail Uses, Industrial Uses, Office Uses, Passive Retail Uses, or Conditional Uses. For all soils, vegetation, and trees covered by the landscape, tree, vegetation, and soil plan, the maintenance requirement shall apply in perpetuity to developments that are developments in excess of six (6) dwelling units, Active Retail Uses, Office Uses, Passive Retail Uses, and Industrial Uses. The applicant shall execute a covenant in a form agreeable to the city which shall require that the applicant and his successors comply with the maintenance requirement imposed by this section. The covenant shall be binding on successor property owners and owners' associations. The covenant shall be recorded by the county auditor. The recording fee shall be paid by the applicant.
5. *Conversion*. For Conversion Option Harvest sites, the minimum stocking of the site, as established in this chapter, shall be maintained. Failure to maintain minimum stocking as required constitutes a violation of this chapter. Additionally, failure to comply with the conditions established in the conversion harvest option plan may result in reinstatement of the six (6) year moratorium on development as established in Chapter 222-20 WAC.
6. *Maintenance agreement*. Each development to which the maintenance requirement for this Chapter applies and that contain protected areas shall also be subject to a maintenance agreement. The Planning Official shall require the applicant to execute a maintenance agreement with the City, in a form acceptable to the city attorney, which shall include the provisions of the maintenance requirement in this Chapter, to ensure the survival and proper care of any soils, vegetation, and trees identified in the tree, vegetation, and soil plan.
7. *Required pruning*. Pruning shall be performed on newly planted broadleaf trees pursuant to the following schedule and standards.
    a. Pruning of broadleaf trees shall be performed on newly planted deciduous trees pursuant to the following schedule and standards.

i. *Year 1*. Only dead, broken or crossing branches shall be pruned when the tree is planted.

ii. *Year 2*. Prune pursuant to national arborist organization standards following natural pruning system to remove broken branches and establish a central leader.

iii. *Year 3*. Prune pursuant to national arborist organizations standards following natural pruning system to establish proper scaffold branching, raise the crown for road, sidewalk clearance and to remove any dead, dying or crossing branches.

b. Pruning of coniferous trees shall be performed on newly planted conifer trees according to the following schedule and standards.

i. *Year 1*. Only dead and broken branches and/or double leaders shall be pruned when the tree is planted.

ii. *Year 2*. The tree shall be pruned to encourage one (1) central leader. Lower branches shall be pruned as needed to provide clearance.

iii. *Year 3*. The tree shall be pruned to encourage one (1) central leader. Lower branches shall be pruned as needed to provide clearance.

8. *Vegetation Maintenance Bond*. A Vegetation Maintenance Bond (VMB) shall be provided by the applicant to guarantee all plant/vegetation maintenance (including street trees) associated with the project are maintained in an acceptable condition through the establishment period of three (3) years.

a. The VMB is required when the estimated cost for plants and labor (purchase, site preparation, installation and maintenance) is more than one thousand dollars ($1,000) as determined by a qualified professional and shall be one hundred and twenty-five (125%) percent of the estimated costs submitted per the final landscape plan and approved by the Urban Forester.

b. The VMB shall be in a form approved by the City Attorney executed by a surety company authorized to transact business in the state of Washington.

c. For subdivisions, plantings required in common areas, the VMB shall be submitted and accepted by the City prior to final plat recording.

d. For site plans, the VMB shall be submitted and accepted by the City prior to issuance of a certificate of occupancy.

e. The City may perform yearly inspections of the project to assure the maintenance is in an acceptable condition.

i. Following final inspection, the vegetation maintenance period begins immediately and continues for a period of three years. Successful maintenance will be considered at least eighty (80%) percent survival of planted trees, eighty (80%) percent survival of all other plant materials, and replacement of one hundred (100%) percent of trees and plant materials that did not survive based on a report by a qualified professional and approved by the City.

ii. If tree and plant establishment is not successful, the bond will not be released and the three (3) year establishment period will be reset for an additional three (3) years immediately following one hundred (100%) percent replacement of unsuccessful tree and plant materials. The VMB will be released after a three (3) year period of successful maintenance based on a report by a qualified professional and approved by the City.

iii. *Violation*. Failure to maintain the trees and landscaping as required shall constitute a violation of this Chapter and, if applicable, the plat covenant.

9. *Pruning required*. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise so that:

a. It will not interfere with the maintenance or repair of any public utility;

b. It will not restrict pedestrian or vehicular access;

c. It will not constitute a traffic hazard because of reduced visibility; and

d. Trees shall be pruned to provide at least eight (8') feet of clearance above sidewalks and thirteen (13') feet above a local street, fifteen (15') feet above a collector street, and eighteen (18') feet above an arterial street roadway surfaces.

10. *Certificate of Landscaping Installation.* A certificate from a licensed landscape architect shall be provided verifying that landscaping indicated on the final landscape plan has been installed accordance to the approved plans.

11. *Certificate of Occupancy*. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the Planning Official.

12. *Care of landscaping along public rights-of-way.* Appropriate methods for the care and maintenance of street trees and landscaping materials shall be provided by the owner of the property abutting the rights-of-way, unless otherwise required for emergency conditions and the safety of the general public.

H. City Tree Account.

1. *Tree account funding sources.* All penalties and revenues received under this Chapter shall be placed into the city tree account. In addition, the following sources of funds may be placed in the city tree account:
    a. Sale of trees or wood from city property where the proceeds from such sale have not been dedicated to another purpose;
    b. Donations and grants for purposes of the fund;
    c. Sale of seedlings by the City;
    d. Civil penalties imposed under subsection 20.450.035(H) VMC or settlements in lieu of penalties. At the discretion of the city manager, costs incurred by the city to enforce this Chapter may be deducted from the civil penalties;
    e. Other monies allocated by the city council.
2. *Tree account purposes.* The City shall use the city tree account for the following purposes:
    a. Acquiring, maintaining, and preserving wooded areas within the city;
    b. Planting and maintaining trees within the city;
    c. Identification and maintenance of heritage trees;
    d. Propagation of seedling trees;
    e. Urban forestry education;
    f. Other purposes relating to trees as determined by the City Council

I. Enforcement of Violations and Penalties.

1. *General Requirements.* Enforcement shall be conducted in accordance with procedures set forth in Chapter 20.140. Special enforcement provisions related to tree conservation are set forth below. Special enforcement provisions related to tree conservation are set forth below.

2. *Authority*. It shall be the duty of the Planning Official to administer the provisions of this chapter. The Planning Official shall have authority to issue permits, impose conditions, enforce the provisions and requirements of this chapter and permits issued there under, and establish administrative procedures and guidelines, conduct inspections, and prepare the forms necessary to carry out the purposes of this Chapter.
3. Stop Work Orders/Permit Revocation.
    a. The Planning Official shall suspend work or revoke a permit, as appropriate, if the Planning Official finds that:
        i. The work is not authorized by a valid permit;
        ii. Inaccurate information was used to obtain the permit;
        iii. The permittee is not complying with the terms of the permit or approved plans;
        iv. The work is, in the Planning Official's judgment, a hazard to property or public safety, is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainage way, watercourse, sensitive areas, stormwater facility, or tree, vegetation, and soil protection area or is otherwise adversely affecting the public health, safety, or welfare;
        v. Adverse weather is causing significant problems on or off site; or
        vi. The required project surety has been expended to the point that it no longer provides assurance of the completion of the project in compliance with the terms of the permit.
    b. The Planning Official shall issue the permittee/violator a written notice specifying the nature of the violation or problem which must be remedied prior to resuming other work on the project.

4. Restoration.
    a. Violators of this chapter or of a permit issued thereunder shall be responsible for mitigation costs of unlawfully removed trees and restoring unlawfully damaged areas in conformance with a plan, approved by the Planning Official, which provides for repair of any environmental and property damage, and restoration of the site; and which results in a site condition that, to the greatest extent practical, equals the site condition that would have existed in the absence of the violation(s).
    b. Restoration costs will be based on the City appraised value of unapproved trees removed using the latest edition of Guide for Plant Appraisal (International Society of Arboriculture, Council of Tree and Landscape Appraisers). The amount of costs above the approved restoration plan will be paid into the tree account.
    c. Protected and retained trees that are removed in violation of an approved tree plan shall have the area beneath the tree drip lines maintained in an equivalent condition as before the violation in perpetuity through a deed restriction, conservation easement, or other protective instrument approved by the City.
    d. No new impervious surface, obstructions, or structures are permitted within a protected tree drip line unless approved by the City. Tree replacement planting shall be prioritized within the protected tree drip line to the maximum extent feasible to restore equivalent or greater functions and values as the removed tree(s).
5. *Prohibition of Further Approvals*. The city shall not accept, process, or approve any application for a subdivision or any other development permit or approval, or issue a certificate of occupancy for property on which a violation of this chapter has occurred until the violation is cured by restoration, a plan for mitigating has been agreed upon or other means accepted by the Planning Official and by payment of any penalty imposed for the violation.
6. Civil Penalty.

a. A person who fails to comply with the requirements of this chapter or the terms of a permit issued hereunder, who undertakes an activity regulated by this chapter without obtaining a permit, or fails to comply with a stop work order issued under this chapter shall also be subject to a civil penalty as set forth in Table 20.450.035-8. Each day that a violation of the requirements of this chapter continues shall constitute a separate violation. In addition, each unlawfully destroyed tree shall constitute a separate violation.

b. Any person who aids or abets in the violation shall be considered to have committed a violation for purposes of the civil penalty.

**TABLE 20.450.035-8. CIVIL PENALTIES FOR VIOLATIONS**

| Types of Tree, Vegetation, and Soil Conservation Ordinance Violations | Fines per Violation |
|---|---|
| Any violation of the requirement of this chapter or any violation of a permit issued hereunder. | One thousand ($1,000) dollars per violation |
| Continued illegal removal of tree(s) following stop work order or receipt of other information from city that the tree removal activity is not permitted. | One thousand ($1,000) dollars per day |
| Removal of tree(s) without applying for or obtaining a city permit or approval. | One thousand ($1,000) dollars per tree |

c. *Notice of penalty*. A civil penalty shall be imposed by a notice in writing, by certified mail with return receipt requested, or by personal service. The notice shall describe the nature and date of the violation and order the acts constituting the violation to cease and desist, and, when appropriate, require necessary corrective action within a specified time.

d. In addition to or in place of civil penalties, the City may bring injunctive, declaratory or other actions to enforce this chapter.

e. The provisions of this subsection shall apply to violations of this chapter in lieu of the provisions set forth in Section 20.140.030 VMC.

7. *Criminal Prosecution*. In addition to or in place of civil penalties, knowingly violating this chapter may be referred to the City Attorney's Office for criminal prosecution. Violations of this chapter constitute a misdemeanor, punishable by up to ninety days in jail and/or up to a one thousand ($1,000.00) dollar fine. "Knowingly" means that a person knows or acts knowingly or with knowledge when he or she is aware of a fact, circumstance or result which is described by this chapter as being a violation.

## 20.450.040 Off-Site Impacts

A. Purpose. The purpose of this chapter is to ensure that any development, redevelopment, or use of a property will have minimal adverse off-site impacts, both during and after construction. This is accomplished by ensuring that property owners comply with existing federal, state or city rules and regulations, where applicable, and, in the absence of such regulations, establishing clear and objective standards to govern the acceptable level of these impacts as measured at the property line.

B. General Provisions.

1. *Compliance with applicable state and federal regulations*. In addition to the regulations adopted in this chapter, each use, activity or operation within the City of Vancouver shall comply with the applicable federal and state regulations pertaining to noise, odor and discharge of matter into the atmosphere, or ground, sewer system, water bodies, or onto properties.

2. *Evidence of compliance*. In the case of new developments or modifications to existing developments, Planning Official may require submission of evidence demonstrating compliance with federal, state and local regulations and copies of necessary permits, and may impose conditions as necessary to ensure compliance with this chapter. In the case of existing uses, the Code Enforcement Official, upon receipt of a complaint and following an investigation into the complaint which confirms a violation, may impose conditions as necessary to ensure compliance with such regulations.

3. *Continuing obligation*. Continued compliance with this chapter, as well as federal, state and local regulations shall be the responsibility of the property owner and operator.

C. Performance Standards.

1. *Environmental Noise*. Unless otherwise exempted by WAC 173-60-050, no development or use may create noise impacts, measured at the property line of the receiving property that exceed the maximum environmental noise levels established by WAC 173-60-050 listed in Table 20.450.040-1 below. Where more than one use listed exists within a property as listed in the table below, for either the noise source or the receiving property, such as in a Mixed-Use Building Type, the more restrictive standard shall apply. Uses listed in Table 20.450.007.030-1 are provided by WAC 173-60-050 to establish maximum noise levels allowable, and as such, are interpreted to coincide with Chapter 20.430 VMC to mean: Residential uses as 20.430.040(A)(1) Residential Uses; Commercial uses as 20.430.040(A)(3) Active Retail Uses, 20.430.040(A)(2) Civic / Institutional Uses, 20.430.040(A)(4) Passive Retail Uses, and 20.430.040(A)(5) Office Uses; Industrial as 20.430.040(A)(6) Industrial Uses, and 20.430.040(A)(7) Infrastructure Uses.

**TABLE 20.450.040-1. MAXIMUM PERMISSIBLE NOISE LEVELS**

| Noise Source | Receiving Property | | |
|---|---|---|---|
| | Residential | Commercial | Industrial |
| Residential | 55 dBA[1] | 57 dBA | 60 dBA |
| Commercial | 57 | 60 | 65 |
| Industrial | 60 | 65 | 70 |

[1] Applicable to Home Occupation related activities only.

a. The above maximum noise levels shall be reduced by ten (10 dBAs) decibels between the hours of 10 p.m. and 7:00 a.m. for the receiving property. Also, at any hour of the day or night the applicable noise limitations above may be exceeded for any receiving property by no more than five (5 dBA) decibels for a total of fifteen (15) minutes in any one (1) hour period, or ten (10 dBA) decibels for a total of five (5) minutes in any one (1) hour period, or fifteen (15 dBA) decibels for a total of one and a half (1.5) minutes in any one (1) hour period.

b. Where potential noise impacts to adjacent uses from a proposed land use or development activity are identified, measures to mitigate such impacts may be imposed upon the land use or activity through the applicable review process, and may include: construction of a sound wall or fence; reorientation of buildings, parking and loading areas; and/or placement of berms and landscaping.

c. Sound walls shall meet the design standards of VMC 20.450.020 Fences and Walls.

d. Outdoor construction activity, including construction staging, shall occur no earlier than 7 a.m. and no later than 8 p.m., seven days a week.

e. Due to the negative effect excessive levels of environmental noise have upon the public health, safety and welfare, the noise standards set out in Table 20.450.007.030-1 are intended to apply to all uses in existence on the date of adoption of this ordinance and no right to maintain a use not in conformance with those standards shall exist.

2. *Off-site drainage*. No property may be graded, filled, or otherwise altered in a way that allows stormwater runoff to flow onto another property. All stormwater runoff shall be contained on-site and directed to an approved stormwater facility (such as an infiltration system) unless otherwise approved by the City, and such facility shall be maintained in proper working condition.

3. *Smoke and particulate matter*. No development or use may create air emissions that exceed the legal limits established by the Southwest Clean Air Agency (SWCAA).

4. *Light and glare*. No development or use shall create off-site glare impacts from direct or reflected light sources and shall adhere to outdoor lighting standards, per Section 20.450.070 VMC, Dark Sky Outdoor Lighting Requirements, and Title 17 VMC, Building Code. For new developments, the Planning Official may impose conditions which minimize potential off-site light and glare impacts, such as placement of light sources away from adjacent properties, requiring shields on lights, or reducing the number of lights to the minimum needed for safety and security. For existing sources of glare, the Code Enforcement Supervisor may require sources of glare to be shielded or redirected to minimize off-site glare. Due to the negative effect off-site light and glare have upon the public health, safety and welfare, the prohibition of off-site light and glare is intended to apply to all uses in existence on the date of adoption of this ordinance and no right to maintain a use creating off-site light and glare impacts shall exist.

5. *Vibration*. No development or use shall create off-site vibration impacts, discernible without instruments at the property line of the affected use.

## 20.450.045 Parking and Loading Revised

A. *Purpose*. The purpose of these standards is to provide for safe and complete connections to the transportation system, and safe on-site circulation for vehicles and active transportation including cycling, walking, and wheeling. In addition, these standards are intended to provide for adequate vehicle parking with appropriate landscaping.

B. Applicability of Provisions.

1. *General.* When land is used for motor vehicle and/or bicycle parking, the provisions of this chapter shall apply unless otherwise noted.

2. *Types of parking.* For the purposes of this chapter, there are three (3) types of parking:

   a. Accessory parking is associated with a specific development and primary use that is reserved for the use of the customers, residents, employees, students and/or visitors associated with the development.

   b. Non-Accessory Parking, is any private or public vehicle and bicycle parking, either paid or free, which is not accessory to a specific development, including public and private parking structures and lots; transit park-and-ride lots; and free-standing fleet vehicle parking lots, per the definition in Section 20.160.020 VMC. Non-accessory parking shall be subject to all of the design and development standards in this chapter.

   c. *Valet Parking.* The Planning Official may approve valet parking or stacked parking to meet a portion of the on-site parking requirement as appropriate for the use.

3. *New construction.* Prior to occupancy of a new structure within any zoning district, any off-street vehicle parking shall be provided in accordance with the design and development standards of this chapter.

4. *Availability.* The provided vehicle parking shall:

   a. Be available for the parking of operable passenger vehicles of residents, patrons and employees only;

   b. For nonresidential uses, it shall not be used for storage of vehicles or materials, or for fleet parking used in conduct of the business or use during regular business hours; and

   c. Not be rented, leased or assigned to any other person or organization, unless as part of a joint parking agreement per subsection 20.450.045(C)(2) VMC.

C. General Provisions.

1. Location of accessory vehicle parking in relation to the primary use. The location of off-street parking will be as follows:

a. Whenever possible, the required accessory parking shall be located on the same site as the primary use to which it is accessory.

b. When it is not feasible to locate all or part of the accessory parking on the same site, the following shall apply:

i. Off-street accessory parking spaces for Building Types with up to six (6) dwelling units shall be located on the same lot with the dwelling(s), unless otherwise approved as part of a planned development, per Chapter 20.260 VMC.

ii. Off-street accessory parking, when provided, for Building Types with more than six (6) dwelling units shall be located no more than six hundred (600') feet from the building that they serve.

iii. Off-street accessory parking lots, when provided, for all other uses shall be located no further than one thousand (1,000') feet from the building or use that they are required to serve, measured in a straight line from the building with the following exceptions:

(A). Open Space Uses per Chapter 20.430. VMC, where no maximum distance requirements are established.

(B). Primary uses jointly using one (1) or more parking facilities, as provided for in subsection (B) below shall be required to comply with the requirements in Subsection (2)(a-c) above.

2. *Joint parking*. By means of a Type I procedure, as governed by Section 20.210.040 VMC, owners of two (2) or more uses with legally established parking, may agree to utilize jointly the same parking and loading spaces on one (1) or more lots when the peak hours of operation of the uses do not overlap, subject to the following:

a. Satisfactory legal evidence shall be presented to the Planning Official in the form of deeds, leases or contracts to establish the joint use and be recorded with the Clark County Auditor's Office against all properties involved;

b. If a joint use arrangement is subsequently terminated, or if the uses change, the requirements of this title shall apply to each use separately.

3. *Disabled-accessible parking and access*. All parking areas and accessible routes of travel for disabled persons shall comply with the standards of the State of Washington and the City of Vancouver applicable building code.

D. General Design Standards for Surface Parking Areas, When Provided.

1. *Review Authority*. Parking lot design and drainage, when provided, shall be subject to review and approval of the City Transportation Manager.
2. *Maintenance of parking areas.* All parking lots shall be kept clean and in good repair at all times. Breaks in paved surfaces shall be repaired promptly. Broken or splintered wheel stops shall be replaced so that their function will not be impaired.
3. All signing and striping, including that for private parking lots, shall conform to the Manual of Uniform Traffic Control Devices (MUTCD). Individual spaces shall be marked with painted stripes.
4. *Location*. Parking spaces shall not be permitted in any setback except as otherwise specified in this title. For Building Types with six (6) or fewer units, vehicle, vessel, recreational vehicle trailer parking is permitted in the front build-to-line (primary street) and side setback (side street) provided it is: located on a legally established driveway; located out of sight triangles as per Section 20.450.060 VMC, Vision Clearance; does not extend into city right-of-way; and is currently licensed and registered. Parking of motor homes, trailers, recreational vehicles and boats is allowed on one side or rear setback on an impervious surface and served by a paved driveway.
5. No parking space shall be located where backing maneuvers from such a space would interfere with traffic flow to/from a public street to the parking area, generally within twenty (20') feet of a circulation aisle-way near a public street access point.
6. *Driveways*. Driveways which provide access to off-street parking or loading from public streets shall comply with the following:
    a. Driveways from the street to off-street parking or loading areas shall be designed and constructed to facilitate the flow of traffic and provide maximum safety for pedestrians. At a minimum all driveways shall meet arterial access spacing standards; on arterial roadways shared driveways and cross-access easements may be required to improve arterial efficiency and safety consistent with access management practices detailed in NCHRP Report 420.

b. Where driveways are gated, even temporarily, the driveway approach shall be designed such that vehicles approaching or leaving the gated drive can queue to enter/exit the traffic stream without blocking the sidewalk or the street traffic, and shall not impede internal site circulation. Design of gated driveways shall be subject to review and approval by the City Transportation Manager.

c. Driveways shall be improved with a permanent surface including but not limited to asphalt, concrete, brick or masonry or other material approved by the Planning Official. Applicants are encouraged to use City and Department of Ecology alternative paving Best Management Practices to enhance on-site water quality where appropriate based on anticipated use.

d. Except for Building Types with six (6) or fewer dwelling units, groups of more than two (2) parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street or other public right-of-way is necessary.

e. *Loading/unloading driveways.* If an on-site drop-off is provided, the driveway shall be designed for continuous forward flow of passenger vehicles.

7. On-site vehicle stacking for drive-through use.

a. All uses providing drive-through services as defined by this chapter shall provide a stacking lane(s) on the same site for inbound vehicles as determined by a traffic study, subject to approval by the City Transportation Manager. Table 20.450.045-1 lists recommended stacking guidelines for design purposes.

**TABLE 20.450.045-1 STACKING LANE GUIDELINES FOR USES WITH DRIVE-THROUGH WINDOWS**

| Use | Stacking Lane Guideline |
|---|---|
| Drive-in banks | Five (5) spaces per service terminal |
| Automated teller | Fifty (50') feet / service terminal machines |
| Drive-in cleaners, repair services | Fifty (50') feet |
| Drive-in restaurants | One hundred and eighty (180') feet |
| Mechanical car washes | Three (3) spaces per washing unit |
| Parking facilities | |
| Free-flow entry | One (1) space per entry driveway |
| Automated ticket dispense entry | Two (2) spaces per entry driveway |
| Manual ticket dispensing | One hundred (100') feet / entry driveway |
| Attendant parking | One hundred (100') feet |
| Vehicle fuel sales | Three (3) spaces per pump |

[1] Minimum length of one (1) space = eighteen (18') feet

b. Stacking lanes must be designed so that they do not interfere with parking and vehicle, pedestrian and bicycle circulation. Stacking lanes for the purpose of selling food must provide at least one (1) clearly marked parking space per service window for the use of vehicles waiting for an order to be filled.

c. No portion of a stacking lane shall be located in a setback except at the points of connection between the site and public or private streets.

8. *Pedestrian access, circulation and connections.* The following standards apply to Residential Uses in Building Types with more than six (6) dwelling units, Office Uses, Primary Retail Uses, Passive Retail Uses, Industrial Uses, and Civic / Institutional uses in all zoning districts:
   a. The applicant shall extend pedestrian circulation routes to sidewalks and transit stops along streets abutting the site, to pedestrian facilities that extend to the edge of the site from off-site, and to the edge of the site in the direction of existing, approved or proposed off-site pedestrian and transit facilities.
   b. Pedestrian circulation routes shall also connect structures and uses on the site, such as buildings, vehicle and bicycle parking areas, children's play areas, required outdoor areas, open spaces, plazas, resting areas and viewpoints.
   c. To the extent practicable, the pedestrian circulation system shall be designed to minimize the distance a pedestrian needs to walk between typical origins and destinations of and off the site, including transit stops, public sidewalks and building entrances. Circuitous routes generally should be avoided except for an appropriate purpose given the use or setting.
   d. Where pedestrian or bicycle routes cross access, maneuvering, parking or loading areas, the crossing must be clearly identified by using elevation changes, speed bumps, a different paving material, and other method that effectively alerts drivers, pedestrians and cyclists of the location and nature of the crossing. Striping is strongly discouraged as the only method of identification of pedestrian crossings. When striping is used, it must be continuously maintained in perpetuity in an effective manner by the property owner.
   e. Where a pedestrian or bicycle route is parallel and adjacent to an auto travel lane or parking area, the pedestrian or bicycle route must be safely separated from the auto travel lane by using a raised path, a raised curb, bollards, landscaping or other physical barrier.
   f. *Lighting.* The on-site pedestrian circulation system must be lighted to a level of one-half (0.5 FC) foot candle, except for accessible parking and associated areas which must be lighted to one (1.0) foot candle. Such lighting shall be directed in a manner to prevent glare on nearby residential areas.

g. *Pedestrian route dimensions*. In all commercial zones, the primary pedestrian connection between the main entrance and the fronting arterial shall be a minimum of eight (8') feet unobstructed width. All other pedestrian connections shall be a minimum of five (5') unobstructed width. The Planning Official may modify these standards for minor expansions of existing uses that face site-specific challenges.

h. Required pedestrian circulation routes shall be improved with an asphalt, concrete or other approved all-weather surface; provided, pedestrian circulation routes through recreational or open space areas may be improved with a material consistent with their purpose and the characteristics of their location.

i. *Connections*. The pedestrian system must be connected to site and adjacent streets and nearby transit stops. The pedestrian system must also connect public open space or parks, commercial, office and institutional developments when existing development does not preclude such connection. Development patterns must not preclude eventual site-to-site connections, even if an adjacent site is not planned for development at the time of the applicant's development. Connections between buildings and the street shall be no greater than two-hundred (200') feet apart.

9. *Parking lot landscaping*. See Section 20.450.035 VMC, Landscaping and Tree Conservation.

10. Parking lot surfacing.

a. All areas used for the parking or storage or maneuvering of any vehicle shall be improved with asphalt, concrete or other permanent surface approved by the Planning Official; The Planning Official may approve the use of City and Department of Ecology alternative paving Best Management Practices to enhance on-site water quality where determined to be appropriate based on type and frequency of anticipated use.

b. Parking areas to be used primarily for temporary staging of construction equipment and temporary parking for the facility during construction may be surfaced in gravel when authorized by the approval authority at the time the site development approval is given. The Planning Official may require the property owner to remove the gravel immediately following construction or enter into an agreement to pave the parking area: (1) within a specified period of time after its establishment; or (2) if there is a change in the types or weights of vehicles utilizing the parking area; or (3) if there is evidence of adverse effects upon adjacent roadways, water courses or properties. Such an agreement shall be executed as a condition of approval of the plan to establish the gravel parking area

11. Parking lot and access striping.
    a. Except for Building Types with six (6) or fewer dwelling units, any area intended to be used to meet the off-street vehicle parking requirements as contained in this chapter shall have all parking spaces clearly marked; and
    b. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety.
12. *Wheel stops*. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop or bumper rail at least six (6") inches high located two (2') feet back from the front of the parking stall. The front two (2') feet of the parking stall may be concrete, asphalt or low- lying landscape material that does not exceed the height of the wheel stop, provided sidewalks or other pedestrian paths are not obstructed.
13. *Drainage*. Off-street parking and loading areas shall be sloped to drain in accordance with specifications approved by the Director of Public Works. These areas shall be drained to prevent the flow of water onto the right-of-way, across pedestrian facilities, or onto adjacent properties unless specifically authorized by the Director of Public Works.
14. *Lighting*. All off-street parking areas larger than five thousand, five hundred and fifty (5,550 sq. ft.) square feet shall be illuminated. Public parks that close at dusk are exempted from this provision. All parking lot lighting shall comply with requirements in Section 20.450.070 VMC, Dark Sky Outdoor Lighting Requirements and be directed away from any adjacent lots that contain Residential Uses.
15. Space and aisle dimensions.

**TABLE 20.450.045-2 SPACE AND AISLE DIMENSIONS**

| | Standard Stall Dimension | | Compact Stall Dimension | | Aisle Width Dimension | |
|---|---|---|---|---|---|---|
| Angle (degrees) | Stall Width (feet) | Stall Depth (feet) | Stall Width (feet) | Stall Depth (feet) | 1-Way Aisle Width | 2-Way Aisle Width |
| 0 | 20 | 8 | 8 | 18 | 12 | 20 |
| 45 | 9 | 17 | 8 | 15 | 14 | 20 |
| 60 | 9 | 17 | 8 | 15 | 16 | 22 |
| 90 | 9 | 17 | 8 | 15 | 22 | 22 |

a. Designated disabled parking stalls which meet minimum dimensional requirements shall be counted as standard size parking stalls and shall be provided as required by applicable State of Washington and Title 17 VMC, Building Code, as amended for disabled person parking spaces.

b. The width of each parking space includes a stripe that separates each space.

c. Up to fifty (50%) percent of all required on-site vehicular parking spaces may be compact spaces. Such spaces shall be marked as "compact" or "C".

d. *Clustering*. No more than an average of ten (10) parking spaces shall be placed side by side without an intervening break provided by a circulation aisleway, pedestrian walkway, or landscaping. If an average of no more than ten (10) side-by-side stalls is maintained overall, up to fifteen (15) stalls may be located side-by-side. Where landscaping provides a break in the group of spaces, the landscape island shall extend at least one (1') foot into the circulation aisleway to provide a visual narrowing of the circulation aisleway.

e. A portion of a parking space may be landscaped instead of paved as follows:

(A). The landscaped area may be up to two (2') of the front of the space as measured from a line parallel to the direction of the bumper of a vehicle using the space.

(B). Landscaping must be groundcover plants; and

(C). The landscaped area counts towards parking lot interior landscaping requirements, but not perimeter landscaping requirements, and shall not obstruct the minimum width requirements for pedestrian circulation.

f. Other parking angles, such as but not limited to thirty (30) degrees or seventy-five (75) degrees may be approved by the Planning Official, with dimensional requirements consistent with those illustrated in Table 20.450.045-2.

g. Minimum standards for a standard parking stall's length and width, aisle width, and maneuvering space in a parking structure shall be determined as noted in Table 20.450.045-2.

E. Parking Structure Design Standards.

See subection 20.430.050(G)(9) VMC Structured Parking Facilities for Primary Use standards.

F. Off-Street Parking Requirements.

1. Parking requirements for unlisted uses.

a. The Planning Official may rule that a use not specifically listed in Table 20.450.045-3 below is a use similar to a listed use and that the same parking standards shall apply. If the applicant requests that the Planning Official's decision be rendered in writing, it shall constitute an interpretation, as governed by Chapter 20.255 VMC; and

b. The Planning Official shall maintain a list of approved unlisted use parking requirements that have the same effect as an amendment to this chapter.

2. *Choice of parking requirements.* When a building or use is planned or constructed in such a manner that a choice of parking requirements could be made, the Planning Official shall determine which requirement is most appropriate.

3. *Measurements.* The following measurements shall be used in calculating the required number of vehicle parking spaces required in this chapter:

a. *Fractions.* Fractional space requirements of up to one-half (0.5) shall be rounded down to the next whole number and one-half (0.5) or greater rounded up to the next whole number.

b. *Employees*. Where employees are specified for the purpose of determining the required vehicle parking spaces required, the employees counted are those who work on the premises during the largest shift at the peak season.

c. *Students*. When students are specified for the purpose of determining the required vehicle parking spaces required, the students counted are those who are on the campus during the peak period of the day during a typical school term.

d. *Space*. Unless otherwise noted, where gross square feet (gsf) are specified, the area measured shall be gross floor area under the roof measured from the faces of the structure, excluding only space devoted to covered off-street parking or loading.

4. *Exclusions to vehicle parking requirements*. The following shall not be counted towards the computation of the parking spaces as required in Table 20.450.045-3 below:

   a. *On-street parking*. Parking spaces in the public street or alley shall not be eligible as fulfilling any part of the parking requirement except as provided elsewhere in this Title;

   b. *Fleet parking*. Required vehicle parking spaces may not be used for storage of fleet vehicles, except when a use can show that employee and fleet parking spaces are used interchangeably (e.g., the employee drives the fleet vehicle from home, or the spaces are used for fleet storage only at night and are available for employee use during the day). For the purposes of this title, space exclusively devoted to the storage of fleet vehicles will be considered as outdoor storage.

5. *Specific requirements for minimum parking*. Parking shall be provided for uses as per Table 20.450.045-3, below:

**TABLE 20.450.045-3. MINIMUM OFF-STREET VEHICLE PARKING REQUIREMENTS**

| Use Category | Primary Use Type | Minimum |
|---|---|---|
| Active Retail | Any Primary Retail uses. | None Required. |
| Civic / Institutional | Any other Civic / Institutional Uses. | None Required. |
| Civic / Institutional | Community Centers, Cultural Centers, Colleges, Community Recreation, Detention and Post-Detention Facilities, Emergency Services (except ambulance), Medical Centers, and Schools Public or Private. | Per approved parking study or Transportation Demand Management Plan (TDMP). |
| Industrial Uses | Any other Industrial Uses. | None Required. |
| Infrastructure Uses | Any other Infrastructure Uses. | None Required. |
| Infrastructure Uses | Airports / Airparks and Transportation Facilities | Per approved parking study or Transportation Demand Management Plan (TDMP). |
| Office Uses | Any Office Uses. | None Required. |
| Open Space Uses | Any other Open Space Uses | None Required. |
| Open Space Uses | Parks or Natural Area (urban), Parks or Natural Area (regional), and Trails. | Parks Department to Determine the Minimum Number of Required Spaces. |
| Passive Retail Uses | Any other Passive Retail uses. | None Required. |

| Use Category | Primary Use Type | Minimum |
|---|---|---|
| **Passive Retail Uses** | Major Event Entertainment | Per approved parking study or Transportation Demand Management Plan (TDMP). |
| **Residential Uses** | Any Residential Uses. | None Required. |

G. Off-Street Loading Requirements.

1. *Berths required.* Except in the Mixed-use Neighborhood (MX) and Regional Activity Center (RA) districts, new or substantially renovated buildings or structures that require receipt, delivery or distribution of materials and merchandise by trucks, shall provide and maintain off-street loading berths according to prescribed standards. The Planning Official may through a Type 1 procedure waive off-street loading requirements for uses that demonstrate a loading berth is not needed. The applicant shall demonstrate that either the proposed use does not require receipt, delivery or distribution of materials and merchandise by truck, that only small delivery trucks will access the site, or that large trucks will only access the site outside of normal business hours.
2. Off-street loading spaces.
    a. With the exception of the uses listed in Subsection (2) below, commercial and industrial off-street loading requirements shall provide a minimum number of berths as indicated on Table 20.450.045-4.

**TABLE 20.450.045-4 MINIMUM LOADING BERTHS**

| Number of Berths | Gross Floor Area |
|---|---|
| One (1) | Five thousand (5,000 SF) up to twenty-five thousand (25,000 SF) square feet. |
| Two (2) | Twenty-five thousand (25,000 SF) up to fifty thousand (50,000 SF) square feet. |
| Three (3) | Fifty thousand (50,000 SF) up to one hundred thousand (100,000 SF) square feet. |
| One (1) additional for each | Fifty thousand (50,000 SF) in excess of one hundred (100,000 SF) square feet. |

b. All Office uses; hotels; restaurants; auditoriums and medical centers, colleges, residential care centers or other institutions that contain a structure or structures with a total area of thirty thousand (30,000 GSF) gross square feet or greater shall provide the minimum number of off-street loading spaces as indicated in Table 20.450.045-5.

**TABLE 20.450.045-5 MINIMUM LOADING BERTHS FOR SELECTED USES**

| Number of Berths | Gross Floor Area |
|---|---|
| One (1) | Thirty thousand (30,000 SF) up to fifty thousand (50,000 SF) square feet. |
| Two (2) | Fifty thousand (50,000 SF) up to 100,000 square feet. |
| One (1) additional for each | Fifty thousand (50,000 SF) in excess of one hundred thousand (100,000 SF) square feet. |

3. *Size of berths.* Berths required by preceding sections shall be a minimum of ten (10') feet wide, forty-five (45') feet long and fourteen (14') feet high.

4. *On-site location*. Required loading berths shall be located on the site of the primary use to which they are an accessory. When there is a campus development, e.g., medical center, college, business park, required loading berths may be aggregated on the site.
5. *Design standards*. Berths shall be provided in such a manner to avoid undue congestion and interference with public use of adjacent streets, sidewalks and alleys.
    a. Access to such berths shall be from an alley when such exists unless the alley abuts the Low-Scale Neighborhood (LS) district.
    b. Off-street truck loading areas shall be separated from the off-street parking area.
    c. The surface shall be paved with asphalt or concrete.
6. *Relationship to residential uses*. No berth shall be located closer than 50' to any other lot in any residential district unless located entirely within a completely enclosed building.

H. Bicycle and Small Mobility Parking Standards.

1. *Purpose*. The purpose of these standards is to promote bicycling and small mobility as modes of transportation, which enables healthy lifestyles, is affordable, and reduces greenhouse gas emissions, as an active mode of transportation. The standards set the necessary required bicycle and small mobility parking facilities for a bicycle and small mobility friendly community. Sufficient bicycle and small mobility parking (herein referred to as "bicycle parking" for simplicity) is necessary to encourage more bicycle and small mobility travel throughout the city by providing a safe, secure, and convenient place to park one's bicycle or small mobility device.
2. *Standards for all bicycle parking*. Any bicycle parking implemented under this section shall meet the following standards:
    a. *Number of Bicycle Parking Spaces*. Bicycle parking spaces shall be provided for uses as per Table 20.450.045-6. Bicycle parking spaces that count toward minimum long-term requirements may not be counted toward minimum short-term spaces, or vice versa. Wherever this table indicates two numerical standards, such as "2, or 1 per 3,000 sq. ft. of floor area," the greater number applies.

**TABLE 20.450.045-6 MINIMUM QUANTITY REQUIREMENTS FOR SHORT- AND LONG-TERM BICYCLE PARKING.**

| Use | Minimum Long-term Spaces | Minimum Short-term Spaces |
|---|---|---|
| Active Retail Uses | | |
| Artisan and specialty goods production | 1, or 1 per 12,000 sq. ft. of floor area | 2, or 1 space per 4,000 sq. ft. of customer service/sales-oriented floor area |
| Eating and drinking establishments | 1, or 1 space per 12,000 sq. ft. of floor area | 2, or 1 space per 4,000 sq. ft. of floor area |
| Personal services | 1, or 1 per 12,000 sq. ft. of floor area | 2, or 1 space per 4,000 sq. ft. of floor area |
| Sales-oriented | 1, 0r 1 per 12,000 sq. ft. of floor area | 2, or 1 space per 4,000 sq. ft. of floor area |
| Civic / Institutional Uses | | |
| Ambulance services | None | None |
| Community centers | 1, or 1 per 4,000 sq. ft. of floor area | 2, or 1 per 2,000 sq. ft. of floor area |
| Cultural centers | 1, or 1 per 4,000 sq. ft. of floor area | 2, or 1 per 2,000 sq. ft. of floor area |
| Colleges | 1, or 1 space per 25,000 sq. ft. of floor area | 2, or 1 space per 10,000 sq. ft. of floor area |
| Community recreation | 1, or 1 per 4,000 sq. ft. of floor area | 2, or 1 per 2,000 sq. ft. of floor area |
| Day care (child care centers and institutional adult day care) | 1, or 1 space per 5 employees | Family day care home: None<br><br>Institutional: 2 spaces |

| Use | Minimum Long-term Spaces | Minimum Short-term Spaces |
|---|---|---|
| Detention and post-detention facilities | 1, or 1 per 20,000 sq. ft. floor area | 2 spaces |
| Emergency services (except ambulance | 1, or 1 per 12,000 sq. ft. of floor area | 2 spaces |
| Medical centers | 1, or 1 per 12,000 sq. ft. of floor area | 2, or 1 per 40,000 sq. ft of floor area |
| Religious institutions | 1, or 1 space per 15,000 sq. ft. of floor area | 2, or 1 space per 4,000 sq. ft. of floor area |
| Schools (public and private) | 1, or 1 space per 5 employees | Elementary and middle school: 2, or 1 space per 50 students<br><br>High school: 2, or 1 space per 40 students |
| Social / fraternal and clubs / lodges | 1, or 1 per 12,000 sq. ft | 2, or 1 per 4,000 sq. ft |
| **Industrial uses** | | |
| Bulk fossil fuel storage and handling facility | 1, or 1 per 40,000 sq. ft. floor area | 2 spaces |
| Cleaner fuels storage and handling facility | 1, or 1 per 40,000 sq. ft. floor area | 2 spaces |
| Energy plants | 1, or 1 per 40,000 sq. ft. floor area | 2 spaces |
| Industrial services | 1, or 1 per 20,000 sq. ft. floor area | 2 spaces |

| Use | Minimum Long-term Spaces | Minimum Short-term Spaces |
|---|---|---|
| Manufacturing and production | 1, or 1 per 20,000 sq. ft. floor area | 2 spaces |
| Organic materials management facilities | 1, or 1 per 40,000 sq. ft. floor area | 2 spaces |
| Recycling facilities | 1, or 1 per 40,000 sq. ft. floor area | 2 spaces |
| Research and development | 1, or 1 per 20,000 sq. ft. floor area | 2 spaces |
| Small fossil fuel or cleaner fuel storage and distribution facilities | 1, or 1 per 40,000 sq. ft. floor area | 2 spaces |
| Solid waste handling facilities | 1, or 1 per 40,000 sq. ft. floor area | 2 spaces |
| Truck stops | None | None |
| Warehouse / freight movement | 1, or 1 per 40,000 sq. ft. floor area | 2 spaces |
| Wholesale sales | 1, or 1 per 30,000 sq. ft. floor area | 2 spaces |
| **Infrastructure uses** | | |
| Airports / airparks | None | None |
| Basic utilities | None | None |
| Data centers | 1, or 1 per 40,000 sq. ft. floor area | 2 spaces |

| Use | Minimum Long-term Spaces | Minimum Short-term Spaces |
|---|---|---|
| Heliports | None | None |
| Major utility facilities | 1, or 1 per 40,000 sq. ft. floor area | 2 spaces |
| Park and ride facilities | 2, or 1 per 40 vehicle spaces.<br><br>If the park and ride lot provides parking for a rail transit station, bus transit center or passenger terminal:<br><br>(a) Required long-term bicycle parking may be provided at the rail transit station, bus transit center or passenger terminal in lieu of at the parking location in order to improve convenient access to transit.<br><br>(b) No additional long-term bicycle parking is needed if the rail transit station, bus transit center or passenger terminal already meets or exceeds the bicycle parking requirements above. | 2, or 1 per 40 vehicle spaces |
| Rail lines / utility corridors | None | None |
| Railroad yards | None | None |

| Use | Minimum Long-term Spaces | Minimum Short-term Spaces |
|---|---|---|
| Structured parking facilities (i.e., parking garages) | 1, or 1 per 40 vehicle spaces. | 2, or 1 per 40 vehicle spaces. |
| Surface parking facilities (i.e., parking lots) | 1, or 1 per 40 vehicle spaces. | 2, or 1 per 40 vehicle spaces. |
| Transportation facilities | 5% of projected a.m. peak period daily ridership | 1.5% of projected a.m. peak period daily ridership |
| Water-related or water-enjoyment (as defined by VMC 20,760 Shoreline Management) | Marina: 1 per 40 boat slips<br>Other: None | 2 spaces |
| Wireless communication facilities | None | None |
| Office Uses | | |
| Extended office | 1, or 1 space per 4,000 sq. ft. of floor area | 2, or 1 per 40,000 sq. ft. of floor area |
| General office | 1, or 1 space per 4,000 sq. ft. of floor area | 2, or 1 per 40,000 sq. ft. of floor area |
| Medical office | 1, or 1 per 12,000 sq. ft. of floor area | 2, or 1 per 40,000 sq. ft of floor area |
| Open Space Uses | | |
| Agriculture / horticulture / silviculture | A number of spaces equal to 10% of total employees who work on-site | 2 spaces |

| Use | Minimum Long-term Spaces | Minimum Short-term Spaces |
|---|---|---|
| Cemeteries | None | 2, or 1 per 10 acres, whichever is greater |
| Environmental management and education | A number of spaces equal to 10% of total employees who work on-site | 2, or 1 per 40,000 sq. ft. of maintained area |
| Fish hatcheries | A number of spaces equal to 10% of total employees who work on-site | None |
| Motorized recreational activities | None | None |
| Parks or natural area (urban) | None | 2, or 1 per 5 acres, whichever is greater |
| Parks or natural area (regional) | A number of spaces equal to 10% of total employees who work on-site | 2, or 1 per 40,000 sq. ft. of maintained area, plus 2 per outdoor recreation facility provided at the park |
| Trails | None | 2, or 1 per 10 acres, whichever is greater |
| **Passive Retail Uses** | | |
| Animal kennel / shelters | 1, or 1 per 12,000 sq. ft. of floor area | 2 spaces |
| Adult entertainment | Refer to specific use, i.e., theater, book or video store | Refer to specific use, i.e., theater, book or video store |
| Auto salvage / repair | 1, or 1 per 20,000 sq. ft. of floor area | 2 spaces |

| Use | Minimum Long-term Spaces | Minimum Short-term Spaces |
|---|---|---|
| Bulk sales | 1, or 1 per 20,000 sq. ft. of floor area | 2 spaces |
| Commercial and transient lodging (e.g., hotels) | 1, or 1 space per 20 rooms | 2 spaces |
| Dog day care | 1, or 1 per 12,000 sq. ft. of floor area | 2 spaces |
| Electric vehicle (EV) battery exchange station | None | None |
| Electric vehicle (EV) charging station (stand-alone) | None | None |
| Indoor entertainment | 1, or 1 per 12,000 sq. ft | 2, or 1 per 4,000 sq. ft |
| Major event entertainment | 1, or 1 per 12,000 sq. ft | 10, or 1 per 40 seats, whichever is greater |
| Motor vehicle sales / rental | 1, or 1 per 20,000 sq. ft. of floor area | 2 spaces |
| Motor vehicle servicing / repair | 1, or 1 per 20,000 sq. ft. of floor area | 2 spaces |
| Outdoor sales | 1, or 1 per 20,000 sq. ft. | 2 spaces |
| Repair-oriented | 1, or 1 per 12,000 sq. ft. of floor area | 2, or 1 space per 4,000 sq. ft. of customer service/sales-oriented floor area |
| Self-service storage | None | 2, or 1 per 20,000 sq. ft. of floor area |

| Use | Minimum Long-term Spaces | Minimum Short-term Spaces |
|---|---|---|
| Vehicle fuel sales (i.e., gas stations) | 1, or 1 per 12,000 sq. ft. of floor area | 2, or 1 space per 4,000 sq. ft. of customer service/sales-oriented floor area |
| **Residential Uses** | | |
| Group living | 0.25 per bedroom | 1 per 20 bedrooms |
| Household living | More than 6 units on a parent parcel: 0.75 per unit for the first 100 units, then 0.5 per unit for any additional units over 1006 or fewer units on a parent parcel: None | More than 6 units on a parent parcel: 2 or 1 per 20 units<br><br>6 or fewer units on a parent parcel: None |

i. *Parking requirements for unlisted uses*. The Planning Official may rule that a use not specifically listed in Table 20.450.008.080 is a use similar to a listed use and that the same parking standards shall apply. If the applicant requests that the Planning Official's decision be rendered in writing, it shall constitute an interpretation, as governed by Chapter 20.255 VMC. The Planning Official shall maintain a list of approved unlisted use parking requirements that have the same effect as an amendment to this chapter.

ii. *Choice of parking requirements*. When a building or use is planned or constructed in such a manner that a choice of bicycle parking requirements could be made, the use that requires the greater number of bicycle parking spaces shall govern.

iii. *Measurements*. The following measurements shall be used in calculating the total minimum number of bicycle parking spaces required in this chapter:

(A). *Fractions*. Fractional space requirements of up to half (0.5) shall be rounded down to the next whole number and half (0.5) or greater rounded up to the next whole number.

(B). *Employees*. Where employees are specified for the purpose of determining the minimum vehicle parking spaces required, the employees counted are those who work on the premises during the largest shift at the peak season.

(C). *Students*. When students are specified for the purpose of determining the minimum bicycle parking spaces required, the students counted are those who are on the campus during the peak period of the day during a typical school term.

(D). *Space*. Unless otherwise noted, where gross square feet (GSF) are specified, the area measured shall be gross floor area under the roof measured from the faces of the structure, excluding only space devoted to covered off-street parking or loading.

iv. Reductions in minimum required bicycle parking.

(A). The Planning Official may reduce the minimum bicycle parking spaces required in Table 20.450.045-6 by up to fifty percent (50%) if the required conditions below are met. Reductions in parking minimums shall be cumulative and inclusive of reductions allowed under any provision of this title.

(1). Any residential developments where the owner certifies and provides evidence that at least 50 percent of dwelling units are rented or sold at levels affordable to households earning 100 percent area median income or lower in accordance with the U.S. Department of Housing and Urban Development for a minimum of 10 consecutive years from final occupancy.

v. *Parking for properties with multiple uses*. In the event several uses occupy a single structure or parcel of land, the total requirements for bicycle parking shall be the sum of the required parking for the individual primary uses. Bicycle parking for multiple uses may be clustered in one or several locations and shall meet all other requirements for bicycle parking.

b. Access.

i. Short-term bicycle parking spaces must be publicly accessible.

ii. Long-term bicycle parking spaces must be in a secure location where access to bicycle parking space(s) is limited and not available to the general public.

iii. Bicycle parking spaces shall be accessible via an access pathway that:

(A). Is a minimum of thirty-two (32") inches wide,

(B). Connects to the right-of-way, and

(C). Does not have stairs, curbs, or other barriers where lifting a bike or small mobility device is necessary.

(1). Access pathways may include elevators

iv. Bicycle parking spaces shall not block access to entrances/exits.

v. Outdoor bicycle parking spaces and access pathways shall be surfaced with asphalt, concrete, pavers, or other permanent surface approved by the Planning Official.

c. Location.

i. Short-term

(A). Required short-term bicycle parking spaces shall be located:

(1). Within seventy-five (75') feet of and visible from the main public entrance(s) of the building (or use if no building) or

(2). In an area shared with other properties or uses on the same block and street frontage and within two-hundred (200') feet of the entrance of each building or use, or

(3). A combination thereof.

(B). Short-term bicycle parking serving Open Space Uses may be distributed throughout the park to serve multiple access points and/or outdoor recreation facilities.

(C). When there are multiple public entrances and more than four (4) short-term spaces required, bicycle parking must be distributed to the different entrances.

(D). Short-term bicycle parking may be provided at locations not visible from the main public entrance(s) only if directional signage to the bicycle parking is provided at the main public entrance(s).

(E). Bicycle parking areas in garages or surface parking lots shall be protected from encroachment by vehicles with bollards, curbs, or other means.

(F). On-street public bicycle parking that meets the standards of this section may be used to meet minimum number of short-term bicycle parking spaces.

ii. Long-term

(A). Required long-term bicycle parking spaces for non-Residential Uses shall be located:

(1). On-site within 100 feet of an employee entrance, or

(2). In a shared bicycle parking facility within 300 feet of an employee entrance, or

(3). A combination of thereof,

(B). Required long-term bicycle parking spaces for non-Residential Uses shall be located:

(1). On-site and within 100 feet of a resident entrance of the building they serve, or

(2). In-unit (which may include in private garages, patios, and similar private spaces that are accessible only to that unit),

(3). A combination thereof.

(C). Required long-term bicycle parking for Residential Uses that is served by in-unit spaces:

(1). For buildings with fewer than twenty (20) dwelling units or where all units have private garages, up to one-hundred (100%) percent of required long-term bicycle parking may be provided in-unit.

(2). For buildings with twenty (20) or more dwelling units and where not all units have a private garage, up to seventy-five (75%) percent of required long-term bicycle parking may be provided in-unit.

(3). Dimensions:

i. Each horizontal space provided in-unit shall:

ii. Have minimum dimensions of six (6') feet long by two (2') feet wide

iii. Have at least five (5') feet of clearance behind each space to allow room for bicycle maneuvering.

iv. Each vertical / wall-mounted space shall:

v. Have minimum dimensions of three (3') feet deep by two (2') feet wide.

vi. Have a six-foot (6') height clearance.

vii. Have at least five (5') feet of clearance behind each space to allow room for bicycle maneuvering.

(4). Long-term bicycle parking spaces that are outdoors must be covered. The cover shall project out a minimum of two (2') feet beyond the bicycle parking spaces on the portion of the structure that is not enclosed by a wall.

(5). Acceptable shared facilities for long-term bicycle parking (for Residential Uses or non-Residential Uses) may include, but are not limited to, the following:

i. Designated indoor bicycle room with locking system;

ii. In an area entirely enclosed by a fence with a locked gate to create a "bicycle cage."

iii. The fence shall be at a minimum eight (8') feet high or be floor-to-ceiling height;

iv. Individual bicycle lockers with locking system;

v. Indoor designated bicycle space with racks in an employee or office area with locking system.

vi. Covered outdoor enclosures with a locking system, roof, and walls or fence.

vii. The cover must project out a minimum of 2 feet beyond the bicycle parking spaces on the portion of the structure that is not enclosed by a wall.

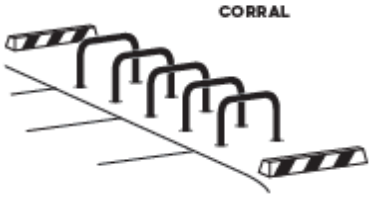
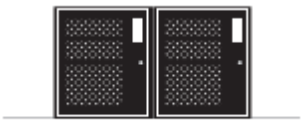
(6). For Residential Uses, in-unit, private garage, patio or deck bicycle parking that meets the location standards outlined in subsection H.2.c.ii.(C)

d. Rack Design and Placement.

i. Each bicycle parking space shall have facilities for locking or securing each bicycle in an upright position, except that no bicycle rack or locker is required for in-unit bicycle parking spaces.

ii. Rack types.

(A). The following rack types are acceptable for both short- and long-term bicycle parking.

| | |
|---|---|
| Inverted U Rack (also called hoop or staple rack)<br>(may be single or fastened in a series) | <br>  |
| Floor-level bicycle Lockers |  |
| Racks that meet all of the following:<br>1. Allow locking of bicycle frame and at least one (1) wheel with U-lock when both wheels are left on the bicycle and are not suspended.<br>2. Accommodate a variety of bicycles and attachments.<br>3. If the rack is a horizontal rack, it must support the bicycle at two points, including the frame.<br>4. Is securely anchored with tamper-resistant hardware. | |

(B). The following rack types are also acceptable for required long-term bicycle parking, but only for a maximum of fifty (50%) percent of the required long-term bicycle parking spaces that require racks/lockers. These are not acceptable for short-term bicycle parking.

| | |
|---|---|
| Vertical racks | |
| Two-Tier or Double-Decker.<br><br>May be stacked racks or lockers. All two-tier/double decker bicycle parking must have lift assist for upper spaces. Only the upper/non-floor level is subject to the maximum fifty (50%) percent limitation. | |

(C). The following rack types are not acceptable for short- or long-term bicycle parking:

| | |
|---|---|
| Wave (also called undulating or serpentine) | |
| Bollard | |
| Schoolyard (also called comb, grid) | |
| Spiral | |
| Coathanger | |
| Swing Arm Secured | |

| Wheelwell | |
|---|---|

iii. Bicycle Racks.

(A). Bicycle spaces served by horizontal / floor-mounted racks shall:

(1). Have minimum dimensions of six (6') feet long by two (2') feet wide.

i. When more than twenty (20) long-term bicycle parking spaces are required, at least five (5%) percent of required long-term spaces must be large bicycle parking spaces – at least three (3') feet wide and ten (10') deep – that are served by a horizontal rack.

ii. Have at least five (5') feet of clearance behind each space to allow room for bicycle maneuvering.

iii. Be at least one (1') foot from a wall or other obstruction, not including the rack serving the space, along the sides/long edges of the bicycle parking space.

(B). Bicycle spaces served by vertical / wall-mounted racks shall:

(1). Have minimum dimensions of three (3') feet deep by two (2') feet wide.

(2). Have a six-foot (6') height clearance.

(3). Have at least five (5') feet of clearance behind each space to allow room for bicycle maneuvering.

(C). All bicycle racks shall:

(1). Not block pedestrian use of a walkway.

(2). Allow for the frame and at least one (1) wheel of a bicycle in a parking space to be secured with a standard U-lock.

(3). Have a minimum height of thirty-two (32") inches or be indicated or cordoned off by visible markers so that they are visible to pedestrians.

(4). Be securely anchored with theft resistant hardware in concrete.

iv. *Lockers*. Bicycle lockers shall:

(A). Have a separate locking door for each bicycle space.

(1). Have at least five (5') feet of horizontal clearance leading up to the entrance of the locker to allow room for bicycle maneuvering.

(2). Be securely anchored with theft resistant hardware.

(3). Be floor-level, or have lift assist for the elevated bicycle lockers when lockers are stacked.

v. Additional Requirements.

(A). Lighting. The bicycle parking spaces, excluding in-unit spaces, and access pathways shall be lighted to a minimum level of a half (0.5) foot candle. Such lighting shall be directed in a manner to prevent glare on nearby Residential Uses. Bicycle parking for public parks that close at dusk are exempted from this requirement.

(B). Electric outlets. When more than twenty (20) long-term bicycle parking spaces are required:

(1). Twenty (20%) percent of required long-term bicycle spaces located within a shared parking room or garage shall have an electric outlet within five (5') feet of the space.

(2). All required spaces located in-unit shall have an electric outlet within five (5') feet of the space.

(3). At least twenty (20%) percent of the required large bicycle spaces (as noted in Subsection B. 1 *Number of Bicycle Parking Spaces*) shall have an electrical outlet within five (5') feet of the space.

(C). Maintenance. The property owner of a site shall have a continuing obligation to properly maintain any bicycle parking facilities on their property, including privately purchased and installed bicycle racks in the public right-of-way. The City of Vancouver will maintain publicly-provided bicycle parking facilities located in the public right-of-way.

## 20.450.050 Signs

A. Purpose. This chapter regulates signs which can be viewed from any public right-of-way by prescribing regulations and standards for such signs. It provides for administration, requires permits and prescribes fees therefore, and provides for enforcement and for appeals. This chapter is hereby found necessary as an exercise of the city's police and legislative powers to protect and promote the public health and safety; to promote the convenience and the enjoyment of public travel; to protect the public investment in city streets and public places; and to attract visitors to the city by conserving its natural and man-made beauty. This chapter is intended to balance the need for a well-maintained and attractive community and the need for adequate business identification, advertising and communication.

B. Scope.

1. This chapter shall apply to all property and land within the jurisdiction of the city. It is unlawful for any person, firm, or corporation that owns, occupies, or controls property in the city to construct, maintain, display or alter or cause to be constructed, maintained, displayed or altered, a sign within the city except in conformance with this chapter.

2. It is not intended for this chapter to regulate public sector signing, political campaign signs, private noncommercial signs less than six (6 SF) square feet per face, doorway identification nameplates up to four (4 SF) square feet, and holiday decorations, as such terms are used and/or defined herein.

3. In addition to subsection B above, the following on-site nonilluminated signs are permitted without a sign permit and in addition to the maximum allowable number and maximum allowable area of signs, as follows:

   a. One (1) maximum six (6 SF) square feet per face sign, per frontage in all zoning districts; or

   b. One (1) maximum forty-eight (48 SF) square feet per face sign, per frontage, on a lot in any nonresidential district.

   c. Three (3) maximum forty-eight (48 SF) square feet per face sign(s), per frontage on active construction sites in all districts. Active construction sites include properties where development permits are pending or have been issued but a final occupancy permit has not been issued.

   d. Exception: This section shall not allow any sign otherwise prohibited by this title.

4. Vehicles Signs (including trailers). Vehicles used as part of the normal function of a business or organization are permitted to have signs relating to that business or organization, subject to the following limitations:

   a. *Not Permitted.* Any sign attached to or placed on a parked vehicle or trailer used principally for advertising purposes, rather than transportation. A vehicle or trailer shall be considered principally used for advertising purposes based on the following criteria: a) a sign is attached or placed on the vehicle or trailer that is larger than twenty (20 SF) square feet in area; b) the sign is attached or placed on the vehicle or trailer for more than twelve (12) hours in any forty-eight (48) hour period; c) the vehicle or trailer is parked in the same location or within three hundred (300') feet of one (1) location for more than four (4) hours; and d) the sign attached or placed on the vehicle or trailer is parked in a public right-of-way or within fifty (50') feet of a public right-of-way; and e) the sign attached to the vehicle or trailer can be read by a person with normal vision from inside the arterial right-of-way.

   b. The provisions of the above section shall not apply where: a) the vehicle is temporarily parked at a loading dock, b) the vehicle is substantially hidden from view from any public street by buildings, fences, mature landscaping or similar objects such that the vehicle does not attract attention to or communicate information about the business or organization, c) the vehicle is legally parked at the residence of the driver, d) the vehicle is a contractor's trailer at the site of an active construction project or e) the vehicle is available for rent as part of an equipment rental business and the content of the sign refers to the rental business only; or when such vehicle is parked at or near the site of the business or organization.

5. *Window Signs.* Window signs in conjunction with a permitted use are exempt, provided fifty (50%) percent or more of the window area is unobscured by signage. Such signs shall not be included in determining the number of signs nor permissible sign area. Sign permits are not required.

6. Dark Sky Compliance. Newly constructed buildings with outdoor illuminated signage that requires land use review shall adhere to Section 20.450.070 VMC, Dark Sky Outdoor Lighting Requirements.

C. Prohibited Signs.

The following types of signs are prohibited, except as otherwise provided by this chapter and in Section 20.450.050(I) Portable Signs in the Public Right-of-Way:

a. *Off-premises signs.* Off-premises signs are prohibited except as authorized in this chapter. For exception see subsection20.450.050(I) Portable Signs in the Public Right-of-Way.

b. *Flashing signs.* Except where permitted by section regulation for a special district or time/temperature or similar public service information signs. For the purpose of this title, EMC's consistent with the standards of 20.450.050(D)(5) shall not be considered flashing signs.

c. *Free-standing signs.* Individual free-standing signs are prohibited in any business complex where a business complex sign exists.

d. *Billboards.* Billboards are prohibited in all zoning districts.

e. *Signs that obstruct.* Any sign that substantially obstructs free and clear vision of exit, traffic intersection entrance, traffic sign or signal, or constitutes a traffic hazard by reasons thereof.

f. *Signs containing unwarranted content.* Any sign which contains statements, words, and pictures of an obscene character.

g. *Signs which do not conform in structure or material to uniform codes.* Any sign which does not structurally or materially conform to the requirements of the City Adopted Building Code as to structure or material except for signs permitted under Section 20.450.050(I) Portable Signs in the Public Right-of-Way.

h. *Projecting signs.* No projecting sign may extend into a two (2') foot setback from a curb line.

i. *Signs with angle iron cages.* Any sign whose main structural support is comprised of a visible angle iron cage.

j. *Signs in Public Areas.* No sign shall be placed or permitted to be placed on public property or public right-of-way except as permitted under Section 20.450.050(I) Portable Signs in the Public Right-of-Way, or signs on public buildings determined to be in the public interest by the Planning Official.

k. *Miscellaneous signs and posters.* The tacking, pasting, or otherwise affixing of any sign or signs of a miscellaneous character, visible from a public right-of-way, located on exterior walls of any building, barn, shed, tree, pole, post, fence or other structure is prohibited unless otherwise permitted.

l. *Lighting of signs.* Any sign which is found by the Planning Official to utilize an inordinate light source such as beacons, strobe lights, or reflectors or does not meet the requirements of Section 20.450.070 VMC, Dark Sky Outdoor Lighting Requirements.

m. *Signs emitting pollutants.* Any sign that emits audible sound, odor, or visible matter.

n. *Garage sale signs.* Any sign or signs advertising a garage sale to be held at a given premises which is posted for more than seven (7) calendar days in any one calendar year.

o. *Games of Chance Signs.* Commercial signs advertising card room gambling or other games of chance prohibited by state law or city ordinance.

p. *Banner Signs.* Banners used for advertising are prohibited unless otherwise specified in this code.

q. *Signs associated with single family uses.* Signs for uses allowed within single family homes are prohibited.

r. *Rotating Signs.* Rotating signs are prohibited in all zoning districts.

s. *Rooftop Signs.* Rooftop signs are prohibited in all zoning districts.

t. *Any other sign.* Any other sign that does not conform to all provisions of this code.

D. LS District Signs. In the LS district, permitted signs include signs for nonconforming uses with existing legal signs. Nonconforming signs advertising existing businesses may remain or be replaced in kind, as long as the business remains in operation, but may not be increased in size. In all Low Scale Districts, the regulations of this section shall apply:

1. *Free-standing signs.* Allowed in association with active retail and office uses only which meet the following criteria:

a. Allowable Area: One (1) square foot per face per lineal foot of frontage up to a maximum of two hundred and fifty (250 SF) square feet per face. Provided that premises with less than thirty-two (32') lineal feet of frontage shall be allowed a maximum thirty-two (32 SF) square foot sign per face.

b. Number of Signs: One (1) [There shall be no more than one (1) free-standing sign per frontage, and no more than one (1) fascia sign. If both are used, they must be on different frontages].

c. Height of Sign: Maximum eight (8') feet to be measured from grade.

d. Encroachment: No part of the freestanding sign shall project into any public right-of-way.

e. No freestanding sign shall project or extend into any vision clearance area unless approved by the Planning Official.

f. Any freestanding sign must be integrated. That is, all supports or sign elements shall be an integral part of the design. Auxiliary projections or attachments not a part of a single design are prohibited.

2. Fascia signs.

a. Allowable Area: Maximum twelve (12%) percent of the portion of the building exterior enclosing the applicant's place of business, measured horizontally by width of occupancy and vertically by height of occupancy, along the building's elevation on which the sign is erected with a guaranteed minimum of thirty-two (32 SF) square feet. Total of all sign face areas shall not exceed two hundred and fifty (250 SF) square feet.

b. Number of Signs: One (1) per business. [There shall be no more than one (1) free-standing sign per frontage, and no more than one (1) fascia sign. If both are used, they must be on different frontages].

c. Height of Sign: Shall not extend above parapet or eave line.

3. *Projecting signs*. Projecting signs are prohibited.

4. *For sale/lease/rent signs*. As specified in Section 20.450.050(I).

a. Allowable Area: Maximum 6 square feet per face side and as specified in Section C.

b. Number of Signs: One (1) per frontage.

c. Encroachment: For sale/lease/rent signs may not encroach on the property line of the subject property.

5. *Electronic Message Center signs.* Allowed subject to the following standards:

a. Allowed in association with school or religious institution uses only which meet the following criteria:

i. The site has frontage on a major or minor arterial; or

ii. The site has frontage on a collector arterial and is at least two (2 AC) acres in size

b. Number of signs: One (1) per use

c. Type: Fascia or monument-style sign only

d. Maximum size: Sixteen (16 SF) square feet [fifty (50%) percent of allowed area of fascia or monument sign]; such sign shall not be in addition to allowable area of fascia or monument sign

e. Maximum height: Four (4') feet measured from grade if monument sign; fascia signs shall not extend above the parapet or eave line

f. Location: The EMC sign shall either face or be located adjacent to the arterial street

g. Hours of operation: The EMC sign shall be completely turned off between the hours of 9:00 pm and 7:00 am, seven days a week

h. Additional performance standards of VMC 20.450.050.D.5 and 20.450.050.E.7, shall apply to EMC signs in the LS and MS districts

i. Signs with an electronic message center which meet all of the above standards may also provide internal illumination to the remainder of the sign.

6. *Directional signs.* Allowed as per subsection 20.450.050(I).

7. *Business complex signs (free-standing signs only).* Free standing business complex signs are prohibited.

8. *Allowable combinations of sign types.* No combination of sign types is allowed.

9. *Lighting of signs.* Only indirect lighting is allowed, except as otherwise allowed by subsection 20.450.050(D)(5).

E. MS District Signs. In the MS District, the regulations of this Section shall apply:

1. *Off-premises signs*. Not allowed except as provided in 20.450.050(I).
2. *Free-standing signs*. Allowed in association with active retail and office uses only which meet the following criteria:
   a. Allowable Area: One (1) square foot per face per lineal foot of frontage up to a maximum of two hundred and fifty (250 SF) square feet per face. Provided that premises with less than thirty-two (32') lineal feet of frontage shall be allowed a maximum thirty-two (32 SF) square foot sign per face.
   b. Number of Signs: One (1) per frontage. [There shall be no more than one (1) free standing sign per frontage, and no more than one (1) fascia sign. If both are used, they must be on different frontages].
   c. Height of Sign: Maximum eight (8') feet to be measured from grade.
   d. Encroachment: No part of the freestanding sign shall project into any public right-of-way.
   e. No freestanding sign shall project or extend into any vision clearance area unless approved by the Planning Official.
   f. Any freestanding sign must be integrated. That is, all supports or sign elements shall be an integral part of the design. Auxiliary projections or attachments not a part of a single design are prohibited.
3. Fascia signs.
   a. Allowable Area: Maximum twelve (12%) percent of the portion of the building exterior enclosing the applicant's place of business, measured horizontally by width of occupancy and vertically by height of occupancy, along the building's elevation on which the sign is erected with a guaranteed minimum of thirty-two (32 SF) square feet. Total of all sign face areas shall not exceed two hundred and fifty (250 SF) square feet.
   b. Number of Signs: One (1) per business. [There shall be no more than one (1) free-standing sign per frontage, and no more than one (1) fascia sign. If both are used, they must be on different frontages].
   c. Height of Sign: Not to extend above parapet or eave line.
4. Projecting signs. Not allowed.
5. *Rooftop signs*. Not allowed.

6. *For sale/lease/rent signs*. As specified in subsection 20.450.050(I).
    a. Allowable Area: Maximum 6 square feet per face and as specified in subsection 20.450.009.050(B).
    b. Number of Signs: One (1) per frontage.
    c. Encroachment: Not allowed.
7. *Electronic Message Center signs.* Allowed subject to the following standards:
    a. Allowed in association with school or religious institution uses only which meet the following criteria:
        i. The site has frontage on a major or minor arterial; or
        ii. The site has frontage on a collector arterial and is at least two (2 AC) acres in size
    b. Number of signs: One (1) per use
    c. Type: Fascia or monument-style sign only
    d. Maximum size: Sixteen (16 SF) square feet [fifty (50%) percent of allowed area of fascia or monument sign]; such sign shall not be in addition to allowable area of fascia or monument sign
    e. Maximum height: Four (4') feet measured from grade if monument sign; fascia signs shall not extend above the parapet or eave line
    f. Location: The EMC sign shall either face or be located adjacent to the arterial street
    g. Hours of operation: The EMC sign shall be completely turned off between the hours of 9:00 pm and 7:00 am, seven days a week
    h. Additional performance standards of VMC 20.450.050.D.5 and 20.450.050.E.7, shall apply to EMC signs in the LS and MS districts
    i. Signs with an electronic message center which meet all of the above standards may also provide internal illumination to the remainder of the sign.
8. Directional signs.
    a. Allowable Area. Maximum six (6 SF) square feet per face per sign.
    b. Number of Signs. One (1) per function per frontage.

9. *Business complex signs (free-standing signs only*). Free standing business complex signs are prohibited in Medium-Scale Neighborhood Districts.
10. *Lighting of signs.* Only indirect lighting is allowed and lighting shall comply with Section 20.450.070 VMC, Dark Sky Outdoor Lighting Requirements of this code, where lighting must be directed and shielded.
    a. No neon may be used as a light source.
    b. For internally illuminated signs, the background must be opaque and the illuminated portion of the sign face must not exceed forty (40%) percent of the sign face area.
    c. For Business Complex Signs, only that portion of the sign identifying the complex may be illuminated.

F. MX and RA District Signs. In the MX and RA districts as defined in this Title, the following regulations and standards shall apply:
    1. Free-standing signs.
        a. Allowable Area: One (1) square foot per face per lineal foot of frontage up to a maximum of two hundred and fifty (250 SF) square feet per face. Provided that premises with less than thirty-two (32') lineal feet of frontage shall be allowed a maximum thirty-two (32 SF) square foot sign per face.
        b. Number of Signs: One (1) per frontage.
        c. Height of Sign: Maximum twenty-five (25') feet to be measured from grade to top of sign.
        d. Encroachment Above Public Right-of-Way: No part of the freestanding sign shall project into any public right-of-way.
        e. No freestanding sign shall project or extend into any vision clearance area unless approved by the Planning Official.
        f. Any freestanding sign must be integrated. That is, all supports or sign elements shall be an integral part of the design. Auxiliary projections or attachments not a part of a single design are prohibited.
    2. Fascia signs.

a. Allowable Area: Maximum twelve (12%) percent of the portion of the building exterior enclosing the applicant's place of business, measured horizontally by width of occupancy and vertically by height of occupancy, along the building's elevation on which the sign is erected with a guaranteed minimum of thirty-two (32 SF) square feet. Total of all sign face areas shall not exceed two hundred and fifty (250 SF) square feet.

b. Number of Signs: No maximum number provided the total area of all signs complies with D1 above.

c. Height of Sign: No sign shall extend above parapet or eave line.

d. Fascia Signs: Fascia Signs may not encroach into right-of-way if less than eight (8') feet above grade.

3. Projecting signs.

a. Allowable Area: Maximum fifteen (15%) percent of a building elevation on which the sign is erected. Total of all sign face areas shall not exceed two hundred and fifty (250 SF) square feet.

b. Number of Signs: One (1) per elevation per business.

c. Height of Sign: No sign shall extend above parapet or eave line.

d. Encroachment Above Public Right-of-Way. No encroachment allowed for signs less than eight (8') feet above grade; three (3') feet encroachment allowed for signs greater than eight (8') feet but less than or equal to ten (10') feet above grade; four (4') feet encroachment allowed for signs greater than ten (10') feet and less than or equal to twelve (12') feet above grade, and six (6') feet for signs more than twelve (12') feet above grade.

4. *Temporary signs*. Not allowed, except for portable signs in the right-of-way under subsection 20.450.050(I).

5. Electronic Message Center signs.

a. The area of the electronic message center shall not exceed twenty (20%) percent of the area of the sign; provided the area limitation shall not apply if the sign is solely limited to time and temperature.

b. All messages displayed on an electronic message center shall be directly related to the business for which the sign was constructed. No off-premises signage is permitted.

c. All electronic message centers signs shall be constructed as an integral part of a permanent sign constructed on-site. Integral shall be considered to be incorporated into the framework and architectural design of the permanent sign.

d. The display shall be limited to text and static images only and shall not appear to flash, portray blinking or chasing lights, or otherwise create continuously changing images. However, scrolling of text (horizontal or vertical) is permitted. The rate of change for sign copy from one (1) message to another shall be no more frequent than every eight (8) seconds and the actual copy change shall be accomplished in four (4) seconds or less. Once changed, the copy shall remain static until the next change.

e. All electronic message center signs shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic message center sign based on ambient light conditions.

f. Electronic message center signs shall not be associated with any dwelling or home occupation with a residential use.

g. Electronic message center sign permit applications must include a copy of the manufacturer's operating manual, which includes the manufacturer's recommended standards for brightness, scrolling or traveling speed, and other display operations.

h. Electronic message center signs which create a source of glare shall be adjusted or removed as directed by the Planning Official. No electronic message center sign may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed eight thousand nits (8,000) or equivalent candelas during daylight hours, or one thousand (1,000) nits or equivalent candelas between dusk and dawn.

i. Electronic message center sign permit applications must also include a certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with City codes and that the owner or operator shall provide proof of such conformance upon request of the City.

6. Directional signs.

a. Allowable Areas: Maximum six (6 SF) square feet per face per sign.

b. Number of Signs: One (1) per function per frontage

7. Business complex signs (free-standing signs).

a. Allowable Area: One and a half (1.5 SF) square feet per face per lineal foot of frontage up to a maximum of two hundred and fifty (250 SF) square feet per face. Provided that a premises with less than thirty-two (32') lineal feet of frontage shall be allowed a maximum thirty-two (32') square foot sign per face.

b. Height of Sign: Maximum two (25') feet from grade to top of sign.

c. Number of Signs: One (1) per frontage. A secondary sign is allowable if any single frontage exceeds three hundred (300') feet. Total square footage of all signage must fall within above formula.

8. Allowable combinations of sign types.

a. Signs attached to a given building elevation will not exceed a total of fifteen (15%) percent of that elevation.

b. On any street frontage, these combinations are allowable:

i. Fascia and Free-Standing Signs.

ii. Fascia and Projecting Signs

iii. No other combinations allowed.

c. Business Complex Signs are required for any business in a business complex desiring a Free-Standing Sign. The use of a Business Complex Sign shall replace all other Free-Standing Signs on the premises, except temporary or directional signs.

9. *Weather protection.* Where a building frontage is provided with weather protection, said building shall be entitled to the following additional signage; and said additional signage shall not be included in the figuring of the total sign area on the building.

a. A projecting sign suspended from the weather protection structure not exceeding six (6 SF) square feet in area per face. Each business shall be allowed one (1) such sign per public entry. The bottom of any sign of this type shall be at least eight (8') feet above the sidewalk.

b. A fascia sign attached to the building but below the weather protection device. Each business shall be allowed one (1) such sign per public entry.

G. IC, IE, and HI District Signs. In the IC, IE, and HI districts, the regulations and standards of this Section shall apply:

1. Off-premises signs in Industrial Parks.
   a. Type of Sign: Monument sign.
   b. Allowable Areas: Maximum thirty (32 SF) square feet per face per sign. Maximum of sixty-four (64 SF) square feet total all sign faces.
   c. Number of Signs: One (1) per business and copy must be related to the resident manufacturers or industries, and for directional purposes only (not allowed in the Industrial Districts along Lincoln Avenue, south of Fourth Plain Boulevard and east of the railroad tracks).
   d. Height of Sign: Maximum fifteen (15') feet.
   e. Encroachment: Not allowed.
   f. Portable signs in the right-of-way as per 20.450.050(I).
2. Free-standing signs (on-site monument sign only).
   a. Allowable Area: One (1) square foot per face per lineal foot of frontage up to a maximum of two hundred and fifty (250 SF) square feet per face. Provided that premises with less than thirty-two (32') lineal feet of frontage shall be allowed a maximum thirty-two (32 SF) square foot sign per face.
   b. Number of Signs: One (1) per frontage.
   c. Height of Sign: Maximum fifteen (15') feet.
   d. Encroachment: No part of the freestanding sign shall project into any public right-of-way.
   e. No freestanding sign shall project or extend into any vision clearance area unless approved by the Planning Official.
   f. Any freestanding sign must be integrated. That is, all supports or sign elements shall be an integral part of the design. Auxiliary projections or attachments not a part of a single design are prohibited.
3. Fascia signs.
   a. Allowable Area: Maximum twelve (12%) percent of the building's elevation on which the sign is erected with a guaranteed minimum of thirty-two (32 SF) square feet. Total of all sign areas shall not exceed two hundred and fifty (250 SF) square feet.

b. Number of Signs: No maximum number, provided the total area of all signs complies with D1 above.

c. Height of Sign: No sign shall extend above parapet or eave line.

d. Fascia Signs: Fascia Signs may not encroach into right-of-way if less than eight (8') feet above grade.

4. Projecting signs.

a. Allowable Area: Maximum fifteen (15%) percent of a building elevation on which the sign is erected. Total of all sign face areas shall not exceed two hundred and fifty (250 SF) square feet.

b. Number of Signs: One (1) per elevation per business.

c. Height of Sign: No sign shall extend above parapet or eave line.

d. Encroachment: Above Public Right-of-Way: No encroachment allowed for signs less than eight (8') feet above grade; three (3') feet encroachment allowed for signs greater than eight (8') feet but less than or equal to ten (10') feet above grade; four (4') feet encroachment allowed for signs greater than ten (10') feet and less than or equal to twelve (12') feet above grade, and six (6') feet for signs more than twelve (12') feet above grade.

5. *Temporary signs*. Not allowed except as provided in 20.450.050(I).

6. Electronic message centers signs.

a. The area of the electronic message center shall not exceed twenty (20%) percent of the area of the sign; provided the area limitation shall not apply if the sign is solely limited to time and temperature.

b. All messages displayed on an electronic message center shall be directly related to the business for which the sign was constructed. No off-premises signage is permitted.

c. All electronic message centers signs shall be constructed as an integral part of a permanent sign constructed on site. Integral shall be considered to be incorporated into the framework and architectural design of the permanent sign.

d. The display shall be limited to text and static images only and shall not appear to flash, portray blinking or chasing lights, or otherwise create continuously changing images. However, scrolling of text (horizontal or vertical) is permitted. The rate of change for sign copy from one (1) message to another shall be no more frequent than every eight (8) seconds and the actual copy change shall be accomplished in four (4) seconds or less. Once changed, the copy shall remain static until the next change.

e. All electronic message center signs shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic message center sign based on ambient light conditions.

f. Electronic message center signs shall not be associated with any dwelling or home occupation with a residential use.

g. Electronic message center signs which create a source of glare shall be adjusted or removed as directed by the Planning Official. No electronic message center sign may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed eight thousand nits (8,000) or equivalent candelas during daylight hours, or one thousand (1,000) nits or equivalent candelas between dusk and dawn.

h. Electronic message center sign permit applications must also include a certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with City codes and that the owner or operator shall provide proof of such conformance upon request of the City.

7. Directional signs.

a. Allowable Area: Maximum ten (10 SF) square feet per face per sign.

b. Number of Signs: One (1) per function per frontage.

8. Industrial complex signs (free-standing signs).

a. Allowable Area: One and a half (1.5 SF) square foot per face per lineal foot of industrial complex frontage up to a maximum of two hundred and fifty (250 SF) square feet per face. Provided that an industrial complex with less than thirty-two (32') lineal feet of frontage shall be allowed a maximum thirty-two (32 SF) square foot sign per face.

b. Number of Signs: One (1) per complex frontage.

c. Height of Sign: Maximum twenty (25') feet.

9. Allowable combinations of sign types.

a. No signs attached to the building will exceed a total of fifteen (15%) percent of said building elevation.

b. On any frontage, these combinations are allowable:

i. Fascia and Free-Standing Signs.

ii. Fascia and Projecting Signs

iii. No other combinations allowed.

H. PO and NA District Signs. Signs allowed in the PO and NA Districts, the regulations and standards of this Section shall apply:

1. Freestanding (other than public sector) signs, rotating signs, flashing signs, rooftop signs, internally illuminated, neon and similar signs shall be prohibited. Freestanding public sector signs may be no larger than sixty-four (64 SF) square feet and no higher than twelve (12') feet. Externally illuminated signs are permitted.

2. Signs shall be located and designed to minimize interferences with vistas, viewpoints, and visual access to the District.

3. Signs shall not be placed on trees, other natural features, or public utility poles.

4. Visible braces and other supporting devices shall be incorporated as design features.

5. Signs shall be as small as possible to serve their intended purposes.

6. Signs relating to these districts and their use shall be consistent in design and color for easy recognition.

7. Signs shall be for public information relating to the particular district in which they are located or its use. Signs for other purposes are prohibited.

I. Portable Signs in the Public Right of Way.

1. Definitions.

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

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

2. General.

a. Portable signs in the public right-of-way shall be allowed for approved uses in all zoning districts except in PO and NA districts, and subject to the standards in subsection 20.450.050(I). They may include off-site signs that advertise and are associated with an approved business or use or direct persons to premises different from where the sign is located.

b. Portable signs shall not be allowed as part of home occupations or uses located within the LS and MS districts. Portable signs shall be permitted as part of a home occupation in all other districts except PO and NA districts.

3. Design standards.

a. Portable right-of-way sign structures shall be in the shape of an inverted V, with two (2) sign boards attached to each other at the top of the sign (also known as a sandwich board or A-frame sign).

b. Signs shall be constructed of weather-resistant materials, such as wood, plastic, or metal. Signs constructed of impermanent materials, including but not limited to cardboard and paper are prohibited.

c. No materials such as paper, balloons, windsocks, etc., may be attached to the sign.

d. No sign shall contain foil, mirrors, bare metal, or other reflective materials which could create hazardous conditions to motorists, bicyclists or pedestrians.

e. No sign may contain lights of any kind.

4. Size and number of signs allowed.

a. Maximum size of sign shall be nine (9 SF) square feet per sign face, with a maximum of two (2) sign faces per sign.

b. Maximum of one (1) on-site sign per approved business or use on right-of-way abutting the business or use including businesses having more than one (1) street frontage.

c. Maximum of three (3) off-site signs per approved business or use.

d. Maximum height of sign shall be thirty (36") inches above the sidewalk, walkway, or plaza upon which it is placed. The height of such signs may not be artificially increased above the allowed maximum by the placement of other materials.

5. Location of signs.

a. One (1) portable sign allowed per business to be placed in the right-of-way along the business frontage (front or side street) and on the same side of the street of the building or establishment which it advertises.

b. Off-site temporary signs advertising an approved business or use shall be located within a one (1) mile (driving) radius from where the business or use is being advertised.

c. No sign may be placed in such a way as to reduce the continuous unobstructed width of a sidewalk or walkway to less than five (5') feet.

d. Sign placement may not obstruct an entrance to a building, steps or driveway access.

e. No sign may be placed within a sight vision clearance triangle as (required by Section 20.450.060 VMC) or within twenty (20') feet of a wheelchair ramp.

f. No sign shall be placed within the roadway, traffic island, median or circle.

6. Duration.

a. Permanent portable signs may be displayed in the right-of-way during the hours the business is open.

b. Temporary portable signs may be displayed in the right-of-way during the hours the business is open on Friday 10 a.m.-6 p.m., Saturday 10 a.m.-6 p.m. and Sunday 10 a.m.-6 p.m.

7. Additional Standards.

a. Owners are responsible for the removal of their portable signs following business hours and during periods of strong winds.

b. Off- site portable signs may be placed in the right-of-way abutting private property only with the written consent of the owner(s) of the property abutting the right-of-way and/or their authorized representative.

c. A portable sign placed in the right-of-way shall bear the name and address of the person/organization placing the sign.

8. Enforcement.

a. All new portable signs shall comply immediately with the above standards. All temporary signs (conforming and nonconforming) in existence prior to January 26, 2004, shall comply with the above standards within forty-five (45) calendar days after January 26, 2004.

b. The enforcement of this section shall be governed by the provisions of Title 22 of the Vancouver Municipal Code.

9. *Permit*. Portable signs in the right-of-way shall be exempt from the permit and fee requirements of this chapter.

J. Special Sign Districts.

1. Owners of property that occupy seventy (70%) percent or more of the linear street frontage of properties on both sides of the street in any area, may petition the City Council for the formation of a Special Sign District. This might be done for such reasons as to create or maintain an area with a particular cultural atmosphere, to stimulate a historic period, theater or entertainment area, or other similar purpose.

2. A group of property owners or persons in the right of possession will be chosen by such property owners to comprise an advisory body of the Sign District. This body will draw up the criteria for signs in the District and submit such proposed criteria to the Planning Official for his/her review and recommendation, and for review and recommendation by the Planning Commission prior to the submittal to Council for approval.

3. The Planning Official shall notify all owners or persons in the right of possession within the District of the proposed Special Sign District, after which the Council may approve the Special Sign District by ordinance following a public hearing.

4. If the criteria for the Special Sign District are approved and become effective, the City shall adopt them by ordinance as regulations of the Sign District.

K. Permits Required.

1. Except as otherwise provided in this chapter, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign in the City or cause the same to be done, without first obtaining a sign permit for each such sign from the Planning Official. This shall not be construed to require any permit for a change of copy of any reader board sign, nor for the repainting, cleaning, and other normal maintenance or repair of a sign or sign structure for which a permit has been previously issued, so long as the sign or sign structure is not modified in any way. No new permit is required for signs which have permits and which conform with the requirements of this Code on the date of its adoption, unless and until the sign cabinet or profile is altered or the sign is relocated.

2. Every sign permit issued by the Planning Official shall become null and void if work is not commenced within one hundred and eighty (180) calendar days after the date of such permit. If work authorized by such permit is suspended or abandoned for one hundred and eighty (180) calendar days any time after the work is commenced, a new permit shall be first obtained to do so, and the fee will be one-half (1/2) the amount required for a new permit for such work, provided that no changes have been made in the original plans.

3. In emergency repair situations, work may be initiated and completed without first applying for a permit. However, a permit shall be applied for within forty-eight (48) hours after the first working day when work commenced on the sign.

L. Permit Application. Application for a sign permit shall be made in writing upon forms provided by the City, and shall state the following information:

1. Name, address, and telephone number of the applicant.

2. Name, address, and telephone number of the sign owner.

3. Location by street number of the building, structure, or lot to which or upon which the sign is to be installed or affixed.

4. A drawing to scale showing the design of the sign, including dimensions, sign size, method of attachment, source of illumination, and showing the relationship to any building or structure to which it is, or is proposed to be, installed or affixed, or to which it relates.

5. A plot plan, approximately to scale, indicates the location of the sign relative to property lines, rights-of-way, streets, sidewalks, and other buildings or structures on the premises.
6. The maximum and minimum heights of the sign.
7. The number, size, and location of all existing signs on the same building, lot or premises.

M. Permission to Install. No person shall erect or hang a sign upon any property or building without the consent of the owner or person entitled to possession of the property or building, if any, or their authorized representatives.

N. Issuance – Denial.

1. The Planning Official shall issue a permit for the erection, alteration or relocation of a sign within the City when an application therefore has been properly made and the sign complies with all appropriate laws and regulations of the City and all procedures required by City Ordinance have been complied with and completed.
2. The Planning Official may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued on the basis of a misstatement of fact or fraud. When a sign permit is denied by the Administrator, he shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.

O. Effect of Issuance. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

P. Fees. A fee shall be paid to the City at the time of issuance in accordance with the provisions of the City fee schedule.

Q. Commercial Sign Erector's License. In order to obtain a permit for the erection of a sign in the City (except painted wall graphics), the applicant must have a Washington State Contractors' license under Chapter 18.27 RCW, unless he is going to install a sign upon his own property and is exempted from such requirement by such statute.

R. License Non-transferable. No license shall be transferable and no holder of any license issued under this chapter shall allow his name to be used by any other party, either for the purpose of doing work or obtaining a permit under the penalty of forfeiting his license in addition to any fine levied, and the Planning Official is authorized to refuse to issue permits to the holder of any license violating this provision.

S. Planning Official. The Planning Official is hereby authorized and directed to enforce and carry out all provisions of this chapter, both in letter and spirit, with vigilance and with all due speed. The Planning Official is authorized to promulgate regulations and procedures consistent with the purpose of this chapter. The Planning Official is further empowered to delegate the duties and powers granted to and imposed upon him/her within this chapter.

T. Inspection by Planning Official. The Planning Official is hereby empowered to enter or inspect any building, structure, or premises in the City upon which, or in connection with which a sign, as defined by this chapter, is located, for the purpose of inspection of the sign, its structural and electrical connections, and to ensure compliance with the provisions of this chapter. Such inspections shall be carried out during business hours, unless an emergency exists. In the case of a residential use, the Planning Official shall secure assistance from the City Attorney, who may apply to a court for any necessary process to allow such inspection.

   1. *Maintenance.* Every sign in the City, including but not limited to those signs for which permit fees are required, shall be maintained in good structural condition at all times.

   2. *Signs declared unlawful.* The Administrator shall declare any sign unlawful and order its removal if he finds in writing that it endangers public safety by reasons of inadequate maintenance, dilapidation or abandonment. Any such declaration shall state the reasons of the Planning Official for stating that the sign constitutes a safety hazard to the general public, and must direct that it be corrected immediately or within a time to be set in such order.

   3. Any sign owned, kept, displayed, or maintained by any person within the City, which is unlawful under the provisions of this chapter, is hereby declared to be in violation of this chapter. The Planning Official may declare any such sign to be unlawful, and such declaration shall state in writing the reason or reasons why such sign and the keeping, owning, maintenance, construction, and display of this chapter, and shall require its removal or repair within a time to be stated in such order.

U. Violation and Penalties. The provisions of VMC 20.140 apply to violations of this chapter.

V. Assurance of Discontinuance. In enforcing this chapter, the Planning Official may accept a written Assurance of Discontinuance of any act or practice deemed in violation of this chapter, or of any rule or regulation adopted pursuant hereto, from any person engaging in, or who has engaged in such act or practice. Any such assurance shall specify a time limit during which such discontinuance is to be accomplished. Failure to perform any such assurance shall constitute prima facie proof of a violation of this chapter or any rule or regulation adopted pursuant hereto order issued pursuant thereto.

W. Legal Nonconforming Sign. Any advertising structure or sign which prior to the effective date (12/19/79) of the sign code ordinance (M-2035) codified in this chapter has been lawfully erected, or for which a permit to erect it had been issued prior to the effective date of the sign code ordinance codified in this chapter and which is rendered nonconforming by this chapter may continue to exist but not to be increased in size. Provided, however, this section shall not apply to signs prohibited under subsection 20.450.050(C) of this chapter.

X. Liability. The provisions of this chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person erecting or owning any sign for personal injury or property damage resulting from the placement of a sign, or resulting from the negligence or willful acts of such person, its agents, employees, or workmen in the construction, maintenance, repair or removal of any sign erected in accordance with a permit issued hereunder. Nor shall it be construed as imposing upon the City or its officers or employees any responsibility or liability by reason of the approval or disapproval of any signs, materials, or devices under the provisions of this chapter.

Y. Structural and Material Requirements. All existing legally erected signs which are rendered nonconforming by the adoption of this chapter must comply with structural and material Code requirements of the Uniform Sign Code and the City Adopted Building Code at the time of any replacement, an alteration, or modification over and above routine maintenance.

Z. Construction or Suitability of Materials. All decisions by the Building Official concerning signs which involve questions of methods of construction or suitability of materials shall be subject to appeal to the Building-Fire Codes Commission pursuant to the provisions of VMC 17.08.040.

## 20.450.055 Solid Waste Disposal and Recycling

A. *Purpose*. The purpose of this chapter is to implement the recycling and waste management policies of the City and to support the goals, priorities, and strategies of the Clark County and State of Washington Solid Waste Management Plans. This chapter is further intended to facilitate the delivery of efficient, safe and convenient refuse and recycling services to customers using collection receptacles, trucks and technologies offered by the city's contracted solid waste collector.

B. *Chapter applicability*. This chapter applies to new and substantially remodeled residential and nonresidential construction projects where ongoing solid waste services are expected. Currently adopted Solid Waste Access and Design Standards are part of this chapter for implementation purposes. The Solid Waste Access and Design Standards may be updated as needed by the City Manager or their designee.

C. *Definitions*. For purposes of this chapter, the following definitions shall apply:

"Cart" means a collector-provided wheeled receptacle with attached lid less than one cubic yard in capacity suitable for the collection, storage, and curbside placement of garbage, recyclables, or organics. Carts shall be rodent and insect resistant.

"Cardboard cage" means a container designed to hold flattened, corrugated cardboard.

"City" means the City of Vancouver.

"Collector" or "collector of solid waste and/or recyclables" means a person, company or contractor with whom or which the City has entered into a contract by which the person or firm collects and removes solid waste and/or recyclables as provided in this chapter, and in the contract.

"Container" means a watertight metal or plastic receptacle equipped with a tight-fitting cover, capable of being mechanically unloaded into the collector's collection trucks which is not less than one cubic yard in capacity. A container is either wheeled or stationary. A stationary container does not have wheels and requires direct approach by a collection truck. A container may or may not be designed to be compatible with a compactor to hold compacted materials.

"Customer" means every person, firm, partnership, association, institution and corporation utilizing solid waste collection or recyclables collection services in the City. The term shall also mean the occupant and/or the owner of the premises for which service mentioned in this chapter is rendered.

"Curbside" means a location on a property, within five feet of the edge of a public street that does not block sidewalks, driveways or on-street parking.

"Designated servicing location" means a location to which receptacles are moved so that they may be serviced by a collection truck.

"Drop box" means an all-metal loose material or compactor receptacle with 10 cubic yards or more capacity that is mechanically loaded onto a specialized collection truck for transport to a processing or disposal site.

"Dwelling unit" or "unit" means any building or portion thereof which contains living facilities, including provision for sleeping, eating, cooking and sanitation, and including not more than one kitchen for not more than one family.

"Garbage" means all putrescible and nonputrescible solid and semi-solid wastes, including, but not limited to, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, dead small animals completely wrapped in plastic and weighing less than 15 pounds, and discarded commodities that are placed by customers in appropriate receptacles for collection and disposal by the collector. The term "garbage" shall not include hazardous wastes, source-separated recyclable materials, or source-separated organics.

"Glass bin" means a Receptable suitable for household collection, storage, and Curbside placement of source-separated recyclable glass.

"Multifamily residence" means a multiple-unit residence with seven or more dwelling units on a consolidated solid waste collection bill.

"Occupancy" has the same meaning as defined in VMC 17.14.030

"Organics" means any organic waste material that is source-separated for processing or composting, such as yard debris and food scraps generated by any residential or commercial customers.

"Parent parcel" has the same meaning as defined in VMC 20.150.

"Receptacle" means a can, cart, container, glass bin, or drop box or other containment for garbage, organics, or recyclables.

"Recyclable materials" means materials which have passed through their originally intended usage, have use or value as a commercial commodity, and are intentionally separated from solid waste by their original consumer for collection for the purpose of recycling, reuse, reprocessing or remanufacture in accordance with this chapter and chapter 5.62 VMC. "Recyclable materials" include but are not limited to paper, cardboard, metal, aluminum, glass, plastic, yard debris, used motor oil or other materials as may be designated by City administrative rule and/or the Clark County Comprehensive Solid Waste Management Plan.

"Residence" or "residential" means any house, dwelling, multiunit residence, apartment house, trailer court or any building put to residential use.

"Solid waste" means and includes all forms of putrescible and nonputrescible wastes including but not limited to garbage, rubbish, refuse, household animal waste, dead animals under 200 pounds, nonrigid containers (bags), rigid pesticide containers that have been properly decontaminated by jet or multiple rinsing, residential ashes, industrial wastes, swill, demolition waste, special waste and construction wastes, other materials and substances that are currently or may in the future be included in the definition of "solid waste" in ORS 459.005 or RCW 70.95.030 and which are accumulated in any public or private residence or commercial, business or industrial establishment; provided, for the purposes of chapter 6.12 and chapter 5.62 VMC, "solid waste" shall not include industrial byproducts, nor sewage, and shall not include hazardous wastes, or recyclable material which is source-separated and set out for recycling purposes as such terms are defined in this chapter.

"Storage area" means an area where receptacles are stored. If a storage area is not intended to be serviced by a collection truck, then receptacles would only be stored in the storage area on days that are not scheduled collection days. If a storage area is intended to be serviced by a collection truck, then receptacles would be stored in that storage area on collection days and non-collection days.

"Substantially remodeled building" means a remodeled building for which the total cost exceeds one-half of the assessed value of the building for property tax purposes

at the time the contract for the remodel work was made and any remodel project resulting in a change of occupancy or in the addition of at least one residential dwelling unit.

"Truck staging location" means the area where a collection truck will sit while the collection truck driver brings receptacles to the truck for servicing.

D. Amount of Storage Required.

1. *Storage area size criteria.* The minimum storage area size required for solid waste, including recyclable materials and organics, is based on the predominant use(s) of the building, i.e., residential, office, retail, educational/institutional, commercial/industrial or other. If a building has more than one of the uses listed in this section, then the storage area size requirement for the whole building must be the sum of the storage space required for each use.
2. *For multiple uses.* If there are multiple uses on a single lot, storage areas may be shared.
3. *Storage area standards.* Storage areas must be provided as follows:
    a. Residential buildings with one-to-six units must have at least one storage area outside of the right-of-way for storage of receptacles when not set out for collection day. This requirement must be met using one of the following methods:
        i. Provide one storage area per unit. Each storage area must be sufficient to contain receptacles for typical residential services detailed in the currently-adopted City Solid Waste Access and Design Standards.
        ii. Residential buildings on the same lot or different lots derived from the same parent parcel containing one-to-six units for which a home ownership association or other entity exists or will exist as a sole source for utility billing must have sufficient storage space to contain the required residential weekly storage volumes.
    b. Residential buildings containing seven or more units must have at least one storage area such that the total storage space is sufficient to contain the required residential weekly storage volumes.
    c. Residential weekly storage volumes:
        i. Number of units × 32 gallons = Total weekly storage volume for garbage.

ii. Number of units × 48 gallons = Total weekly storage volume for recyclable materials.

iii. Number of units × 4 gallons = Total weekly storage volume for glass.

iv. Number of units x 1 gallon= Total weekly storage volume for organics.

d. Nonresidential buildings must provide a minimum storage space of 100 square feet in addition to the following:

i. Office: four square feet for each 1,000 square feet of gross floor area (GFA);

ii. Retail: 10 square feet for each 1,000 square feet of GFA;

iii. Educational/institutional: four square feet for each 1,000 square feet of GFA; or

iv. Other: four square feet for each 1,000 square feet of GFA.

e. Any project that utilizes a garbage compactor must install a concrete pad sized and appropriate for the intended equipment and the volume of waste to be generated, including sufficient additional space for receptacles for materials not compacted.

f. Storage area dimensions and equipment and receptacle placement must be consistent with receptacle dimensions, collection truck access and service frequency assumptions set forth in the City's currently-adopted Solid Waste Access and Design Standards.

g. City may require a service agreement between the building owner and the collector if the solid waste servicing methods or technologies proposed or used are atypical or unproven.

E. Location, Design and Access Standards.

1. *Location*. Storage areas must comply with the following:

a. Receptacles for recyclable materials and organics must be stored at the same location(s) as the receptacle(s) for garbage.

b. Indoor and outdoor storage must comply with City's currently-adopted building and International Fire Code requirements.

c. All residential units must be within 150 feet of the nearest storage area.

d. Exterior storage areas are prohibited in a side or rear yard setback that abuts property that is not within the same development in order to minimize impacts on neighboring properties.

e. Storage areas, including gates or doors, must not obstruct pedestrian or vehicle traffic movement.

2. Design standards.

a. Plans must include sufficient details to determine whether City Solid Waste Access and Design Standards are met. The dimensions of each storage area must accommodate receptacles consistent with current methods of local collection and allow for user movement between receptacles.

b. If a storage area is covered, the cover height must allow for maneuvering and servicing of the intended receptacles pursuant to the currently-adopted City Solid Waste Access and Design Standards.

c. Plans for storage areas shall comply with currently-adopted City Solid Waste Access and Design Standards. Receptacles must be labeled to show the intended contents and location of each receptacle, whether garbage, recyclable materials, or organics.

d. Exterior storage areas must show user safety and aesthetic details on plans.

i. Exterior storage areas must be screened from view by a wall, a fence and/or vegetation.

ii. Storage areas for residential buildings with seven or more residential units must have a tenant access door, gate, or walkway separate from the service gate or door.

iii. If a storage area is shared by more than one residential building, the applicant must provide a pedestrian path to any shared solid waste storage areas intended for resident access. The path must be hard-surfaced and a minimum of 36 inches wide or 48 inches wide where the facilities are required to be accessible.

3. Access standards.

a. Applicant shall submit a solid waste access and collection plan.

b. Any storage area intended to be serviced by the collector must be fully accessible to collection trucks.

c. For residential collection where collection is not feasible at curbside, collection may occur from a designated servicing location located no further than 150 feet from any unit it serves. Designated servicing locations must be shown on the solid waste access and collection plan and sized to accommodate the receptacles associated with the City's garbage, organics and recyclable materials collection system.

d. Circulation and turnaround designs shall comply with VMC 11.80.070 and the Transportation Standard Details and be feasible using City-provided solid waste truck turning modeling templates and collection truck specifications.

   i. Collection trucks must be able to circulate the development and service locations with minimal backing. If a storage area is intended to be serviced by the collector, it must be accessible to collection trucks without having to back out of a driveway or parking lot onto a public street.

   ii. If a storage area is intended to be serviced by the collector and only a single access is available to that location, then adequate turning radius must be provided to allow collection trucks to safely exit the site in a forward motion.

   iii. A collection truck turnaround must be provided where more than four residential lots would share a designated servicing location or if the distance from the designated servicing location to a lot is greater than 150 feet.

e. Property owners may limit access to a storage area for security reasons so long as storage areas are accessible to intended users and the collector(s) at all times with security access such as a key, fob or code.

f. All storage areas intended to be serviced by the collector and designated servicing locations must be designed to be easily accessible to collection trucks and equipment, considering paving, grade and truck access.

   i. Storage areas intended to be serviced by the collector and designated servicing locations must not obstruct sidewalks, bike lanes, or vision clearance triangles.

   ii. Where receptacles must be removed from a storage area to be serviced by a collection truck, the grade, ramp design, and path of travel must be designed to account for the weights and size of receptacles that can reasonably and safely be managed for roll-out to an accessible collection truck loading position.

iii. If collection trucks cannot directly access a storage area, and the collector is expected to move compacted containers larger than two cubic yards to the collection truck, mechanized equipment such as motorized pushcart and associated power source must be installed and maintained by owner.

iv. If an enclosed storage area is intended to be serviced by the collector, then service gate(s) or door(s) are required for collector access.

g. Service gates and doors must be designed to open wide enough for the intended receptacles to be safely maneuvered out of the storage area. Service gates and doors for collector access must be capable of being secured in closed and open positions. Gates or doors must swing open 90 degrees or greater.

F. Deviations from Chapter—Substantial Remodel. For substantial remodels, in cases where the nature of existing construction would make strict adherence to the requirements of this chapter impractical, the requirements may be modified by the Public Works Department. The Public Works Department may establish administrative rules and regulations to implement this section.

1. *Submission Requirements.* A person may apply for modification from these requirements. The application must include an explanation of the factors justifying the deviation from these requirements, including how the development proposal differs from other developments and adopted standards. The request shall also include at least a plan or narrative showing or describing the applicable conditions, existing and proposed storage areas for solid waste, including recyclable materials and organics, and modeled truck turning, if needed to evaluate collector access. All proposed modifications shall be indicated on the plans submitted with the development application.

2. Approval Criteria.

a. In reviewing a modification request, the City shall consider at least the following:

i. Collector safety;

ii. Convenience to users;

iii. Compatibility of proposal with current methods of collection;

iv. Advancing the intent of this chapter; and

v. Potential benefits of low impact development or innovative concepts.

b. Any modification shall be the minimum necessary to achieve this chapter's intent.

c. Self-imposed hardships shall not be used as a reason to grant a modification request.

d. Modifications to the requirements of Section 20.450.010 may be granted if the applicant demonstrates both of the following:

i. The proposed alternative is safe for the collector;

ii. The proposed alternative is feasible given current methods of collection.

e. In evaluating the proposed alternative, the city may consult with the city's contracted solid waste collector.

3. *Approval Process*. Requests to modify solid waste storage requirements shall be made in conjunction with the application for any related or underlying development proposal, and shall be processed in conjunction with that application pursuant to Title 20 or Title 17 for the underlying development proposal.

## 20.450.060 Vision Clearance

A. Purpose. The purpose of this chapter is to ensure that development or redevelopment on a site will not impede visibility of operators of motor vehicles using the City's street system.

B. Development Standards.

1. Conditional sight obstructions. Nothing in this title shall be deemed to permit a sight obstruction at a street intersection or service drive interfering with the view of the operation of motor vehicles on the streets to such an extent as to constitute a traffic hazard.

2. Provisions with precedence. The provisions of this Section shall take precedence over any building and parking setbacks, except in the MX and RA districts where the city transportation manager may authorize lesser requirements upon a finding that the public health, safety and welfare will not be adversely impacted.

3. Provisions for established vision area. There shall be no sight obstruction between thirty (30") inches and ten (10') feet above the street grade within the triangular vision clearance area established as follows:

a. *Street Intersection*. In the case of a street intersection, or street and alley intersection, two (2) sides of this triangle are lot lines measured twenty (20') from their intersection, and the third side is a line across the corner of the lot joining the extremities of the other two (2) sides. See Figure 20.450.060-1.

b. *Commercial Driveways and Private Streets*. In the case of service drives, a triangle whose base extends thirty (30') feet along the street right-of-way line in both directions from the centerline of the service drive with the apex of the triangle thirty (30') feet into the property on the centerline of said service drive. See Figure 20.450.060-2.

c. *Residential Driveways*. In the case of a private driveway, two (2) sides of the triangle are measured seven (7') feet from the intersection of the right-of-way line and edge of the driveway, one side extending up the driveway and the other along the public right-of-way. The third side of the triangle is a line connecting the extremities of the other two (2) sides. See Figure 20.450.060-3.

d. *Residential Driveways on Alleys*. In the case of private driveways on an alley, this section shall not apply.

**FIGURE 20.450.060-1. STREET INTERSECTION**

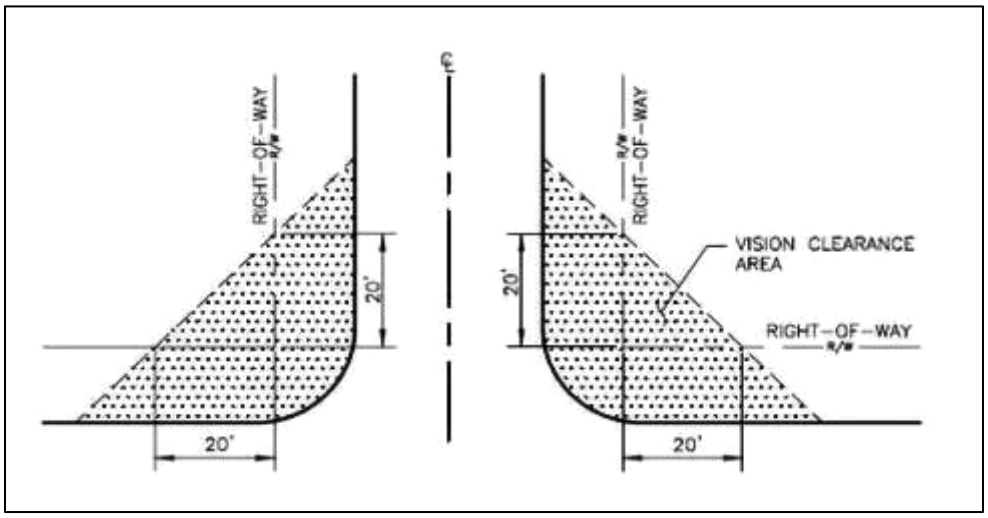


FIGURE 20.450.060-2. COMMERCIAL DRIVEWAYS AND PRIVATE STREETS

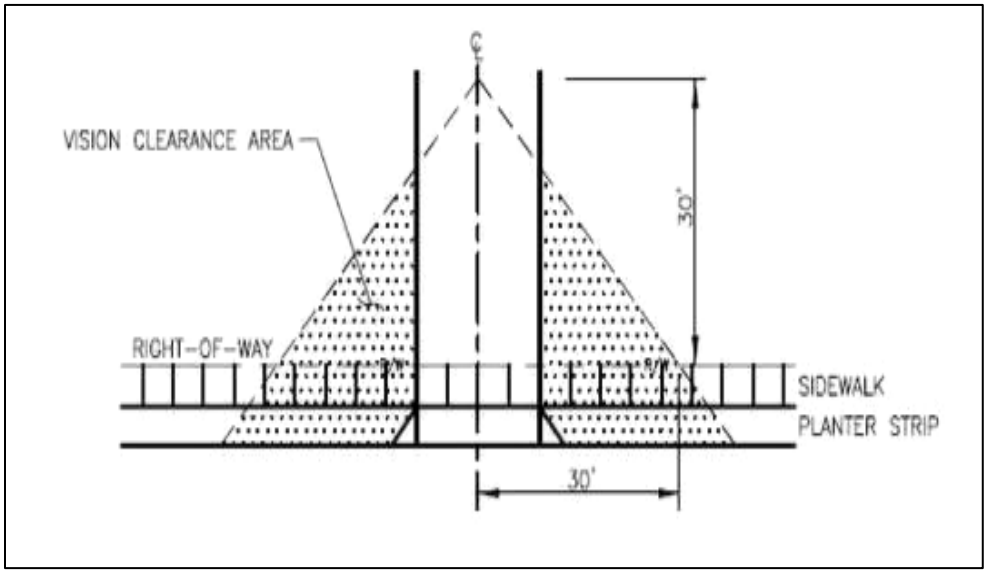
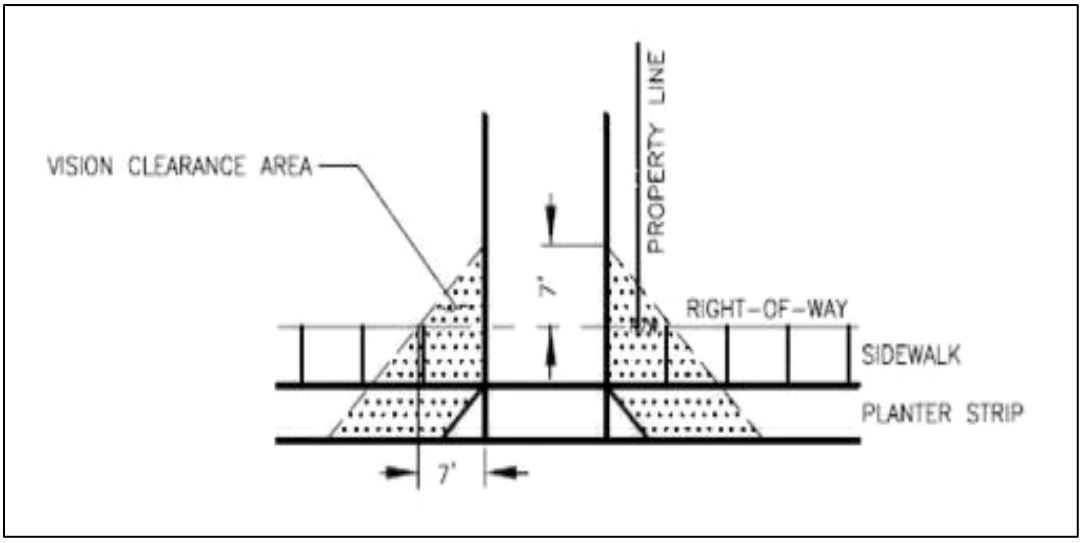



FIGURE 20.450.060-3. RESIDENTIAL DRIVEWAYS




## 20.450.065 Essential Public Facilities

A. *Purpose*. The purpose of this Chapter is to fulfill the requirements of the Growth Management Act by accommodating Essential Public Facilities of state or regional significance, including but not limited to airports, state education facilities, state or regional transportation facilities; prisons, jails and other correctional facilities; secure community transition facilities; and solid waste facilities.

B. Development Requirements.

1. *Applicability*. Essential Public Facilities where not prohibited, shall be conditional uses per the requirements of Chapter 20.245 VMC, Conditional Uses and shall be subject to the additional requirements contained in subsection (B) below.

2. Requirements.

a. Early notification and involvement of affected citizens and jurisdictions shall be provided as follows: At least ninety (90) days before submitting an application for such a facility, the prospective applicant shall notify the affected public and jurisdictions of the general type and nature of the proposal, identify sites under consideration for accommodating the proposed facility, and identify opportunities to comment on the proposal. Applications for specific projects shall not be considered complete without proof of such a published notice in a local newspaper of general circulation.

b. If it will generate substantial traffic as determined by the City's Transportation Engineering Manager, such a facility shall be located near a major transportation corridor(s) served or planned to be served by mass transit.

c. Inter-jurisdictional agreements shall be developed to mitigate any disproportionate financial burdens which may fall on the local jurisdiction within which a facility of a state, regional, or county-wide nature is located.

d. The proposed project shall comply with all applicable provisions of the Comprehensive Plan, Title 20 and other applicable provisions of the Municipal Code, SEPA, and other federal, state and local statute, codes and ordinances.

e. Applicants for such a facility shall provide an analysis of the alternative sites considered for the proposed facility. This analysis shall include the following:

i. A justification of the need for the proposed facility in the proposed location. The applicant shall demonstrate that less impacting alternatives have been considered and found not to be feasible.

ii. The applicant shall also describe the process used to identify and evaluate alternative sites.

iii. An evaluation of the sites' capability to meet basic siting criteria for the proposed facility, such as size, physical characteristics, access, and availability of necessary utilities and support services.

iv. The sites' relationship to the service area and the distribution of other similar public facilities within the service area or jurisdiction, whichever is larger.

v. A description of the relative environmental, traffic and social impacts associated with locating the proposed facility at the alternative sites that meet the applicant's basic siting criteria. The applicant shall also identify proposed mitigation measures to alleviate or minimize adverse impacts.

f. Special provisions for specific types of essential public facilities.

i. Secure community transition facilities conforming with the standards set forth below may be approved by conditional use permit following notice to all property owners and occupants of record within fifteen hundred (1,500') feet of the proposed site.

(A). Secure community transition facilities shall conform with all substantive, procedural and operational requirements set forth in RCW Chapter 71.09 and rules, regulations, and policy guidelines promulgated under the authority thereof or in response thereto.

(B). Secure community transition facilities shall provide the following staffing and security measures:

(1). The owner and operator of the secure community transition facility shall submit and maintain a plan for staffing, security measures, procedures for immediate public notification of escapes, and escapee search procedures ("the Plan"), all in a form and content satisfactory to the Planning Official. The security measures shall indicate the types of security measures/facilities proposed for the secure community transition facility including, but not limited to, constant electronic monitoring of residents, site security measures/equipment, and site access and control consistent with Chapter 71.09 RCW, unless otherwise ordered by a court. The plan, along with documentation of the Planning Official's concurrence in or rejection of the plan, shall be included in materials submitted to and reviewed by the Hearing Examiner, provided that the security plan made part of the public record shall not be in such detail that security of the facility would be compromised.

(2). The owner and operator of the secure community transition facility shall enter into a contract with the city, in a form and content satisfactory to the City Attorney, committing the owner and operator to comply with and maintain the plan for the life of the facility.

(3). The applicant shall install an eight (8') foot high fence, in character with the surrounding area, between the facility and all property boundaries. The Hearing Examiner may waive or lessen this requirement upon finding that due to existing site features or the type or character of adjoining uses, the privacy and security of the occupants of adjoining properties can be maintained in the absence of a fence or with a lower fence.

(4). The facility shall have a backup power source.

(C). No such facility shall be located adjacent to, immediately across a street or parking lot from, or within the line of sight of a risk potential activity or facility as defined in RCW 71.09.020. For purposes of this subsection, those specific risk potential activities and facilities described in the applicable state law shall be interpreted as follows and shall include such facilities located within the City of Vancouver and all neighboring jurisdictions:

(1). Public and private schools and their grounds;

(2). School bus stops;

(3). Licensed child daycare and licensed preschool facilities;

(4). Public parks;

(5). Publicly dedicated trails;

(6). Sports fields;

(7). Playgrounds;

(8). Recreational and community centers;

(9). Places of worship such as churches, synagogues, temples, and mosques;

(10). Public libraries;

(11). Any other risk potential activity or facility identified in siting criteria by the Department of Social and Health Services with respect to siting a secure community transition facility.

## 20.450.070 Dark Sky Outdoor Lighting Requirements

A. Purpose. The standards of this chapter are intended to protect the night sky, increase bird safety, reduce light pollution and energy waste, and enhance public health and safety by establishing responsible outdoor lighting practices that are consistent with International Dark-Sky Association (IDA) guidelines.

B. Applicability. The following standards apply to new construction that require a land use review:

1. Residential buildings (7 or more dwelling units)
2. Commercial and industrial buildings
3. Public buildings and infrastructure
4. Outdoor storage, recreational facilities, and surface parking lots

C. Exceptions and Adjustments

1. Lighting required by state or federal law (e.g., FAA, ADA).
2. Temporary lighting for special events, holidays, construction, or emergency response.
3. Strict compliance with lighting standards for special uses such as historic structures, art installations, etc. may be adjusted by the Planning Official provided off-site impacts are minimized.
4. Security lighting at existing and future Port of Vancouver Marine Terminals is exempt from the maximum footcandles in Section F but shall be directed downward or shielded to prevent shining above the horizontal plane to the maximum extent practicable while considering safety and security needs.
5. Temporary lighting for emergencies or public safety if no reasonable alternative exists, as determined by the Planning Official.
6. The Planning Official may waive or modify the outdooring lighting plan submittal requirements if compliance with the standards in subsection 20.450.070(F) General Standards, can be otherwise demonstrated.

D. Definitions

Correlated Color Temperature (CCT): A measure of the color appearance of the light source, rated in Kelvins (K). Lower values (<3000K) produce warmer, amber-colored light; higher values produce cooler, bluish light.

Fully Shielded Fixture: A light fixture constructed so that no light is emitted above the horizontal plane of the fixture.

Horizontal Illuminance: The total luminous flux incident per unit area on a horizontal surface, typically measured in lux (lumens per square meter) or footcandles. It defines the density of light falling on a horizontal plane parallel to the ground, such as a parking lot, roadway, or floor.

Overlighting: The use of lighting levels significantly above those recommended for a given task or area, resulting in excessive glare, wasted energy, or unnecessary skyglow.

Vertical Illuminance: The amount of luminous flux incident per unit area on a vertical plane, commonly measured in lux (l$x$) or footcandles ($fc$). It measures light falling on vertical surfaces like walls, signage, etc.

E. Outdoor Lighting Plan Required

1. The applicant shall submit an outdoor lighting plan prepared by a qualified professional, certified lighting professional or licensed professional electrical engineer using lighting design software and luminaire files demonstrating compliance with this section. The outdoor lighting plan shall clearly identify any lighting that is exempted by subsection 20.450.070(C).
2. The outdoor lighting design shall be prepared using lighting design software and Luminaire .ies files. The outdoor lighting plan shall include:
    a. Luminaire identification (model number), installation locations, mounting heights, targeted directions, buildings, and other physical objects within the site that could affect the lighting outcome.
    b. Site plan and Illuminance calculation plots demonstrating conformance with this section.
3. A preliminary outdoor lighting plan shall be submitted with the land use application and a final outdoor lighting plan shall be submitted with engineering plans and a building permit application.

F. General Standards

1. *Shielding Requirements*. All outdoor light fixtures shall be fully shielded to emit no light above the horizontal plane (0% uplight).
2. *Color Temperature Limits*. Light sources must have a CCT of 3000K or lower, unless otherwise approved for safety or wayfinding reasons.
3. *Curfew/Dimming Controls*. Lighting for non-residential uses shall be dimmed by not less than fifty percent (50%) or turned off during non-operational hours (e.g., after 10 pm to sunrise), except where the Planning Official has determined such lights are needed for security and should not be dimmed or turned off.
4. *Illumination Levels (Footcandles)*. Lighting levels shall not exceed the maximum average horizontal illuminance levels in Table 20.450.070-1 below.

**TABLE 20.450.070-1 MAXIMUM PERMITTED ILLUMINANCE**

| Use/Development Type | Max. Avg. Illumination (fc) | Notes |
|---|---|---|
| General site lighting outside of parking areas (commercial and industrial uses) | 3.0 | |
| Parking lots and outdoor storage areas (residential, commercial and industrial) | 2.0 | Uniformity ratio ≤ 4:1 |
| Walkways/sidewalks | 1.0 | Residential: ≤ 0.3 fc recommended |
| Building entries | 1.0 | For general wayfinding |
| Signage (externally lit) | 2.0 | Lighting must be directed downward and shielded |
| Automotive sales lots and service station canopy underlighting | 20.0 | Lighting must be directed downward and shielded |

*Source: IESNA RP-8-18, IDA Guidance, and local energy codes.*

5. *Upward Directed Lighting*. Uplighting is prohibited except for flagpoles, public monuments, or historic structures, and only if fully shielded and using ≤ 3000K sources.
6. *Sign Lighting*. All externally illuminated signs must use shielded fixtures directed only at the sign face. Internally illuminated signs must use opaque backgrounds with lighted text or graphics.

G. Light Trespass Control

1. *Prohibition of Light Trespass*. Outdoor lighting must be installed and maintained to ensure that no direct light is emitted onto adjacent properties, especially residential zones, or public rights-of-way.
2. *Maximum Vertical Illuminance at Property Line*. Measured at 5 feet above grade on the property line of adjacent lots, vertical illuminance from a light source on any site shall not exceed the maximum footcandles in Table 20.450.070-2 below.

**TABLE 20.450.070-2 MAXIMUM VERTICAL ILLUMINANCE AT PROPERTY LINE**

| Adjacent Use | Maximum Vertical Illuminance (fc) |
|---|---|
| Residential Zone | 0.1 footcandles |
| Non-residential (e.g., commercial, industrial) | 0.5 footcandles |
| Public right-of-way or park | 0.2 footcandles |

3. *Mitigation Measures*. If measured or observed light trespass exceeds the above limits, corrective measures such as re-aiming, shielding, dimming, or fixture replacement may be required by the City.

H. Ongoing Compliance Required. Lighting fixtures, illuminance, shielding, etc. shall be maintained over time in compliance with this chapter. Violations may be subject to enforcement action by the City per VMC 20.140, Enforcement.

## 20.450.075 Wireless Communications Facilities Standards

A. *Purpose*. In addition to accomplishing the general purposes of the Comprehensive Plan and Title 20, the purpose of this chapter is to set forth the regulations for the placement, development, permitting, and removal of wireless communications facilities, including support structures and antennas. The purposes of this ordinance are to:

1. Minimize the adverse visual, aesthetic and safety impacts of wireless communications facilities or residential districts and on the community as a whole.
2. Establish clear and objective standards for the placement, design and continuing maintenance of wireless communications facilities,
3. Ensure that such standards allow competition and do not unreasonably discriminate among providers of functionally-equivalent services.
4. Encourage the design of such facilities to be aesthetically and architecturally compatible with the surrounding built and natural environments.
5. Encourage the location of wireless communications support structures in nonresidential areas.
6. Encourage the co-location or attachment of wireless communications antennas on existing support structures or to help minimize the total number and impact of such structures throughout the community.

B. Applicability.

1. *Exemptions*. The requirements of this chapter shall apply to all new wireless communications facilities and the expansion and/or alteration of any existing facilities within the city limits, subject to the following exemptions:
   a. Satellite earth stations using antennas not more than two meters in diameter in commercial and industrial districts and direct-to-home satellite services using any size antenna in any district.
   b. Send-and-receive citizen band radio antennas operated by federally licensed amateur (ham) radio operators.
   c. Industrial, scientific and medical equipment as regulated by the FCC in 47 CFR Part 18.

d. Military and government radar antennae and associated communication towers used for navigational purposes as regulated by the FCC by 47 CFR Parts 97 and 95 respectively:

i. Military and federal, state and local government communications facilities used for emergency preparedness and public safety purposes; and

ii. Normal, routine and emergency maintenance and repair of existing wireless communications facilities which do not increase the size, footprint or bulk of such facilities and which otherwise comply with city, state and federal law and regulations.

2. *Process Type*. See Wireless Summary Table in subsection 20.450.075(M), below for Type I, Type II, and Conditional Use Permit types.

3. *General development standards*. Those wireless communication facilities which require a conditional use permit to be located in the applicable zoning district are subject to the general development standards of VMC 20.450.075(B)(3); the specific approval criteria of VMC 20.450.075; and the general conditional use approval criteria contained in Chapter 20.245 VMC governing conditional uses.

4. *BPA Transmission Lines*. BPA transmission towers and municipal water towers shall be considered wireless support structures for the purposes of co-locations.

C. Nonconforming Situations. Wireless communications uses and structures in existence as of 12/21/98 which are nonconforming as to the use or development standards of this ordinance shall be subject to the provisions of Chapter 20.195 VMC, Nonconforming Situations, except that new antennae may be permitted to co-locate on pre-existing wireless communication support structures subject to the development standards contained in Section 20.450.075 VMC.

D. General Development Standards. The following minimum development standards shall apply to all wireless communications facilities in addition to any development standards that apply in the underlying zoning district in which a wireless communication facility is located and/or additional requirements in any conditions of approval attached to a conditional use approval. In the event of a conflict between the standards of this section and other applicable development standards of this title, the more stringent standards shall govern.

1. *Anti-climbing devices*. All wireless communications support structures and required fencing shall be equipped with appropriate anti-climbing devices.

2. *Attachment to trees prohibited.* It is prohibited to attach any wireless communications facility or portion thereof to any tree.
3. *Signs.* All wireless communications support structures shall be identified with a nonilluminated sign not exceeding four square feet. The sign shall list the wireless service provider's name and emergency telephone number and shall be posted in a place visible to the general public.
4. *Historical registry/district.* Wireless communications facilities locating on any site or existing building that is on a historic register or in a historic district shall be subject to the applicable design standards prescribed by the local, state or federal agency with jurisdiction over such register or district.
5. *Lighting.* Wireless communications facilities shall not be illuminated except where required by the FAA, or the Washington Department of Transportation, Aeronautics Division.
6. *Painting.* Wireless communications facilities shall be painted or finished in a manner that blends with the dominant background, except where otherwise required by the FAA or Washington Department of Transportation, Aviation Division. The applicant and the operator of the facility shall have a continuing duty to maintain such paint or finish.
7. *Setbacks.* The following setback standards shall apply to wireless communications facilities:
    a. Accessory equipment structures and wireless communications support structures which are attached to existing buildings or other permanent structures shall comply with the setback requirements for the underlying district.
    b. Free-standing wireless communications support structures located in any district shall be set back from any property line of an abutting residential use or district by a distance equal to the height of the wireless communications support structure, or the setback of the underlying district, whichever is greater.
    c. Setbacks for free-standing wireless communications support structures shall be measured from the ground-level base of the structure.
    d. The setback in any district may be reduced by means of a Type I review if the applicant can demonstrate that:

i. Reduction in the setback increases the screening opportunities between the facility and abutting residential and other uses, for example, by placement behind tall trees, in tree groves, behind buildings or near other tall elements; and

ii. The reduction in setback allowed is the minimum required to achieve increased visual screening of the facility from abutting residential uses.

8. *Landscaping standards.* Wireless communications facilities in residential and commercial districts shall be subject to the following landscaping and screening standards:

   a. The perimeter of the wireless communication support structure and any guy wires and anchors shall be enclosed by a fence or wall per requirements contained in Chapter 20.450.035 VMC, Landscaping and Tree Conservation.

   b. Within the required setback, the applicant shall provide landscaping to include: at least one row of evergreen shrubs spaced not more than five feet apart and capable of growing to form a continuous hedge at least five high within five years of planting, and evergreen trees or shrubs, spaced not more than 15 feet apart or less than four feet high when planted.

   c. Landscape materials shall be selected and sited to produce a hardy and drought-resistant landscape area and approved by the Planning Official or his designate.

   d. Maintenance of the landscaped area shall be the responsibility of the applicant and/or operator of the facility. Required landscaping must be maintained in a healthy condition. Trees and shrubs that die must be replaced with healthy materials of the same or similar species and same size to the extent practicable.

   e. Temporary irrigation shall be provided to help ensure survival during the critical establishment period.

   f. The Planning Official or his designate may allow the use of landscaping and screening other than that described in subsections (H)(1) and (H)(2) of this section if the applicant shows the proposed landscaping and screening will achieve at least the same degree of screening provided pursuant to those subsections when viewed from off-site public areas and residences.

9. *Height standards.* The following standards shall apply to wireless communications facilities:

a. The height of a wireless communications facility shall include the support structure and any attached antennae proposed at the time of application.

b. The maximum height of wireless communications support structures and their antennae shall meet the maximum height standards of the underlying zone, except that all new support structures or attached antennae that exceed 100 feet in overall height in any zoning district shall require a Type III conditional use permit. A conditional use permit is not required for height increases of ten (10%) percent or less.

   i. A lightning rod, not to exceed 10 feet in height, or FAA-required lighting shall not be included within the height limitations;

   ii. Antennas or equipment shelters that are mounted on existing buildings or structures, or other wireless communications support structure or collocated facilities, in residential, commercial and industrial districts are exempt from the height restrictions of the underlying zone, but shall be no more than 15 feet taller than the existing building or structure on which the antennas are mounted.

c. The height limitation exemptions contained in Section 20.450.015 VMC, Exceptions and Interpretations, shall not apply to wireless communications support structures and antennas.

10. *Parking*. Each site for a wireless communications support structure shall designate one adjacent parking space. An existing parking space on a parent site may be utilized to meet this standard.

11. *Dispersal*. (Reserved)

12. *Access*. Whenever possible, vehicular access to the facility shall be incorporated into the existing driveway of a site.

13. *Insurance*. Liability insurance in an amount not less than $1,000,000 shall be maintained by the owner and operator of the facility until such facility is dismantled and removed from the parent site. Failure to maintain insurance coverage shall constitute a violation of this chapter and grounds for revocation of a permit.

14. *Performance bond*. The applicant or facility operator of the facility shall obtain and keep in force throughout the time the facility is located on the site a performance bond payable to the city in the amount of not less than $1,000 or such other greater amount as found by the Planning Official or his designate to be, to cover the estimated reasonable costs of removal of such facility by the city if required pursuant to VMC 20.450.075.K; these include direct and administrative costs associated with demolition, dismantling, removal and disposal of the facility by the city or its contractor. The bond shall be reviewed by the Planning Official or his designate every five years to ensure that it is sufficient to cover the costs of removal. Additionally, the applicant or facility operator shall post a separate bond for a two-year period following issuance of approval for the facility, in the amount of not less than $1,000 or such greater amount as found by the Planning Official or his or her designate to be sufficient to cover the cost of maintaining landscaping and/or screening of the facility.
15. *Building and utility permits*. The applicant for a permit pursuant to this chapter shall submit an application, plans, specifications and all other materials to obtain a building permit and any applicable utility permits. Such permits may be applied for either concurrently or after approval of other permits required by this chapter. Submittal requirements for attached antennas and co-locations are subsection M of this section, liability insurance; subsection N of this section, Performance Bond; and a lease agreement.
16. *Screening*. For new support structures and accessory equipment to be located in any district other than industrial districts, visual impacts must be mitigated to the greatest extent practicable by using stealth design, camouflage or screening, including but not limited to: fencing, landscaping, strategic placement adjacent to existing buildings or existing vegetation, placement of accessory equipment structures underground, and/or incorporation of wireless facilities into the architectural features of existing buildings or structures. Mitigation may also include design compatibility with key elements in the surrounding area, such as: use of brick or other material similar to that used in adjacent buildings or structures; visually blending of support structures with compatible architectural features such as flag poles, bell towers or cornices; or use of existing vegetation to camouflage support structures.

17. *Replacement of existing structures.* A wireless communications support structure may be permitted by means of a Type I procedure as governed by VMC 20.210.040, subject to the standards in the underlying zoning district, except where otherwise noted in the use provisions of this chapter, if it replaces an existing pole, light standard, telecommunications pole or other pole-like structure of the same or greater height, and is not more than twice the same circumference of the pole being replaced, and the antennas attached to such monopole otherwise meets the applicable standards of this section.
18. *Co-location evaluation study.* An applicant's co-location study shall consist of a report that includes the following:
    a. Identification of other wireless communication sites within the search ring for the proposed wireless facility, based on the city's database or contact with other providers.
    b. Certification from a qualified radio engineer indicating whether the necessary service is technically feasible if provided by co-location on the other provider's site.
    c. A response from the owner/lessor of the site(s) identified by the other provider(s), who either agrees or disagrees to co-location on their property; and/or lease agreement.
    d. An evaluation of access and site area at the possible co-location site(s) identified.
19. *Aviation criteria.* Any proposed telecommunication device, structure or object shall be reviewed to ensure that it does not penetrate any of the airspace surfaces on or near a public or private airport; if such airspace is obstructed, the permit shall be denied. Special attention shall be given to the following:
    a. Approach surface. Land lying beneath the approach surface which extends outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the runway end.
    b. Transitional surface. The transitional surface begins at the runway end and on either side of the runway surface and slopes upward and outward at a 7:1 slope meeting the horizontal surface at 150 feet above the elevation of the airport.

c. Horizontal Surface. The horizontal surface begins by swinging arcs of 5,000 feet from the center end of the runway surface creating an elongated oval above the runway. The height of the horizontal surface is 150 feet above the elevation of the airport.

d. Conical Surface. The conical surface begins at the edge of the horizontal surface and extends upward and outward for a distance of 4,000 feet at a slope of 20:1 with an initial elevation of 150 feet above the airport elevation.

E. Temporary wireless communications facilities. Wireless communications facilities may be permitted as a temporary use with review by the Planning Official or his designate in order to facilitate continuity in wireless communications service during repair or maintenance of existing wireless communications facilities or for testing purposes prior to completion of construction of new wireless communications facilities. Temporary wireless communications facilities shall operate for not more than 60 days within a six-month period commencing when transmission from such facility begins. The wireless communications facility shall be removed within 30 days after the facility is no longer needed for telecommunications purposes. Such temporary permits shall be subject to the insurance and bonding requirements of subsection 20.450.075(D)(14) VMC.

F. Additional Development Standards by Zoning District.

1. *In Lower-density residential districts.* Wireless communications facilities in lower-density residential districts, (i.e., LS, MS, and MH) are regulated as follows:

a. Lattice tower support structures, and new or replacement monopole support structures are prohibited.

b. Antennae are prohibited on attached and detached single-family dwellings and on their accessory structures.

c. Antennae and micro-cell facilities to be attached to nonresidential structures require a conditional use permit except when collocating on an existing wireless communications facility.

2. *In Higher-density residential and commercial districts.* Wireless communications facilities in higher-density districts, (i.e., MX, IC, IE, and RA) are regulated as follows:

a. Lattice tower support structures and new monopole support structures are prohibited detached single-family dwellings, and require a conditional use permit on multi-family dwellings or non-residential uses. Replacement monopole on multi-family and non-residential uses are permitted

b. Antennae are prohibited on attached and detached single-family dwellings or on their accessory structures.

c. Antennae and micro-cell facilities to be attached to multi-family or nonresidential structures require a conditional use permit, except when collocating on an existing wireless communications facility.

3. *In Industrial districts (HI).* Wireless communications facilities in industrial districts are regulated as follows:

a. Wireless communications facilities are permitted on industrial, commercial and multi-family residential uses in industrial districts. New lattice and monopole support structures, attached antennae and collocated antennae shall not be placed on attached or detached single-family uses or within the setback of the parent parcel on other uses unless the applicant demonstrates that such placement meets the standards of subsection 20.450.075(D) VMC.

b. Monopole support structures are permitted on industrial, commercial and nonresidential uses within the industrial districts, if the criteria in subsection 20.450.075(D)(17) VMC for replacement are met. Replacement poles on single-family uses require a conditional use permit.

4. *In open space districts (PO and NA).* Wireless communications facilities in the open space districts, (i.e., GR and NA) are regulated as follows:

a. Monopole support structures are permitted subject to the replacement standards of subsection 20.450.075(D)(17) VMC, except that replacement poles on attached or detached single- family, multi-family, and non-residential uses require a conditional use permit.

b. Wireless communications support structures otherwise require a conditional use permit on residential and nonresidential uses within such districts.

c. Antennae and micro-cell facilities must comply with the general development standards of subsection 20.450.075(D) VMC.

G. General Application Requirements and Conditions of Permit Issuance.

1. *Preapplication conference.* Preapplication conferences are required for all proposed wireless facilities except for co-located antennae proposed on existing support structures, pursuant to VMC 20.210.080.
2. *Preapplication conference application requirements.* In addition to the requirements of VMC 20.210.080 and the preapplication form provided by the community development department, the applicant shall submit a graphic representation of the search ring for wireless communication services proposed, and a narrative describing how the proposal complies with the development standards of 20.450.075(D) VMC.
3. *Permit application requirements.* In addition to the requirements of Chapter 20.210 VMC, the applicant shall, unless otherwise waived by the Planning Official or designate for good cause shown, provide the following:
    a. *Siting/co-location arrangements.* A copy of the applicant's co-location evaluation study, as required by VMC 20.450.075.(D)(18) or a valid agreement for co-location of the wireless communication facility on an existing building or support structure of another wireless services provider.
    b. *Visual impact simulation.* A graphic simulation of the proposed facility from not less than three perspectives, one of which shall be from ground level from any abutting residential property or the nearest public right-of-way.
    c. *Available sites map.* A map showing the service area of the proposed facility and a written explanation of the need for that facility, relative to existing facilities available within the search ring.
    d. A report from a qualified licensed engineer documenting:
        i. The anticipated capacity of the support structure, including the number and types of antennas which can be accommodated; at a minimum, the structure must be designed to accommodate at least two wireless antenna installations.
        ii. A projection of the wireless communication facilities within the coverage area of the facility proposed, that can be reasonably anticipated to be sited during the next five years.
        iii. A summary of findings that support the need for the facility at the location proposed.

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

4. *Permit issuance*. Prior to the issuance of a building permit, the applicant shall provide the following:

   a. A copy of the applicant's license issued by the FCC.

   b. A copy of the findings from the FAA's aeronautical study determination regarding the proposed support structure.

   c. In the case of a leased site:

      i. The applicant shall demonstrate that the lease agreement does not preclude the site owner from entering into leases of the site with other providers; and

      ii. Completion of a land division, in accordance with the provisions of Chapter 20.320 and 20.330 VMC, governing land divisions and binding site plans and the state subdivision law, Chapter 58.17 RCW.

H. Conditional Use Approval Criteria.

1. *Application for new wireless site*. In the case of an application for use of a new site for wireless communications facilities, that all reasonable opportunities to co-locate the facility, or to locate the facility on an existing building or structure have been exhausted by the applicant and are not feasible.

2. *Application for lattice tower in parks or natural areas*. In the case of an application for a lattice tower in open space or natural area, that there is no feasible alternative to use of a lattice tower at the proposed site, or within the search ring for provision of wireless communications services.

3. *Application for new monopoles in PO or NA districts*. In the case of an application to locate a new monopole on Building Types with only one dwelling unit in these districts, that there is no feasible alternative to use of a lattice tower at the proposed site, or within the search ring for provision of wireless communications services.

4. *Application for new monopoles in MX, RA, IC, IE, PO, NA districts*. In the case of an application to locate a new monopole on Building Types with more than one dwelling unit in these districts, that there is no feasible alternative to use of a lattice tower at the proposed site, or within the search ring for provision of wireless communications services.

5. *Application for antenna in PO and NA districts.* In the case of an application to locate an antenna on a Building Types with more than one dwelling unit in these districts, that there is no feasible alternative to use of a lattice tower at the proposed site, or within the search ring for provision of wireless communications services.
6. *Application for antenna in LS and MS.* In the case of an application to locate an antenna on a Building Types with any non-residential uses in these districts, that there is no feasible alternative to use of a lattice tower at the proposed site, or within the search ring for provision of wireless communications services.
7. *Application for wireless facility exceeding one hundred (100') in height*. If the wireless facility proposed would be in excess of 100 feet in height, that a structure of lesser height or another location at higher elevation is not feasible.
8. Visual impact mitigation.
    a. That visual impacts have been mitigated to the greatest extent possible by using camouflage or screening, including but not limited to: fencing, landscaping, strategic placement adjacent to existing buildings or existing vegetation, placing accessory equipment structures underground, incorporating facilities into the architectural features of existing buildings or structures. Mitigation may also include design compatibility with key elements in the surrounding area, such as use of brick or other material similar to that used in adjacent buildings or structures; visually blending support structures with compatible architectural features such as flag poles, bell towers or cornices; or using existing vegetation to camouflage support structures.
    b. That the location for a wireless communication facility has been chosen so as to minimize the visibility of the facility to residentially-zoned land, and to minimize the obstruction of scenic views from residentially-zoned land.

I. Permit Limitations/Expiration.

1. *Expiration of permits.* Any permit for a wireless communication support structure shall expire if all providers using a support structure cease using it for wireless communications systems for more than 12 continuous months.

2. *Period of review.* Any permit for a wireless communications support structure issued pursuant to this ordinance shall be reviewed after 10 years from effective date of the permit approval. Such review shall be initiated by the applicant within 30 days of the 10-year period, and completed by the city within the timelines established for ministerial review of land use permits. The wireless communications facility shall be reviewed for compliance with the ordinance in effect at the time of review, and in particular, to determine if opportunities for replacement with "stealth" technology or micro-cell antennae are technologically feasible. If stealth or micro-cell antennae are feasible for the site, then these antennae shall be utilized as a replacement, and the existing support structure removed.

J. Federal Requirements.

1. *Compliance with federal regulations and penalties.* All wireless communications support structures must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate wireless communications support structures and antennae. If such standards and regulations are changed, owners of the wireless communication support structure, antennae and electronic equipment governed by this ordinance shall bring such wireless communication support structure, antennae and electronic equipment into compliance with such revised standards and regulations within the compliance schedule of the federal agency. Failure to bring wireless communications support structures and antennae into compliance with such revised standards and regulations shall constitute grounds for the removal of the wireless communication support structure, antenna or electronic equipment at the owner's expense.

2. *Required environmental assessment.* The owners of such wireless communications support structures, antennae and electronic equipment shall provide the city with copies of all environmental assessments (EAs) required to be submitted to the FCC or FAA regarding locations within the city simultaneously with any filing with the federal agencies pursuant to 47 CFR Part I.

K. Removal of Antennas and Support Structures. Criteria for antenna removal. Any antenna or wireless communications support structure that is not operated for wireless communications for a continuous period of 12 months, shall be removed by the owner of the property on which the support structure or antenna is situated, or by the owner or lessee of the support structure or antenna within 90 days of receipt of notice to remove from the city. If the antenna and/or support structure is not removed within said 90 days, the city may remove the antenna or support structure at the owner's expense. If there are two or more wireless communications providers collocated on a single support structure, this provision shall not become effective until all providers cease using the wireless communication facility for a continuous period of 12 months.

L. Periodic Review. Reasons for periodic review. The city recognizes that communication technologies are subject to rapid change. Future innovations may result in reducing the impacts of individual facilities and render specific portions of this ordinance obsolete. Periodic review and revision of this ordinance shall occur at least every five years thereafter or more frequently at the request of the Planning Commission, City Council or the City Manager.

M. Summary Table. Summary of wireless communication facility regulations. The table below is a summary of the regulation of wireless communications facilities in the zoning districts, as authorized in Section 20.450.070 VMC. In the event of a discrepancy between the table and the ordinance language of this chapter, the ordinance language shall control.

TABLE 20.450.075-1WIRELESS SUMMARY TABLE

| P – Permitted (subject to development standards) / C – Conditional Use / X – Prohibited | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Existing[5] | Monopole (New) On | | | | Replace with Monopole[1, 2] | | Attached Antenna On | | | Height |
| Zone District | On Any Existing, Legally-Established Wireless Support Structure | Lattice Tower | BT with Only One (1) Dwelling Unit | BT with More Than One (1) Dwelling Unit | BT with Any Non-Residential Uses | More Than One (1) Dwelling Unit | BT with Any Non-Residential Uses | BT with Only One (1) Dwelling Unit | BT with More Than One (1) Dwelling Unit | BT with Any Non-Residential Uses | Maximum Height in Feet[4] |
| **LS** | P | X | X | X | X | X | X | X | P | C | - |
| **MS** | P | X | X | X | X | X | X | X | P | C | 35 |
| **MX** | P | X | X | C | C | P | P | X | P | P[3] | 50 |
| **RA** | P | X | X | C | C | P | P | X | P | P[3] | 65 |
| **IC** | P | X | X | C | P | P | P | X | P | P[3] | 72 |
| **IE** | P | X | X | C | P | P | P | X | P | P | 72 |
| **HI** | P | P | X | P | P | P | P | X | P | P | 72 |

| P – Permitted (subject to development standards) / C – Conditional Use / X – Prohibited | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Existing[5] | Monopole (New) On | | | | Replace with Monopole[1, 2] | | Attached Antenna On | | | Height |
| **MH** | P | X | X | X | X | X | X | X | X | X | - |
| **PO** | P | C | C | C | C | P | P | X | C | P[3] | 72 |
| **NA** | P | C | C | C | C | P | P | X | C | P[3] | 72 |

*1 Replacement of an existing pole, light standard, telecommunications pole or other pole-like structure by a monopole of the same or height increase of no more than ten (10%) percent, and not more than twice the same circumference of the pole being replaced. (20.430.104.13.B.1.i.2 VMC).*

*2 Per FCC-CIRC2006-03 (6409(a)), modification on a tower by more than ten (10%) percent or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty (20') feet, whichever is greater is permitted on all existing towers.*

*3 See VMC 20.510 Heritage Overlay District for additional requirements.*

*4 Per FCC-CIRC2006-03 (6409(a)), All new support structures over one hundred (100') feet in height require a conditional use permit. A conditional use permit is not required for height increases of ten (10%) percent or less.*

### 20.450.080 Cottage Cluster Dwelling

A. The following standards apply:

1. Size Limitations on Units. Single-family may not exceed sixteen hundred (1,600) square feet and each duplex three thousand (3,000) square feet. Floor areas of attached or detached rear garages and outbuildings shall count towards these size limits, with the exception of the first two hundred (200) square feet of rear garage or outbuilding per single-family, or four hundred (400) square feet per duplex.
2. Shared Common Open Space. Shared common space with shared amenities that amounts to at least two-hundred (200) square feet per unit must be provided.
3. Proximity to Shared Common Space. At least seventy-five (75%) percent of the units must be located within twenty-five (25') feet of the shared common open space. The planning official may at their discretion grant exceptions as needed to this requirement in the cases of very narrow or unusually configured lots.
4. Covered Porches and Roofs. Covered porches, when provided, must be at least sixty (60) square feet, with no dimension less than five (5') feet. Any roof higher than eighteen (18') must be pitched at a ratio of at least 6:12.
5. Community Buildings. May include up to one (1) community building with a maximum floor area of twelve hundred (1,200) square feet 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.
6. Allowable Unit Types and Uses.
    a. General uses. Uses are limited to attached and detached single-family homes and associated outbuildings, public or private open space, and parking areas.
    b. Home occupations. Home occupations as part of this building type pursuant to Section 20.430.100 Accessory Use Types, Structures, and Standards - Home Occupations are permitted only if there are no employees residing off site
    c. Accessory Dwelling Units. ADUs pursuant to this chapter of this code are permitted only if located entirely within the single-family homes.

B. Additional approvals, policies, or submittals. The following apply:

1. Access Plan. An access plan for solid waste and recycling collection service to all dwellings in the development shall be submitted with the application. The access and collection plan shall show either a designated collection point for each lot or a common solid waste storage area for use by all lots and the ability of collection vehicles to maneuver safely to all points of collection. All circulation and turnaround designs must meet the requirements of Chapter 11.80.070 VMC and the Transportation Standard Details and be feasible using city-provided solid waste truck turning modeling templates and truck specifications. Collection vehicles shall be able to circulate the development and service receptacles with minimal backing required.

2. Review process. Cottage cluster housing projects shall be reviewed under Chapter 20.320 VMC, Subdivisions, where individual lots are proposed to be owned separately, or as a Type II review subject to Chapter 20.270 VMC Site Plan Review, where common ownership of lots is proposed.

## 20.450.085 Manufactured Home Development

A. *Purpose*. The purpose of this chapter is to establish criteria for the placement of manufactured and modular homes in developments within the city in a manner that encourages housing options and protects the integrity of existing neighborhoods.

B. *Applicability*. Manufactured Home Developments established prior to the effective date of this ordinance are exempt from the development standards of Chapter 20.400 VMC and may continue to exist and expand within existing boundaries subject to the development standards of this chapter.

C. The following standards apply:

1. *Setbacks*. No manufactured home, or accessory thereto, shall be located any closer than 10 feet from the property line abutting on a public street or road, 5 feet from all other property lines and 5 feet from any such areas as a street, a common parking area, or a common walkway.

2. *Walkways*. Walkways of not less than 3 feet in width shall be provided from each manufactured home site to any service building, recreation area, and parking area.

3. *Buffering.* Buffering or screening is required to make the manufactured home development compatible with its adjacent surrounding uses. Buffering shall be a sight-obscuring fence, masonry wall, evergreen hedge or other suitable planting. Evergreen planting shall not be less than 5 feet in height and shall be maintained in a healthy living condition for the life of the manufactured home development.
4. *Landscaping.* A manufactured home development shall be landscaped in compliance with the requirements in Section 20.450.035 VMC, Landscaping and Tree Conservation.
5. *Recreational Areas.* A recreational area shall be a contiguous, improved area, and be suitably maintained for recreational purposes. The recreational area shall contain a minimum of 200 square feet of space per mobile home unit. It may contain a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and recreational amenities. Impervious elements shall not exceed 50 percent of the total recreation area.
6. *Accessory Structures.* Accessory structures supporting the primary residential use, including community buildings, recreational facilities, and commercial uses, shall be permitted outright.
7. *Expansion.* The following criteria must be taken into consideration in the expansion of existing manufactured home developments.
    a. *Additional Dwelling Units.*
        i. The addition of a manufactured or modular home to an existing manufactured home park development is permitted outright.
        ii. The addition of other residential building types is permitted provided the unit is restricted to households earning no more than 60 percent of Area Median Income (AMI). Affordability shall be secured through a recorded covenant or similar ensuring permanent compliance with the affordability requirement. The new residential building type must be permitted within the MH zoning district.
    b. Adequate buffering or screening shall be required when such developments are adjacent to commercial and manufacturing zones.
    c. Expansions within the approved manufactured home development boundaries shall provide extensions of future streets as required by the comprehensive plan.

8. *Repair and Replacement.* The repair or replacement of existing manufactured homes within an existing manufactured home park development shall be allowed as provided in this section.
    a. *Repair of existing units.* The repair or rehabilitation of an existing manufactured or modular home shall be permitted outright.
    b. *Replacement of existing units*.
        i. The replacement of an existing manufactured or modular home with a new manufactured or modular home is permitted outright.
        ii. The replacement of an existing manufactured or modular home with another residential building type is permitted provided the replacement unit is restricted to households earning no more than 60 percent of Area Median Income (AMI). Affordability shall be secured through a recorded covenant or similar ensuring permanent compliance with the affordability requirement. The replacement residential building type must be permitted within the MH zoning district.
    c. *Development Standards.* Replacement and additional units shall comply with all applicable development standards of the underlying zoning district and building type.
9. *Redevelopment.* Redevelopment of an existing park to another residential use shall be permitted outright when all the following standards are met:
    a. *Affordability Requirement*. All new dwelling units within the redevelopment shall be restricted to households earning no more than 60 percent of Area Median Income (AMI).
    b. *Affordability Covenant.* Affordability shall be secured through a recorded covenant or similar ensuring permanent compliance with the affordability requirement.
    c. *Development Standards.* The redevelopment shall comply with all applicable development standards of the underlying zoning district and building type.
10. *Use Exception.* A property owner within the Manufactured Home Development District (MH) zoning district may seek to rezone the property pursuant to the procedures set forth in Chapter VMC 20.285. The applicant must demonstrate that:

a. The existing MH zoning district does not allow for reasonable use of the property; or

b. The uses permitted in the MH zoning district are not economically viable due to the property's location, site conditions, or surrounding development.

11. Performance Bond. The Planning Official may require the posting of a bond or other assurance to ensure that all roadways, electrical work, plumbing, landscaping and other improvements required as a condition(s) of approval are constructed to the appropriate standard within the appropriate time frame, as governed by Section 20.450.010 VMC, Escrow and Assurances.

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# 20.500
# Overlay Districts

## Sections:

20.510 Active Ground Floor Use.

20.520 Active Ground Floor Ready.

20.530 Station Areas.

20.540 Industrial Holding.

20.550 Heritage Overlay District.

20.560 Noise Impact Overlay District.

20.570 Airport Height Overlay District.

# Chapter 20.510
# Active Ground Floor Use

## Sections:

20.510.010 Purpose.

20.510.020 Establishment of Boundaries.

20.510.030 Applicability.

20.510.040 Development Regulations.

## 20.510.010 Purpose.

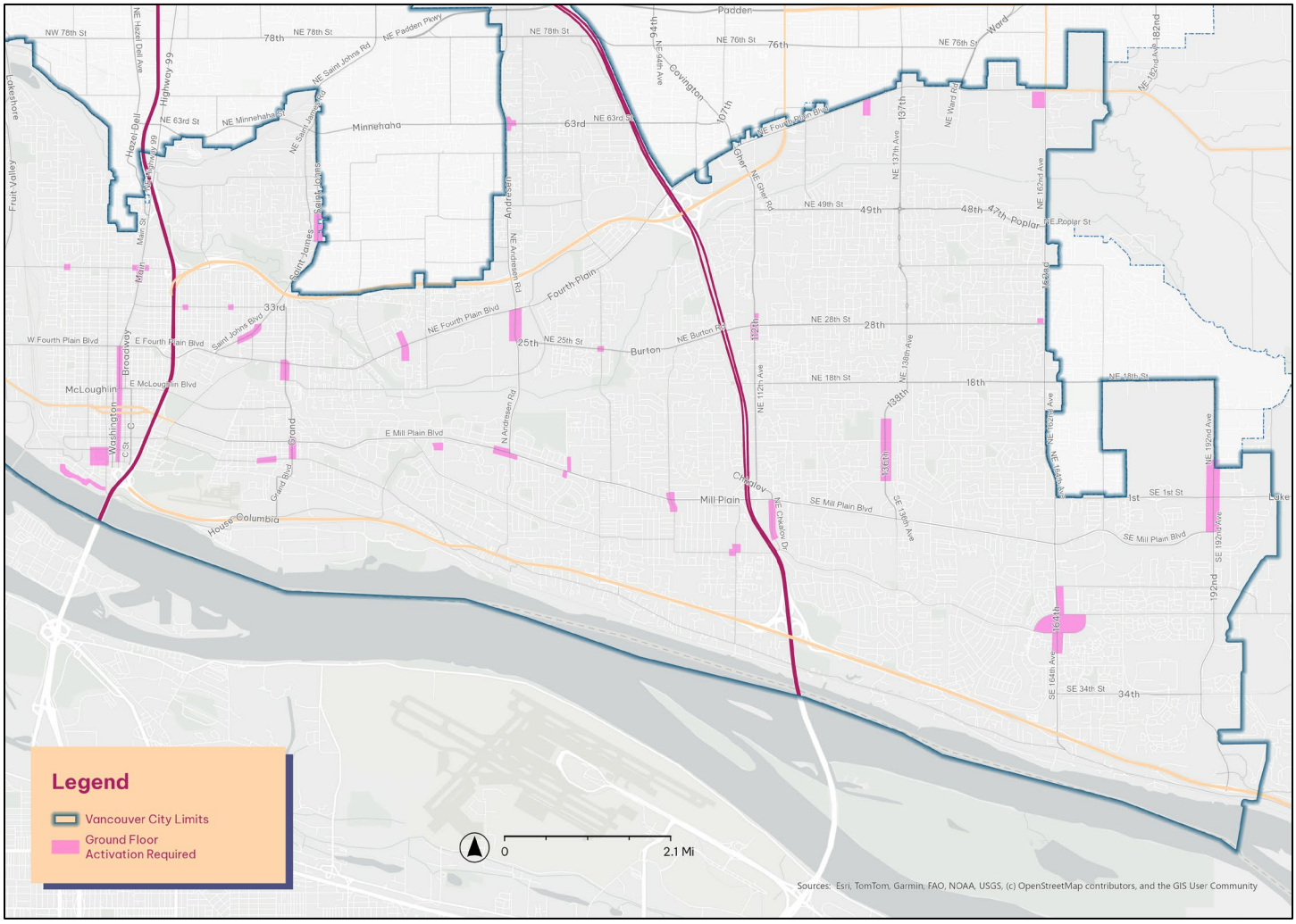
A. *Purpose*. This chapter establishes standards for the Active Ground Floor Use Required Overlay, ensuring that new development contributes to achieving the goals for the City's Comprehensive Plan, particularly for connected and accessible neighborhoods.

B. This chapter is not intended to prevent continued use, repair or expansion of lawfully existing buildings, or to render otherwise lawful development as nonconforming.

## 20.510.020 Establishment of Boundaries.

*Establishment of Boundaries*. The overlay is defined as illustrated in Figure 20.510.020-1.

**FIGURE 20.510.020-1. ACTIVE GROUND FLOOR USE OVERLAY**




## 20.510.030 Applicability.

*General.* All new buildings located along street frontages within the Active Ground Floor Use overlay are subject to the regulations of this Chapter.

A. *Exceptions*. Emergency services, as defined in Chapter 20.160 VMC, shall be considered exempt from this Chapter.

## 20.510.040 Development Regulations.

*Overlay Requirements.* Development regulations for new buildings are subject to the Overlay Requirements for the identified Building Type or Building Types in Chapter VMC 20.420 Building Types, in particular Section 6.1 Ground Floor Activation.

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# Chapter 20.520
# Active Ground Floor Use Ready

**Sections:**

20.520.010 Purpose.

20.520.020 Establishment of Boundaries.

20.520.030 Applicability.

20.520.040 Development Regulations.

## 20.520.010 Purpose.

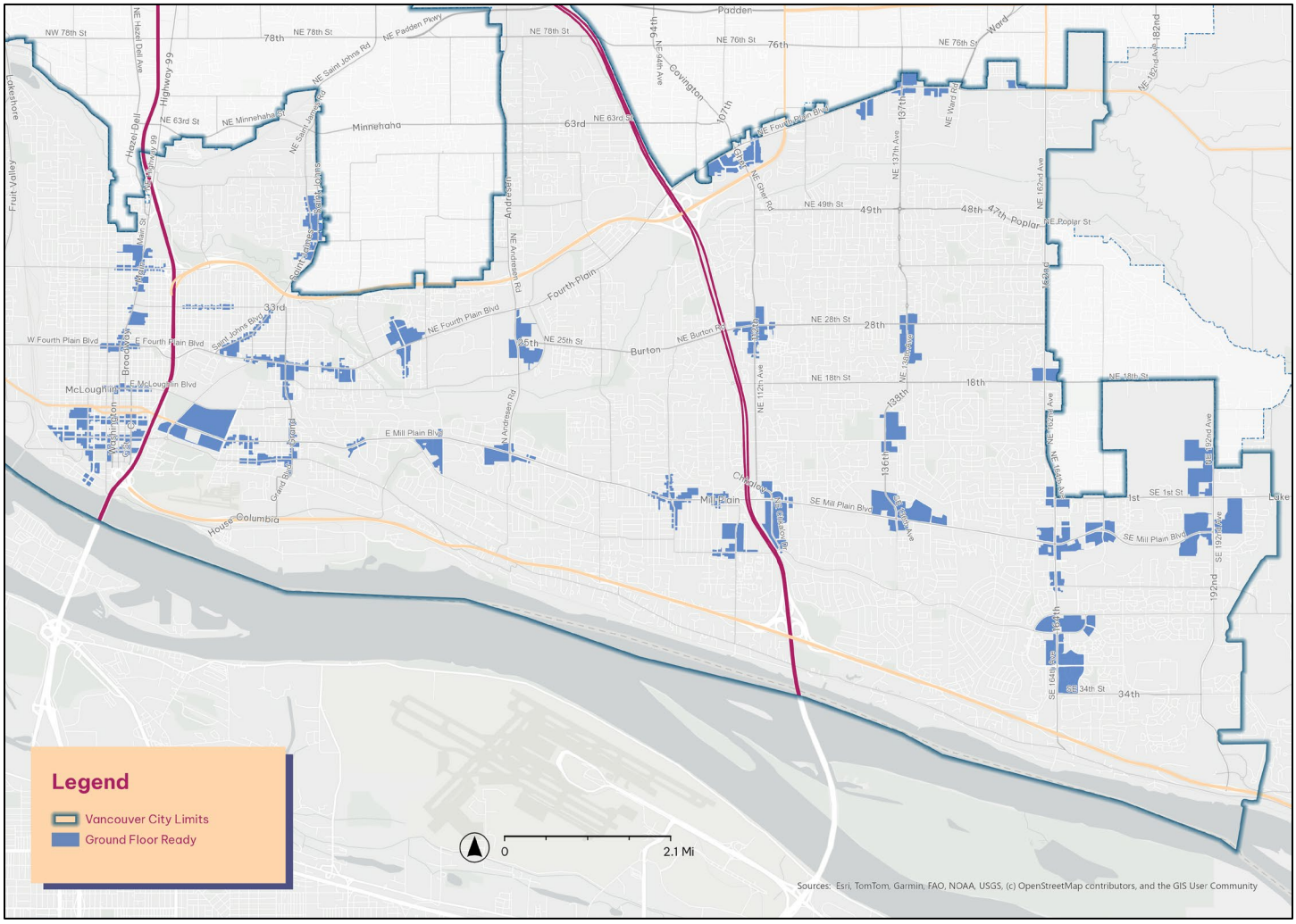
A. *Purpose*: This chapter establishes standards for the Active Ground Floor Use Ready Overlay, ensuring that new development in areas where active ground floor uses are not currently feasible can be converted to commercial uses in the future and contribute to the development of connected and accessible neighborhoods.

B. This chapter is not intended to prevent continued use, repair or expansion of lawfully existing buildings, or to render otherwise lawful development as nonconforming.

## 20.520.020 Establishment of Boundaries.

*Establishment of Boundaries*. The overlay is defined as illustrated in Figure 20.520.020-1.

**FIGURE 20.520.020-1: ACTIVE GROUND FLOOR READY OVERLAY**




## 20.520.030 Applicability.

*General.* All new buildings located along street frontages within the Active Ground Floor Use Ready overlay are subject to the regulations of this Chapter.

## 20.520.040 Development Regulations.

*Overlay Requirements.* Development regulations for new buildings are subject to the Overlay Requirements for the identified Building Type or Building Types in Chapter VMC 20.420 Building Types, in particular Section 6.2 Ground Floor Ready.

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# Chapter 20.530
# Station Areas

## Sections:

20.530.010 Purpose.

20.530.020 Establishment of Boundaries.

20.530.030 Applicability.

20.530.040 Development Regulations.

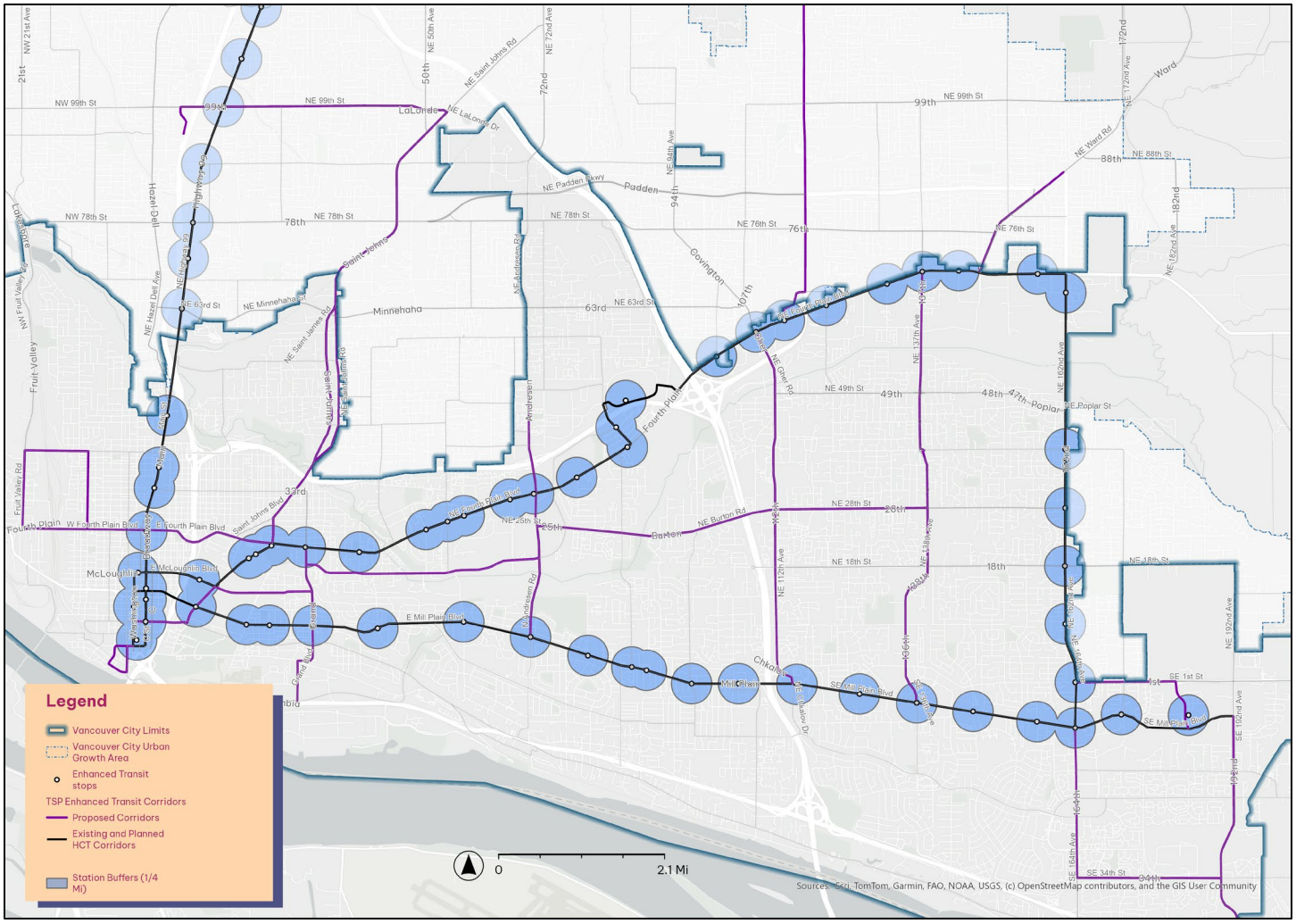
## 20.530.010 Purpose.

*Purpose*: This chapter establishes standards for major transit stops, to ensure that existing investments in transit and intermodal infrastructure are leveraged to implement the City's commitment to affordable and accessible housing and vibrant, walkable neighborhoods that improve health, wellness and expand multimodal transportation options.

## 20.530.020 Establishment of Boundaries.

*Establishment of Boundaries*. The overlay is defined as illustrated in Figure 20.530.020-1.

**FIGURE 20.530.020-1: STATION AREAS OVERLAY**




## 20.530.030 Applicability.

*General.* All new buildings located within the Station Areas overlay are subject to the regulations of this Chapter.

## 20.530.040 Development Regulations.

A. Height. No maximum building height of buildings within the Station Areas overlay regardless of maximum height within the base district. Maximum heights are released in the Overlay Requirements for the identified Building Type or Building Types in Chapter VMC 20.420 Building Types, in particular Section 6.3 Transit-Based Height Allowance.

B. *Surface parking lots.* All proposed new surface parking lots shall be accompanied with redevelopment plans showing how future development can be accommodated to replace the surface parking lots.

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# Chapter 20.540
# Industrial Holding

## Sections:

20.540.010 Purpose.

20.540.020 Establishment of Boundaries.

20.540.030 Applicability.

## 20.540.010Purpose.

*Purpose*: This chapter establishes standards for maintaining conformity for heavy industrial uses located in Columbia Business Center until such time as master plans are approved and established for these areas that allow conversion to the underlying base district.

## 20.540.020 Establishment of Boundaries.

*Establishment of Boundaries*. The overlay is defined as illustrated in Figure 20.540.020-1.

FIGURE 20.540.020-1: INDUSTRIAL HOLDING OVERLAY

## 20.540.030 Applicability.

*General.* Development within the Industrial Holding overlay shall be subject to the Heavy Industrial (HI) development standards until such time as the City and property owners agree to remove the Industrial Holding overlay and allow for development under the Regional Activity Center (RA) base zoning district.

Removal of the HI overlay shall be via adoption of a master plan pursuant to VMC 20.260.

Such master plan shall specify the timing and conditions under which the Industrial Holding overlay will be removed to allow for phased development consistent with the approved master plan.

Due to the unique character and combination of uses in the Columbia Business Center area, uses existing prior to June 1, 2026, on parcels with the Industrial Holding overlay in the Columbia Business Center may be altered, expanded or replaced regardless of use limitations in Table 20.430.050.

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# Chapter 20.550
# Heritage Overlay District

## Sections:

20.550.010 Purpose.

20.550.020 Heritage Overlay Districts - Downtown – Standards and Guidelines.

20.550.030 Review Process.

20.550.040 Determination of Compliance.

20.550.050 Preservation, Restoration, and Reuse.

20.550.060 Identification Plaque.

20.550.070 Historic Reserve District.

## 20.550.010 Purpose.

*General*. The Heritage Overlay Districts are intended to preserve the special architectural character and/or historic or cultural significance of certain areas within the City. The following additional regulations are imposed in areas so designated in order to do the following:

A. *Compatibility*. To ensure that new development is compatible in scale, character, and design with existing buildings and with the preservation of existing architectural characteristics of significant buildings in the area.

B. *Preservation*. To preserve and encourage the restoration of existing older buildings in their original architectural style.

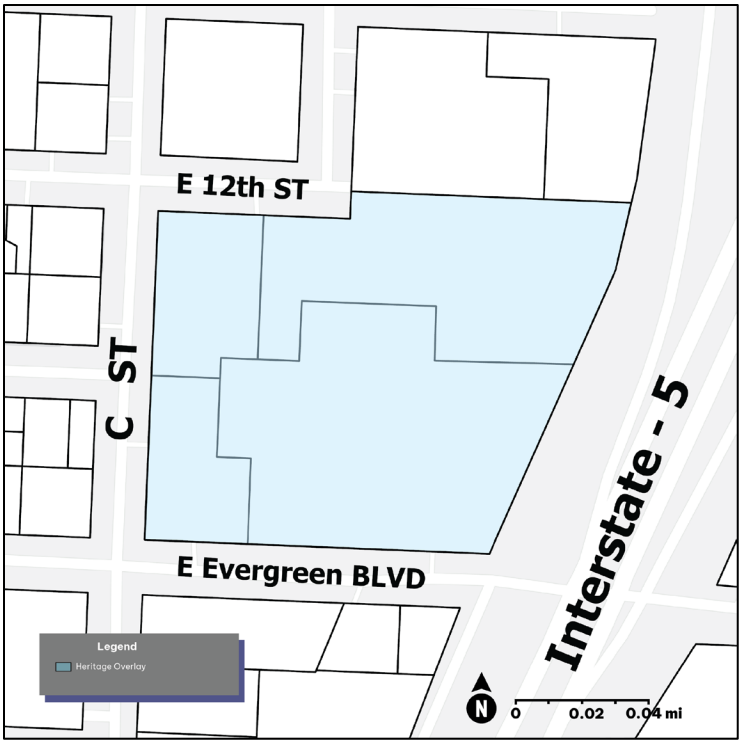
C. *Retention of unique character*. To retain, conserve, and improve historical, cultural, and architectural environments attractive to residents and to visitors, thereby promoting the economic health of the City while retaining its unique historical and architectural features.

## 20.550.020 Heritage Overlay Districts - Downtown – Standards and Guidelines.

A. Heritage Overlay District Number One.

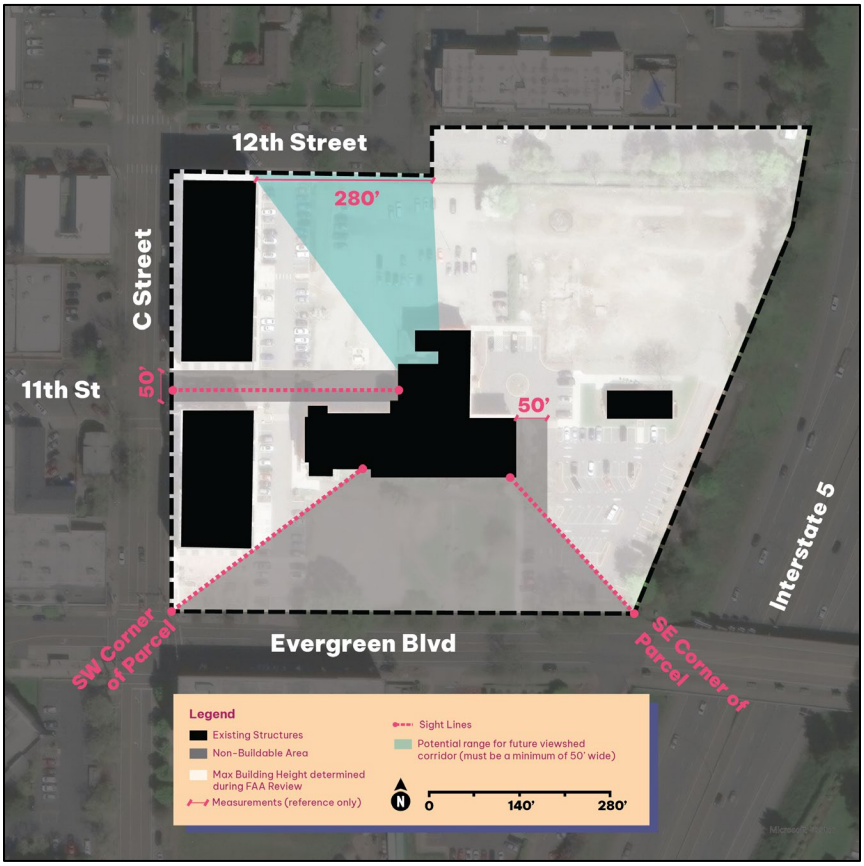
1. *Establishment*. Heritage Overlay District Number One shall be bounded by 12th Street, West Reserve Street, the north curb line of East Evergreen Boulevard, and C Street; Figure 20.510.020-1. This is primarily the site of Providence Academy, the dominant landmark and most important historic building in downtown Vancouver. The main Academy building is the major historic asset in the area, but the outbuildings and the grounds of the Academy are also important historical and architectural features because of their relationship to the main building, and their influence on views of the main building and on the character of the immediate environs.

**FIGURE 20.550.020-1. HERITAGE OVERLAY DISTRICT NUMBER ONE MAP**



2. *Policy*. Due to the importance of the site of Providence Academy, the Academy buildings, and the Academy grounds to the cultural, economic, and architectural history of Vancouver, and due to the unique character established by the buildings and grounds in combination with each other and with their surroundings, it is the policy of the city to preserve Providence Academy and critical open spaces integral to its site, and to ensure the compatibility of new construction or alterations to existing buildings, with the character of the historical buildings on the site. In order to accomplish this policy, special regulations are deemed necessary as an exercise of the city's legislative and police powers for the preservation and enhancement of the area.
3. *Standards and requirements*. The following requirements shall apply within Heritage Overlay District Number One, in addition to any other Zoning Ordinance regulations applicable to the area. The regulations are necessary to preserve the unique open space which provides a setting for and which is an integral part of the Providence Academy site, and to preserve views of the Academy from the East Evergreen Boulevard entrance to the downtown area.
    a. Construction shall not be allowed in the identified non-buildable areas shown and described in Figure 20.550.020-2.

FIGURE 20.550.020-2. HERITAGE OVERLAY DISTRICT NUMBER ONE NON-BUILDABLE AREAS




b. A non-buildable view corridor of 50 feet in width from approximately 11th Street looking east to the Main Academy building shall be preserved. In addition, there shall be one or two non-buildable view corridors looking south from 12th Street into the Academy site which shall be a cumulative total of 50 feet in width.

c. All new construction shall be similar in materials and texture to that of the main Academy building, and shall be primarily composed of brick facing, similar in color to that of the main building.

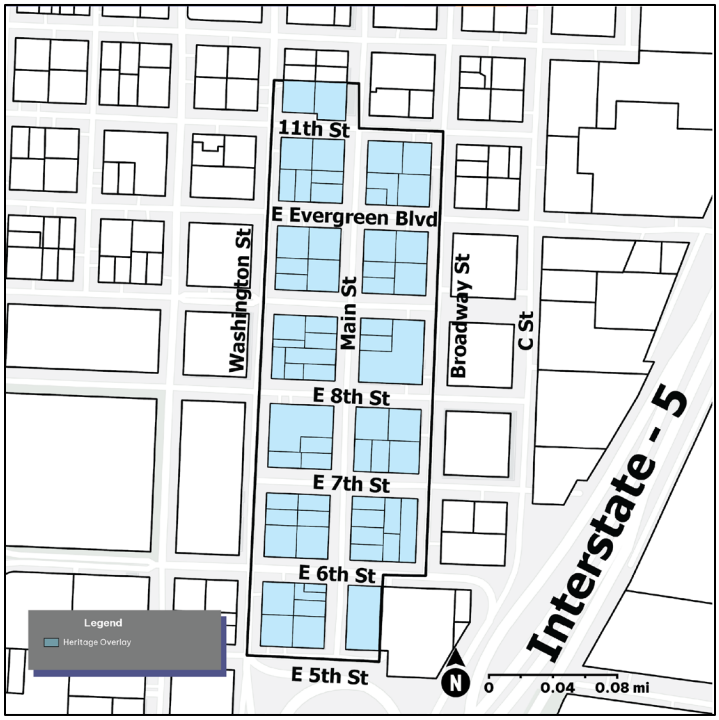
d. No sign shall be installed on the main Academy building above the first story. Free-standing signs on the property shall be limited to directional signs and necessary for parking and traffic control, and a limited number of signs advertising businesses on the premises containing an aggregate signage area of not more than 100 sq ft. No sign or sign structure shall be more than 10 feet in height above the ground level.

e. New construction shall minimize the removal of existing, mature trees exceeding 30 feet in height, and such construction shall be so located and designed as to preserve views of the main Academy building from East Evergreen Boulevard between the freeway and C Street, and shall preserve a setback from East Evergreen Boulevard of not less than 15 feet for open space and substantial planting, and such setback area shall not be used for parking.

B. Heritage Overlay District Number Two.

1. *Establishment*. Heritage Overlay District Number Two shall consist of the area depicted in Figure 20.550.020-3. The area contains a concentration of older buildings either entirely preserved in the architectural style of the early 1900's, or having significant key remaining characteristics of such style, and which are capable of restoration to their original character. Although there are few buildings of historical or architectural significance, the concentration of several older buildings and remaining parts of older buildings in the area collectively provide a street facade reminiscent and characteristic of turn-of-the-century downtown Vancouver, and provides both a historical asset and the potential to recreate the original character of lower Main as a cultural and economic asset.

**FIGURE 20.550.020-3. HERITAGE OVERLAY DISTRICT NUMBER TWO MAP**



2. *Policy*. It is the policy of the city to ensure the preservation of important street frontages representative of downtown Vancouver at an earlier time, to encourage the restoration of the facades of older buildings to their original character, to enhance and expand the economic, cultural, and architectural attraction of the area, and to coordinate the actions of individual property owners to the benefit of all property owners. In order to accomplish this policy, the regulations set forth in this chapter are deemed necessary to preservation and enhancement of the area.
3. *Key buildings*. Parts or all of the following key buildings in Heritage Overlay District Number Two illustrate one or more of the features identified in the previous Section. These buildings should be restored as much as possible to their original appearance, where it has been altered, and these should be used as guidance in the alteration or new construction of adjacent and nearby buildings.
    a. The Ford Building, 601 Main Street.
    b. Donnegan's, 614 Main Street
    c. C & C Department Store Building, 715 Main Street
    d. Vancouver National Bank Building, 518 Main Street.
4. *Exterior alteration and new construction guidelines*. The Vancouver Downtown Design Guidelines shall be adhered to in the construction of new buildings and alterations to all existing buildings in Heritage Overlay District Number Two.

C. Relation to VMC 17.39. The provisions of VMC 17.39 shall apply to the Heritage Overlay Districts, except in the case of a conflict, in which case the provisions of VMC 20.550 shall apply.

## 20.550.030 Review Process.

A. *New construction*. All new construction within a Heritage Overlay District shall require review by the Planning Official. The standards for such review shall be those applicable to the specific Heritage Overlay District the property is located within and the Vancouver Downtown Design Guidelines.

B. *Exterior Alterations*. All exterior alterations, to buildings listed on the Clark County Heritage Register, visible from a public street or other public place, including changes to signs, murals, marquees, awnings, canopies or other building appendages whether a building permit is required or not, requires advisory review by the Planning Official and a final decision by the Historic Preservation Commission. Exterior alterations to buildings listed on the State or National Registers of Historic Places whether a building permit is required or not, and visible from a public street or other public place, shall require an advisory review by the Historic Preservation Commission and a final decision by the Planning Official. All other exterior alterations to buildings within the Heritage Overlay, whether a building permit is required or not, visible from a public street or other public place, shall require a review by the Planning Official. The standards for such review shall be those applicable to the specific Heritage Overlay District the property is located within, the Vancouver Downtown Design Guidelines and the standards for historic preservation projects which appear as Title 36, C.F.R., Part 67 of the Federal Register and shall consult with the Planning Official on any exterior alterations to a historic building within Heritage Overlay District.

C. *Permission for removal of a registered building*. No building located within a designated Heritage Overlay District which is of special historical interest or value, as indicated by its having been listed on the National Register of Historic Places, the Washington Heritage Register or the Clark County Heritage Register of Historic Places or identified as an "eligible building" for future listing on the Clark County Heritage Register, State Heritage Register or National Register of Historic Places in the Washington State Inventory of Historical Site and Buildings, shall be torn down, demolished, or removed unless such building is or has become so dilapidated or damaged, whether from damage by fire or other elements or from natural deterioration, that it is unusable and cannot be reasonably repaired or restored; provided, that such a building may be relocated to another site within the Heritage Overlay District with the approval of the Historic Preservation Commission; provided, further that such a building may be relocated outside of a historic preservation overlay district after review and recommendation from the Clark County Historic Preservation Commission and approval of the City Council.

D. *Conditional uses.* The Hearing Examiner may authorize a use or uses of an existing building in a designated Heritage Overlay District not otherwise permitted within the regular use district with which the downtown development and Heritage Overlay District is combined as a conditional exception, in the same manner as for conditional exceptions regularly permitted; provided that:

1. The Hearing Examiner finds that allowing such use is necessary to the preservation and/or restoration of an existing building of historical or architectural merit (although not necessarily a designated historical building or structure).
2. Such use would not be detrimental to other regularly permitted uses in the district or to the historical or architectural character of the building.
3. The Hearing Examiner has received such assurances as it deems satisfactory (which may include covenants or conditions attached to its approval of a conditional exception), that allowing such use will ensure preservation and/or restoration of the building or key features of the building.
4. The Hearing Examiner is authorized to waive ordinances relating to setback distances or encroachment distances on public rights-of-way or parking requirements, or other requirements in the event the same are found by it to be necessary and reasonable for the development of any property so as to conform with the provisions of this Section. The Building Official pursuant to Chapter 11, Laws of 1976, may allow repairs, alterations, and/or additions necessary for preservation, rehabilitation, or continued use of a building which has been designated as a historic structure under this chapter without conformance to all city codes; provided, he/she shall do so only if he/she finds in writing that the repaired or altered building will be less hazardous, based on life and fire risk, than the existing building.

## 20.550.040 Determination of Compliance.

A. *General.* Determination as to whether a proposed alteration to the exterior of a building, or the design of a new building in a designated historic zone, meets the intent, purposes, and requirements of this chapter, shall be made by the Planning Official. Demolition permits for buildings listed on the Clark County Heritage Register, State Heritage Register or National Register of Historic Register are subject to approval by the Clark County Historic Preservation Commission, subject to appeal to the City Council, as provided herein.

## 20.550.050 Preservation, Restoration, and Reuse.

A. *General provisions for registered structures.* Any structure which has been included within a Historic Preservation Overlay District, and which is listed on the Clark County Heritage Register, State Heritage Register, or National Registers of Historic Places or identified as an "eligible building" for future listing on the Clark County Heritage Register, State Heritage Register or National Register of Historic Places in the Washington State Inventory of Historical Sites and Buildings, shall be subject to the following regulatory provisions hereby adopted to encourage preservation, restoration and reuse of historic structures:

1. Building Code Regulations applicable to the preservation, restoration and reuse of historic buildings and structures are contained in VMC 17. VMC 17.08 provides for the Building Official to approve alternate methods of construction and materials. Documents that the Building Official uses to make determinations on alternate methods and materials for the preservation, restoration and related reconstruction, rehabilitation, strengthening or relocation of buildings or structures designated as historic buildings include but are not limited to the State Building Code(s) designated in RCW 19.27, VMC 17, the Washington State Historic Building Code WAC 51-19, the International Existing Building Code and other technical resources related to historic buildings and structures.
2. Any developer may transfer the unused development potential of a historic building site to any other site in the same zoning district provided that such transfer would not create a hazard to low flying aircraft. The unused development potential shall be computed in terms of allowable floor area and building height for a site the same size as that on which the historic structure is located, minus the area in the historic building. This transfer of development potential is divisible and may be used only once. The owner of such property must have first recorded a covenant approved by City Council, being on all successor owners, heirs and assigns, that the historic building will be maintained in its historic condition in consideration of the special rights granted by this Section.
3. A structure as identified above shall not be demolished except in the following manner:

a. *Demolition of Unsafe Buildings.* If the City Building Official has found the structure to be unsafe under the provisions of Chapter 17.32 VMC, Unfit Buildings and Premises Code, and has ordered that the structure be demolished. No review is required by the Clark County Historic Preservation Commission.

b. *Demolition of Other Buildings in a Heritage Overlay District.* If a proposed reuse of the site requires the demolition of a structure listed on the Clark County Heritage Register, State Heritage Register, or National Register of Historic Places or identified as an "eligible building" for future listing on the Clark County Heritage Register, State Heritage Register or National Register of Historic Places in the Washington State Inventory of Historical Sites and Buildings, and such structure is located within a Historic Preservation Overlay District. The proponent of the demolition shall submit an Application for Demolition together with a report demonstrating that preservation of the building or structure and important features thereof proposed for demolition will impose an economic hardship upon the owner, rendering it impractical to renovate, restore, or reuse the structure. The report shall contain the following information:

   i. Ownership history during the past ten years including the buyers and sellers, sales prices, dates of sales and the relationships, if any, between the present owner(s) and the most recent previous owner(s).

   ii. The outstanding balance of the mortgage and other financing secured by the property.

   iii. The most recent assessed value and present property taxes levied.

   iv. All appraisals on the property performed during the past three years and an estimate of the property's present fair market value.

   v. A summary of listed prices, if any, for the property during the most recent three years.

   vi. Cultural significance as described in nominations for listing in the Clark County Heritage Register, State Heritage Register or National Register of Historic Places or in any consultant report determining that the building may be an "eligible building" for future listing on the Clark County Heritage Register, State Heritage Register or National Register of Historic Places.

   vii. Professional quality as-built drawings of the building and renderings of all exterior elevations showing the building's architectural features and black

and white photographs on acid free photographic paper of the building interior and exterior, its site and adjacent structures.

viii. Current level of economic return including annual gross income, itemized operating and maintenance expenses, capital expenditures, depreciation and debt service for the most recent three full years.

ix. An analysis of reasonable economic alternatives to demolition, including:

(A). redevelopment of the building in its present location independent of other development of the site;

(B). redevelopment of the building in its present location in conjunction with new development on the balance of the site;

(C). and relocation to a different location and whether such redeveloped or relocated alternatives are capable of providing reasonable economic return upon completion of renovation / repair / relocation activities.

c. *Procedures for Processing Applications for Demolition.* Applications for Demolition shall be processed as follows:

B. For buildings listed in the Clark County Heritage Register, State Heritage Register or National Register of Historic Places or identified as an "eligible building" for future listing on the Clark County Heritage Register, State Heritage Register or National Register of Historic Places in the Washington State Inventory of Historical Sites and Buildings and located within a Historic Preservation Overlay District a legal notice shall be published in the local newspaper that a completed application for demolition has been accepted by the Planning Official and providing the date that such application will be reviewed by the Clark County Historic Preservation Commission. A copy of such legal notice will be mailed to all property owners within 500 feet of the property on which the demolition is proposed. Such legal notice publication and mailing shall occur at least 30 days prior to the review of the application by the Clark County Historic Preservation Commission.

1. For buildings listed in the Clark County Heritage Register, State Heritage Register or National Register of Historic Places the Clark County Historic Preservation Commission will review the application and associated reports and make a recommendation to the Building Official.

2. For buildings identified as an "eligible building" for future listing on the Clark County Heritage Register, State Heritage Register or National Register of Historic Places in the Washington State Inventory of Historical Sites and Buildings and located within a Heritage Overlay District, but not listed in the Clark County Heritage Register, State Heritage Register or National Register of Historic Places, the Planning Official will review the application and associated reports and make a recommendation to the Building Official.

    a. *Criteria for Approval of an Application for Demolition.* The following criteria for approval or denial shall be considered when reviewing an Application for Demolition:

C. The extent to which the demolition of the building will have a serious adverse impact on the cultural significance of the Heritage Overlay District.

1. The extent to which the building is so deteriorated and so lacking in historical fabric, that it would not be viable to retain the historic, cultural and architectural significance of the building through rehabilitation or renovation.
2. There is no reasonable alternative to demolition that would provide the owner with a reasonable economic return.
3. The extent to which the denial will deprive the owner of reasonable economic use of the underlying property.

    a. *Conditions on a Permit for Demolition.* Conditions including but not limited to the following conditions may be attached to a permit for demolition when a permit for the complete or partial demolition of a building in the Heritage Overlay District is issued:

D. The effective date of the permit may be delayed by up to 90 days to allow third parties to propose alternatives to demolition to the owner. A longer period of time may be set if agreed to by the applicant.

1. The submission of information that supplements and completes the information required by Section 20.550.050 (3)(b) above.

a. Expiration of a Permit for Demolition: A permit for complete or partial demolition shall expire if the demolition authorized by the permit is not commenced within 180 days from the date of issuance of the permit. The Building Official or his/her designee may extend the time for commencement of work upon determining that delays in commencing the work were beyond the control of the owner. If the permit for demolition expires, a new application for demolition must be submitted and approved before demolition can be commenced.

## 20.550.060 Identification Plaque.

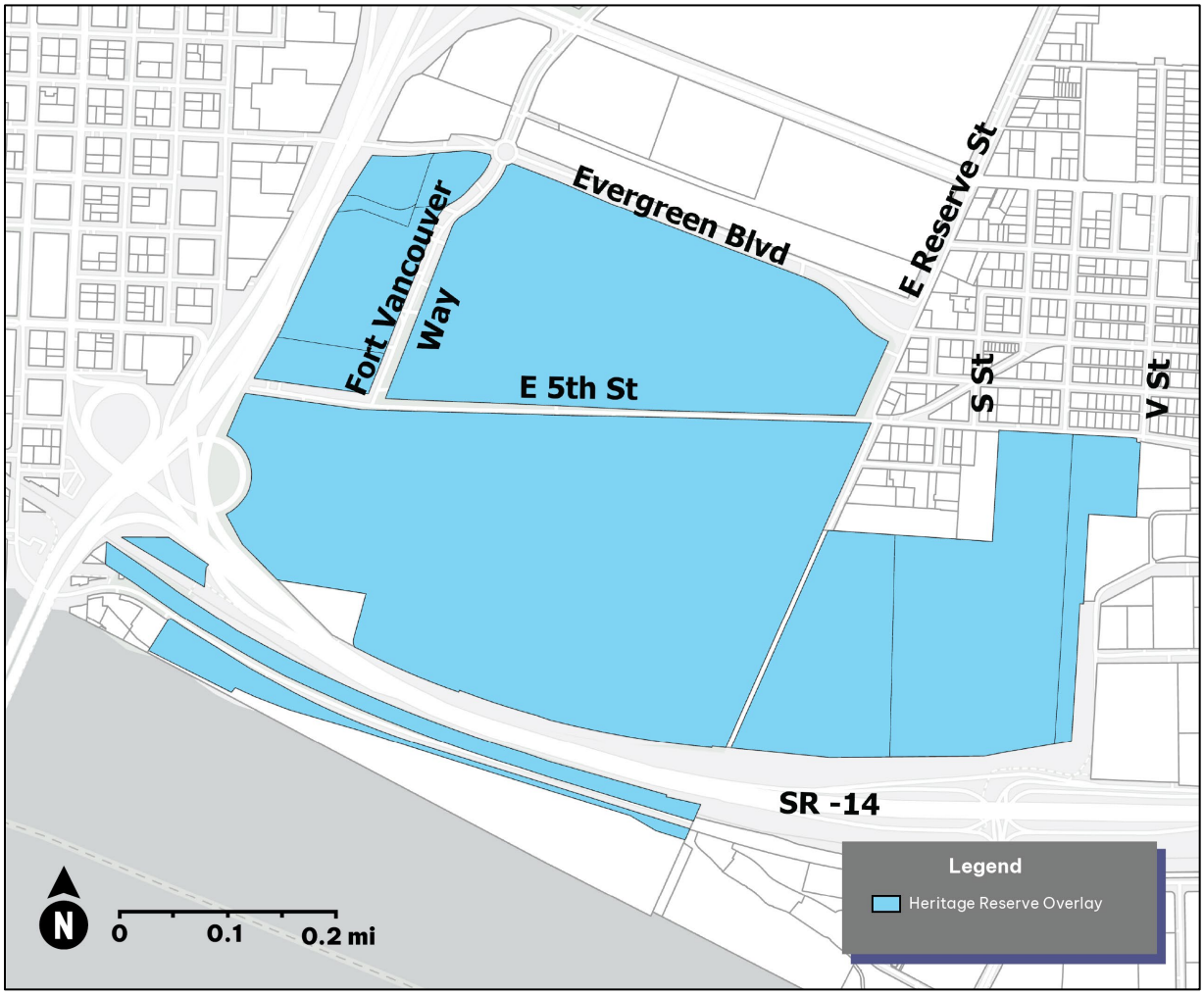
A. *Installation plaque criteria*. The owner of a designated historic building or site, or the occupant thereof, with the consent of the owner, may at his own expense install, in addition to any other signs permitted by ordinance, an identification plaque indicating name, date, architect or other appropriate information upon the property, provided that the size, material, design, location and text of such plaque has been first reviewed by the Clark County Historic Preservation Commission with final approval by the Planning Official.

## 20.550.070 Historic Reserve District.

A. *Purpose*. The federally designated Vancouver National Historic Reserve is unique in its cultural and historic resources. The purpose of this section is to establish standards that protect those resources and the historic character of the Reserve. To do so, the city is establishing an area of special regulation in the Vancouver Central Park Plan District. The Historic Reserve District is intended to result in a seamless environment that provides overall design and development standards while reflecting area and era specific standards within the District.

B. *Establishment of boundaries.* The Historic Reserve Conservation District shall include the properties known as the Vancouver Barracks, Fort Vancouver National Historic Site, Pearson Field Airport (includes the airfield and aircraft hanger facilities), Pearson Air Museum, and Jack Murdock Aviation Center, and Waterfront Park. These properties are generally located south of Evergreen Boulevard, east of the Interstate freeway I-5, and north of the Lewis & Clark Highway SR-14, the National Park Service property (referred to as Waterfront Park) and the Old Apple Tree Park located between SR-14 and the Columbia River as shown in Figure 20.550.070-1. As new property, owned by the Reserve Partners, is added to the Vancouver National Historic Reserve it will be included in the District boundaries. The Reserve Partners include the City of Vancouver, State of Washington, US Army, National Park Service at Fort Vancouver National Historic Site and the nonprofit Vancouver National Historic Reserve Trust.

**FIGURE 20.550.070-1 HISTORIC RESERVE CONSERVATION DISTRICT**



C. Regulation of uses.

1. *Permitted uses.* The following uses are permitted on all properties within the Historic Reserve Conservation District. Special Standards in subsection D 2 below provides information regarding compatible uses.

   a. Household living and home occupations.

   b. General Offices as defined in VMC 20.160.020 (C)(6)(a), excluding Medical Office as defined in VMC 20.160.020 (C)(6)(b) Use Classifications.

   c. Freestanding General Offices, as defined in VMC 20.160.020 (C)(6)(a) Use Classifications, housing Federal, State, County, City agencies or similar nonprofit organizations.

   d. Cultural Institutions, as defined in VMC 20.160.020 (B)(4) Use Classifications, such as museums and libraries.

   e. Art Studios and Galleries, excluding uses that involve hazardous processes or require outdoor storage.

   f. Eating and Drinking Establishments, as defined in VMC 20.160.020(C)(2) Use Classifications, including restaurants and microbreweries.

   g. Sales-Oriented General Retail Stores, as defined in VMC 20.160.020(C)(4)(a) Use Classifications. These uses can include on-premises production of retail products offered for sale at the site including but not limited to bakery, leather shop, or ceramics or wood-working studio, but excluding such a use that involves hazardous processes or requires outdoor storage.

   h. Personal Service General Retail, as defined in VMC 20.160.020(C)(4)(b) Use Classifications.

   i. Commercial Lodging, as defined in VMC 20.160.020(C)(1) Use Classifications.

   j. Educational Facilities such as schools and institutions of higher education.

   k. Recreation uses.

   l. Parades, special community events, air shows, car shows and similar public gatherings consistent with the city's Vancouver National Historic Reserve Special Events Policy.

   m. Airfield and Aircraft Hangar Facilities, including aircraft and aircraft component maintenance.

n. Performing Arts Center.

o. EV Basic Charging Stations, if accessory to a permitted use.

p. EV Rapid Charging Stations, if accessory to a permitted use.

D. *Special standards.* All development in the Historic Reserve Conservation District shall comply with the following standards and the Washington State Historic Building Code Chapter 51-19 WAC. These special standards supersede the Design Guidelines for Vancouver Central Park as adopted by Ordinance M-2073. All other provisions in the City of Vancouver Development Code apply. The Vancouver National Historic Reserve is also regulated under the US Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995. Lands within the District will be managed with respect to pertinent state, federal, and local regulations. The provisions of this special district do not apply to existing and future state or federal highway properties and rights-of-way located within or adjacent to the Historic Reserve Conservation District.

1. Development and changes that have taken place over the course of time are evidence of the unique history and character of each building, structure, or site and its environment. Further changes to the existing development shall be compatible with the eight historic periods established for specific areas within the Historic Reserve. These eight historic periods include: Indian Country (pre-1824), Hudson Bay Company Period (1824-1846), Fort Vancouver and Vancouver Barracks (1847-1860), U.S. Army (1861-1916), U.S. Army and World War I (1917-1918), U.S. Army and Civilian Conservation Corps (1919-1941), U.S. Army and World War II (1942-1947), and Modern Era/ National Park Service Period (1948----).

2. Reasonable effort shall be made to provide a compatible use for a property, that will require minimal change to the defining characteristics, of the buildings, structure, or its site and its environment in conformance with the Secretory of the Interior's Standards for Rehabilitation, or to use a property for its originally intended purpose. A compatible use is defined as a use that is consistent, complementary and does not conflict with the historic period.

3. The distinguishing original qualities or character of a building, structure, or site and its environment, as defined in the West Barracks by the National Park Service 2002 "Historic Structures Report" and for National Park Service owned property as outlined in the "General Management Plan" shall not be destroyed.

4. New construction should be limited to the reconstruction of the vanished or nonsurviving portions of a historic property or infill construction compatible with the scale and design of buildings in the immediate area. As described in The Secretary of the Interior's Standards for the Treatment of Historic Properties-1995, reconstructions is defined as the act or process of depicting, by means of new construction, the form, features, and detailing of a nonsurviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.
5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be preserved except where demonstrated to be economically or physically impracticable as determined by the City's Planning Official.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material shall, to the extent practicable, match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project. Activities within the special district will be required to meet the archaeological provisions of VMC 20.710.
9. Contemporary design for alterations and additions to existing properties shall be permitted when such alterations and additions do not destroy significant historical, architectural or cultural material, and/or the character of the property, neighborhood or environment.
10. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

11. Non-contributing buildings and structures, as identified in the 2007 National Historic Register listing of the Vancouver National Historic Reserve, may be removed.
12. Use of sustainable (environmentally sound and energy efficient) products and materials shall be required for all new construction and reconstruction throughout the special district. An exception may be granted by the Planning Official provided the applicant can clearly demonstrate that use of sustainable products and materials will significantly detract from the historic integrity of the individual building or the special district.
13. Public art and commemorative works within the special district shall be consistent with the Vancouver National Historic Reserve Public Art and Commemorative Works Policy.
14. Holiday or theme decorations and lighting shall present a coordinated appearance appropriate to the historic period of a building, structure, or site and its environment. All such decorations and lighting shall be subject to review and approval by the Reserve Partners and shall comply with applicable safety regulations.
15. Buildings shall be maintained at a minimum to the provisions of VMC 17.14 Minimum Property Maintenance Code as adopted by the city.
16. Off-street parking shall be provided as required in VMC 20.450.045 Parking and Loading Revised. No parking lot may be developed in the front yard of any building within the Vancouver Barracks (parking in side yards should seldom be allowed, if at all).
17. Undergrounding of utilities is required throughout the special district except where demonstrated to be economically or physically impractical as determined by the City's Planning Official. The Hudson Bay Company cemetery property is exempt from this requirement due to federal regulations regarding disturbance of tribal cemeteries.
18. Site and building improvements shall be designed to consider accessibility throughout the special district and to incorporate those provisions in ways that result in minimal visual impact, such as utilizing elevated grades in lieu of ramps, and providing public access to main entrances in lieu of secondary entrances.
19. Screening of Off-Street Parking Areas.

a. Parking areas shall be designed to provide safe and convenient movement of motor vehicles, limit vehicular/pedestrian conflicts, limit paved areas, provide for screening of paved areas, and soften the visual impact of parking areas by providing interior plantings.

b. Evergreen plantings to provide year-round perimeter screening of parking areas are required except where physically impractical as determined by the City's Planning Official.

20. Pedestrian Connectivity.

a. Provide sidewalk and walkways to encourage and accommodate pedestrian circulation and access movement between buildings, activity centers, transit stops, and parking areas within the Historic Reserve Conservation District and along its public streets.

b. Sidewalks and walkways shall be hard surfaced or other approved materials consistent with historic nature of the property such as decomposed granite surfacing.

21. Thematic Landscape.

a. Landscaping improvements shall be designed to be compatible with the historic buildings and appropriate to the historic periods for specific areas within the Historic Reserve Conservation District.

b. Landscape plantings shall be maintained and enhanced. New plantings shall augment and complement the existing trees and plants with similar or compatible species.

c. Landscape plantings of Pacific Northwest native plant species shall be used where practicable within the special district.

d. Permanent underground irrigation systems shall be provided for proper watering and maintenance of lawn and landscape planted areas. The Hudson's Bay Company cemetery property is exempt from this requirement due to federal regulations regarding disturbance of tribal cemeteries.

e. Removal, repair and replacement of existing trees shall be carefully considered and shall be subject to review and approval by the City's Urban Forester. Designated heritage or centennial trees, along with any individual tree, group of trees or 'allee' of trees that is significant to the cultural landscape of the Reserve shall be preserved and maintained.

f. Street trees shall reflect historic types and planting patterns consistent with the specific area of the Historic Reserve and shall be subject to review and approval by the City's Urban Forester.

g. Existing view sheds of the Columbia River and Mount Hood shall be preserved.

22. Exterior Light Standards.

a. Light standards along streets and walkways shall be pedestrian scaled and lower than conventional street light standards and provide more illumination of sidewalks and walkways for public safety of pedestrians. Pedestrian scale light standards are lower in pole height and more closely spaced than conventional street lights.

b. Light standards along streets and walkways within the Vancouver Barracks, Pearson Air Museum and Pearson Field Airport shall be the Shepherd's Crook style light standard as adopted by the City of Vancouver for the downtown Vancouver area. These Shepherd's Crook style light standards shall be painted dark green (to match existing standards within the Historic Reserve) and shall be installed with a preferred pole height of 14-foot to a maximum of 20-foot pole height, as measured from ground level to the top of vertical tapered pole. The light source shall be high-pressure sodium lamps and the preferred lamp shield shall be a frosted globe-shaped protective lens. The City may approve modifications to this standard to address individual, location-specific safety issues.

c. Light standards within Fort Vancouver National Historic Site shall be as determined by the National Park Service.

23. Seat Benches and Trash Receptacles.

a. Location of seat benches and trash receptacles shall be compatible with the historic character of the Historic Reserve.

b. Seat benches shall be provided at appropriate locations as opportunities for resting, social interaction, and stationary or passive pedestrian activities. Benches with backrests and armrests are recommended to accommodate and assist the elderly and physically challenged.

c. Seat benches and trash receptacles within the Vancouver Barracks and Pearson Field Airport shall be appropriate to the historic period of each location and shall be as approved by the Vancouver National Historic Reserve Partners.

d. Seat benches and trash receptacles within Fort Vancouver National Historic Site shall be as determined by the National Park Service.

24. Fences and Walls.

a. Fences and walls within the Vancouver Barracks, Pearson Air Museum and Pearson Field Airport shall be designed to be compatible with the historic buildings of these areas. The use of natural materials such as wood and native stone is required for fences and walls. The use of chain link fencing is prohibited except where use of other fencing materials is demonstrated to be economically or physically impracticable as determined by the City's Planning Official. Where chain link fencing is allowed, it shall be of a color to minimize visibility and screened from view from public rights-of-way with appropriate landscaping.

b. Fences and walls within Fort Vancouver National Historic Site shall be as determined by the National Park Service.

c. Fences shall be limited to reconstructions of historically documented fences, those replacing existing historic fences and only essential new fences. Reconstruction of historically documented fences is encouraged.

25. Signs.

a. Informational and directional signs within the Vancouver Barracks, Pearson Air Museum and Pearson Field Airport shall be as determined by the Vancouver National Historic Reserve signage program. Wayside signage shall be consistent throughout the special district. In general, new, nonessential signage is discouraged.

b. Regulatory signs for traffic control purposes (such as stop signs, yield signs and speed limit signs) shall comply with approved standards of the national Manual of Uniform Traffic Control Devices (MUTCD).

26. Access Control Bollards.

a. The City of Vancouver's Discovery Trail has a standard pre-cast concrete square bollard. This bollard shall be used to denote the Discovery Trail where it runs through the Historic Reserve.

b. Bollards within the Vancouver Barracks, Pearson Air Museum and Pearson Field Airport that are not located on the Discovery Trail shall be contemporary but compatible.

c. Bollards within Fort Vancouver National Historic Site shall be as determined by the National Park Service.

d. Use of bollards should be limited to areas where they are considered to be essential.

27. Screening of Service Areas and Mechanical Equipment.

a. All service areas, trash collection areas, exterior storage areas, and mechanical equipment shall be screened from view from streets and public areas.

b. Mechanical equipment for heating and ventilation of buildings shall be carefully placed to minimize its visibility from surrounding public areas and facilities. Placement of mechanical equipment on building rooftops is prohibited except where demonstrated to be economically or physically impractical as determined by the City's Planning Official.

c. Screening material shall consist of visually obscuring improvements such as evergreen trees or shrub hedges or opaque building features such walls or fences.

d. Screening constructed of building materials shall be compatible with the design and character of nearby buildings.

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# Chapter 20.560
# Noise Impact Overlay District

## Sections:

20.560.010 Purpose.

20.560.020 Establishment of Boundaries.

20.560.030 Applicability.

20.560.040 Approval Process.

20.520.050 Performance Standards.

20.560.060 Disclosure Statement Required.

20.560.070 Review and Modification.

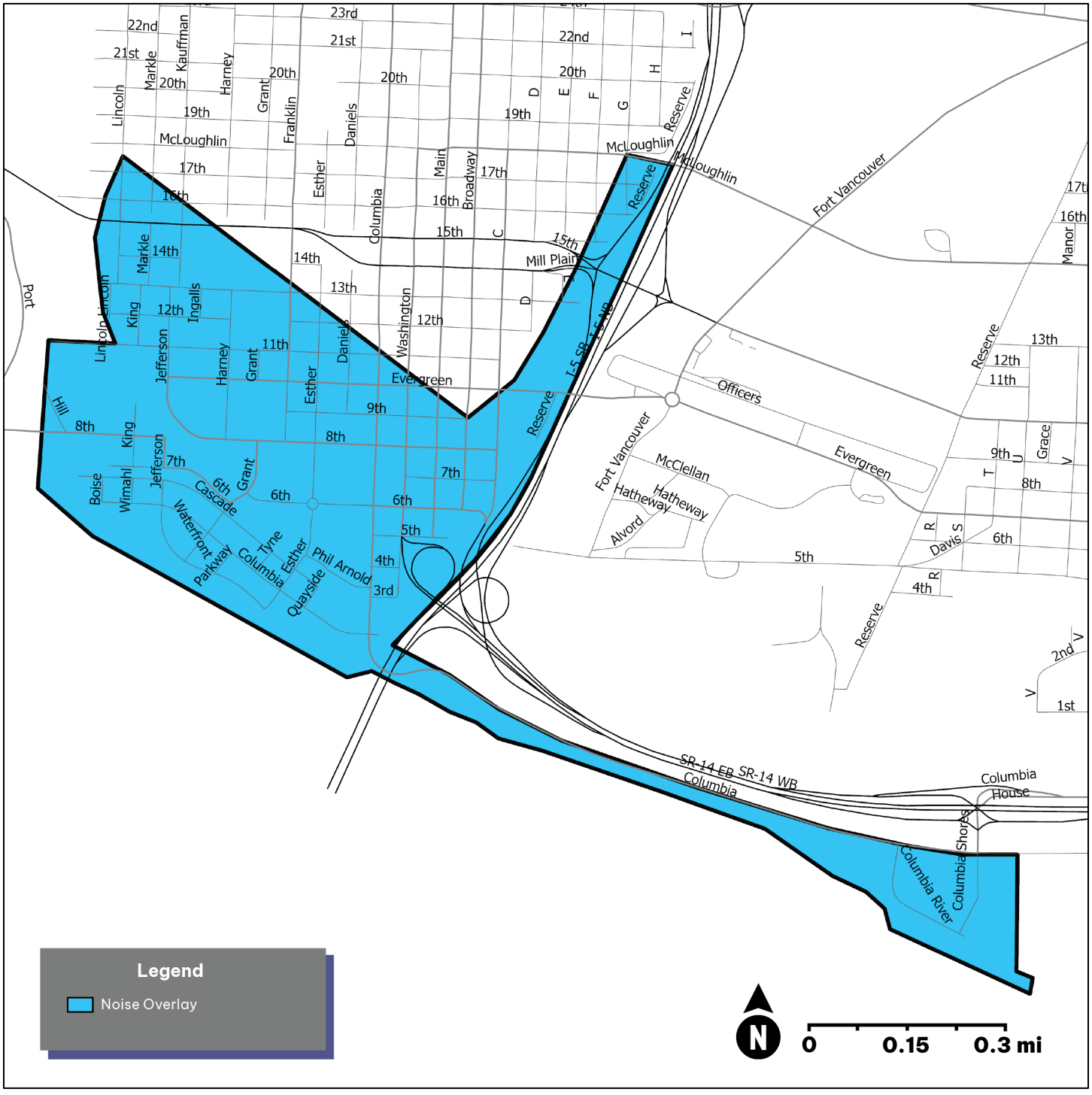
## 20.560.010 Purpose.

*General.* The purpose of the Noise Impact Overlay District is to provide a means by which the public and owners of property within the overlay district can be advised that unusually high levels of aircraft, railroad and/or traffic noise are to be expected on properties in such a district, and that such levels of sound reasonably require that special construction standards involving sound insulation hereinafter set forth be met on all new residential construction in such a district.

## 20.560.020 Establishment of Boundaries.

A. *Boundaries of Noise District.* The boundaries of the Noise Impact Overlay District are as set forth in Figure 20.520.020-1. Such boundaries delineate that part of the city which is most affected by noise from Portland International Airport, Burlington Northern Railroad, I-5 freeway and Pearson Airpark, or by the combined effect thereof. Such boundaries are based upon the 1988 65 Ldn Noise Contour shown on the 1983 PIA Noise Abatement Plan and are consistent with the noise impact studies of the Washington State Department of Transportation for the I-5 corridor. Large-scale maps showing the boundaries of the district shall be maintained in the office of the city's community development department. For lots or parcels located only partially within the district, this chapter shall apply if all or part of the exact building site is within the district.

FIGURE 20.560.020-1. NOISE IMPACT OVERLAY



B. *Amendment of boundaries.* The boundaries of the district hereby created shall be deemed amended whenever such boundaries are found by the Planning Official to require reasonable amendment to comply with the new noise impact standards thereinafter established; provided, in any case where the planning official finds it necessary to so amend such boundaries, his action may be appealed to the planning commission by any affected property owner or prospective purchaser by means of a Type III procedure, as governed by VMC 20.210.060.

## 20.560.030 Applicability.

A. *General.* All new residential uses within the Noise Impact Overlay District, are subject to the provisions and the regulations of this Chapter.

B. *Regulated structures.* These regulations shall apply to:

1. All new residential uses;
2. Expansion by 10 % or more of an existing residential structure; and
3. Reconstruction of an existing residential structure where the cost of reconstruction exceeds 75% of the value of the original structure.

## 20.560.040 Approval Process.

A. *Permit issuance.* The City shall not issue any building permit or other development permit allowing construction of any new residential structure intended for use as a dwelling or dwellings in the Noise Impact Overlay District except in compliance with this Section.

B. *Approval process.* An applicant for such a permit shall prepare a Noise Impact Reduction Plan subject to the following procedures:

1. *Residential (6 dwelling units or less).* An applicant for a new or expanded residential unit (6 dwelling units or less) shall request approval of the Noise Impact Reduction Plan by means of a Type I procedure, as governed by Section 20.210.040 VMC, using the performance standards contained in Section 20.560.050 VMC below.
2. *Residential (7 or more dwelling units).* An applicant for a project with 7 or more dwelling units shall request approval as part of site plan review, as governed by Chapter 20.270 VMC.

C. *Submission requirements.* The Noise Impact Reduction Plan, must include the following:

1. A map of the property, drawn to scale, and an identification of the sources of noise that result in noise impacts on the property to Ldn levels of 65 or greater.
2. A statement of the methods proposed to be used to accomplish sound reduction.
3. A statement that the applicant has consulted with any agency or corporation responsible for managing noise generated by a source identified in 20.560.020 VMC, and a certification by the applicant that the proposed construction is designed to reduce sound impacts within structures on the property so as to mitigate any conflict between the noise source and the use of the residential building as a dwelling.
4. A time schedule for construction of the project that clearly shows that sound reduction will have been accomplished prior to any occupancy of the rooms for residential use.
5. An estimate of the Ldn values outside of the proposed building, and an evaluation of the dBA level of single impacts, and a statement by the applicant that the existence of noise levels is acknowledged to exist, as governed by Section 20.560.060 VMC below.

## 20.520.050 Performance Standards.

A. *Construction standards.* Based on the Noise Impact Reduction Plan required in Section 20.560.040 VMC above, all regulated structures shall be constructed with sound insulation or other means which are rated to provide a decibel reduction sufficient to achieve a day/night average interior noise level of 45 Ldn for that specific property. A Washington licensed professional engineer or registered architect, knowledgeable in acoustical engineering or design, shall certify that the building plans are adequate to reduce interior noise levels to 45 Ldn or less. In preparing this certification the engineer or architect:

1. Must take into account the construction materials, type of foundation, soil type and other physical factors of the site in the evaluation.
2. Must use the ANSI, ISO, ASTM, or another nationally accepted standard for the transmission coefficients of various materials, and may assume all openings, e.g. doors and windows
3. In lieu of Subsection (1) or (2) above, the applicant's engineer or architect may accomplish the certification by a study of existing structures located within the same Ldn Noise Contour and vicinity, e.g., block, subdivision, park or moorage, to determine the expected noise level of the proposed structure(s).

B. *Alternate method*. In lieu of certification by a registered engineer as provided in subsection (A) above, an applicant may use standard-wall construction as provided in Reference Section 20.560.050-1, provided that the standard construction is rated to provide enough sound insulation that, when such rating is subtracted from the Ldn value established in the Noise Impact Reduction Plan, the average interior noise level will be reduced to 45 Ldn or less.

C. *Acoustical construction concepts*. (This Section, with some editing, is taken from the Audible Landscape, FHWA[1].) Noise can be intercepted as it passes through the walls, floors, windows, ceilings and doors of a building. Examples of noise-reducing materials and construction techniques are described in the pages that follow.

[1] The Audible Landscape: A Manual for Highway Noise and Land Use, U.S. Department of Transportation, the Federal Highway Administration, November, 1974. (GPO Stock #5000-00079)

1. *Sound Transmission Class (STC).* To compare the insulation performance of alternative constructions, the STC is used as a measure of a material's ability to reduce sound. Sound Transmission Class is equal to the number of decibels a sound is reduced as it passes through a material. Thus, a high STC rating indicates a good insulating material. It takes into account the influence of different frequencies on sound transmission, but essentially the STC is the difference between the sound levels on the side of the partition where the noise originates and the side where it is received. For example, if the external noise level is 85dB and the desired internal level is 45dB, a partition of 40 STC is required. The Sound Transmission Class rating is the official rating endorsed by the American Society of Testing and Measurement. It can be used as a guide in determining what type of construction is needed to reduce noise.
2. *Walls.* Walls provide building occupants with the most protection from exterior noise. Different wall materials and designs vary greatly in their sound insulating properties. Figure 20.560-2 shows a sample of wall types ranging from the lowest to the highest sound insulation values.
    a. Remember that the effectiveness of best wall construction will be substantially reduced if vents, mail slots or similar openings are permitted in the walls. If vents are permitted the ducts must be specially designed and insulated to make sure noise does not reach the inside. The best approach is simply to eliminate all such openings on affected walls.
3. *Windows.* Sound enters a building through its acoustically weakest points, and windows are one of the weakest parts of a wall. An open or weak window will severely negate the effect of a very strong wall. Whenever windows are going to be a part of the building design, they should be given acoustical consideration. Figure 20.560-2 illustrates the effects of windows on the sound transmission of walls. For example, if a wall with an STC rating of 45 contains a window with an STC of 26 covering 30 % of its area, the overall STC of the composite partition will be 35, a reduction of 10dB.

The first step in reducing unwanted sound is to close and seal the windows. The greatest amount of sound insulation can be achieved if windows are permanently sealed. However, operable acoustical windows have been developed which are fairly effective in reducing sound. Whether or not the sealing is permanent, keeping windows closed necessitates the installation of mechanical ventilation systems. The smaller the windows, the greater the transmission loss of the total partition of which the window is a part. Reducing the window size is a technique that is used because: (a) it precludes the cost of expensive acoustical windows; and, (b) it saves money by cutting down the use of glass. The problems with this technique are: (a) it is not very effective in reducing noise; e.g., reducing the proportion of window to wall size from 50 % to 20 % reduces noise by only 3 dB; and, (b) building codes require a minimum window to wall size ratio. If ordinary windows are insufficient in reducing noise impacts in spite of sealing techniques, thicker glass can be installed. In addition, this glass can be laminated with a tough transparent plastic that is both noise and shatter resistant. Glass reduces noise by the mass principle; that is, the thicker the glass, the more noise-resistant it will be. A 1/2" thick glass has a maximum STC rating of 35dB compared to a 25dB rating for ordinary 3/16" glass. However, glass thickness is only practical up to a certain point, when STC increases become too insignificant to justify the cost. For example, a 1/2" glass can have an STC of 35; increasing the thickness to ¾" only raises the STC to 37. However, a double glass acoustical window consisting of 2- 3/16" thick panes separated by an airspace will have an STC of 51 and can cost less than either solid window.

In addition to thickness, proper sealing is crucial to the success of the window. To prevent sound leaks, single windows can be mounted in resilient material such as rubber, cork or felt.

Double-glaze windows are paired panes separated by an airspace or hung in a special frame. Generally, the performance of the double-glazed window may be increased with: (a) increased airspace width; (b) increased glass thickness; (c) proper use of seals; (d) slightly dissimilar thickness of the panes; and, (e) slightly nonparallel panes.

In general, the airspace between the panes should not be less than 2-4" if an STC above 40 is desired. If this is not possible, a heavy single-glazed window can be used. The use of slightly nonparallel panes is a technique employed when extremely high sound insulation is required, such as in control rooms of television studios.

The thickness of double-glazed panes may vary from 1/8" to ¼" or more per pane. Although thickness is important, the factors that most determine the noise resistance of the window are the use of sealant and the width of the airspace.

As in the case of all windows, proper sealing is extremely important.

4. *Doors*. Acoustically, doors are even weaker than windows, and more difficult to treat. Any door will reduce the insulation value of the surrounding wall. The common, hollow core wood door has an STC rating of 17dB. Taking up about 20% of the wall, this door will reduce a 48 STC wall to 24 STC. To reduce noise, a hollow-core door can be replaced by a heavier solid-core wood door that is well sealed and is relatively inexpensive. A solid-core wood door with vinyl seal around the edges and carpeting on the floor will reduce the same 48 STC wall to only 33dB.

   The alternative solution to doors is to eliminate them whenever possible from the severely affected walls and place them in more shielded walls.

   In any case, no mail slots or similar openings would be allowed in exterior doors.

5. *Roofs*. Acoustical treatment of roofs is not usually necessary unless the noise is extremely severe or the noise source is passing over the building. The ordinary plaster ceiling should provide adequate sound insulation except in extremely severe cases. An acoustically-weak roof which is likely to require treatment is the beamed ceiling. Beamed ceilings may be modified by the addition of a layer of fiberglass or some other noise resistant material. Suspended ceilings are the most effective noise reducers but they are also the most expensive.

REFERENCES

1 U.S. Department of Housing and Urban Development, A Study of Techniques to Increase the Sound of Insulation of Building Elements, Report NO. WR 73-5, Washington, D.C., June, 1973.

2 Ibid.

3 D.E. Bishop and P.W. Hirtle, "Notes on the Sound Transmission Loss of Residential-Type Windows and Doors," Journal of the Acoustical Society of America, 43:4 (1968).

4 U.S. Gypsum, Sound Control...p. 100.

5 Ibid p. 15.

**FIGURE 20.560-2. WALL SOUND INSULATION CHARACTERISTICS**

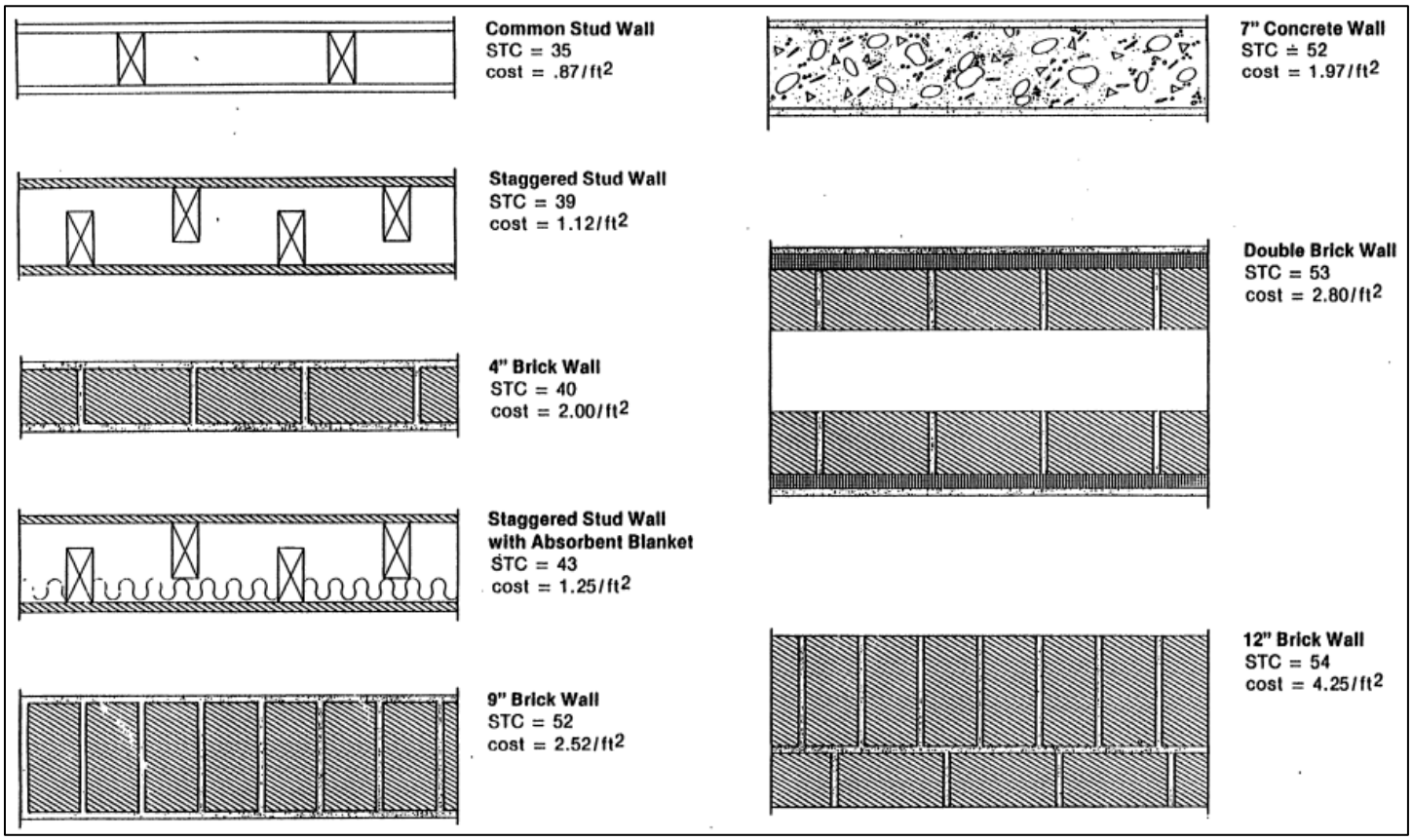
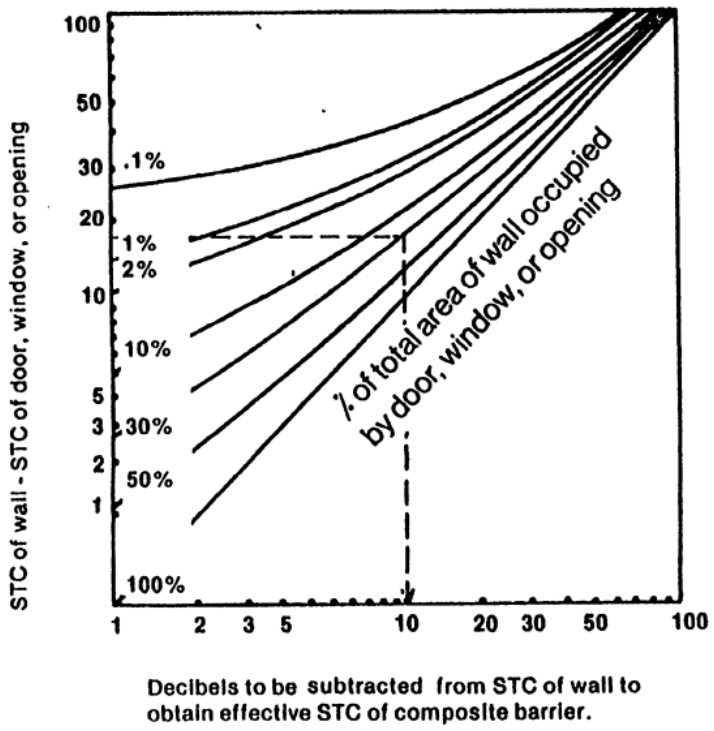


FIGURE 20.560-3. WINDOWS' SOUND TRANSMISSION CHARACTERISTICS




Instructions on use of graph

1. Subtract the STC value of the door, window or opening from the STC value of the wall.
2. Enter the vertical axis of the graph at the point that matches the value from step 1.
3. Read across to the curve that represents the percentage of the total area of the wall that is taken up by the door, window, or opening.
4. Read down to the horizontal axis.
5. Subtract the value on the horizontal axis from the original STC value of the wall. The result is the composite STC value of the wall and the door, window or opening.

## 20.560.060 Disclosure Statement Required.

A. *Required disclosure statement*. As a condition of a building or development permit for residential use within the Noise Impact Overlay District, the applicant shall sign and record a disclosure statement in a form provided by the City consistent with this Chapter. Such statement shall clearly document that the premises may be adversely affected by noise. The statement shall also reference any Noise Impact Reduction Plan applicable to the property, and the applicant shall agree to provide a copy of this statement to all prospective purchasers or tenants of the property who intend to occupy the structure as a dwelling. A signed copy of such statement and proof that it has been recorded with the County Auditor must be presented to the Planning Official prior to issuance of any such permit. If the overlay district is modified under Section 20.560.020(B) VMC so as to reduce the size of such zone or to delete any land therefrom, the affected property owner may amend such disclosure statement to reflect such change, and upon written approval of the Planning Official, may file a supplemental statement showing such change.

### 20.560.070 Review and Modification.

A. *General.* There shall be review by the Planning Commission of the boundaries of the Noise Impact Overlay District at least every 5 years. This review shall be based on the location of the 65 Ldn noise contour provided by the Port of Portland, the Washington Department of Transportation, and/or other reliable sources. (Note: For purposes of establishing review dates, this Chapter was adopted by the City on June 17, 1985.)

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# Chapter 20.570
# Airport Height Overlay District

**Sections:**

20.570.010 Purpose.

20.570.020 Establishment of Boundaries.

20.570.030 Applicability.

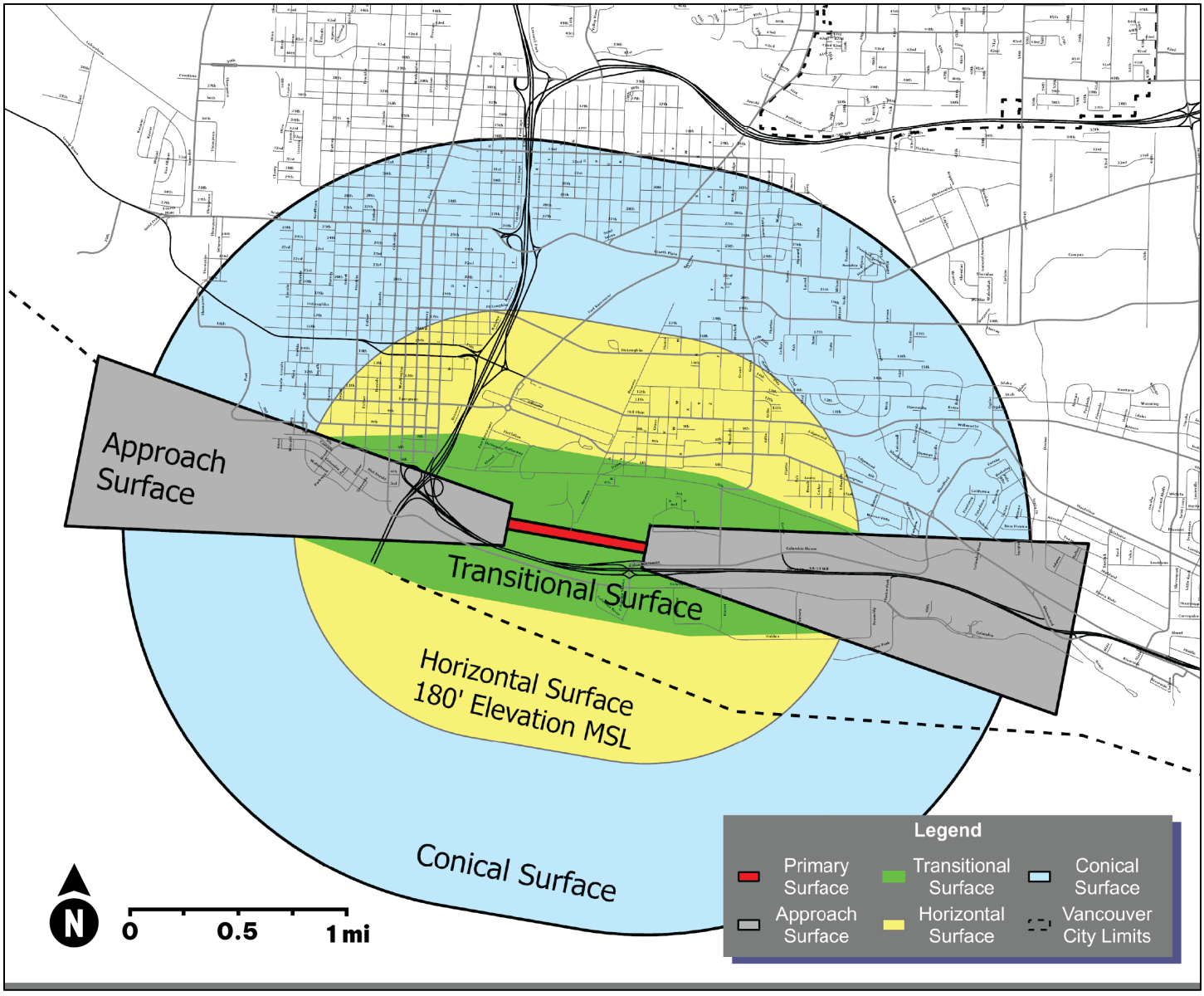
## 20.570.010 Purpose.

*General*. The Airport Overlay District has been established in order to protect the health, welfare, safety and quality of life of the general public, property owners and aircraft operators and to protect the long-term viability of Pearson Field Airport as an essential public facility.

## 20.570.020 Establishment of Boundaries.

The provisions of the Airport Height Overlay District shall apply to lands identified and illustrated in Figure 20.570.020-1.

FIGURE 20.570.020-1. AIRPORT HEIGHT OVERLAY DISTRICT




## 20.570.030 Applicability.

A. Pearson Airpark approaches:

1. No use shall be located within an approach surface, transitional surface, horizontal surface or conical surface as defined by Figure 20.570-2 in such a manner to create interference with navigable airspace, navigational signals or radio communications between the airport and aircraft or to make it difficult for pilots to distinguish between airport lights and other lights. Uses shall not result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, take-off or maneuvering of aircraft intending to use the airport.
2. *Specific requirements*.
    a. *Structure height limitations*. No structure, including any roof-top appurtenance, shall be erected, altered, or maintained and no tree shall be allowed to grow on land which lies directly under any approach surface, transitional surface, horizontal surface or conical surface as defined in Chapter 20.150 VMC Definitions to a height in excess of the applicable height limit established for such surface or that are allowed in accordance with the adopted CFR Federal Aviation Administration Regulations Part 77.
    b. *Surface height limitations*. Development shall be designed so as not to penetrate or interfere in any way with the airport's surfaces as defined in Chapter 20.150.040B consistent with Federal Aviation Administration Regulations Part 77. Penetration of any airport surface as defined in Part 77 may only be allowed if explicitly authorized by the FAA.
    c. *Lighting*. New development that creates glare or lighting that interferes with lights necessary for aircraft landings is prohibited.

d. *Appropriate notice.* Applicants with property within this overlay district shall provide written notice to, and requests for written comments from the State Aeronautics Division, Federal Aviation Administration and the Airport operator. Documentation of notice and written comments received by the applicant shall be provided to the city at the pre-application conference. Where no pre-application conference is required, documentation of notice and written comments received by the applicant shall be provided with the application packet. Where the applicant has provided written notice and request for comments and the agency or airport operator has failed to respond within 45 days from the date the written request was mailed, the applicant may submit the pre-application without the required comments. Applicants should be aware of federal notification and permitting requirements when construction is proposed on or near airports. Applicants should be aware that FAA height restrictions include construction equipment, such as cranes. Federal Aviation Administration Regulations, Part 77 – Objects Affecting Navigable Airspace, outline the specific criteria for FAA notification. The FAA Form 7460-1 is used for Federal Aviation Administration notification.

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# 20.600
# Subarea Plans

## Sections:

20.610 112th Avenue Corridor Subarea Plan.

20.620 Central Park Subarea Plan.

20.630 Evergreen And Grand Commercial Corridors Plan.

20.640 Fourth Plain Subarea Plan.

20.650 Fruit Valley Subarea Plan.

20.660 Riverview Gateway Subarea Plan.

20.670 Section 30 Subarea Plan.

20.680 The Heights Subarea Plan.

20.690 City Center Subarea Plan.

# Chapter 20.610
# 112th Avenue Corridor Subarea Plan

## Sections:

20.610.010 Purpose.

20.610.020 112th Avenue Corridor Plan Area.

20.610.030 Plan Documents.

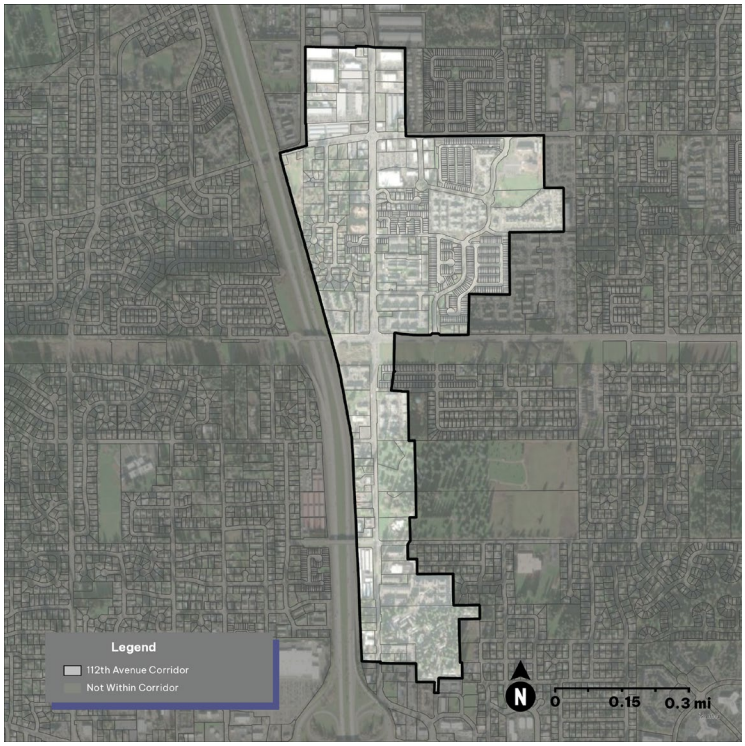
## 20.610.010 Purpose.

*Purpose*. The 112th Avenue Corridor Subarea is envisioned as a walkable (connected, safe, and comfortable) community. The primary street, 112th Avenue, as well as its adjacent developments will provide for safe pedestrian, bicycle and vehicle travel, allowing connectivity to services, jobs, housing, and amenities along the corridor. To achieve walkability future development will incorporate interconnected streets and trails, diverse housing choices, mix of uses, gathering places, and enhanced pedestrian amenities. The I-205 interchanges and the transit station will also be integrated into the fabric of the area and support walkability

## 20.610.020112th Avenue Corridor Plan Area.

The plan area is bounded by Interstate 205 on the west, to NE 4th Street on the south, to NE 33rd Street on the north with an irregular boundary on the east as depicted in Figure 20.610.020-1.

**FIGURE 20.610.020-1: 112TH AVENUE CORRIDOR SUBAREA**




## 20.610.030 Plan Documents.

Developments within the 112th Avenue Corridor Plan Area shall substantially comply with the following plan documents

A. 112th Avenue Corridor Subarea Plan

B. 112th Avenue Corridor Design Guidelines

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# Chapter 20.620
# Central Park Subarea Plan

**Sections:**

20.620.010 Purpose.

20.620.020 Central Park Subarea Plan.

20.620.030 Plan Documents.

## 20.620.010 Purpose.

*Purpose*. Prominently located at the Columbia River gateway to Washington state and the Vancouver City Center, the Central Park Planning area possesses unique public destinations of national, state and local significance. The 2008 Central Park Plan envisions a unified sense of place by celebrating a shared historic landscape, announcing gateways into the plan area and to key features, establishing an enhanced and cohesive great street and interconnecting trail network within the plan area and to its neighbors. At the same time, allow the distinct public use and characteristics of the three districts to expand and flourish.

## 20.620.020 Central Park Subarea Plan.

*Establishment of Boundaries*. In general, the Columbia River to the south, Interstate 5 to the west, Fourth Plain Boulevard to the north and East Reserve Street to the east define the plan area, as illustrated in Figure 20.620.020-1.

**FIGURE 20.620.020-1: CENTRAL PARK SUBAREA**

## 20.620.030 Plan Documents.

Developments within the Central Park Subarea Plan shall substantially comply with the following plan documents

A. Central Park Plan

B. Central Park Parking Plan

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# Chapter 20.630
# Evergreen And Grand Commercial Corridors Plan

**Sections:**

20.630.010 Purpose.

20.630.020 Evergreen and Grand Commercial Plan Area.

20.630.030 Plan Documents.

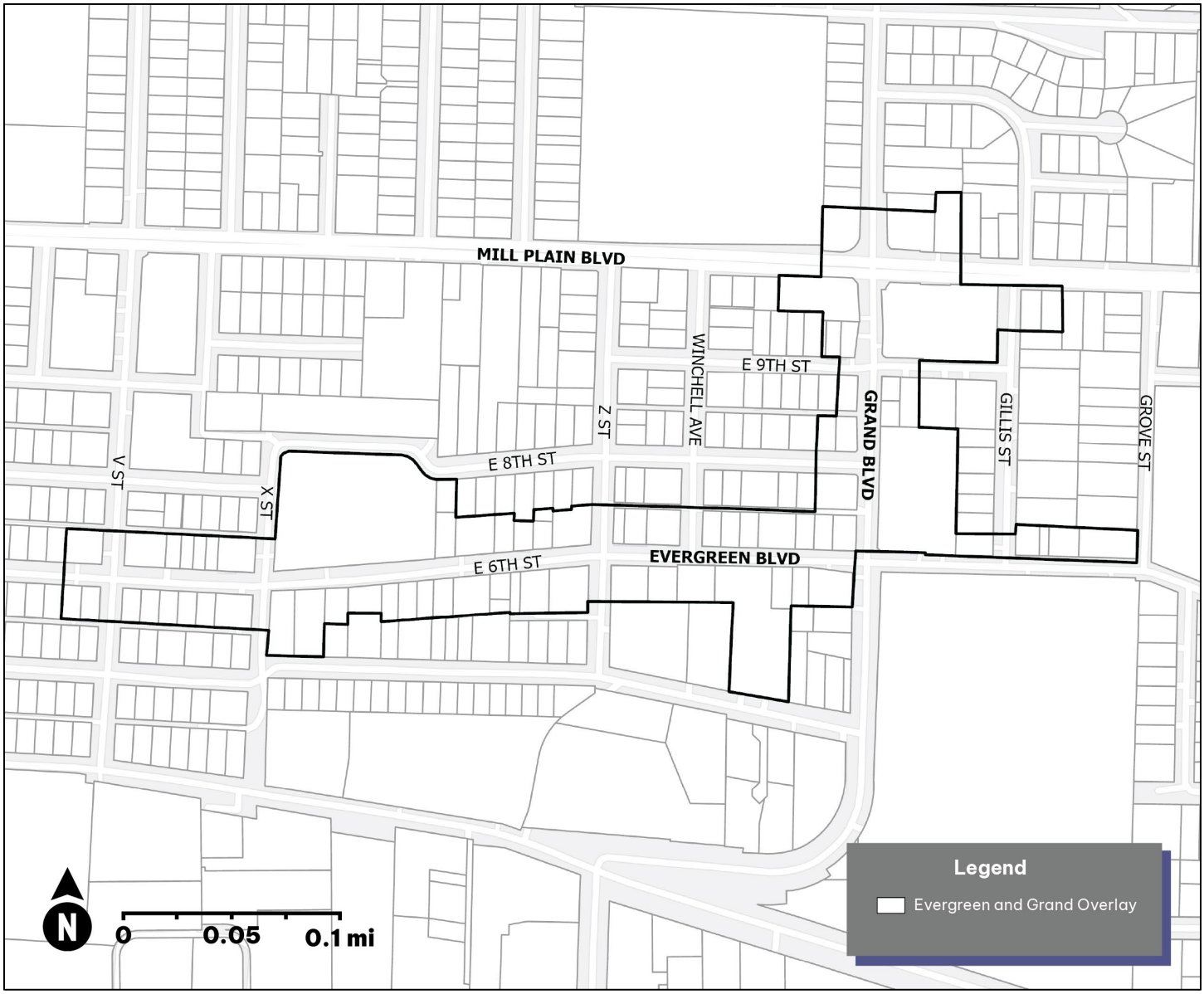
## 20.630.010 Purpose.

*Purpose*. East Evergreen and Grand Boulevards are locally-oriented corridors that boast an emerging small business district, have a unique character with smaller-scale buildings oriented to the street, and are located in an area adjacent to established neighborhoods. In 2022, the City Council adopted the Evergreen and Grand Commercial Corridors Strategy to guide future development in the corridors. The Strategy outlines a vision for an equitable and diverse corridor that is vibrant, sustainable and mixed use, and that recognizes and builds on the neighborhoods unique setting, history and character

## 20.630.020 Evergreen and Grand Commercial Plan Area.

*Establishment of Boundaries*. The plan area is defined as illustrated in Figure 20.630.020-1.

FIGURE 20.630.020-1: EVERGREEN AND GRAND COMMERCIAL PLAN AREA




## 20.630.030 Plan Documents.

Developments within the Central Park Plan Area shall substantially comply with the following plan documents:

A. Evergreen and Grand Commercial Corridors Strategy

B. Evergreen and Grand Commercial Corridors Strategy Appendices

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# Chapter 20.640
# Fourth Plain Subarea Plan

**Sections:**

20.640.010 Purpose.

20.640.020 Fourth Plain Plan Area.

20.640.030 Plan Documents.

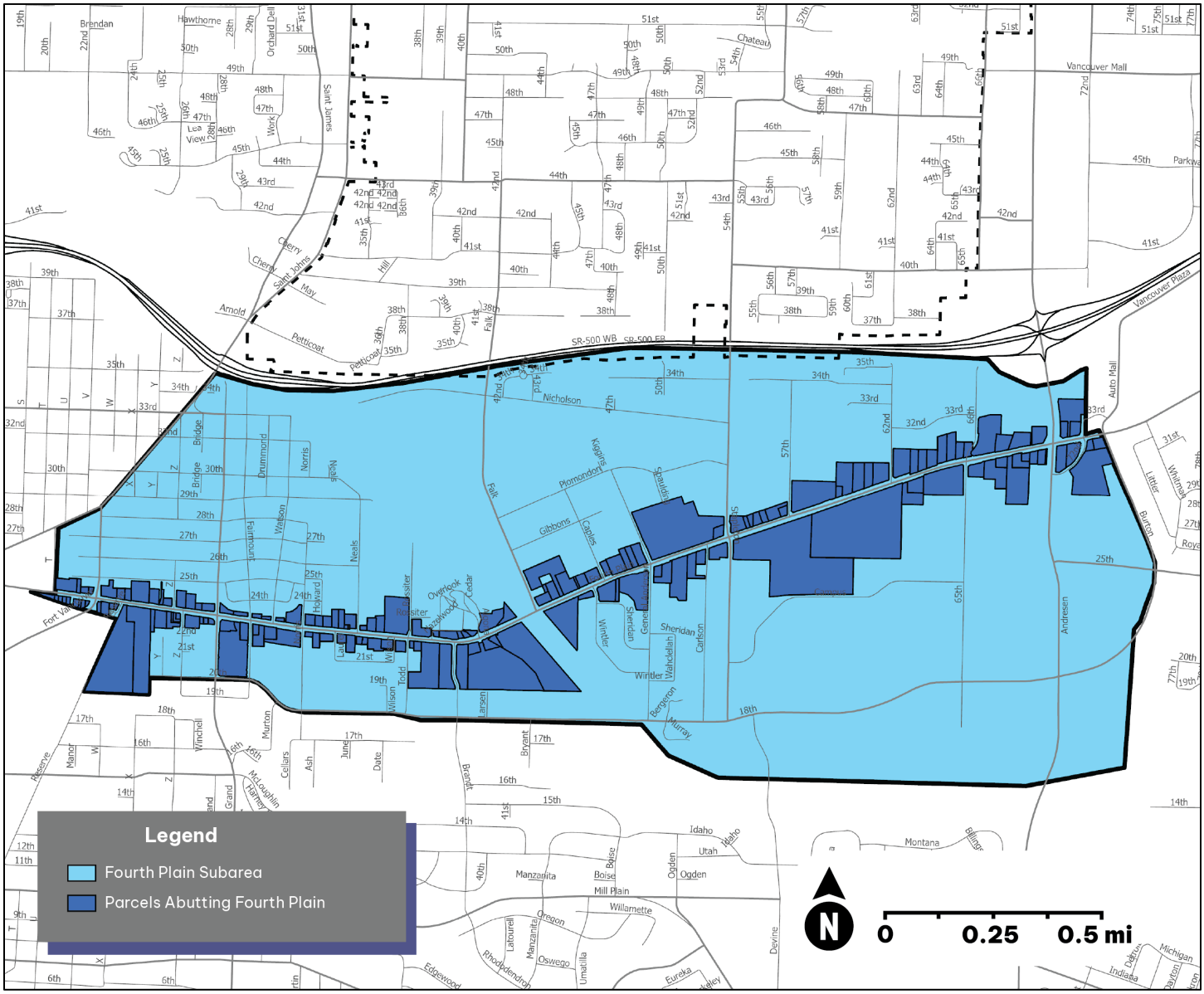
## 20.640.010Purpose.

*Purpose.* The Fourth Plain Corridor Subarea was created to facilitate the transition of the corridor to an attractive, consistent, and pedestrian-friendly streetscape that accommodates multiple modes of transportation, and supports long term economic development.

## 20.640.020 Fourth Plain Plan Area.

*Establishment of Boundaries*. The plan area is defined as illustrated in Figure 20.640.020-1.

**FIGURE 20.640.020-1: FOURTH PLAIN PLAN AREA**




## 20.640.030 Plan Documents.

Developments within the Fourth Plain Plan Area shall substantially comply with the following plan documents:

A. Fourth Plain Subarea Plan

B. Fourth Plain Streetscape Report and Appendix

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# Chapter 20.650
# Fruit Valley Subarea Plan

## Sections:

20.650.010 Purpose.

20.650.020 Fruit Valley Plan Area.

20.650.030 Plan Documents.

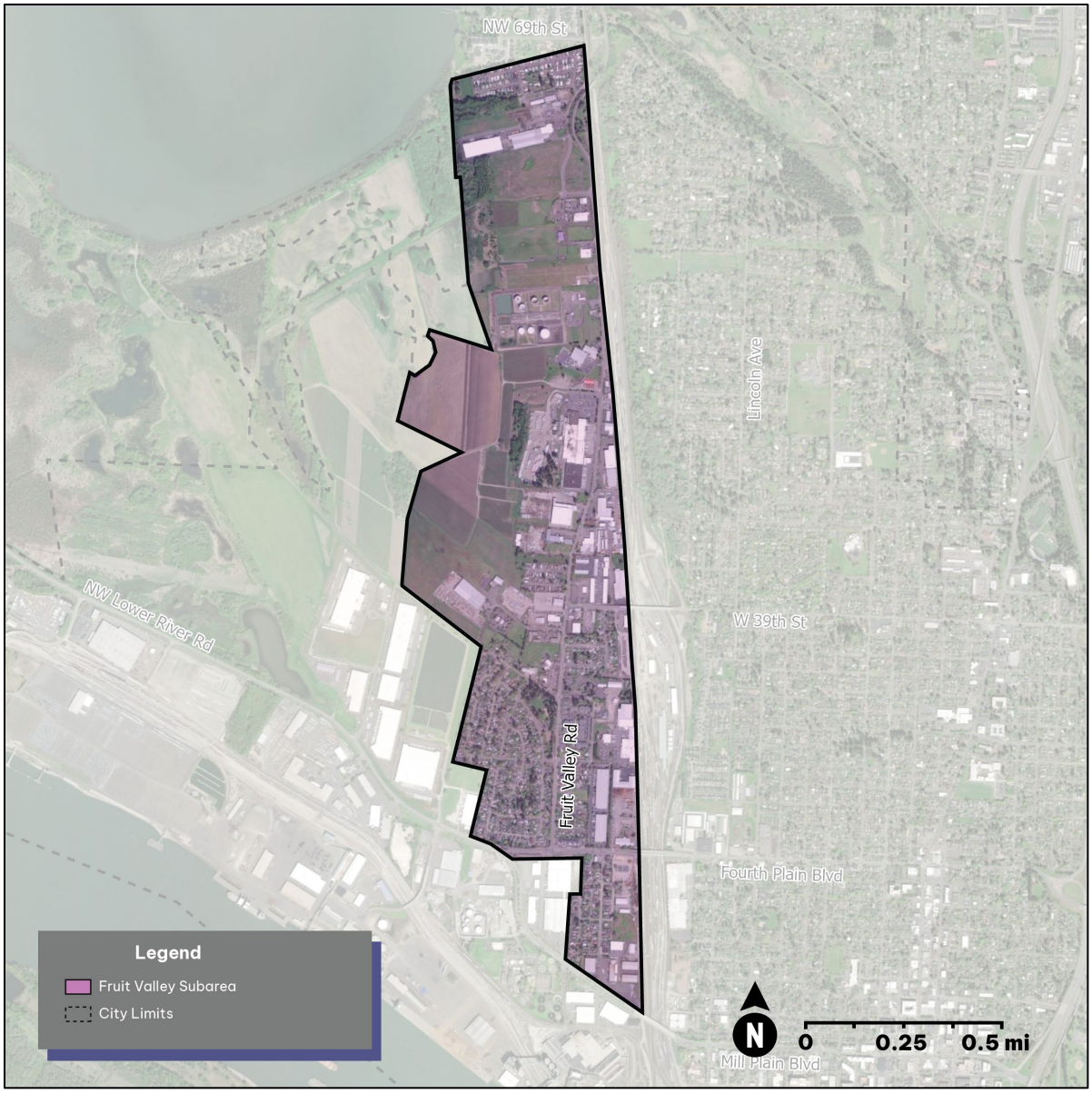
## 20.650.010Purpose.

*Purpose.* The Fruit Valley Subarea Plan was created to facilitate a clean pleasant environment welcomes residents, businesses, employees and visitors; neighbors conveniently access goods and services; industry, businesses, and neighborhoods coexist and prosper; new micro businesses develop; safe inviting places for people to play, walk and ride bicycles are plentiful; the original shipyard housing character retains its historic charm; and an interconnected park, trails and open space system allows for recreation and mobility.

## 20.650.020 Fruit Valley Plan Area.

*Establishment of Boundaries*. The plan area is defined as illustrated in Figure 20.650.020-1.

**FIGURE 20.650.020-1: FRUIT VALLEY PLAN AREA**




## 20.650.030 Plan Documents.

Developments within the Fruit Valley Subarea Plan area shall substantially comply with the following plan documents:

A. Fruit Valley Subarea Plan

B. Concept – getting better connected

C. Fruit Valley Design Handbook

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# Chapter 20.660
# Riverview Gateway Subarea Plan

## Sections:

20.660.010 Purpose.

20.660.020 Riverview Gateway Subarea.

20.660.030 Plan Documents.

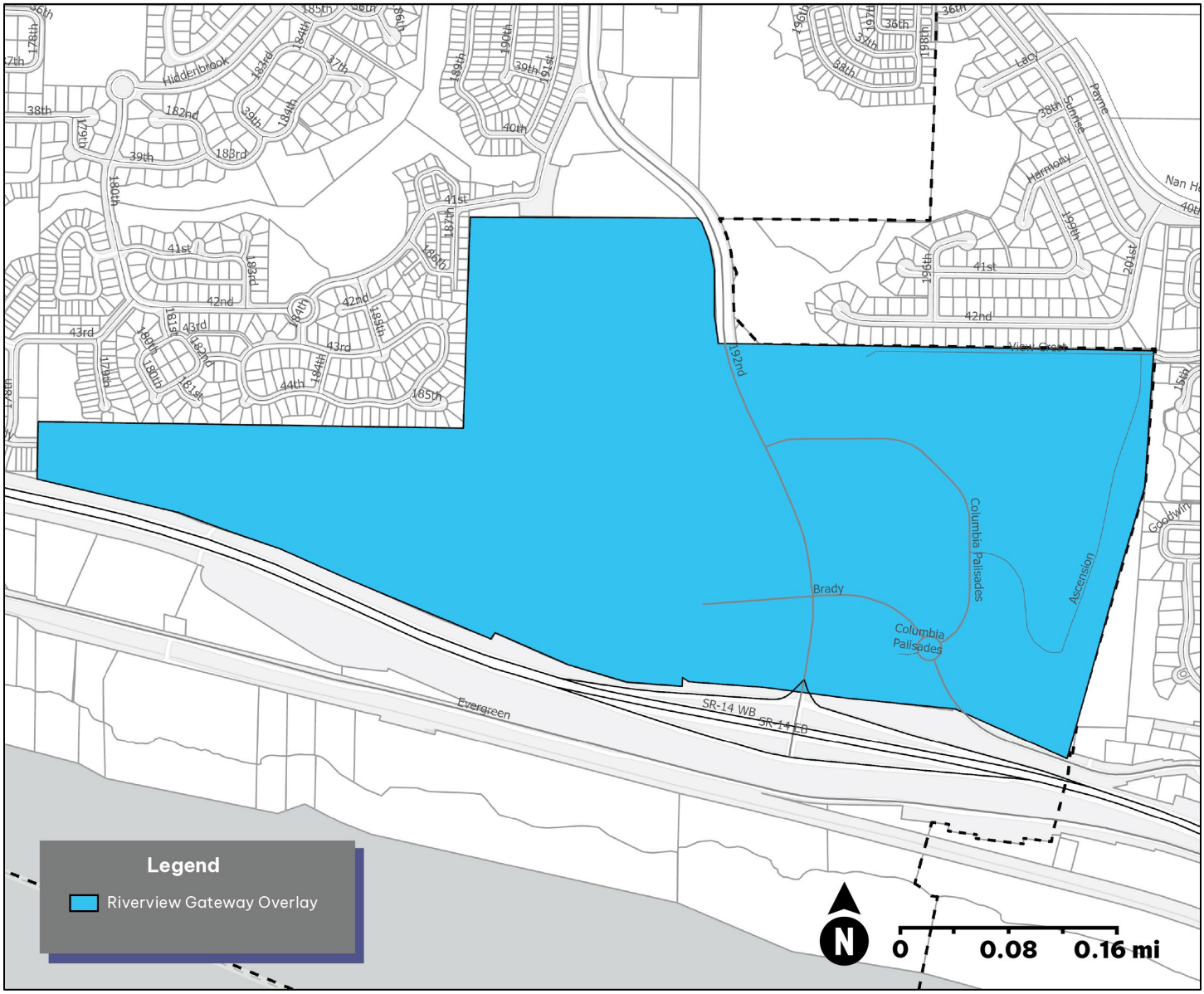
## 20.660.010Purpose.

This chapter is intended to guide private development in a way that can help realize the community's vision for the Riverview Gateway quarry areas; provide clear objectives for those embarking on the planning or design of projects in the quarry areas; and ensure that each project fits with its neighbors and into the subarea.

## 20.660.020 Riverview Gateway Subarea.

*Establishment of Boundaries*. The plan area is defined as illustrated in Figure 20.660.020-1.

**FIGURE 20.660.020-1: RIVERVIEW GATEWAY SUBAREA**




## 20.660.030 Plan Documents.

Developments within the Riverview Gateway Subarea shall substantially comply with the following plan documents:

A. Riverview Gateway Subarea Plan

B. Riverview Gateway Design Guidelines

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# Chapter 20.670
# Section 30 Subarea Plan

## Sections:

20.670.010 Purpose.

20.670.020 Section 30 Subarea.

20.670.030 Plan Documents.

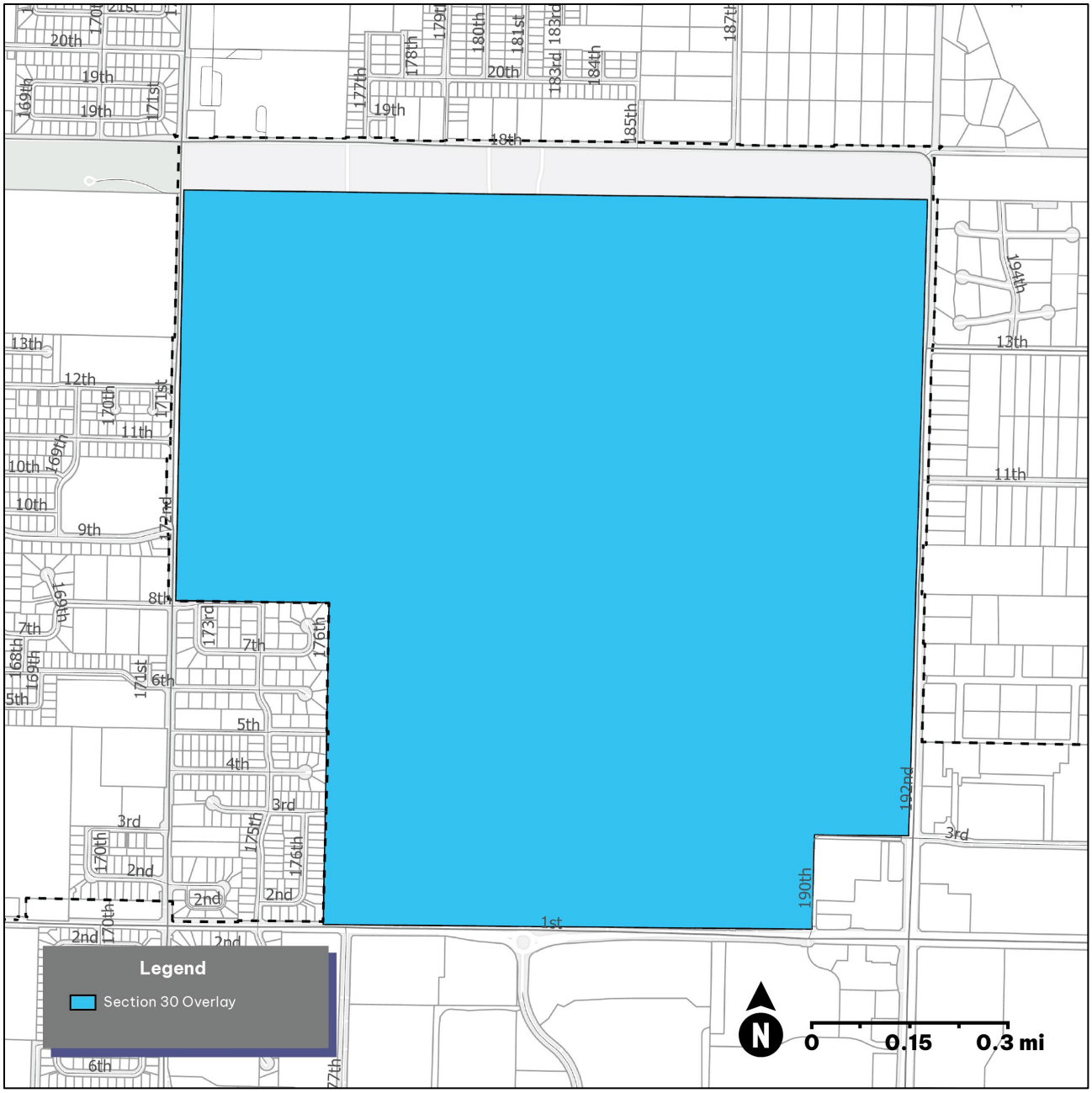
## 20.670.010 Purpose.

The Section 30 Employment Center Plan District (Plan District) intends to promote and guide private development as directed by the vision, goals, and policies of the adopted Section 30 Employment Center Plan; provide clear objectives for those proposing to develop in the Section 30 Plan area; maintain and enhance property values; promote economic provision of public services; and ensure that each development or project fits with its neighbors and within the Subarea.

## 20.670.020 Section 30 Subarea.

*Establishment of Boundaries*. The plan area is defined as illustrated in Figure 20.670.020-1.

**FIGURE 20.670.020-1: SECTION 30 SUBAREA**




## 20.670.030 Plan Documents.

Developments within the Section 30 Subarea shall substantially comply with the following plan documents:

A. Section 30 Subarea Plan

B. Section 30 Design Guidelines

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# Chapter 20.680
# The Heights Subarea Plan

**Sections:**

20.680.010 Purpose.

20.680.020.The Heights Subarea.

20.680.030 Plan Documents.

## 20.680.010Purpose.

The Heights District is envisioned as a vibrant neighborhood center that is sustainable, healthy, equitable, accessible and safe, and includes a mix of complementary uses, engaging public open space, diverse housing affordable to a wide range of community members and safe multimodal travel opportunities within the district and to transit and nearby neighborhoods. The purpose of the Heights Mixed Use Plan District is to implement the vision, goals, and policies of the Heights District Plan, and ensure future development is integrated, cohesive, context sensitive and contributes to the overall district vision.

## 20.680.020. The Heights Subarea.

*Establishment of Boundaries*. The plan area is defined as illustrated in Figure 20.680.020-1.

**FIGURE 20.680.020-1: THE HEIGHTS SUBAREA**

## 20.680.030 Plan Documents.

Developments within The Heights Subarea shall substantially comply with the following plan documents, where there is a conflict between the guidelines and the standards, the standards shall be followed:

A. Heights District Plan

B. Heights District Appendices

C. Heights District Plan, Final Environmental Impact Statement

D. Heights District Urban Design Guidelines

E. Heights District Stormwater and Urban Forestry Guidance Document

F. Heights District Native and Adaptive Plan Species List

G. Heights District Equitable Development Plan

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# Chapter 20.690
# City Center Subarea Plan

**Sections:**

20.690.010 Purpose.

20.690.020 City Center Subarea.

20.690.030 Plan Documents.

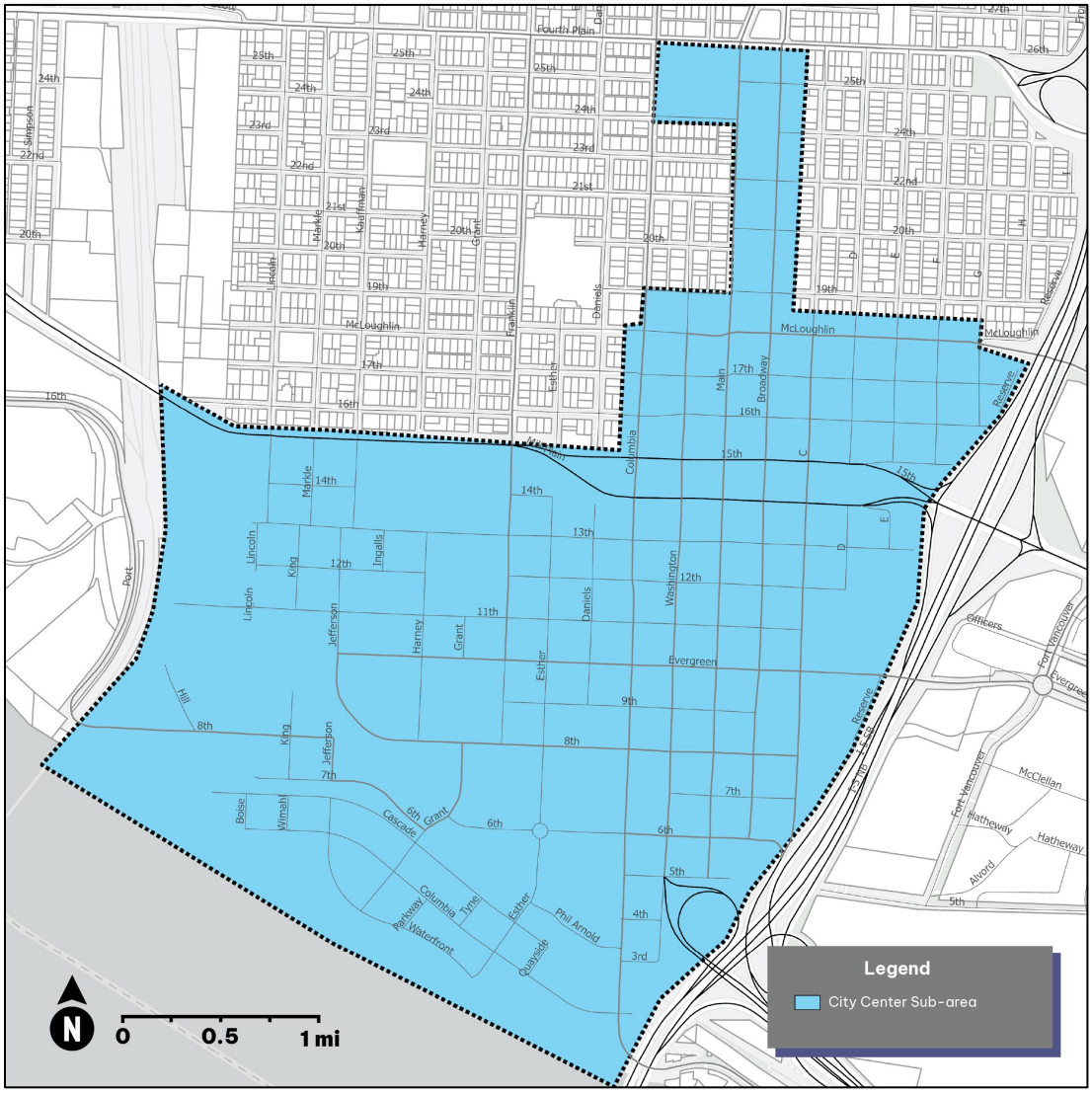
## 20.690.010Purpose.

Many of the components of a successful city center are already in place in Vancouver, such as new housing, offices and retail in the Waterfront redevelopment area, strong pedestrian connections and public spaces, and mix of local businesses along Main Street and near Esther Short Park. The vision that is articulated in the VCCV plan is to cultivate a diversity of new uses that will complement those that exist and, at the same time, serve the resident, working and visiting populations in and adjoining the city center.

## 20.690.020 City Center Subarea.

*Establishment of Boundaries*. The plan area is defined as illustrated in Figure 20.690.020-1.

**FIGURE 20.690.020-1: CITY CENTER SUBAREA**




## 20.690.030 Plan Documents.

Developments within City Center Subarea shall substantially comply with the following plan documents:

A. City Center Subarea Plan

B. City Center Supplemental Environmental Impact Statement

C. City Center SEIS Appendix

D. City Center Parking Plan

E. Uptown Village Parking Plan

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# 20.700
# Environmental Regulations

## Sections:

20.710 Archaeological Resource Protection.

20.720 Critical Areas Protection.

20.730 Shoreline Management Area.

20.740 SEPA Regulations.

# Chapter 20.710
# Archaeological Resource Protection

**Sections:**

20.710.010 Purpose.

20.710.020 Applicability.

20.710.030 Development Review Applications.

20.710.040 DAHP Coordination and Permitting.

20.710.050 Documentation and Peer Review.

20.710.060 Tribal Notification.

20.710.070 Predetermination Process.

20.710.080 Archaeological Resource Survey Process.

20.710.090 Discovery Principle.

## 20.710.010 Purpose.

The purposes of this Chapter are to:

A. *Identify and preserve resources.* Encourage the identification and preservation of cultural, archaeological, and historic resources consistent with the Growth Management Act of 1990, as amended, and Vancouver' s Comprehensive Plan, Visions for the Vancouver Urban Area.

B. *Establish procedures and standards.* Establish clear procedures and specific standards for identifying, documenting, and preserving Vancouver's cultural, archaeological, and historic resources.

C. *Use the best technology and techniques.* Ensure use of the best available technology and techniques commonly accepted as standards in the profession of archaeology for identification and preservation of cultural, archaeological, and historic resources.

D. *Balance preservation and development*. Establish a fair and equitable process for balancing the need for identification and preservation of cultural, archaeological, and historic resources with land development.

E. *Provide coordination and consistency*. Ensure coordination and consistency in the implementation of the State Environmental Policy Act, the Shoreline Management Act, the Growth Management Act, RCW Chapters 27.34, 27.44, 27.48, and 27.53, and associated regulations.

## 20.710.020 Applicability.

A. *Universal*. Notwithstanding subsections B and C of this section, the provisions of this chapter shall apply:

1. When any item of archaeological interest is discovered during the course of a permitted ground-disturbing action or activity (VMC 20.710.090).

2. When the Planning Official determines that reliable and credible information indicates the probable existence of an archaeological site in a disturbance area for which an application for a permit or approval for a ground-disturbing action or activity has been submitted to the Planning Official.

B. *General*. The provisions of this chapter shall apply to all applications for ground-disturbing actions or activities for which a permit or approval is required:

1. Where any portion of the disturbance area is within properties with predictive model probability level high.

2. Where the disturbance area is at least five acres in size and wholly within predictive model probability levels moderate-high and moderate.

3. Regardless of disturbance area size or predictive model probability level, when the disturbance area is within one-quarter mile of a known, recorded archaeological site as measured on a horizontal plane extending in all directions. (See subsection (C)(11) of this section for a possible exemption.)

C. *Exemptions*. Applications for the following permits, approvals or other ground-disturbing activities shall be exempt from the provisions of this chapter, except where the provisions of subsection A of this section apply:

1. Land use permits handled as Type 1 actions under VMC 20.210.040, except grading and tree removal permits; or

2. Sign permits (Chapter 20.450.050 VMC); or

3. Conditional use permits (Chapter 20.245 VMC) for a change in use only, not involving ground disturbance for structural modification.
4. Zoning variance approvals (Chapter 20.290 VMC).
5. Ground-disturbing actions or activities classified as exempt actions under VMC 20.210.030 except landscaping activities and single-family and duplex dwellings not requiring an environmental review; or
6. Ground-disturbing actions or activities where the Planning Official determines that the disturbance area was adequately investigated and documented [VMC 20.710.050(A)] in the past and the existence of an archaeological site was determined not to be probable (prior predetermination) or not to be actual (prior survey); or
7. Applications for permits or approvals for ground-disturbing actions or activities which have vested prior to the effective date of this chapter; or
8. Ground-disturbing actions or activities where the provisions of this chapter were previously applied to a related application for a larger, more comprehensive ground-disturbing action or activity which encompasses the scope of the current application; or
9. Ground-disturbing actions or activities where a prior application for a larger, more comprehensive ground-disturbing action or activity which encompasses the scope of the current application was exempt from the provisions of this chapter pursuant to this subsection C; or
10. Ground-disturbing actions or activities where the disturbance area is within one-quarter mile of a known, recorded archaeological site as measured on a horizontal plane extending in all directions may be exempted by the Planning Official when appropriate due to the effects of a geographic barrier; or
11. Ground-disturbing actions or activities proposed in areas in which the Planning Official determines that previous substantial disturbance has been documented.

D. *Predictive Model Application.* When more than one predictive model probability level traverses a disturbance area, the entire disturbance area shall be considered to be within the level with the greatest probability rating.

E. *Coordination.*

1. Where the provisions of this chapter conflict with each other or with other local, state, or federal laws, ordinances, or programs, the more restrictive provisions shall apply.
2. The provisions of this chapter shall apply throughout the city, including areas regulated by Vancouver's Shoreline Management Master Program.
3. The regulations of the State Environmental Policy Act SEPA shall supplement the provisions of this chapter.
4. The provisions of this chapter are intended to coordinate with and supplement the related provisions of state law. [Chapters 27.34, 27.44, 27.48, and 27.53 RCW.]

### 20.710.030 Development Review Applications.

A. A development application shall not be determined counter complete until any required predetermination has been completed and the predetermination report has been submitted to the Planning Official.

B. All documents pertaining to archaeology reviews shall be exempt from any public disclosure requests [RCW 27.53.070].

### 20.710.040 DAHP Coordination and Permitting.

A. *Recording.* Any archaeological site identified pursuant to the provisions of this Chapter shall be recorded with the Washington State Department of Archaeology and Historic Preservation (DAHP). A copy of the State of Washington Archaeological Site Inventory form and cover letter to DAHP shall be submitted to the Planning Official with the required survey report VMC 20.710.080 (C).

B. *Permit required.* A permit from DAHP shall be secured prior to digging, altering, excavating, and/or removing archaeological objects and sites or historic archaeological resources, or removing glyptic or painted records of tribes or peoples, or archaeological resources from native American Indian cairns or graves (WAC 25-48-050, as amended).

### 20.710.050 Documentation and Peer Review.

A. *Documentation.* Archaeological sites shall be adequately investigated and documented. For purposes of this chapter, adequately investigated and documented shall mean that (1) the investigation method, level of analysis, and area covered are sufficient to meet the requirements of VMC 20.710.070 and VMC 20.710.080, as appropriate; and (2) the documentation is sufficient to allow another archaeologist to repeat the investigation and reach a similar conclusion. Adequacy shall be determined by the Planning Official.

B. *When and how to use the peer review process.* In the event that there is substantive disagreement of a technical nature between archaeologists concerning an application subject to the provisions of this Chapter, either the Planning Official or the applicant may invoke the peer review process outlined by the US Department of the Interior, National Park Service September, 1993 publication, "The Peer Review of Public Archaeology Projects: A Procedure Developed by the Departmental Consulting Archaeologist" authored by Bennie C. Keel (ISSN 1057-1574) to resolve the issue. The party who invokes the peer review process shall bear the costs of the proceedings. The applicant and the City shall each appoint one, and together shall agree on the appointment of a third archaeologist to serve on the Peer Review Panel.

### 20.710.060 Tribal Notification.

A. *Tribal registration.* Any Tribe may register to receive notification of required archaeological resource surveys. Such registration shall be in writing, be addressed to the Planning Official, and include the name of the Tribe and the name, title, and mailing address of the designated representative to whom the notice is to be provided.

B. *Updating registration.* It is the responsibility of the Tribe to ensure that this registration information is updated by notifying the Planning Official in writing of any change.

C. *Notification.* Where the Planning Official determines that the existence of an archaeological site is probable and an archaeological resource survey is required (VMC 20.710.080), the Planning Official shall notify the Tribes which have registered with the City of such determination by certified mail, return receipt requested. The Planning Official shall accept comments from registered Tribes for fourteen calendar days from the date the notification was received by the Tribes.

## 20.710.070 Predetermination Process.

A. *Predetermination required.* A predetermination is an archaeological study similar to, but of less intensity and lower cost than, an archaeological resource survey. Its purpose is to determine whether the existence of an archaeological site within a disturbance area is probable. A predetermination is required as follows:

1. For any nonexempt ground-disturbing action or activity for which a permit or approval is required where any portion of the disturbance area is at least partially within predictive model probability level high.
2. For any nonexempt ground-disturbing action or activity for which a permit or approval is required and where the disturbance area is at least five acres in size and wholly within predictive model probability levels moderate-high and moderate.
3. For any nonexempt ground-disturbing action or activity for which a permit or approval is required where the disturbance area is proposed within one-quarter mile of a known, recorded archaeological site.
4. When the planning official determines that reliable and credible information indicates the probable existence of an archaeological site in a disturbance area for which an application for a permit or approval for a ground-disturbing action or activity has been submitted to the planning official.
5. When any item of archaeological interest is discovered during the course of a permitted or approved ground-disturbing action or activity (VMC 20.710.090).

B. *Waiver.* The Planning Official may waive the requirement for a predetermination where the applicant chooses to provide a survey in accordance with the provisions of this chapter instead of a predetermination.

C. *Preapplication review.* The Planning Official may review a predetermination report and issue a determination of the likelihood that archaeological resources exist prior to the submittal of an application for a permit or approval for a ground-disturbing action or activity subject to the provisions of this chapter. Such preapplication review shall require permission for the Planning Official to enter and inspect the property.

D. *Predetermination standards.* Predeterminations shall include at a minimum the following elements and be carried out according to the following minimum standards:

1. Predeterminations shall be performed by a professional archaeologist. Documentation shall be sufficient to allow another archaeologist to repeat the investigation and reach a similar conclusion. Adequacy shall be determined by the Planning Official.
2. Predeterminations shall be performed in accordance with the best available technology and techniques commonly accepted as standards in the profession of archaeology.
3. No artifacts shall be collected during a predetermination.
4. A thorough review of records, documentation, maps, and other pertinent literature shall be performed.
5. A visual inspection of the ground surface shall be completed when conditions yield at least 50 percent visibility of the soil. When conditions yield less than 50 percent visibility of the soil, subsurface investigation shall be required in accordance with subsection (D)(6) of this section.
6. Subsurface investigation shall be conducted as follows:
    a. Subsurface investigation shall be performed:
        i. When conditions yield less than 50 percent visibility of the soil; or
        ii. When otherwise considered necessary by the archaeologist.
    b. When performed, the following standards shall apply:
        i. Subsurface probes shall be no less than eight inches/20 centimeters in diameter (12 inches/30 centimeters or more preferred) at the ground surface, no less than eight inches/20 centimeters in diameter at the base, and shall delve no less than 20 inches/50 centimeters deep into natural soil deposits whenever possible.
        ii. The most appropriate number of and locations for subsurface probes shall be determined by the archaeologist.
        iii. All material excavated by subsurface probes shall be screened using both one-quarter-inch and one-eighth-inch hardware mesh cloths or equivalent.

E. *Predetermination reports.* A report shall be completed for each predetermination in accordance with subsection D of this section on standardized reporting forms furnished by the department.

F. *Review of predetermination reports and further action*.

1. Predetermination reports shall be reviewed by the Planning Official.
2. Upon finding that a predetermination report is complete and adequate, the Planning Official shall evaluate the report and determine whether an archaeological site is likely to exist.
    a. Where the director determines that the existence of an archaeological site is not probable, the application may proceed through the remainder of the development review process.
    b. Where the Planning Official determines that the existence of an archaeological site is probable, an archaeological resource survey shall be required and carried out in accordance with the provisions of this chapter.
    c. Where the Planning Official determines that the existence of an archaeological site is probable and an archaeological resource survey is required, the Planning Official shall notify registered tribes of such determination in accordance with the provisions of VMC 20.710.150.

## 20.710.080 Archaeological Resource Survey Process.

A. *Purpose*. The purpose of an archaeological resource survey is to determine whether an archaeological site actually does exist in a disturbance area, and to make a preliminary assessment of the potential significance of such a site. Surveys are to be conducted under the following circumstances:

1. A survey shall be required when the results of a predetermination indicate further investigation is necessary [VMC 20.710.070(F)] and either:
    a. No previous survey has been done; or
    b. A previous survey or documentation is determined by the Planning Official to be inadequate (20.710.050A VMC).
2. An applicant may choose to provide a survey instead of a required predetermination [VMC 20.710.070(B)].

B. *Survey standards*. Surveys shall include at a minimum the following elements and be carried out according to the following minimum standards:

1. Surveys shall be performed by a professional archaeologist. Documentation shall be sufficient to allow another archaeologist to repeat the investigation and reach a similar conclusion. Adequacy shall be determined by the Planning Official.
2. Surveys shall be performed in accordance with the best available technology and techniques commonly accepted as standards in the profession of archaeology.
3. Artifacts may be collected during a survey only after consultation with DAHP.
4. A thorough review of records, documentation, and other pertinent literature shall be performed.
5. A systematic, 100% visual inspection of the ground surface shall be completed when conditions yield at least 50% visibility of the soil.
6. Subsurface probes shall be required for all surveys as follows:
    a. Subsurface probes shall be no less than 8in/20cm in diameter (12in/30cm or more preferred) at the ground surface, no less than 8in/20cm in diameter at the base, and delve no less than 20in/50cm deep into natural soil deposits whenever possible.
    b. No less than 4 subsurface probes per acre shall be required. For fractions of an acre, no less than one subsurface probe shall be required for each quarter acre. (For example, on a parcel of 2.33 acres, no less than (2x4) + 1 = 9 subsurface probes would be required.)
    c. The most appropriate locations for the subsurface probes shall be determined by the archaeologist.
    d. All material excavated by subsurface probes shall be screened using both 1/4-inch and 1/8-inch hardware mesh cloths or equivalent.

C. *Survey reports.* A report shall be completed for each survey in accordance with VMC 20.710.080(A)(1) and state guidelines. Survey reports shall be submitted to the Planning Official and filed with DAHP. When an archaeological site is identified, the State of Washington Archaeological Site Inventory form shall be submitted to DAHP with the survey report [VMC 20.710.040(A)]

D. *Review of survey reports and further action.*

1. Survey reports shall be filed with DAHP.

2. Survey reports shall be reviewed by the Planning Official. Upon finding a survey report complete and adequate, the Planning Official shall determine whether an archaeological site has been identified. [20.710.070(F)]
3. Where the Planning Official determines that no archaeological site has been identified, the application may proceed through the remainder of the development review process.
4. Where the Planning Official determines that an archaeological site has been identified, the Planning Official shall determine whether the site is likely to be potentially significant in accordance with the significance criteria of VMC 20.710.080(E) and in consultation with DAHP.
5. Where the Planning Official determines that an archaeological site has been identified and is not likely to be potentially significant, the application may proceed through the remainder of the development review process.
6. Where the Planning Official determines that an archaeological site has been identified and is likely to be potentially significant, archaeological resources shall be further evaluated, avoided, properly mitigated, or properly recovered in accordance with the Planning Official's recommendation and the terms of any necessary permit from DAHP [VMC 20.710.040(B)]. Priority for thorough evaluation and data recovery shall be given to potentially significant archaeological sites. Monitoring and future corrective measures may be required to ensure that an archaeological site is not degraded by a permitted development.
7. Where sites are to be avoided, the Planning Official shall require that appropriate land use restrictions be recorded using a proper legal instrument.
8. An escrow or bond shall be required of the applicant to ensure that the site is treated in accordance with the Planning Official's recommendation and provisions of the state permit.

E. *Significance criteria.* A potential significant archaeological site is a site which (1) contains archaeological objects at a density of at least 100 per cubic meter per stratigraphic or cultural unit; or (2) includes at least one feature; or (3) includes at least one relatively uncommon archaeological object; or (4) contains skeletal remains; or (5) is otherwise considered potentially significant by the archaeologist.

### 20.710.090 Discovery Principle.

Uncovering archaeological items. In the event that any item of archaeological interest is uncovered during the course of a permitted or approved ground-disturbing action or activity:

A. *Cessation of activity.* All ground-disturbing activity shall immediately cease.

B. *Notification.* The applicant shall immediately notify the Planning Official and DAHP.

C. *Predetermination report and determination.* The applicant shall provide for a predetermination and a predetermination report prepared in accordance with the provisions of this Chapter. The Planning Official shall review the report and issue a determination in accordance with 20.710.070(F) VMC in a reasonably diligent manner, taking into account all pertinent factors and conditions. Where such determination is that the existence of an archaeological site is not probable, construction may continue. Where such determination is that the existence of an archaeological site is probable, the applicant shall provide a survey and survey report, in accordance with the provisions of this Chapter. The Planning Official shall produce a map of the parcel indicating clearly the portion(s) of the parcel, if any, within which construction may continue under the supervision of a professional archaeologist and monitoring by the Planning Official while the required survey is being completed. The provisions of 20.710.080(D) VMC shall apply.

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***THE VANCOUVER MUNICIPAL CODE IS CURRENT THROUGH MAY 5, 2026, PASSED JUNE 1, 2026***

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# Chapter 20.720
# Critical Areas Protection

## Sections:

20.720.010 Purpose.

20.720.020 General provisions.

20.720.030 Applicability and exemptions from requirement to obtain permit.

20.720.040 Approval process.

20.720.050 Submittal requirements.

20.720.060 Approval criteria.

20.720.070 Minor exceptions.

20.720.080 Reasonable economic use exceptions.

20.720.090 Unauthorized critical areas alterations and enforcement.

20.720.100 Designation process for habitats of local importance.

20.720.110 Fish and wildlife habitat conservation areas.

20.720.120 Frequently flooded areas.

20.720.130 Geologic hazard areas.

20.720.140 Wetlands.

## 20.720.010 Purpose.

The purpose of this chapter is to designate and protect critical areas and their functions and values, while also allowing reasonable use of property.

A. Critical areas are ecologically sensitive and hazardous areas and protecting them or mitigating any impacts to them is important for protection of the environment and quality of life for the citizens of Vancouver, and is mandated by the Washington Growth Management Act (GMA) (Chapter 36.70A RCW). The GMA requires cities and counties to develop critical area regulations based on best available science. All regulations included herein have been developed in response to best available science at the time of adoption.

B. This chapter provides protection for the following critical areas: wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, and frequently flooded areas. Critical aquifer recharge areas are covered in Chapter 14.26 VMC.

C. This chapter implements the goals and policies of the Vancouver Comprehensive Plan, under the GMA and other related state and federal laws.

## 20.720.020 General provisions.

A. *No Net Loss of Functions*. Development activity shall result in no net loss of the functions and values of critical areas. The beneficial functions provided by each type of critical area include, but are not limited to:

1. *Fish and Wildlife Habitat Conservation Areas*. Providing habitat for breeding, rearing, foraging, protection and escape, migration, and overwintering; and providing complexity of physical structure, supporting biological diversity, regulating stormwater runoff and infiltration, providing wave attenuation, removing pollutants from water, and maintaining appropriate water temperatures.

2. *Frequently Flooded Areas*. Providing flood storage, conveyance, and attenuation of flood waters; minimizing the amount of development at risk in such areas to protect human life and safety, including reducing damage to homes, places of business, public facilities, and utilities; and minimizing business interruptions.

3. *Geologic Hazard Areas*. Providing erosion control and protecting public safety, including people, structures, and infrastructure, from damage during seismic events, landslides, significant erosion, debris flows, and rock falls.

4. *Wetlands*. Providing carbon sequestration, cleansing surface water, storing and conveying floodwater, and providing fish and wildlife habitat.

B. *Temporary and Permanent Markers and Signs.* With the exception of frequently flooded areas and seismic hazard areas, temporary and permanent markers and signs shall be installed for critical areas as follows:

1. *Temporary Sign Requirements.* The location of the outer perimeter of the critical area(s) and buffer(s) shall be marked in the field and approved by the Planning Official prior to the commencement of permitted activities and maintained throughout the duration of the construction.

2. *Permanent Sign Requirements.*

   a. A permanent physical demarcation along the outer/upland boundary of the critical area buffer(s) shall be installed and thereafter maintained. Such demarcation may consist of fencing, hedging, or other prominent physical marking that allows wildlife passage, blends with the critical area environment, and is approved by the Planning Official. If the function and values of the critical area would be degraded by the existing or proposed activity, such as the presence of grazing animals, a fence shall be erected and maintained.

   b. Permanent signs are posted at intervals of one every 50 feet, or, if this interval cannot be met, an interval of one per lot for six units or less or at a maximum interval of 200 feet, or as otherwise determined by the Planning Official, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the Planning Official: "The area beyond this sign is a critical area or critical area buffer. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."

3. *Applicability.* Applicants will be responsible for signage and demarcation within land that falls on the subject property(ies) included within the application for a critical areas permit.

4. Additional standards for temporary and permanent marking of geologic hazards are contained in VMC 20.720.130.

C. *Relationship to Other Regulations.*

1. The critical areas regulations apply in addition to zoning and other regulations adopted by the city.

2. When more than one critical area is located on a project site, regulations protecting each critical area apply to the site. Where critical areas overlap (e.g., a wetland buffer and a riparian buffer), the most restrictive regulations that provide the most protection for the critical areas present establish the outer boundary of the regulated critical areas. Mitigation will be required for impacts to each critical area to ensure no net loss.
3. When there is a conflict between any provisions of this chapter and any other regulations, the requirement that provides the most protection to the critical area(s) applies.
4. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements. The applicant is responsible for complying with other state and federal requirements in addition to the requirements of this chapter.

D. *Jurisdiction.* All areas within the city meeting the definitions within Chapter 20.150 VMC and descriptions within subsection A of this section of one or more critical areas and their buffers, whether mapped or not, are hereby designated critical areas and are subject to the provisions of this chapter.

E. *Warning and Disclaimer of Liability.* Critical areas development should be based on sound scientific and engineering considerations that may be more stringent than those presented in this chapter. The city assumes no liability if these established standards prove to be insufficient protection of property or the environment.

## 20.720.030 Applicability and exemptions from requirement to obtain permit.

A. *Applicability.* No person, company, agency, or applicant shall alter a critical area or buffer except as consistent with the requirements of this chapter, whether or not a permit is required.

B. *Statements of Exemption Process.* For activities listed in subsection (C)(1) of this section, a written statement of exemption from the requirement to obtain a critical areas permit is required prior to undertaking the activity. Activities listed in subsection (C)(2) of this section do not require a statement of exemption. Those seeking an exemption under this chapter are required to demonstrate compliance with the mitigation sequence outlined in VMC 20.720.060.

1. Exempt activities are not required to obtain a critical areas permit. However, all activities in critical areas, including exempt activities, are subject to the policies and regulations of this chapter. If a land use permit is not required, the Planning Official may attach conditions to building and engineering permits, as necessary, to enforce the provisions of this chapter.
2. The request for the statement of exemption shall be in writing, on forms required by the planning official, and include the information required by the Planning Official. Statements of exemption shall be processed as a Type I procedure per Chapter 20.210 VMC, Decision Making Procedures.

C. *Exemptions from Requirement to Obtain a Critical Areas Permit*.

1. Activities requiring a Statement of Exemption.
   a. *Existing Structure Remodel – Impervious Surface Increase of 200 Square Feet or Less*. Development or clearing inside a critical area or buffer as necessary to remodel an existing structure, provided:
      i The activity will increase the footprint of structures with impervious surfaces by a maximum of 200 square feet cumulatively;
      ii The distance from the nearest structure or impervious surface to a critical area is not decreased;
      iii All native vegetation disturbed as a result of the development shall be replaced one-to-one, except that trees shall be replaced using tree units derived from Chapter 20.450.035 VMC, Landscaping and Tree Conservation. Native vegetation shall be used where feasible;
      iv Impacts to critical areas and buffers shall be minimized and mitigated in accordance with the city's critical areas approval criteria; and
      v No adverse impacts to priority Oregon white oak trees may result.
   b. No Impervious Surface Increase in the Riparian Management Area (RMA) or Riparian Buffer (RB) and Located outside Frequently Flooded Areas. Development activity on a site within the footprint of existing structures or impervious surfaces that does not increase the impervious surface area in the RMA or RB, is not located in frequently flooded areas, and is not otherwise exempt under subsection B of this section shall be exempt from the provisions of VMC 20.720.110, Fish and Wildlife Habitat Conservation Areas.

The applicant is encouraged to provide enhancement to the extent feasible. Such enhancement activities may include, but are not limited to, landscaping using native plants, additional treatment of stormwater as appropriate, and implementation of best management practices (BMPs) that would enhance habitat functions.

c. *Approved Subarea Plan with EIS*. Development activity covered by and in compliance with all the conditions of an approved subarea plan that contains:
    i Baseline information on existing critical areas and their functions at the level of detail required for an environmental impact statement (EIS) under the State Environmental Policy Act (SEPA);
    ii An analysis of the impacts of full development at the level of detail required for an EIS under SEPA and in keeping with the plan; and
    iii Mitigation for those impacts consistent with the requirements of this chapter.
d. *Fence*. A fence may be installed in a critical area buffer (not in a critical area) where:
    i The fence is necessary for safety and security;
    ii The property was developed prior to the effective date of this chapter (April 29, 2005); and/or
    iii The fence is designed and installed in a manner that protects the critical area and buffer functions and blends with the critical area environment.
e. *On-site Critical Area Will Be Avoided*. Development may be permitted on a site containing a critical area or buffer when the Planning Official determines that impacts to critical areas and buffers will be avoided. In making this determination, the Planning Official shall utilize all of the procedures and criteria listed below to determine that the adverse impacts will be avoided.
    i The critical area(s) and buffer(s) has/have been identified in the field, clearly mapped by a qualified professional, and documented by a limited-scope critical areas report (for example, a wetland boundary delineation without categorization or functional assessment, but with the minimum documentation necessary to justify the boundary location).

ii The site plan and preliminary plat show a development envelope that demonstrates that all activity will take place outside critical areas and buffers.

iii The boundaries of the development envelope are clearly outside of all maximum critical areas and all maximum buffers.

f. *Maintaining Fire-Defensible Space*. Maintaining fire-defensible space around a structure to reduce fire hazards, involving regular maintenance of existing trees at least six inches in diameter at breast height, grasses, and underbrush, not tree removal or other ground-disturbing or soil-destabilizing activities. Creating fire-defensible space or undertaking other development requires a critical areas permit per the critical areas approval process and could require other permits as well.

i Pruning trees, grasses, and brush within a critical area or buffer to maintain fire-defensible space around a structure may be permitted when one or more of the following criteria are met:

(A). The structure nearest the property line is within 30 feet of a slope of at least 25 percent (also designated as a landslide hazard area under this chapter);

(B). The nearest structure is within 30 feet of a forested area;

(C). The vegetation within 30 feet of the structure is comprised of less than 50 percent native species;

(D). The vegetation within 30 feet of the structure is higher than 12 inches;

(E). Trees are crowded within 30 feet of the structure or overhanging the structure's roof; or

(F). The structure is located in an area designated by the fire marshal as a "wildfire safety area."

ii When maintenance of a fire-defensible space is permitted, the following standards shall apply:

(A). Trees may be pruned or limbed-up to mitigate a hazard, but trees may not be removed without a critical areas permit and any other necessary permit(s).

(B). Topping trees is prohibited.

(C). Grasses and underbrush shall be maintained between eight and 12 inches in height.

(D). Any debris from pruning shall be disposed of promptly and properly.

g. *Development Located within Soil Erosion Hazard Areas Only*. When no other type of critical area, including other types of geologic hazards, is present, development within soil erosion hazard areas shall meet the requirements of Chapter 14.24 VMC, Erosion Control, including preparation of a stormwater report, if required. In addition, the applicant shall file a limited scope geotechnical report prepared by a qualified professional as defined by Chapter 20.150 VMC, which shall be provided to the Planning Official for review at the earlier of development application, engineering document review, or building permit review. Upon review of the limited scope geotechnical report, the Planning Official may exempt the development from the need for a critical areas permit.

h. *Development/Expansion of structure that contains six or less units with a Loss of a Single, Standalone Oregon white oak*. The loss of a single, standalone Oregon white oak tree that meets the WDFW PHS status (must not be part of a woodland that includes off-site trees) and in accordance with the definition listed in VMC 20.150.040D that is equal to or less than six inches dbh for the purpose of developing a structure with six or less units or expansion of an existing structure containing six or less units (does not include expansion of detached garages, outbuildings, accessory dwellings, decks, gardens, etc.).

2. *Activities for which a Statement of Exemption is not required*. Reasonable methods shall be used to avoid potential impacts to critical areas. Any damage to, or alteration of, a critical area that is not a necessary outcome of the exempt activity shall be corrected at the property owner's expense.

The following activities are exempt from needing a critical areas permit and do not require a statement of exemption:

a. *Emergencies*. Those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of property damage and that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter, so long as all of the following apply:

   i The emergency action uses reasonable methods to address the emergency.

   ii The emergency action must have the minimum possible impact to the critical area or its buffer.

   iii The property owner, person, or agency undertaking such action shall notify the city within 10 working days following commencement of the emergency activity.

   iv Within 14 days, the planning official shall determine if the action taken was within the scope of the emergency actions allowed in this section. If the Planning Official determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then the critical areas enforcement provisions shall apply.

   v After the emergency, the property owner, person or agency undertaking the action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved critical areas report and mitigation plan. The property owner, person or agency undertaking the action shall apply for review. The alteration, critical areas report, and mitigation plan shall be reviewed by the city in accordance with the review procedures contained in this chapter.

   vi Restoration and/or mitigation activities must be initiated within three months of the date of an approved critical areas report and mitigation plan or as otherwise determined by the Planning Official and completed in a timely manner.

b. *Hazard Tree*. Emergency or hazard tree removal (as defined in Section 20.450.035 VMC) conducted so that critical area impacts are minimized.

c. *Landscape Maintenance*. Landscape maintenance (other than tree removal) consistent with accepted horticultural practices, such as those recommended by the Washington State University Extension Service, within the boundaries of an existing lawn, garden or landscaped area and not associated with development.

d. *Noxious or Invasive Plants*. Clearing of noxious or invasive plants using handheld equipment such as a weed-whacker, provided (i) fueling and maintenance take place outside the critical area and buffer; (ii) all cleared vegetation is taken away and disposed of properly; and (iii) denuded soils are stabilized with native vegetation. The city of Vancouver's noxious or invasive plants list and native plant species list are available from the Planning Official.

e. *Pesticides, Herbicides, Fungicides, or Fertilizers*. Application of pesticides, herbicides, fungicides, or fertilizers, when done as directed in the package instructions as required by state and federal laws.

f. *State or Federally Approved Conservation or Preservation*. State or federally approved conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife that does not entail changing the structure or functions of the existing critical area or buffer.

g. *Harvesting Wild Crops*. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops or other native vegetation and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the critical area or buffer by changing existing topography, water conditions or water sources.

h. *Passive Activities*. Passive outdoor recreation, education, and scientific research activities such as fishing, hiking, and bird watching that do not degrade the critical area or buffer.

i. *Land surveys, soil sampling, percolation tests, and other related activities*. In every case, impacts to the critical area or buffer shall be minimized and disturbed areas shall be stabilized and replanted immediately.

j. *Navigational Aids and Boundary Markers*. Construction or modification of navigational aids and boundary markers. Impacts to the critical area or buffer shall be minimized and disturbed areas shall be restored within 72 hours.

k. *Agricultural Activities.* Existing and ongoing agricultural activities protected under the federal Food Security Act occurring in wetland areas.

   Existing and ongoing agriculture within fish and wildlife habitat conservation areas so long as livestock and application of pesticides, herbicides, fungicides, and fertilizers is done in accordance with package instructions.

l. *State or Federally Approved Restoration or Enhancement Project.* Implementation of a state or federally approved restoration or enhancement project not related to any development project.

m. *Operation, Repair and Maintenance.* Operation, repair and maintenance of existing structures, infrastructure, roads, sidewalks, railroads, trails, dikes, or levees or water, sewer, stormwater, power, gas, telephone, cable, or fiber optic facilities if the activity does not further increase the impact to, or encroach farther within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, repair, or maintenance.

n. *Public Improvement Projects.* Public improvement projects located within existing impervious surface areas.

o. *City, State or Federally Approved Stand-alone "Critical Area" Creation Project.* Implementation of a city, state or federally approved stand-alone "critical area" creation project that is not mitigation. Also see the definition of "wetlands" in Chapter 20.150 VMC.

p. *Clearing in Frequently Flooded Areas and Seismic Hazard Areas Only.* Clearing vegetation within the floodplain and within a seismic hazard area, but outside other types of critical areas.

q. *Vegetation Clearing.* Clearing vegetation in critical areas that are only seismic hazard areas.

r. *Fence Repair.* Maintenance, repair, and in-kind replacement of existing fences.

s. *Liquefaction Hazard Areas and Ground Shaking Amplification Hazard Areas Only.* Sites identified as located within only a liquefaction and ground shaking amplification hazard area (VMC 20.720.130, Geologic Hazard Areas) shall be exempt from needing to obtain a critical areas permit. All projects within the liquefaction and ground shaking amplification hazard area must comply with the building code at time of building permit review, including providing a geotechnical report.

## 20.720.040 Approval process.

A. Critical Areas Permit Process.

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

   a. Activities and developments listed as exempted from critical areas standards and permits.

   b. Proposals involving only an addition to an existing six or less dwelling units, including accessory structures, such as accessory dwelling units, attached and detached garages, and/or carports, shops, and sheds.

   c. Other minor improvements determined by the Planning Official to not warrant a pre-application meeting or waiver.

2. *Critical Areas Permit.* If a proposed development activity is determined not to be exempt per the listed critical areas exemptions, the applicant and/or owner shall obtain a critical areas permit prior to commencing the development activity. Critical areas permits shall be processed as a Type I permit when no other permits are filed concurrently or reviewed according to the procedures of the underlying land use application pursuant to Chapter 20.210 VMC.

3. *Review Procedure.* The Planning Official shall make a determination as to whether the proposed activity and mitigation, if any, are consistent with the critical areas approval criteria of this chapter and in compliance with the performance standards for the type(s) of critical area(s) involved. The city may consult with state agencies for preliminary review of mitigation.

4. *Expiration of Permit.* The critical areas permit shall be valid for as long as the underlying land use permit is in effect or as otherwise specified by the Planning Official.

B. Notice on Title – Covenant and Tracts.

1. *Covenants.* This section applies to all nonexempt projects that involve critical areas and buffers, with the exception of frequently flooded areas.

a. The owner of any property containing a critical area or buffer on which a development proposal is approved shall file a covenant with the county records and elections division according to the direction of the city. The covenant shall state the presence of the critical area and/or buffer on the property, the application of this chapter to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist, including that the area(s) within the conservation covenant be maintained in a natural state without disturbance to vegetation or other features unless otherwise approved by the city. The covenant shall run with the land in perpetuity. The covenant shall include a map and legal description of the critical area, with wording in the notice substantially similar to the following:

*Prior to and during the course of any grading, building construction or other development activity on this property containing or abutting a critical area, the area of development activity must be fenced or otherwise marked to the satisfaction of the City. The critical area shall be maintained in its natural state without disturbance to vegetation or other features, except as provided for by Chapter 20.740 VMC, Critical Areas Protection. Yard waste, debris, fill, equipment, vehicles, and materials shall not be placed in the critical area.*

b. The applicant shall submit proof that the covenant has been filed for public record before the city approves any site development or construction for the property or, in the case of subdivisions, short subdivisions, planned unit developments, binding site plans, and other developments that involve platting, at or before recording of the plat.

c. Any modifications to an established and recorded conservation covenant shall be consistent with the standards of this chapter and the originally issued critical areas permit that established the subject conservation covenant. The modification shall be processed as under a Type I review process. Any modification of the covenant that is inconsistent with the originally issued critical areas permit or with the standards of this chapter shall be subject to a review and receive a critical areas permit consistent with the standards of this chapter.

2. *Tracts.* This section applies, in addition to subsection (B)(1) of this section, to projects that involve platting on properties containing fish and wildlife habitat conservation areas, wetlands, geologic hazard areas, and their buffers.

a. The property owner shall place the subject critical areas and buffers in one or more nondevelopable tracts except when the responsible official determines that a tract cannot be provided given the constraints of the site, such as size of the property in question, while meeting all other standards of this title.

b. When the exception in subsection (B)(2)(a) of this section applies, residential lots may extend into the critical area(s) or buffer(s) provided:

i Temporary and permanent markers and signs are installed in compliance with the requirements of VMC 20.720.020, General provisions.

ii The applicant records a conservation covenant protecting the critical area in perpetuity in conformance with subsection (B)(1) of this section.

C. *Financial Assurances.*

1. When mitigation required pursuant to a development proposal is not completed prior to the city's final permit approval, such as final plat approval or final building inspection, the city shall require the applicant to provide security in a form deemed acceptable by the city, including to ensure that mitigation is fully functional, taking into account remaining construction, maintenance, and monitoring.

2. The security shall be in the amount of 125 percent of the estimated cost of restoring the functions of the critical area that are at risk.

3. The security shall remain in effect until the city determines, in writing, that the applicable standards have been met. The security shall be held by the city for a minimum of five years to ensure fully functional mitigation.

4. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.
5. Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.
6. Failure to satisfy any critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within 30 days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default, and the city may demand payment of any financial guarantees or require other action authorized by the city code or any other law.
7. Any funds recovered pursuant to this section shall be used to complete the required mitigation. Excess funds shall be returned to the applicant.

D. *Critical Area Inspections*. Reasonable access to the site shall be provided to the city, state, and federal agency review staff for the purpose of inspections during any proposal review, delineation, restoration, emergency action, or monitoring period.

E. *Burden of Proof*. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the exemption, critical areas permit, minor exception, reasonable use exception, or any other approval requested under this chapter.

F. *Appeals*. Any decision to approve, condition, or deny a development proposal or other activity based on the requirements of this chapter may be appealed according to VMC 20.210.130.

G. *Programmatic Permits*. The purpose of a programmatic permit is to provide for ongoing, routine maintenance, operation, or repair activities on sites containing critical areas or buffers (1) so as not to impair an agency's or business's ability to operate effectively and efficiently by requiring separate critical areas permits for each activity; and (2) at the same time protect critical areas and buffers in accordance with this chapter.

1. In addition to the submittal requirements in VMC 20.720.050, and any additional critical areas report requirements under VMC 20.720.110 through 20.720.140, applicants for a programmatic permit shall submit a proposed management plan. The management plan shall contain:

a. A narrative explaining the need for the programmatic permit;

b. A list of the ongoing, routine, maintenance, operation, or repair activities that impact or potentially impact critical areas and buffers;

c. A description of the potentially impacted critical area and buffer functions;

d. Proposed measures and standards for avoiding impacts to critical area and buffer functions and, where unavoidable, mitigating those impacts to achieve no net loss of functions; and

e. A training program ensuring that all employees, contractors, and individuals under the supervision of the applicant who are involved in permitted activities understand and perform them in accordance with the terms of the permit.

2. A programmatic permit may be approved for up to seven years. The permit duration may be tied to other permits or processes.

3. Every two years for the duration of the programmatic permit 30 days prior to the original date of permit issuance, the applicant shall submit a report to the Planning Official summarizing activities undertaken. The report shall also document the training provided in accordance with subsection (G)(1)(e) of this section.

4. The applicant or the city may initiate an amendment to the programmatic permit if anticipated activities, terms, or conditions of the programmatic permit will change. An amendment shall be considered through a Type 1 process following a pre-application conference.

5. An application for reauthorization of a programmatic permit shall be submitted at least 90 days prior to the date the current permit expires. Programmatic permits may be reauthorized through a Type 1 process following a required pre-application conference. Permit standards and conditions may be modified to conform to the current codes, policies, and standards or based on past performance. Where the review of the reauthorization application will extend beyond the expiration date of the current programmatic permit, the Planning Official may extend the duration of the current permit for up to 60 days at a time, not to exceed 180 days.

## 20.720.050 Submittal requirements.

A. *Preparation by Qualified Professional.* Any required critical areas report shall be prepared by a qualified professional as defined in Chapter 20.150 VMC.

B. *General Critical Areas Report Contents.* At a minimum, the critical areas report shall contain the following:

1. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;
2. A copy of the site plan for the development proposal, including:
    a. A map to scale depicting critical areas, buffers, the development proposal, and any areas to be altered or developed; and
    b. A proposed stormwater management and sediment control plan for the development, including a description of any impacts to drainage alterations;
3. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site. Critical areas reports shall be prepared by a qualified professional for the type of critical area involved;
4. Identification and scientific characterization of all critical areas and buffers. The scientific characterization shall include a detailed assessment of the functional characteristics of the critical areas;
5. An assessment of the probable impacts to critical areas and buffers and risk of injury or property damage including permanent, temporary, and indirect impacts resulting from development of the site and the operations of the proposed development;
6. A written response to each of the approval criteria in VMC 20.720.060;
7. Plans for adequate mitigation, as needed, to offset any impacts, in accordance with subsection E of this section, Mitigation Plan Requirements; and
8. *Additional Information.* Any additional information required for the specific critical areas and buffers as specified in VMC 20.720.110, Fish and wildlife habitat conservation area, VMC 20.720.120, Frequently flooded areas, VMC 20.720.130, Geologic hazard areas, and VMC 20.720.140, Wetlands.

C. *Other Reports or Studies.* Unless otherwise provided, a critical areas report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the Planning Official; provided, the site conditions shall not have changed since the earlier report or study was completed.

D. *Critical Areas Report – Modifications to Requirements.* The applicant may consult with the Planning Official prior to or during preparation of the critical areas report when the Planning Official determines and a qualified professional recommends that less information is necessary to adequately address the potential impacts to any critical areas or buffers and the required mitigation. In such case the Planning Official may allow a reduced scope critical areas report.

E. *Mitigation Plan Requirements.* When mitigation is required, the applicant shall submit a mitigation plan as part of the critical areas report. The mitigation plan shall include:

1. *Mitigation rationale.* A discussion of the rationale for the proposed mitigation that includes other mitigation options and why the proposed method best achieves the approval criteria in VMC 20.720.060 as compared with other forms and locations for mitigation.
2. *Detailed Construction Plans.* The mitigation plan shall include descriptions and plans of the mitigation proposed, such as:
    a. The proposed construction sequence, timing, and duration;
    b. Grading and excavation details;
    c. Erosion and sediment control features;
    d. A planting plan specifying plant species, quantities, locations, size, spacing, and density;
    e. Measures to protect and maintain plants until established; and
    f. Detailed site diagrams, scaled cross sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.
3. *Adaptive Management.* The mitigation plan shall include identification of potential courses of action and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.
4. *Monitoring Program.* The mitigation plan shall include a program for monitoring construction of the mitigation project and for assessing a completed project.
    a. A protocol shall be included outlining the schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met.

b. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the mitigation project. The mitigation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years or more than 10 years, unless otherwise specified in this code.

c. When the applicant believes that the conditions of the monitoring plan are met, the applicant shall contact the city and request that the city certify so in writing. The city shall conduct an on-site assessment as part of the verification process.

d. When the city has verified and certified that the conditions of the monitoring plan have been met, the critical area shall no longer be considered as mitigation, but as a critical area when processing a future development permit application(s).

F. Development may be permitted on a site containing a critical area(s) or buffer(s) which may also be subject to state or federal permits prior to all necessary state or federal permits being obtained when all of the following criteria are met:

1. A phased master plan is submitted under Chapter 20.260 or 20.268 VMC, as appropriate, demonstrating:

a. How the maximum critical area(s) and maximum buffer(s) will be clearly avoided until all local, state, or federal permits are obtained;

b. How each phase could be permitted as an individual project not relying on development of any other phases in any way;

c. How each phase could be developed regardless of whether any or all of the pending state or federal permits are ever obtained; and

d. The applicant demonstrates that there will be no net loss of critical area functions for each phase or for the project as a whole even if state and/or federal permits are not obtained.

2. Development is permitted only in the area that clearly avoids the maximum critical area(s) and buffer(s).

## 20.720.060 Approval criteria.

Any activity or development subject to this chapter shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria. The city may condition the proposed activity as necessary to mitigate impacts to critical areas and their buffers and to conform to the standards required by this chapter.

A. *Mitigation Sequence*. Applications for a critical area permit shall demonstrate avoidance of impacts to the greatest extent practicable. The measures below are listed in order of preference:

1. *Avoid Impacts*. The applicant shall first seek to avoid impacts altogether that degrade the functions and values of a critical area(s). This may include not taking a certain action or parts of an action, or necessitate a redesign of the proposal. The applicant shall provide sufficient evidence to demonstrate no practicable alternative exists that results in less impacts before proceeding through the rest of the mitigation sequence.
2. *Minimize Impacts*. Where avoidance is not feasible, the applicant shall adequately demonstrate why impacts could not be avoided, then minimize the impact of the activity by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.
3. *Rectifying*. Rectify the impact by repairing, rehabilitating, or restoring the affected environment.
4. *Reducing*. Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action.
5. *Compensatory Mitigation*. After the applicant has demonstrated why impacts could not be minimized, the applicant shall compensate for the unavoidable impacts by replacing each of the affected functions. The compensatory mitigation shall be designed to achieve the functions as soon as practicable. Compensatory mitigation shall be in-kind and on site, when feasible, and sufficient to maintain the functions of the critical area, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area.

Compensatory mitigation priority for wetlands is specified in VMC 20.720.140(C)(2)(c). Compensatory mitigation shall offset both permanent and temporal impacts. Fish and wildlife habitat conservation areas are subject to additional compensatory mitigation requirements under VMC 20.720.110(C)(1)(b).

B. *No Net Loss.* The proposal protects the critical area functions and values and results in no net loss of critical area functions and values. If loss of critical area functions are expected, adequate mitigation is provided to offset impacts of anticipated loss.

C. *Incorporate Best Available Science.* The proposal shall demonstrate measures to protect, avoid, and mitigate impacts to the critical area functions and values consistent with best available science known at the time of permit submittal.

D. *Monitoring.* The proposal demonstrates adequate measures to monitor the impacts, and measure the effectiveness of proposed mitigation measures. When corrective action is required to ensure no net loss of functions, the proposal outlines the methods by which such correction shall occur.

E. *Consistency with General Purposes.* The proposal is consistent with the general purposes of this chapter and does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site.

F. *Performance Standards.* The proposal meets the specific performance standards of VMC 20.720.110, Fish and wildlife habitat conservation areas, VMC 20.720.120, Frequently flooded areas, VMC 20.720.130, Geologic hazard areas, and VMC 20.720.140, Wetlands, as applicable.

## 20.720.070Minor exceptions.

A. *Minor Exceptions Authorized.* Minor exceptions of no greater than 10 percent from the numeric standards of this chapter may be authorized by the city in accordance with the Type II procedures set forth in Chapter 20.210 VMC. Minor exceptions shall not be combined with buffer averaging or buffer reduction for fish and wildlife habitat conservation areas or wetlands. Minor exceptions from the National Flood Insurance Program development standards of VMC 20.720.120, Frequently flooded areas, are prohibited.

B. *Minor Exception Criteria.* A minor exception from the standards of this chapter may be granted only if the applicant demonstrates that the requested action conforms to all of the following criteria:

1. Unusual conditions or circumstances exist that are specific to the intended use, the land, the lot, or something inherent in the land, and that are not applicable to all other lands in the same vicinity or zoning district;
2. The unusual conditions or circumstances do not result from the actions of the applicant;
3. Granting the minor exception requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings under similar circumstances;
4. The minor exception is necessary for the preservation and enjoyment of a substantial property right of the applicant such as is possessed by the owners of other properties in the same vicinity or district;
5. The minor exception requested is the least necessary and no greater than 10 percent of the subject standard to relieve the unusual circumstances or conditions identified in subsection (B)(1) of this section;
6. The granting of the minor exception or the cumulative effect of granting more than one minor exception is consistent with the general purpose and intent of the city of Vancouver comprehensive plan, this title, this chapter, and the underlying zoning district;
7. Degradation of the functions (including public health and safety) of the subject critical areas and any other adverse impacts resulting from granting the minor exception will be avoided, minimized and mitigated to the extent feasible in accordance with the provisions of this chapter;
8. Granting the minor exception will not otherwise be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property; and
9. The proposed development complies with all other applicable standards.

C. *Conditions May Be Required*. In granting any minor exception, the city may attach such conditions and safeguards as are necessary to secure adequate protection of critical areas and developments from adverse impacts, and to ensure conformity with this chapter.

## 20.720.080 Reasonable economic use exceptions.

A. *Exception Request and Review Process.* If the application of this chapter would deny all reasonable economic use of the subject property, the city shall determine if compensation is an appropriate action, or the property owner may apply for an exception pursuant to this section. Exceptions from the standards of this chapter may be authorized by the city in accordance with the Type III procedures set forth in Chapter 20.210 VMC .

An application for a reasonable economic use exception shall be made to the city and shall include a critical areas report with a mitigation plan and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW). The Planning Official shall prepare a recommendation to the Hearing examiner based on review of the submitted information, a site inspection, and the proposal's ability to comply with the critical areas reasonable use exception criteria.

B. *Reasonable Use Review Criteria.* The city shall approve applications for reasonable use exceptions when all of the following criteria are met:

1. The application of this chapter would deny all reasonable economic use of the property;
2. No other reasonable economic use of the property has less impact on the critical area;
3. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;
4. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of this chapter, or its predecessor;
5. The proposal does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;
6. The proposal mitigates for the loss of critical area functions to the greatest extent feasible; and
7. The proposal is consistent with other applicable regulations and standards.

## 20.720.090 Unauthorized critical areas alterations and enforcement.

A. *Enforcement*.

1. It shall be unlawful to violate the provisions of this chapter. Any violation of this chapter shall constitute a public nuisance.

2. VMC Title 22 shall provide the enforcement provisions for this chapter. VMC Title 22 may impose any of the remedies, requirements or corrective actions contained in this chapter. In lieu of or in addition to the enforcement provisions contained in VMC Title 22, the city may also seek injunctive or other relief from any court of competent jurisdiction.

B. *Requirement for Restoration Plan.* In the event the city initiates enforcement action under VMC Title 22 or files a complaint in court, the city may require a restoration plan consistent with the requirements of this chapter. Such a plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the minimum performance standards for restoration requirements. The Planning Official shall, at the violator's expense, seek expert advice in determining whether the plan restores the affected area to its preexisting condition or, where that is not possible, restores the functions of the affected area. Inadequate plans shall be returned to the applicant or violator for revision and resubmittal.

C. *Minimum Performance Standards for Restoration*.

1. For alterations to frequently flooded areas, wetlands, and fish and wildlife habitat conservation areas, the following minimum performance standards shall be met for the restoration of a critical area; provided, that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:

   a. The structure and functions of the critical area or buffer prior to violation shall be restored, including water quality and habitat functions;

   b. The soil types and configuration prior to violation shall be replicated;

   c. The critical area and buffers shall be replanted with native vegetation (a list of native species is available from the Planning Official). If the critical area or buffer is on a site that meets the criteria of VMC 20.720.030(C)(1)(f)(i), the vegetation for replanting must be not only native but also fire-resistant. A list of native, fire-resistant species is available from the Planning Official; and

d. Information demonstrating compliance with this chapter's mitigation plan requirements shall be submitted to the Planning Official.

2. For alterations to frequently flooded and geologic hazard areas, the following minimum performance standards shall be met for the restoration of a critical area or buffer; provided, that if the violator can demonstrate that greater safety can be obtained, these standards may be modified:

a. The hazard shall be reduced to a level equal to, or less than, the pre-violation hazard;

b. The risk of personal injury resulting from the alteration shall be eliminated or minimized;

c. Drainage patterns shall be restored to those existing before the alteration; and

d. The hazard area and buffers shall be replanted consistent with pre-violation conditions with native vegetation sufficient to minimize the hazard. If the critical area or buffer is on a site that meets the criteria of VMC 20.720.030(C)(1)(f)(i), the vegetation for replanting must be not only native but also fire-resistant. A list of native, fire-resistant species is available from the Planning Official.

D. *Site Investigations.* The Planning Official is authorized to make site inspections and take such actions as are necessary to enforce this chapter.

E. *Noncompliance in Frequently Flooded Areas.* No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction be subject to enforcement under subsection A of this section. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.

## 20.720.100 Designation process for habitats of local importance.

A. *Eligibility and Approval Criteria.* Habitats of local importance are fish and wildlife habitat conservation areas that are not designated under VMC 20.720.110, but are designated as locally significant by the city. Criteria for designation include all of the following:

1. A need for protection exists due to a high diversity of fish or wildlife species, declining populations, scarcity of the habitat type, sensitivity to disturbance from human activity or development, or other unique local habitat functions.
2. The area is sufficient in size to support the species or habitat functions for which it is designated.
3. The designation will not compromise the ability of the city to achieve the goals of the comprehensive plan.
4. There is a proposed management strategy describing how the functions of the habitat will be protected after designation.
5. The area and habitat are not otherwise protected under other critical areas regulations.

B. *Designation Process*. Habitats of local importance may be proposed by the property owner or the city and shall be designated according to a Type IV legislative procedure (Chapter 20.210 VMC).

## 20.720.110 Fish and wildlife habitat conservation areas.

A. *Designation and Location*.

1. The city designates the following identified areas as fish and wildlife habitat conservation areas. Final designations shall be based on site conditions and other available data or information (see VMC 20.720.020(C)(1)).

   a. Areas where endangered, threatened, and sensitive species have a primary association, including priority habitats and areas associated with priority species as defined by the Washington Department of Fish and Wildlife (WDFW) PHS List. Within the city, these areas and species primarily include, but may not be limited to, the following:

      i Riparian areas composed of riparian management areas (RMAs) and riparian buffers (RBs);

      ii Priority Oregon white oak habitat;

      iii Biodiversity areas;

      iv Waterfowl concentrations; and

      v Aquatic habitat;

b. Forage fish spawning areas;

c. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish and wildlife habitat;

d. Waters of the state;

e. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;

f. State natural area preserves, natural resource conservation areas, and state wildlife areas; and

g. *Habitats and Species of Local Importance*. Fish and wildlife habitat conservation areas or individual species that are designated as locally significant by the city in accordance with VMC 20.720.100.

h. *Fish and Wildlife Habitat Conservation Area Locations*. Information on the approximate location and extent of fish and wildlife habitat conservation areas is available from the following sources:

   i U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA) Fisheries species list;

   ii WDFW priority habitat and species maps;

   iii WDFW anadromous and resident salmonid distribution maps in the Salmon and Steelhead Habitat Inventory Assessment Program (SSHIAP);

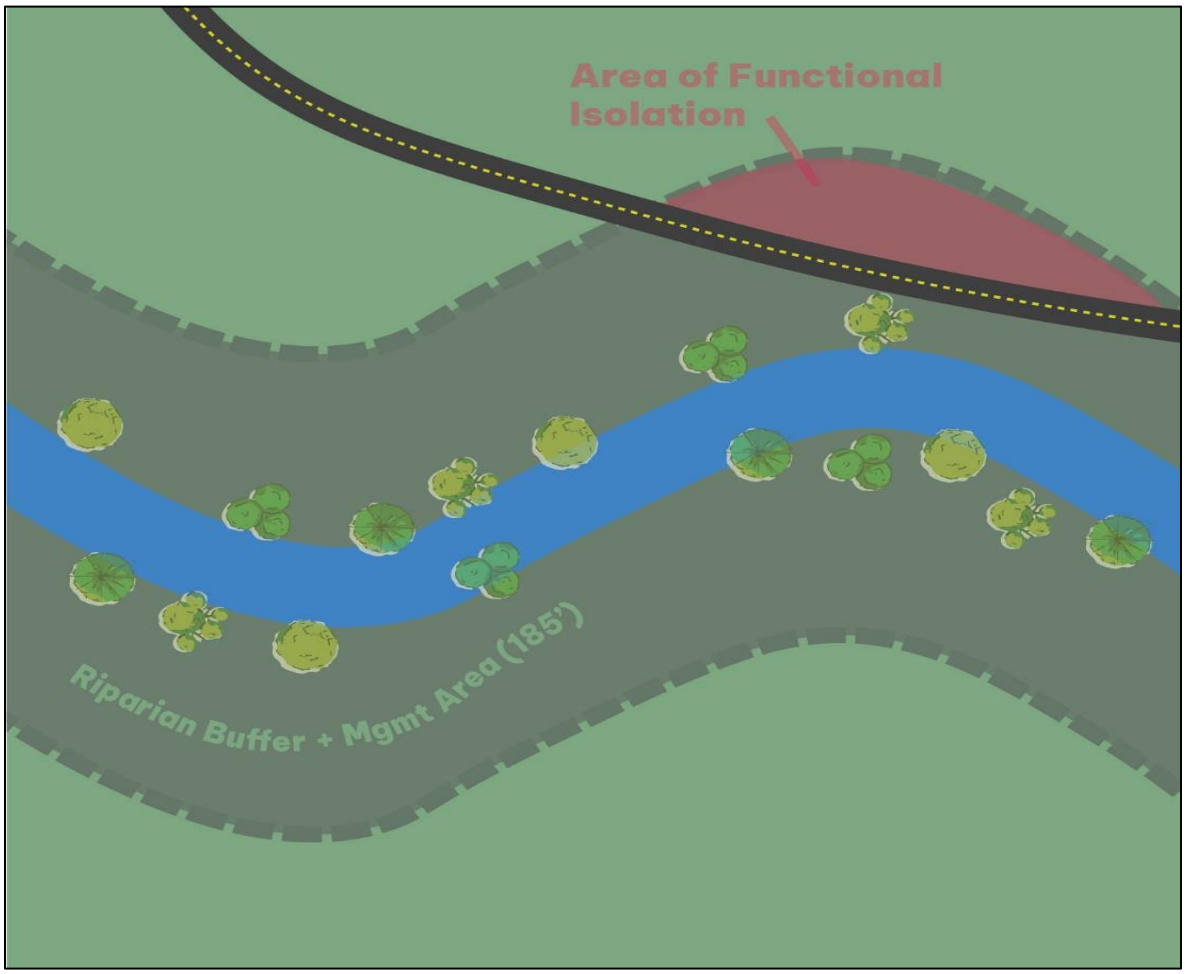
   iv StreamNet.org maps from the Pacific States Marine Fisheries Commission;

   v Washington State Department of Natural Resources (DNR) official water type reference maps; and

   vi Other information acquired by the city such as site-specific or area-specific delineations or studies.

B. *Development activities that functionally or physically isolate the RMA or RMB buffer.* When existing impervious surfaces or other built structures functionally or physically isolate the RMA or RB buffer from the water body, the regulated RMA or RB wetland buffer shall extend landward from the ordinary high water mark (OHWM) or channel migration zone (CMZ), whichever is greater, and terminate at the waterward edge of the impervious surface or manmade structure. Development activities that occur within the area of functional isolation, or further landward, are exempt from the requirement to obtain a critical areas permit.

**FIGURE 20.720.110-1. FUNCTIONAL ISOLATION**



The obstruction causing the physical isolation shall be significant enough in size and stature that protective buffers or other mitigation measures cannot reasonably restore ecological functions or benefits. The Planning Official may rely on a site visit, aerial photographs, other evidence provided by the applicant or the applicant's qualified professional, and consultation with the Washington Department of Fish and Wildlife (WDFW) in making a determination to reduce the width of the RMA, RB, or wetland buffer based on functional and/or physical isolation. The following obstructions shall not constitute functional isolation:

1. Trails, paths, or sidewalks;
2. Minor accessory structures;
3. Driveways or drive aisles;
4. Subsurface utilities.

Note: RMAs and RBs are measured from the OHWM or the edge of a channel migration zone (CMZ), whichever is further landward. However, no CMZs have been identified within the city limits as of the date this chapter was adopted.

C. Performance Standards.

1. Development Standards.

a. Development and Clearing Activities.

i Development or clearing activities shall protect the functions of the fish and wildlife habitat conservation areas on the site and shall result in no net loss of functions, as required by the approval criteria of this chapter.

ii If development or clearing activity is within a priority habitat and species area, the applicant shall follow WDFW management guidelines, management recommendations, or other standards approved by WDFW.

iii Functionally significant habitat, defined as habitat that cannot be replaced or restored within 20 years, shall be preserved unless the activity meets the conditions of subsection (C)(2)(c) of this section. An example of habitat that cannot be replaced within 20 years would be a stand of mature trees or a peat bog.

b. *Mitigation*.

i Mitigation for impacts within fish and wildlife habitat conservation areas shall follow the sequence specified in this chapter's approval criteria. WDFW shall be consulted when a project may potentially impact priority habitats and species (PHS) on or adjacent to the project area.

ii Disrupted functions and values shall be mitigated on site as a first priority, and off site thereafter.

iii An up-to-date science-based guide, such as applicable watershed, fish recovery, sub-basin, or other science-based plans should be used to guide the proposed mitigation. Any science used to guide mitigation actions, whether on site or off site, must meet the criteria and characteristics of best available science listed in WAC 365-195-905 (Criteria for determining which information is the "best available science"), or the state standards in effect at the time of application.

c. *Signs for Fish and Wildlife Conservation Areas*.

i Temporary and permanent markers and signs shall be installed as required by this chapter's general provisions.

2. *Standards for RMAs and RBs*.

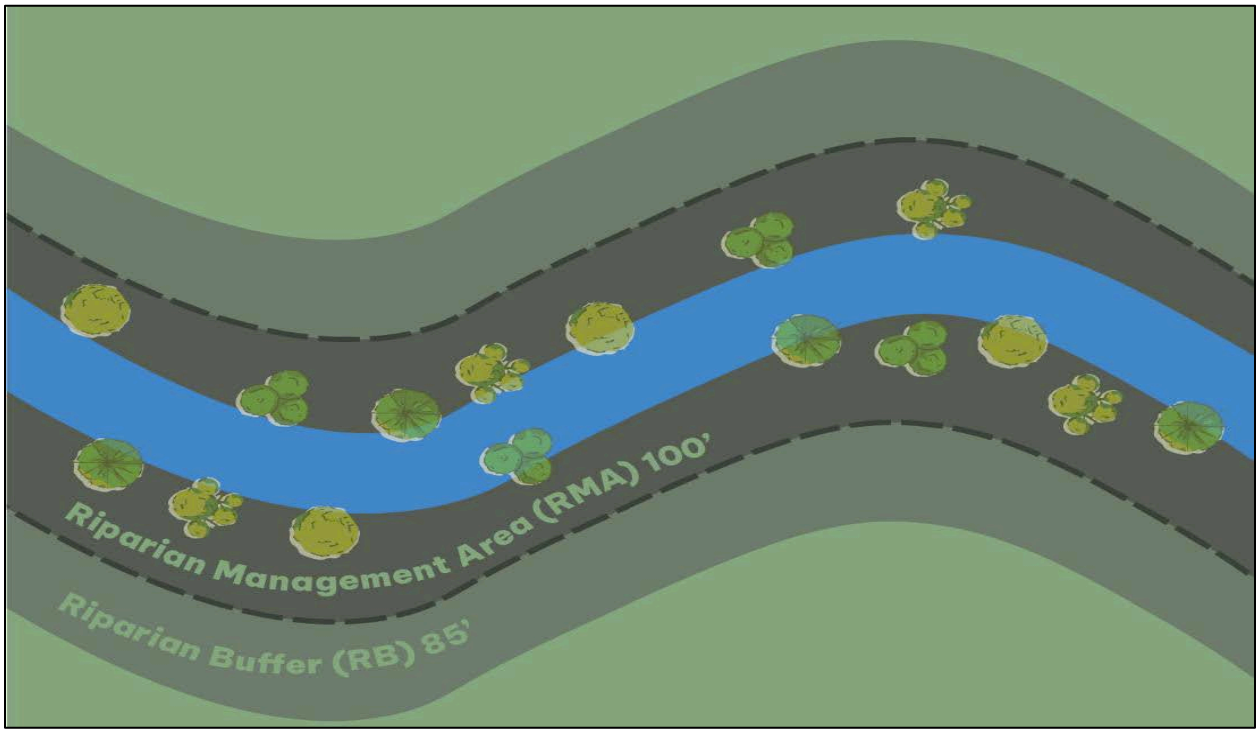
a. *RMA and RB Location and Width*.

i *Standard Width*. Standard RMA widths are 100 feet for shorelines of the state (Type S), for both fish-bearing and non-fish-bearing water bodies and for unclassified streams. The RB is 85 feet for all classified and unclassified water body types. The RMA and RB widths shall be combined for a total regulated riparian area width of 185 feet.

ii *Site Potential Tree Height (SPTH) RMA and RB Width*. If the applicant cannot accommodate the standard-width RMA and RB on the project site for the proposed development, applicants may use the 200-year SPTH mapping tool referenced in WDFW's Riparian Ecosystems, Volume 2: Management Recommendations and justify a lesser-width RMA and/or RB in the project's critical areas report. For project locations with multiple SPTH values, the largest SPTH value shall be used to establish the riparian area width. If the tool does not have data available to establish SPTH, the minimum combined RMA and RB width shall be the standard width as established in subsection (C)(2)(a)(i) of this section.

iii *Measurement.* Whether the standard or SPTH RMA and RB is used, the RMA is measured horizontally from the OHWM of the stream, river, or lake or from the CMZ, where present, to the specified width. The RB is measured horizontally from the landward boundary of the RMA as shown in Figure 20.720.110-2.

**FIGURE 20.720.110-2.**




b. *Riparian Management Area Width Averaging.* The width of the RMA may be modified if all the following are met:

i The total square footage of the RMA (subsection (C)(2)(a)(i) of this section) is not reduced;

ii There is no net loss of functions as a result of the averaging; and

iii The reduction of the RMA width at any location is no greater than 25 percent of the required standard or SPTH width under subsection (C)(2)(a)(i) or (C)(2)(a)(ii) of this section.

c. *Permitted Development and Uses within RMAs and RBs and Development Standards.*

i *Development and Uses within the Riparian Buffer*. Development or clearing activity is permitted in the RB that meets the general performance standards in this subsection.

ii *Development and Uses within the RMA*. No development or clearing activity is allowed within the RMA unless such activity is:

(A). A water-dependent, water-related or water-enjoyment activity for which there are no feasible alternatives that would have a less adverse impact on the RMA;

(B). Infrastructure or utilities that cannot feasibly be located outside of the wetland, that minimize the impact, that mitigate for any unavoidable impact to functions, and have received authorization from applicable federal and state regulating agencies;

(C). Mitigation for activities allowed by this chapter, providing the activity results in no net loss of riparian habitat functions on the site; or

(D). Trails and wildlife viewing structures; provided, that the trails and structures minimize the impact and are constructed so that they do not interfere with hydrology of the water body and do not result in increased sediment entering the water body.

iii *Modifications to Existing Development*. When replacing or removing existing development within an RMA or RB, the applicant shall implement the following, where applicable, during site construction:

(A). Evaluate the RMA and RB to pinpoint the best sites to restore and consider connectivity and adjacency to other priority habitats;

(B). Improve aquatic connectivity by replacing culverts and removing barriers to movement;

(C). Revegetate with native plants and consider improvements for wildlife by integrating structures necessary for nesting, breeding, and foraging;

(D). As existing development is remodeled or replaced, incorporate additional setbacks for streams;

(E). Control access to RMAs and RBs during construction to limit soil compaction. Avoid operating equipment near water bodies to reduce sedimentation and soil compaction; and

(F). Avoid using chemicals in the RMA and RB that are not approved by the Washington State Department of Ecology (Ecology).

iv *Mitigation*. When mitigating on-site impacts, the following guidelines, where applicable, shall be implemented when designing mitigation for impacted riparian areas, if a restoration opportunity is available on site and within the RMA or RB:

(A). Protect riparian functions that remain, especially in places that are high functioning and implement actions that enhance degraded functions;

(B). Increase riparian width in areas of high function; and

(C). Prioritize opportunities to maintain and restore in-stream and riparian connectivity.

D. *Additional Critical Areas Report Requirements*.

1. A critical areas report for an RMA or RB shall include:

a. The SPTH riparian area width in the mapping tool referenced in WDFW's Riparian Ecosystems, Volume 2: Management Recommendations document, if the applicant is not proposing to use the standard-width RMA and RB.

b. In addition to the standards of VMC 20.720.050(E), where a mitigation plan is required as part of the critical areas report for a fish and wildlife habitat conservation area that involves a water body, RMA, or RB, the monitoring program protocol shall include, where relevant to the impacted functions:

i Observations and measurements of riparian integrity and quality (buffer width, riparian corridor continuity or fragmentation, species diversity, stand age, plant survival rates);

ii Large woody debris surveys;

iii Streamflow monitoring;

iv Water quality monitoring to detect pollution impacts; and

v Biological monitoring including fish surveys and benthic macroinvertebrate sampling.

2. If the clearing or development activity is in the RMA, the critical areas report shall contain all the following information, if applicable:
   a. How the clearing or development activity constitutes a water-dependent, water-related, or water-enjoyment use;
   b. How the clearing or development activity cannot feasibly be located on the site outside of the RMA;
   c. How the proposal meets the RMA width averaging standard (subsection (C)(2)(b) of this section); and
   d. How the proposal will not adversely affect the connectivity of habitat functions.
3. For land use and development-related activities on a site with PHS-designated priority Oregon white oak woodland habitat, the applicant shall be required to demonstrate compliance with WDFW's latest guidance: Best Management Practices for Mitigating Oregon White Oak Priority Habitat (January 2024) and any subsequent revisions. The report shall include mapping and an evaluation of the habitat functions.
   a. The critical areas report shall also identify protection and mitigation for the impacted Oregon white oaks on the site. In circumstances where it is demonstrated that preservation or mitigation of impacts on site is not practicable, the applicant shall provide a minimum of two alternative site designs and layouts to demonstrate that impacts cannot be avoided or be reduced to result in less impacts. The planning director may approve reductions to numerical standards including parking and setbacks under the minor exception process in VMC 20.720.070 to avoid or reduce impacts.
   b. If compensation is determined to be the only available option for the proposed impact, the report shall include the quantity and method of mitigation to compensate for permanent and temporal impacts in accordance with WDFW's Best Management Practices for Mitigating Impacts to Oregon White Oak Priority Habitat, including the following:

i Assessment of priority Oregon white oak woodlands and individuals to determine if they meet the designation criteria for priority habitat and species, the size of each woodland or individual, and the level of ecological function provided;

ii Analysis of the physical and temporal loss of the impacted Oregon white oak woodland habitat;

iii The corresponding mitigation ratios for both physical and temporal loss of the impacted Oregon white oak habitat and the location of such mitigation; and

iv Description of monitoring as outlined by WDFW's guidance.

### 20.720.120 Frequently flooded areas.

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

A. *Designation*. Frequently flooded areas are the areas of special flood hazards identified by the Federal Insurance Administrator and the Federal Emergency Management Agency (FEMA), respectively, in scientific and engineering reports entitled Flood Insurance Study: Clark County, Washington and Incorporated Areas, Volumes 1 and 2 (Numbers 53011CV001A and 53011CV002A, respectively) effective September 5, 2012, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs and their digital version, DFIRMs) and any revisions thereto, which are hereby adopted by reference and declared to be part of this chapter. The Flood Insurance Study (FIS), FIRMs and DFIRMs are available from the Planning Official, 415 West 6th Street, Vancouver, WA 98660. (See VMC 20.150.040A and 20.150.040B, Meanings of Specific Words and Terms, for definitions for "areas of special flood hazards," "floodplain," "floodway," and "frequently flooded areas.")

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

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

C. *Penalties for Noncompliance*. See VMC 20.720.090.

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

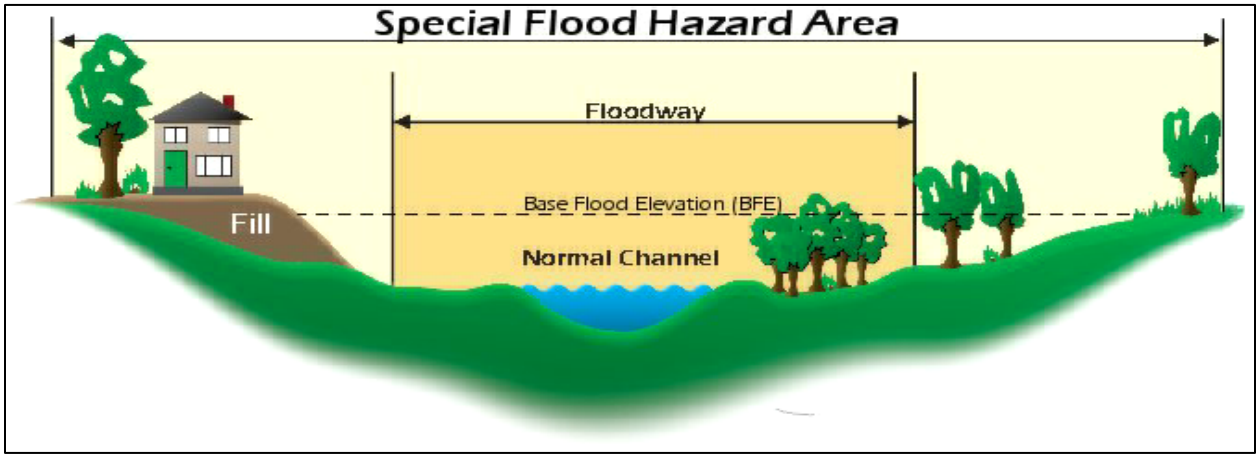
E. *Interpretation (Not Mandatory)*. In the interpretation and application of this chapter, all provisions shall be:

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

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

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

FIGURE 20.720.120-1. FREQUENTLY FLOODED AREAS/AREAS OF SPECIAL FLOOD HAZARDS




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

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

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

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

i Determine whether a floodplain permit is required;

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

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

i The permit requirements of this chapter have been satisfied;

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

iii The site is reasonably safe from flooding;

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

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

I. *Additional Critical Areas Report Requirements.* In addition to the critical areas report requirements in VMC 20.720.050, the following information shall be submitted. Elevation data shall reference the NAVD 1988 Datum.

1. Base (100-year) flood elevation in relation to mean sea level. When base flood elevation has not been provided or is not available from an authoritative source, it shall be generated by the applicant for developments which contain at least 50 lots or five acres, whichever is less.
2. Elevation in relation to mean sea level of the lowest floor (including basement) of all existing and proposed structures.
3. Elevation in relation to mean sea level to which any structure's lowest floor (including basement) is raised to be at least one foot above the base flood elevation or for nonresidential flood-proofed structures, the elevation in relation to mean sea level to which any structure is flood-proofed.
4. Location of the channel migration zone. See the Clark County Shoreline Inventory and Characterization Report, Volume 1, Lewis and Salmon-Washougal Watersheds and Rural Areas, Map 27, Potential Channel Migration Zone (CMZ) Areas for general locations of channel migration zones. The actual location of the channel migration zone on site must be identified by a qualified professional and mapped in accordance with the submittal requirements of VMC 20.720.050.
5. Description of strategies taken to avoid, minimize, and mitigate unavoidable impacts to public safety. When the base flood elevation has not been provided or is not available from an authorized source (subsection A of this section), the critical areas report shall include a discussion of how and whether the proposed development would be reasonably safe from flooding. Historical data, high water marks, photographs of past flooding and other available information will be used as the basis for this discussion and conclusion.
6. Certification, documentation, and demonstration by a qualified professional of how the applicable standards of subsection J of this section will be met. To support the "no rise" analyses required in subsection (J)(1) of this section, the documentation required in the most recently updated or amended FEMA Region 10 publication, Floodplain Management: A Local Floodplain Administrator's Guide to the National Flood Insurance Program shall be submitted.

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

1. *Encroachments*.

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

i Water wells (subsection (J)(4)(a) of this section).

ii On-site waste disposal systems (subsection (J)(5)(a) of this section).

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

(A). Building envelopes within subdivisions (subsection (J)(9)(a) of this section);

(B). New construction or reconstruction of residential structures (subsection (J)(10)(b)(i) of this section);

(C). Placement or replacement of manufactured homes (all types) (subsection (J)(10)(b)(ii) of this section);

(D). Critical facilities housing vulnerable populations and emergency services (subsection (J)(12)(a) of this section); and

(E). Recreational vehicles (subsection (J)(13)(a) of this section).

b. *Designated Floodway – Allowed Encroachments.* In areas where the base flood elevation has been provided and a regulatory floodway has been designated, other encroachments including but not limited to fill, new construction, replacement structures, substantial improvements and other development shall be prohibited unless:

i Certification by a qualified professional (in this case, a registered professional engineer) is provided, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in a net increase in base flood elevation (less than 0.00 feet, rounded) or flood velocity during the occurrence of the base flood discharge. At a minimum, such "no rise" analyses shall include a step-backwater analysis and a conveyance compensation analysis as required in the most recently updated or amended FEMA Region 10 publication, Floodplain Management: A Local Floodplain Administrator's Guide to the National Flood Insurance Program; and

ii The applicable standards of subsections (J)(2) through (J)(15) of this section are also met.

c. *No Designated Floodway – Allowed Encroachments*. In areas where the base flood elevation has been provided but a regulatory floodway has not been designated, no encroachments including but not limited to new construction, substantial improvement, or other development (including fill) shall be permitted, unless:

i The applicant has demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point; and

ii The applicable standards of subsections (J)(2) through (J)(15) of this section are also met.

d. *Other Areas of Special Flood Hazards and CMZs*. In areas of special flood hazards except the floodway or where the BFE has not been provided, or in channel migration zones, encroachments, including but not limited to fill, new construction, replacement structures, substantial improvements and other development, shall be prohibited, unless:

i A qualified professional provides certification demonstrating that the proposed project would not result in a net loss of flood storage capacity; and

ii The applicable standards of subsections (J)(2) through (J)(15) of this section are also met.

2. *Property Damage*. Development shall not result in adverse impacts to other properties either upstream or downstream.
3. *Drainage*. Drainage paths around structures and on slopes shall be adequate to guide floodwaters around and away from proposed structures and adjacent properties.
4. *Water*.
    a. Water wells are prohibited in the floodway.
    b. In areas of special flood hazards except the floodway and in CMZs, water wells shall be constructed to withstand a 100-year flood without adversely impacting groundwater quality (WAC 173-160-171).
    c. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
5. *Waste*.
    a. On-site waste disposal systems are prohibited in the floodway.
    b. In areas of special flood hazards except the floodway and in CMZs, on-site waste disposal systems shall be located to avoid flood damage to them or release of contaminants from them during a base flood event.
    c. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.
6. *Construction Materials and Methods*.
    a. Construction methods and practices shall minimize flood damage.
    b. Construction materials and utility equipment shall be resistant to flood damage. For guidance on flood-resistant materials see the most current FEMA Technical Bulletin 2, Flood-Resistant Materials Requirements.
    c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during a base flood event. For guidance on the placement of building utility systems, see the most current FEMA Publication No. 348, Protecting Building Utilities from Flood Damage.

7. *Anchoring*. All new construction including substantial improvements and all types of manufactured homes shall:
    a. Be elevated on a permanent foundation and securely anchored to an adequate foundation system to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
    b. Be installed or placed using methods and practices that minimize flood damage. Manufactured home placement shall follow the guidance in the most current FEMA P-85, Protecting Manufactured Homes from Floods and Other Hazards.
8. *Enclosed Areas Below the Base Flood Elevation*.
    a. Enclosed areas below the base flood elevation shall be used only for vehicle parking, building access, or storage.
    b. New or substantially improved enclosed areas below the base flood elevation shall be constructed in accordance with:
        i Subsection (J)(7) of this section, Anchoring;
        ii Subsections (J)(10)(c)(ii) and (J)(10)(d) of this section, Residential Construction;
        iii Subsections (J)(6)(b) and (J)(6)(c) of this section, Construction Materials and Methods.
    c. Enclosed areas below the BFE shall not be considered to be the lowest floor when they are not part of a basement and meet the requirements of subsection (J)(10)(d) of this section.
    d. *Crawlspace Construction*. Crawlspaces are a type of enclosed area below the BFE. Crawlspaces constructed at or above the lowest adjacent exterior grade are preferred. (Note: Insurance premiums for structures with below-grade crawlspaces will be higher than those with the interior elevation at or above the lowest adjacent exterior grade.) Refer to the most current FEMA Technical Bulletin 11, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas (available from the Planning Official) for more information. Crawlspaces:

i Are prohibited in areas with flood velocities greater than five feet per second unless designed by a qualified professional (in this case an architect or professional engineer).

ii Shall meet the requirements of subsections (J)(8)(a) through (J)(8)(c) of this section, Enclosed Areas Below the Base Flood Elevation.

iii Shall not be considered "basements" for the purposes of this section when constructed according to the following standards:

(A). The interior grade of a crawlspace below the base flood elevation must not be more than two feet below the lowest adjacent exterior grade.

(B). The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet at any point.

(C). The crawlspace must be equipped with a drainage system that removes floodwaters from the interior area of the crawlspace in a reasonable period of time after a base flood event.

9. *Subdivisions*.

a. *All subdivisions shall be designed*:

i To ensure that no residential structure or other structures for human habitation are located in the floodway even though lots may extend into the floodway;

ii To avoid placement of any structures in areas of special flood hazards and in CMZs;

iii Where it is not possible to design a subdivision in a manner to avoid placement of any structures in areas of special flood hazards or CMZs, the subdivision shall be designed to minimize or eliminate potential flood damage.

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

c. All subdivisions shall have adequate drainage provided to reduce exposure to flood damage. (See subsection (J)(3) of this section, Drainage.)

10. *Residential Construction (Including Manufactured Homes)*.

a. *Residential Construction in the Floodway*.

i New construction and reconstruction of residential development including placement and replacement of all types of manufactured homes is prohibited in the floodway, unless sited as a temporary use in accordance with requirements listed in this section.

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

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

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

(C). The cost of the repair or improvement does not exceed 50 percent of the market value of the structure either:

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

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

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

(E). Any project for improvement to a structure identified as a historic place may be excluded from the 50 percent.

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

i New residential construction and reconstruction, including all types of manufactured homes and other structures for human habitation, shall meet all the provisions of this chapter, including subsections (J)(8) and (J)(10)(c) through (J)(10)(d) of this section.

ii New placement or replacement of all types of manufactured homes shall meet the standards of subsection (J)(7) of this section, Anchoring.

iii *Repair or Substantial Improvement.* All provisions of this chapter (including the elevation standards of subsections (J)(8), (J)(10)(c) and (J)(10)(d) of this section), all state and local health, sanitary, safety codes, and where applicable, historic preservation codes shall be met when the cost of repair or improvement of an existing residential structure exceeds 50 percent of the market value of the structure either:

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

(B). Before flood or other damage to the structure occurred.

c. *Elevation*.

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

ii *No BFE.* In areas where the base flood elevation has not been provided or is not available from an authorized source (subsections A and (I)(5) of this section) and the critical areas report demonstrates to the satisfaction of the Planning Official that the proposed development would be reasonably safe from flooding, new residential construction (including but not limited to substantial improvement and the placement of manufactured homes) shall be elevated at least two feet above the highest adjacent grade. (Note: Failure to elevate at least two feet above the highest adjacent grade may result in higher insurance rates.)

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

i Contain a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding;

ii The bottom of all openings are no higher than one foot above grade; and

iii Openings permit the automatic entry and exit of floodwaters even when equipped with screens, louvers, or other coverings or devices.

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

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

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

a. *Be Elevated – BFE Established*.

i Have the lowest floor, including basement, elevated at least one foot above the base flood elevation or elevated as required by ASCE 24, whichever is greater;

ii Meet the same standards for space below the lowest floor as described in subsections (J)(8)(d) and (J)(10)(d)(i) through (J)(10)(d)(iii) of this section; and

iii Have mechanical equipment and utilities waterproofed or elevated at least one foot above the BFE, or as required by ASCE 24, whichever is greater.

b. *Be Elevated – No BFE*.

i In areas where the base flood elevation has not been provided or is not available from mapped data from federal or state sources and the critical areas report demonstrates to the satisfaction of the Planning Official that the proposed development would be reasonably safe from flooding, new nonresidential construction shall be elevated at least two feet above the highest adjacent grade. Failure to elevate at least two feet above the highest adjacent grade may result in higher insurance rates; and

ii Meet the same standards for space below the lowest floor as described in subsections (J)(8)(d) and (J)(10)(d) of this section; or

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

i Be flood-proofed so that below one foot (or more) above the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water or dry flood-proofed to the elevation required by ASCE 24, whichever is greater;

ii Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

iii Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Planning Official as set forth in subsection L of this section.

12. *Critical Facilities*.

a. Critical facilities housing vulnerable populations and emergency services shall be prohibited in the floodway.

b. In areas of special flood hazards except the floodway and in CMZs, construction of new critical facilities shall be prohibited unless the applicant demonstrates that:

i No feasible alternative site is available; and either:

(A). The lowest floor, entrances, egresses, and to the extent feasible access routes are elevated to three feet above the base flood elevation or to the elevation of the 500-year flood, whichever is higher; or

(B). The applicant demonstrates that other measures would ensure that in the event of a flood, the facility would remain safe and fully operational and that potentially harmful materials would not be displaced by or released into floodwaters. Such measures shall be conditions of approval of the critical areas permit.

13. *Recreational Vehicles*.

a. Recreational vehicles shall be located outside the floodway.

b. Recreational vehicles in areas of special flood hazard except the floodway and in CMZs shall either:

i Be on the site for fewer than 180 consecutive days;

ii Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type water, sewer, stormwater, gas, power, cable, fiber optic, telephone, and security devices, and have no permanently attached additions; or

iii Meet the requirements of subsection (J)(7) of this section, Anchoring; subsection (J)(8) of this section, Enclosed Areas below the Base Flood Elevation; and subsection (J)(10)(c) of this section, Elevation.

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

a. Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:

i Use of the appurtenant structure must be limited to parking of vehicles or limited storage;

ii The portions of the appurtenant structure located below the BFE must be built using flood-resistant materials;

iii The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;

iv Any machinery or equipment servicing the appurtenant structure must be elevated or flood-proofed to or above the BFE;

v The appurtenant structure must comply with floodway encroachment provisions in Section 5.4-1;

vi The appurtenant structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with Section 5.2-1(5);

vii The structure shall have low damage potential;

viii If the structure is converted to another use, it must be brought into full compliance with the standards governing such use; and

ix The structure shall not be used for human habitation.

b. Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 5.2-1.

c. Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the floodplain administrator for verification.

15. *Alteration of Watercourse*.

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

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

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

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

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

(C). Will not block side channels;

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

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

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

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

16. *Changes to Special Flood Hazard Area*.

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

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

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

Variances from the NFIP standards of this section shall meet the approval criteria and other requirements of this subsection in addition to any other applicable variance criteria or requirements. Variances from the NFIP standards of this section shall be processed as Type I or II variances or shoreline variances as appropriate, not as minor exceptions (VMC 20.720.070).

Variances or minor exceptions from other critical area standards (any standards of this chapter not in this section) shall meet the applicable criteria and follow the applicable procedures for the relief requested (VMC 20.720.070, or Chapter 20.290).

1. NFIP variances may be allowed:

a. For historic structures. NFIP variances may be issued for the repair, reconstruction, rehabilitation or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. This variance possibility is only available to those structures that are:

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

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

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

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

      (A). By an approved state program as determined by the Secretary of the Interior; or

      (B). Directly by the Secretary of the Interior in states without approved programs.

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

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

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

i Will have low damage potential;

ii Complies with all other NFIP variance criteria except subsection (K)(1)(a)(ii) of this section;

iii Complies with subsection (J)(4) of this section, Water; subsection (J)(5) of this section, Waste; subsection (J)(7) of this section, Anchoring; and subsection (J)(9) of this section, Subdivisions.

d. For allowed development within the floodway. NFIP variances may be issued for development within a floodway only when the requirements of subsection (J)(1)(b) of this section are met.

2. *NFIP Variance Approval Criteria.* NFIP variances from elevation and flood-proofing standards, and for development in the floodway (subsections (K)(1)(a)(ii) through (K)(1)(a)(iv) of this section may be granted only if the applicant demonstrates that the requested action conforms to all of the following criteria:

a. The NFIP variance is the minimum necessary, considering the flood hazard, to afford relief.

b. The applicant has demonstrated good and sufficient cause.

c. Failure to grant the NFIP variance would result in exceptional hardship to the applicant. (Exceptional hardship for an NFIP variance is described in a FEMA memorandum dated July 22, 1986, entitled Resource Materials on NFIP Variance Criteria, available from the Planning Official)

d. Granting the NFIP variance will not result in increased flood heights or velocities, additional threats to public safety, significantly increased property damage potential, extraordinary public expense, or conflict with existing local laws or ordinances.

e. Demonstration that the following factors have been considered:

i The danger that materials may be swept onto other lands to the injury of others;

ii The danger to life and property due to flooding or erosion damage;

iii The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

iv The importance of the services provided by the proposed facility to the community;

v The necessity to the facility of a waterfront location, where applicable;

vi The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

vii The compatibility of the proposed use with existing and anticipated development;

viii The relationship of the proposed use to the comprehensive plan;

ix The safety of access to the property in times of flood for ordinary and emergency vehicles;

x The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

xi The costs of providing governmental services during and after flood conditions, including maintenance and repair of facilities such as sewer, gas, electrical, stormwater, and water systems, and streets and bridges.

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

L. *Information to Be Obtained and Maintained*.

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

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

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

c. Maintain all records pertaining to development in frequently flooded areas subject to the provisions of this chapter for public inspection.

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

3. *Records of Appeal Actions.* The Planning Official shall keep records of all appeal actions.

## 20.720.130 Geologic hazard areas.

A. *Designation and Location*.

1. Designated or potential geologic hazard areas include landslide, seismic, and erosion hazard areas. With the exception of bank erosion hazard areas and fault rupture hazard areas, their potential locations are shown on maps available from the city of Vancouver, Clark County, and the state of Washington. Final designations shall be based on site conditions and other available data or information (see this chapter's general provisions section).

2. *Landslide Hazard Areas.* These areas are subject to landslides due to a combination of geologic, topographic, and hydrologic factors. They include any areas susceptible to landslide because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors as defined in Chapter 20.150 VMC. Landslides are areas shown as "areas of historic or active landslides," "areas of potential instability," and "areas of older landslide debris" on maps available from Clark County maps online ("Slope Stability of Clark County" report (1975) and "Geologic Map of Vancouver Quadrangle" map (1987)) and maps available through the DNR's Geologic Information Portal, including but not limited to the "Washington Geologic Survey-Protocol Landslide Mapping" and "Other Compiled Landslide Mapping" layers.

3. *Seismic Hazard Areas.* Seismic hazard areas include liquefaction, ground shaking amplification, and fault rupture hazard areas as designated below and defined in Chapter 20.150 VMC.
    a. *Liquefaction Hazard Areas.* Settlement and soil liquefaction conditions occur in areas underlain by cohesionless soils of low density, typically in association with a shallow groundwater table. The following are designated liquefaction hazard areas:
        i Areas with low to moderate, moderate, moderate to high, or high liquefaction susceptibility or peat deposits as indicated on liquefaction susceptibility maps from the DNR Geologic Information Portal as revised or superseded.
    b. *Ground Shaking Amplification Areas.* The following are designated ground shaking amplification hazard areas:
        i Site Classes C to D, D, D to E, E and F, as shown on the National Earthquake Hazard Reduction Program (NEHRP) Seismic Site Class layer available on the DNR Geologic Information Portal.
    c. *Fault Rupture Hazard Areas.* Potential fault rupture hazard areas are faults identified by the DNR Geologic Information Portal "Seismogenic Folds, Known or Suspected" and "Active Faults, Known or Suspected" layers; USGS, on geologic maps available from the Oregon Department of Geology and Mineral Industries (DOGAMI), Clark County maps online, or identified from other available data or in the field by a qualified professional and adjacent areas within 100 feet.
4. *Erosion Hazard Areas.* Erosion hazard areas include soil erosion and bank erosion hazard areas and as defined in Chapter 20.150 VMC. These are also areas that are likely to become unstable, such as bluffs, steep slopes, and areas with unconsolidated soils.
    a. *Soil Erosion Hazard Areas.* The following are designated soil erosion hazard areas:
        i *Severe or Very Severe Erosion Hazard Areas.* Areas with soils identified as having a severe or very severe erosion hazard by the 1972 U.S. Department of Agriculture (USDA) Soil Conservation Service Soil Survey of Clark County, Washington.

ii *Bank Erosion Hazard Areas*. Bank erosion hazard areas are areas along lakes, streams, and rivers that are subject to regression or retreat due to lacustrine or fluvial processes and adjacent land within 100 feet.

B. *Performance Standards*.

1. *General Standards*.

a. Critical facilities, as defined in Chapter 20.150 VMC, are prohibited in the following areas unless there is no other location available, a mitigation proposal is included in the development plan, and a critical areas report prepared by a qualified professional for geologically hazardous areas establishes that the area is safe for development for the type of facility proposed and the type of hazard:

i Landslide hazard areas;

ii Bank erosion hazard areas;

iii Fault rupture hazard areas.

b. Buffer width shall be measured on a horizontal plane from a perpendicular line established at all edges of the geologic hazard area (see Chapter 20.170 VMC).

c. The applicant shall demonstrate that, during construction and for the anticipated life of the proposed development, the proposed use(s), activity(ies), and structure(s):

i Are designed so that the hazard to the proposed project is eliminated or mitigated to a level equal to or less than pre-development conditions;

ii Will not adversely impact other critical areas, if avoidable, given the type of critical areas involved and the characteristics of the site;

iii Are designed to minimize or eliminate life safety risk; and

iv Are certified by a qualified professional as safe as designed and under anticipated conditions.

2. *Landslide and Erosion Hazard Areas*. Development in nondisturbance areas shall be prohibited. In other areas, development in landslide and erosion hazard areas and their buffers shall be prohibited except where the applicant has demonstrated compliance with the following standards or requirements:

a. Landslide hazard areas may be able to be mitigated through grading based on a critical areas report that demonstrates that the slope will be stabilized as described in additional critical areas report requirements for geologic hazards.

   i The critical areas permit shall be conditioned on a final inspection approval confirming that the grading and site are stable. At the applicant's expense, after site grading, the applicant shall:

      (A). Provide inspection specifications from the qualified professional who prepared the critical areas report; and

      (B). Inspect the grading and the site using an inspector acceptable to the city building official and submit a report to the city indicating whether the site is stable.

   ii Clearing, grading, uprooting, or otherwise impairing the soil stabilizing function of vegetation shall be prohibited during the wet season (November to May), except as authorized under a valid state or federal permit or a city Type I permit.

b. Any required erosion mitigation work is to be performed by a certified erosion and sediment control lead in accordance with Ecology requirements.

c. The requirements of Chapter 14.24 VMC, Erosion Control, shall be met.

d. Drainage patterns shall not be altered such that potential for damage or risk to the proposed project, the geologic hazard area, or other critical areas or buffers is increased.

e. Trails shall be for pedestrian and nonmotorized vehicular use only and shall be the minimum width necessary to meet applicable regulations.

f. *Roads in Landslide and Bank Erosion Hazard Areas.* A road through or across a landslide or bank erosion hazard area shall meet the standards of subsection (B)(2) of this section and shall not be:

   i The sole access for a proposed subdivision (not including short subdivision) or critical facility;

   ii Longer than 200 feet; or

   iii Steeper than a 15 percent grade.

g. *Markers and Signs in Landslide Hazard Areas*.

i The boundary at the outer edge of the furthest of the landslide hazard area, nondisturbance area (see this chapter's additional critical areas report requirements for geologic hazard areas), or buffer shall be identified with temporary signs prior to any site alteration.

ii These provisions may be modified by the Planning Official as necessary to ensure protection of people and structures from the hazard.

h. *Stabilization in Bank Erosion Hazard Areas*.

i Bank stabilization measures may be employed to protect an existing structure when a critical areas report conclusively demonstrates all of the following:

(A). Bank erosion threatens an established use or existing structure(s) within a three-year timeframe;

(B). The threatened use or structure(s) cannot be relocated landward of any nondisturbance area (subsection (C)(7)(a)(ii) of this section);

(C). Bank stabilization measures will not cause a significant adverse impact on upstream or downstream properties or an impact that cannot be mitigated without developing bank stabilization measures for those properties; and

(D). Bank stabilization measures will not cause a significant adverse impact on a fish and wildlife habitat conservation area protected by this chapter.

i. When bank stabilization is allowed, it shall be accomplished using beach nourishment, bioengineering (soft armoring) techniques, or a combination of the two. Other techniques may be used when an approved critical areas report demonstrates conclusively that beach nourishment, bioengineering (soft armoring) techniques, or a combination of the two will not provide sufficient protection for the remaining useful life of the structure(s) to be protected.

j. *Buffer*. The following regulations apply to landslide and bank erosion hazard area buffers:

i *Buffer widths*.

(A). No buffer is required for soil erosion hazard areas.

(B). The minimum buffer width from the top and bottom of slope for landslide and bank erosion hazard areas shall be equal to two times the slope height or as recommended by a qualified professional in a geotechnical report.

(C). A larger buffer width may be required for landslide and bank erosion hazard areas at the discretion of the Planning Official when:

(1). The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts;

(2). The area has a severe risk of slope failure or downslope stormwater drainage impacts;

(3). The area is directly adjacent to a riparian area, or wetland; or

(4). Recommended in an approved critical areas report.

ii Buffers may be included in nondisturbance areas (subsection (C)(7)(a)(ii) of this section) and required planting and maintenance activities may be undertaken within them.

iii The buffer around landslide and bank erosion hazard areas shall be vegetated and shall be maintained by the property owner. New plantings shall consist of native vegetation.

iv No alteration to the buffer that involves clearing of vegetation shall be undertaken without an erosion control plan approved pursuant to the provisions of Chapter 14.24 VMC, Erosion Control, and this chapter.

3. *Seismic Hazard Areas*.

a. *Liquefaction or Dynamic Settlement and Ground Shaking Amplification Hazard Areas.* All building structures in liquefaction or ground shaking amplification hazard areas shall comply with the requirements of VMC Title 17, Buildings and Construction. No buffer is required for liquefaction or ground shaking amplification hazard areas.

b. *Fault Rupture Hazard Areas.*

i A road through or across a fault rupture hazard area shall not be:

(A). The sole access for a proposed subdivision (not including short subdivision) or critical facility;

(B). Longer than 200 feet; or

(C). Steeper than a 15 percent grade.

ii *Buffer*.

(A). The buffer width shall be the greater of the following distances:

(1). Fifty feet from all edges of a fault rupture hazard area, except where critical facilities are involved, the minimum buffer distance shall be 100 feet (see VMC 20.170.030(L)); or

(2). The minimum distance recommended in an approved critical areas report.

(B). A larger buffer width may be required when the Planning Official determines that the buffer is not adequate to protect the proposed development.

iii New structures for human habitation shall be prohibited within fault rupture hazard areas and buffers.

C. *Additional Critical Areas Report Requirements.* In addition to the requirements of VMC 20.720.050, the following are critical areas report requirements for development proposals in potential geologic hazard areas. These requirements may be adjusted as appropriate by the Planning Official. The critical areas report will result in a conclusion as to whether the potential geologic hazard area is an actual geologic hazard area and would be subject to a permit (see subsection (C)(6) of this section). If it is, the critical areas report requires the following additional information, mapping, and analysis (see subsection (C)(7) of this section):

1. Identification of the site and project area (defined at Chapter 20.150 VMC); topography of the site in two-foot contours (or other increment at the discretion of the Planning Official); planned gas, power, cable, fiber optic, telephone, sewer, water, and stormwater management facilities, wells, on-site septic systems, dikes, levees; and existing structures on the site plan required by VMC 20.720.050;

2. Detailed review of field investigations, published data and references, data and conclusions from past geologic studies or investigations, site-specific measurements, tests, investigations, or studies, and the methods of data analysis and calculations that support the results, conclusions, and recommendations;

3. Field investigation and evaluation of the areas on landslide, erosion, liquefaction or dynamic settlement, ground shaking amplification, bank erosion hazard areas and fault rupture hazard areas on or within 100 feet of the site;
4. A description of the surface and subsurface geology, hydrology, drainage patterns, soils, and vegetation for liquefaction or dynamic settlement, ground shaking amplification, fault rupture, soil erosion hazards, landslide, and bank erosion hazard areas on or within 100 feet of the site;
5. Identification of any hazard area indicators that were found on site for liquefaction or dynamic settlement, ground shaking amplification, fault rupture, and soil erosion hazards areas and on or within 100 feet of the site for landslide and bank erosion hazard areas;
6. Conclusion as to whether there is a geologic hazard area on site or within 100 feet of the site; and
7. If a geologic hazard is found to exist on site or if a landslide or bank erosion hazard is found to exist on or within 100 feet of the site, the report must include the following:
    a. Labeling and showing the following on the site plan required by VMC 20.720.050:
        i The location(s), extent, and type(s) of geologic hazard area(s) identified;
        ii The location(s) and extent of any area(s) that must be left undisturbed to protect the proposed development from damage or destruction and to protect the hazard area(s) from the impacts of the proposed development;
        iii The boundaries of the area that may be disturbed;
        iv The dimension of the closest distance(s) between the geologic hazard area(s) and nondisturbance area and the project area;
        v For bank erosion hazard areas, show these areas, boundaries, and dimensions based upon natural processes and, if applicable, proposed bank stabilization measures; and
        vi The recommended buffer for bank erosion hazard areas.
    b. Analysis of the erosion processes on site for soil erosion hazard areas and on or within 100 feet of the site for bank erosion hazard areas;

c. Evaluation of the impact of the geologic hazard area(s) on the proposed development, other properties, and other critical areas, as follows:

   i *Landslide Hazard Areas.* The impact of the run-out hazard of landslide debris from both upslope and downslope shall be included in the evaluation.

   ii *Bank Erosion Hazard Areas.* Evaluation of impacts on other properties shall include properties both upstream and downstream of the subject property.

d. Evaluation of the impact of the proposed development on the geologic hazard area(s).

e. Assessments and conclusions regarding geologic hazard(s) for both existing and proposed (post-development) site conditions. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.

f. Written discussion of:

   i The risk of damage or destruction from the geologic hazard(s) with respect to human health and safety; infrastructure; the proposed development; other properties (both upstream and downstream for bank erosion hazard areas); and other critical areas; and

   ii Whether and to what degree the proposed development would increase the risk from the geologic hazard(s), such as the occurrence of a landslide or the rate of regression.

g. Recommendations for mitigation of impacts to protect:

   i Human health and safety;

   ii Infrastructure;

   iii The proposed development;

   iv Other properties (both upstream and downstream for bank erosion hazard areas);

   v Other critical areas; and

vi The hazard area during construction and for the anticipated life of the proposed development. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.

h. A demonstration of how the standards of this subsection applicable to each geologic hazard area will be met.

## 20.720.140 Wetlands.

A. *Designating and Rating Wetlands*.

1. *Designating Wetlands.* Wetlands are areas that have been designated in accordance with the 1987 Federal Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains Valleys and Coast Region Version 2.0 (2010 or as further updated) and are defined in Chapter 20.150 VMC. Wetlands are subject to a local government's regulatory authority if they meet the definition of wetlands, including non-federally regulated (isolated) wetlands. Final designations shall be based on site conditions as documented in a wetland critical areas report, and other available data or information (see VMC 20.720.020(C)(1)).

2. *Wetland Ratings.* Wetlands shall be rated according to the Ecology wetland rating system, Ecology Publication No. 23-06-009, Washington State Wetland Rating System for Western Washington: 2014 Update, published July 2023, or as revised by Ecology. The rating system document contains the definitions and methods for determining if the criteria below are met. The most recent version of the rating system form must be used.

a. Wetland Rating Categories.

i *Category I.* Category I wetlands are:

(A). Wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program of the DNR;

(B). Bogs;

(C). Mature and old-growth forested wetlands larger than one acre;

(D). Wetlands that perform functions at a high level, scoring 23 points or more.

ii *Category II*. Category II wetlands function at a moderately high function and are difficult, though not impossible, to replace, scoring between 20 and 22 points.

iii *Category III*. Category III wetlands have generally been disturbed in some way and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands. Category III wetlands:

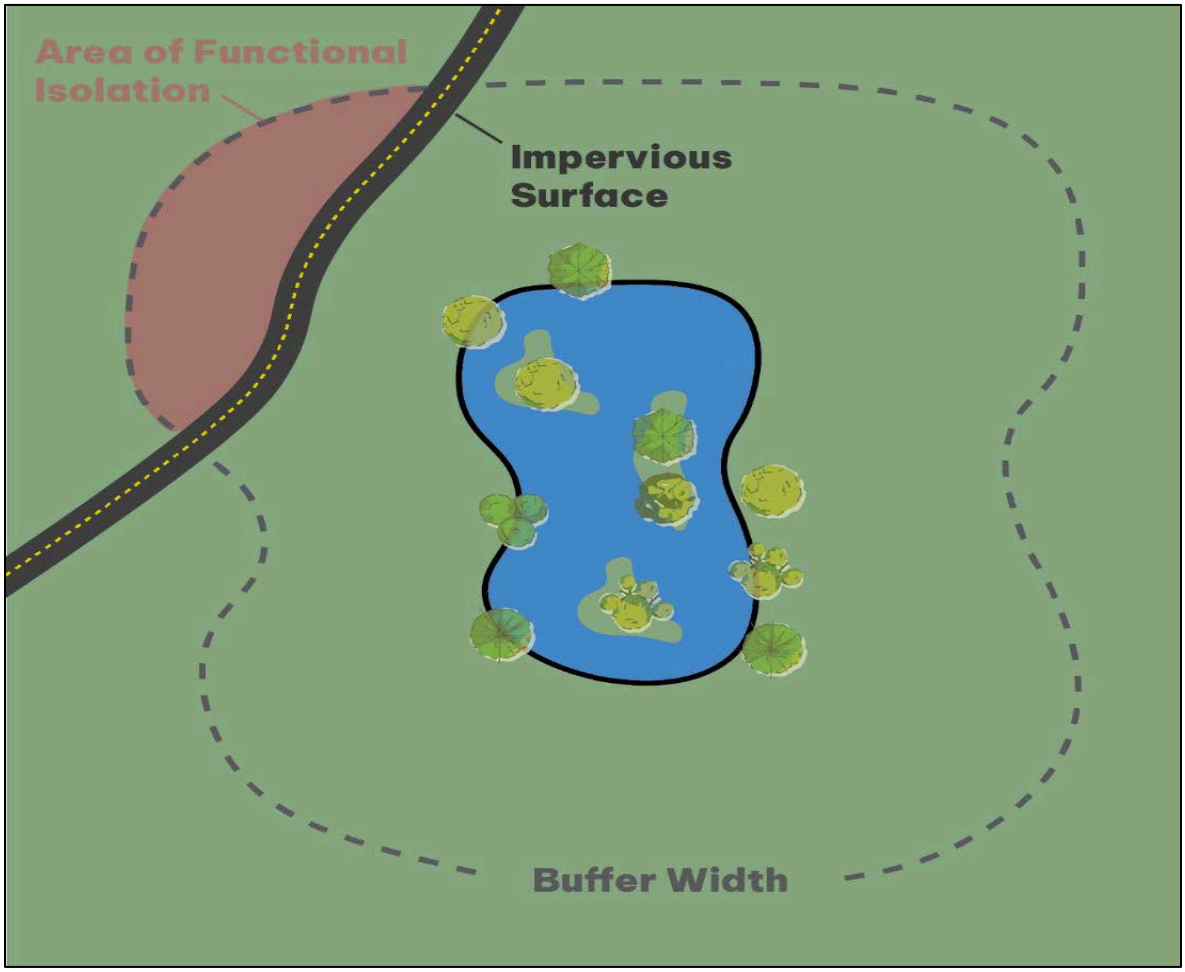
(A). Have a moderate level of functions, scoring between 16 and 19 points; and

(B). Can often be adequately replaced with a well-planned mitigation project.

iv *Category IV*. Category IV wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that should be able to be replaced, or in some cases improved. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

B. *Development activities that functionally or physically isolate the wetland buffer*. When existing impervious surfaces or other built structures functionally or physically isolate the wetland buffer from the water body or wetland, the regulated wetland buffer shall extend landward from the ordinary high water mark (OHWM) or channel migration zone (CMZ), whichever is greater, and terminate at the waterward edge of the impervious surface or manmade structure. Development activities that occur within the area of functional isolation, or further landward, are exempt from the requirement to obtain a critical areas permit.

FIGURE 20.720.140-1. FUNCTIONAL ISOLATION




The obstruction causing the physical isolation shall be significant enough in size and stature that protective buffers or other mitigation measures cannot reasonably restore ecological functions or benefits. The Planning Official may rely on a site visit, aerial photographs, other evidence provided by the applicant or the applicant's qualified professional, and consultation with the Washington Department of Fish and Wildlife (WDFW) in making a determination to reduce the width of the wetland buffer based on functional and/or physical isolation. The following obstructions shall not constitute functional isolation:

1. Trails, paths, or sidewalks;
2. Minor accessory structures;
3. Driveways or drive aisles;

4. Subsurface utilities.

C. *Performance Standards*.

1. *General Requirements*. Development or clearing activities shall protect the functions of wetlands and wetland buffers on the site. Activities shall result in no net loss of wetland or buffer functions. Protection may be provided by avoiding (preferred) or minimizing and mitigating as described in the general critical areas performance standards (VMC 20.720.060).

a. *Uses in Wetlands*.

i In Category I wetlands, only the following activities may be allowed:

(A). Infrastructure or utilities that cannot feasibly be located outside of the wetland, that minimize the impact, that mitigate for any unavoidable impact to functions, and have received authorization from applicable federal and state regulating agencies;

(B). Trails and wildlife viewing structures; provided, that the trails and structures minimize the impact, are located in the outer 25 percent of the buffer, and are constructed so that they do not interfere with wetland hydrology and do not result in increased sediment entering the wetland;

(C). Enhancement and restoration activities aimed at protecting the soil, water, vegetation, or wildlife; and

(D). Repair and maintenance of legally established nonconforming uses or structures, provided they do not increase the degree of nonconformity.

ii In Category II wetlands, only the following activities may be allowed:

(A). Activities allowed in Category I wetlands pursuant to subsection (C)(1)(a)(i) of this section;

(B). A water-dependent, water-related or water-enjoyment activity where there are not feasible alternatives that would have less impact on the wetland. Where non-water-dependent, related, or enjoyment activities are proposed, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited unless the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and successfully avoid or result in less adverse impacts on a wetland on another site or sites in the city or Vancouver urban growth area.

iii In Category III wetlands, only the following activities may be allowed:

(A). Activities allowed in Category II wetlands pursuant to subsection (C)(1)(a)(ii) of this section;

(B). Stormwater management facilities. A Category III wetland can be physically or hydrologically altered to meet the requirements of a low impact development (LID) methodology or flow control BMP, if all of the following criteria are met:

(1). If proposed, an LID BMP is determined to be feasible through a site-specific characterization;

(2). The wetland has a habitat score of three to five points;

(3). There will be no net loss of functions and values of the wetland;

(4). The wetland does not contain a breeding population of any native amphibian species;

(5). The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, and 5 of Chart 4 and questions 2, 3, and 4 of Chart 5 in Selecting Mitigation Sites Using a Watershed Approach (Western Washington Ecology Publication No. 09-06-032 or 10-06-007, or as revised); or the wetland is part of a restoration plan intended to achieve restoration goals identified in the city of Vancouver's shoreline master program or a local or regional watershed plan;

(6). The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing;

(7). All regulations regarding stormwater and wetland management are followed, including in this chapter and Chapter 14.24 VMC, Erosion Control; and

(8). Modifications that alter the structure of a wetland or its soils will require permits. Existing functions and values that are lost will need to be compensated for in accordance with the requirements of this chapter.

(C). Other activities may be allowed if the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and avoid or result in less adverse impacts on a wetland or its buffer than alternative uses or designs (including reduction in the size, scope, configuration or density of the project).

iv In Category IV wetlands, activities and uses that result in impacts may be permitted in accordance with an approved critical areas report and mitigation plan if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full mitigation for the loss of acreage and functions shall be provided under the terms established pursuant to subsection (C)(2) of this section.

(A). If stormwater management facilities are proposed, they must meet the requirements of an LID or flow control BMP as specified for Category III wetlands.

b. *Wetland Buffers*.

i *Required Buffer Widths.* Standard buffer widths are measured in feet from the edge of the wetland (see VMC 20.170.030(B) and (H)). Applicants are required to implement the wetland buffer widths by wetland category as shown in Table 20.720.140-1.

ii If the applicant is unable to implement the full width buffers from Table 20.720.140-1 and avoid impacts as a result of proposed development, the planning director shall permit the applicant to use the alternative buffer widths in subsections (C)(1)(b)(v)(B) and (C)(1)(b)(v)(C) of this section, if the applicant has first demonstrated they have met the following criteria:

(A). The applicant has met the mitigation sequencing in VMC 20.720.060(A) through (E).

(B). The applicant shall provide a minimum of two alternative site designs and layouts to demonstrate that impacts cannot be avoided or be reduced to result in less impacts. The planning director may approve reductions to numerical standards including parking and setbacks under the minor exception process in VMC 20.720.070 to avoid or reduce impacts.

iii The required and alternative buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is unvegetated, sparsely vegetated, and/or vegetated with invasive species that do not perform needed functions, the buffer must either be planted to create the appropriate native plant community or be widened to ensure that the buffer provides adequate functions to protect the wetland.

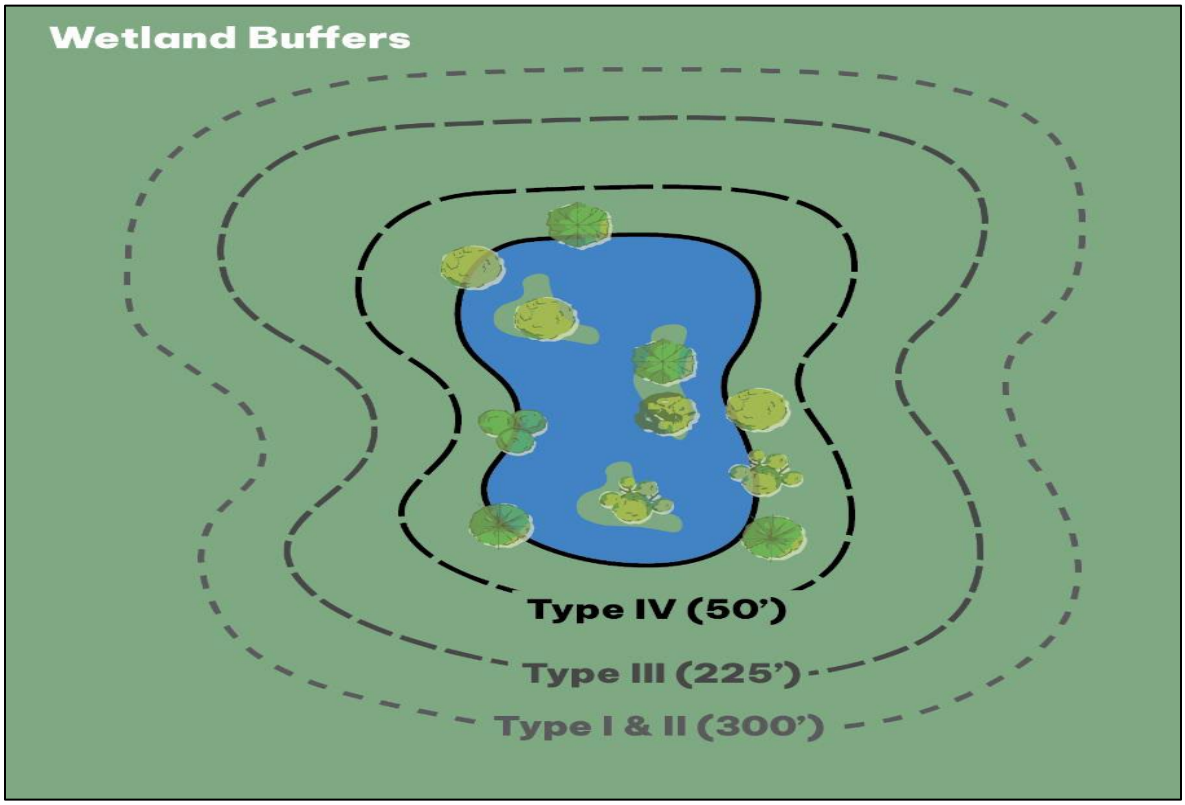
iv If the buffer is functionally isolated by an existing impervious surface or built structure, the remaining buffer area must be revegetated with native species, but the buffer does not need to be widened to exceed widths greater than those listed in Tables 20.720.140-1, 20.720.140-2, and 20.720.140-4.

(A). Required buffers based on wetland category – see Table 20.720.140-1.

TABLE 20.720.140-1. WETLAND BUFFER WIDTH REQUIREMENTS

| Wetland | Buffer Width |
|---|---|
| I | 300 |
| II | 300 |
| III | 225 |
| IV | 50 |

FIGURE 20.720.140-2. WETLAND BUFFER WIDTH REQUIREMENTS



(B). Alternative 1 wetland buffers: buffers based on wetland category, wetland type, and habitat score and providing a habitat corridor and implementing minimization measures.

(1). In order for an applicant to use the buffer widths of Table 20.720.140-2, the applicant must provide a habitat corridor as outlined in this subsection and implement the impact minimization measures listed in Table 20.720.140-3. Not all impact minimization measures are applicable. An undisturbed vegetated corridor at least 100 feet wide must be provided between the wetland and another priority area for preservation that meets the following:

(a). A legally protected, high-functioning vegetated area (priority habitats; other compensation sites; wildlife areas/refuges; or national, county, and state parks that have management plans with identified areas designated as natural, natural forest, or natural area preserve);

(b). An area that is the site of a watershed project identified within and fully consistent with a watershed plan, as these terms are defined by RCW 89.08.460;

(c). An area where development is prohibited under the provisions of the local shoreline master program;

(d). An area with equivalent habitat quality that has conservation status in perpetuity, in consultation with WDFW;

(e). The corridor is permanently protected for the entire distance between the wetland and the legally protected area by a conservation easement, deed restriction, or other legal means;

(f). Presence of the shoreline or priority habitat must be confirmed by a qualified biologist or the Planning Official;

(g). If a wetland scores five or fewer habitat points, only the impact minimization measures listed in Table 20.720.140-3 are required in order to use the buffers in Table 20.720.140-2; or

(h). If an applicant does not apply the mitigation measures in Table 20.720.140-3 and is unable to provide a protected corridor, then the buffers in Table 20.720.140-1 or 20.720.140-4 shall be used.

**TABLE 20.720.140-2. ALTERNATIVE 1: WETLAND BUFFER WIDTH REQUIREMENTS**

| Category of Wetland | Habitat Score 3 to 5 Points (Corridor Not Required) | Habitat Score 6 to 7 Points | Habitat Score 8 to 9 Points |
|---|---|---|---|
| Category I: Bogs and Wetlands of High Conservation Value | NA | NA | 225 feet |
| Category I: Forested | 75 feet | 110 feet | 225 feet |
| Category I or II: Based on Rating of Wetland Functions (and not listed above) | 75 feet | 110 feet | 225 feet |
| Category III: All Types | 60 feet | 110 feet | 225 feet |
| Category IV: All Types | 40 feet | 40 feet | 40 feet |

Note: Special characteristics are defined in the Washington State Wetland Rating System for Western Washington: 2014 Update, published July 2023, or as revised by Ecology.

**TABLE 20.720.140-3. IMPACT MINIMIZATION MEASURES REQUIRED TO IMPLEMENT ALTERNATIVE 1 WETLAND BUFFERS**

| Examples of Disturbance | Uses and Activities that Cause the Disturbance | Examples of Measures to Minimize Impacts |
|---|---|---|
| Lights | Parking lots, warehouses, manufacturing, residential, recreational | Direct lights away from wetland.<br><br>Only use lighting where necessary for public safety and keep lights off when not needed.<br><br>Use motion-activated lights.<br><br>Use full cut-off filters to cover light bulbs and direct light only where needed. |

| Examples of Disturbance | Uses and Activities that Cause the Disturbance | Examples of Measures to Minimize Impacts |
|---|---|---|
| | | Limit use of blue-white colored lights in favor of red-amber hues.<br><br>Use lower-intensity LED lighting.<br><br>Dim light to the lowest acceptable intensity. |
| Noise | Manufacturing and other industrial, residential, commercial, recreational | Locate activity that generates noise away from wetland.<br><br>Construct a fence to reduce noise impacts on adjacent wetland and buffer.<br><br>Plant a strip of dense shrub vegetation adjacent to wetland buffer. |
| Toxic runoff | Parking lots, roads, manufacturing, residential, application of agricultural or landscaping chemicals, landscaping | Route only treated runoff to a wetland and route untreated runoff away from wetland while ensuring wetland is not dewatered.<br><br>Establish covenants limiting use of toxic chemicals within 150 feet of wetland.<br><br>Apply integrated pest management. |
| Stormwater runoff | Parking lots, roads, residential, commercial/industrial, recreational, landscaping/lawns, and other impermeable surfaces/compacted soils | Retrofit stormwater detention and treatment for roads and existing adjacent development. |

| Examples of Disturbance | Uses and Activities that Cause the Disturbance | Examples of Measures to Minimize Impacts |
|---|---|---|
| | | Prevent channelized or sheet flow from lawns that directly enters the buffer.<br><br>Infiltrate or treat, detain, and disperse new runoff from impervious surfaces and lawns. |
| Change in water regime | Impervious surfaces, lawns, tilling | Infiltrate or treat, detain, and disperse new runoff into buffer. |
| Pets and human disturbance | Residential, recreational, commercial, industrial | Plant dense vegetation around buffer, such as rose or hawthorn, to delineate buffer edge and discourage disturbance.<br><br>Place wetland and its buffer in a separate tract.<br><br>Place signs around the wetland buffer every 50 to 200 feet and for subdivisions place signs at the back of each residential lot.<br><br>When platting new subdivisions, locate greenbelts, stormwater facilities, and other lower intensity uses adjacent to wetland buffers. |
| Human disturbance | Residential, commercial, industrial | Plant dense vegetation around buffer, such as rose or hawthorn |
| Dust | Tilled fields, roads | Utilize best management practices to control dust. |

(C). Alternative 2 wetland buffer widths: buffers based on wetland category wetland type, and habitat score (see Table 20.720.140-4) without providing a habitat corridor or minimization measures as outlined in subsection (C)(1)(b)(iv)(B) of this section.

TABLE 20.720.140-4. ALTERNATIVE 2 WETLAND BUFFER WIDTH REQUIREMENTS

| Category of Wetland | Habitat Score 3 to 5 Points (Corridor Not Required) | Habitat Score 6 to 7 Points | Habitat Score 8 to 9 Points | Buffer Width Based on Special Characteristics |
|---|---|---|---|---|
| Category I: Bogs and Wetlands of High Conservation Value | NA | NA | 300 feet | 250 feet |
| Category I: Forested | 100 feet | 150 feet | 300 feet | NA |
| Category I or II: Based on rating of wetland functions (and not listed above) | 100 feet | 150 feet | 300 feet | NA |
| Category III: All Types | 80 feet | 150 feet | 300 feet | NA |
| Category IV: All Types | 50 feet | 50 feet | 50 feet | 50 feet |

v *Wetland Buffer Width Averaging.* The Planning Official may allow modification of the standard wetland buffer width in accordance with an approved critical areas report by averaging buffer widths. Buffer width averaging shall not be used in combination with buffer width reduction or a minor exception (VMC 20.720.070). Averaging of buffer widths (see VMC 20.170.080(B)(2)) may only be allowed when implementing the impact minimization measures, as applicable, in Table 20.740.140-3 and where a qualified professional wetland scientist demonstrates that:

(A). Such averaging will not reduce wetland functions or functional performance;

(B). The wetland varies in sensitivity due to existing physical characteristics, or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;

(C). The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and

(D). The buffer width is not reduced at any point by more than 25 percent of the standard width and is no less than 30 feet wide.

vi *Buffer Maintenance*. Except as otherwise specified or allowed in accordance with this chapter, wetland buffers shall be maintained and fully vegetated according to the approved critical areas permit.

vii *Buffer Uses*. The following uses may be permitted within a wetland buffer in accordance with the review procedures of this chapter; provided, they are not prohibited by any other applicable laws or regulations and they are conducted in a manner so as to minimize impacts to the buffer and the wetland:

(A). Activities allowed under the same terms and conditions as in the associated wetlands pursuant to subsection (C)(1)(a) of this section;

(B). Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife.

(1). Removal of invasive plant species shall be restricted to hand removal. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the city's noxious weed list should be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species;

(C). Passive recreation facilities, including trails and wildlife viewing structures; provided, that the trails and structures are constructed with a surface that does not interfere with wetland hydrology.

(1). Trails shall be located in the outer 25 to 50 percent of the buffer, when feasible;

(D). Stormwater management facilities are not allowed in Category I or II wetland buffers. Stormwater management facilities must meet the requirements of an LID or flow control BMP as specified for uses in Category III wetlands;

(E). Educational and scientific research activities;

(F). Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way; provided, that the maintenance or repair does not increase the footprint or use of the facility or right-of-way;

(G). The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops; and provided, that the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources; and

(H). Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary; provided, that the drilling does not alter the groundwater connection to the wetland or percolation of surface water down through the soil column.

(1). Specific studies by a hydrologist are necessary to determine whether the groundwater connection to the wetland or percolation of surface water down through the soil column would be disturbed.

c. Temporary and permanent markers and signs for wetlands.

i Temporary and permanent markers and signs are installed in compliance with the requirements of VMC 20.720.020, General Provisions.

2. *Compensatory Mitigation.* Compensatory mitigation for impacts to wetlands shall be provided pursuant to VMC 20.720.060 and shall be consistent with Ecology's Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance, Version 2, Ecology Publication No. 21-06-003 April 2021, and Part 2: Developing Mitigation Plans, Version 1, Ecology Publication No. 06-06-011b, March 2006, or as revised by Ecology.

Watersheds are defined in Chapter 20.150 VMC.

a. *Mitigation for Lost or Affected Functions*. Compensatory mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement and shall provide wetland or buffer functions similar to those lost, except when:

   i The lost wetland or buffer provides minimal functions as determined by a site-specific functional assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limited within a watershed through a formal Washington State watershed assessment plan or protocol; or

   ii Out-of-kind replacement will best meet formally identified watershed goals, such as replacement of historically diminished wetland types.

b. *Compensatory Mitigation Actions*. If, through mitigation sequencing in accordance with VMC 20.720.060, it is determined that compensatory mitigation is necessary, the applicant must provide an alternative approach to compensation. Compensation is prioritized as follows:

   i Mitigation bank credits: Allows applicants to compensate for wetland loss by purchasing credits from a bank that is commissioned to restore, create, enhance, or preserve wetland areas in providing compensatory mitigation for authorized impacts to wetlands;

   ii In-lieu fee program credits: Allows applicants to compensate for wetland losses by paying a fee to a third party, such as a government agency or conservation organization, where the fee is used to ensure protection, creation, and enhancement of wetlands;

   iii Permittee-responsible mitigation (PRM) under a watershed approach;

   iv PRM that is on site and in-kind;

   v PRM that is off site and/or out-of-kind.

c. PRM includes the following approaches:

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

ii *Reestablishment.* The manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historic functions and environmental processes to a former wetland. Activities could include removing fill material, plugging ditches or breaking drain tiles. Reestablishment results in a gain in wetland acres and functions.

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

iv *Preservation.* The removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes activities commonly associated with the protection and maintenance of wetlands through the implementation of appropriate legal and physical mechanisms (such as recording conservation easements and providing structural protection like fences and signs). Preservation does not result in a gain of wetland area and functions (but may result in a gain in functions over the long term).

v *Enhancement.* The manipulation of the physical, chemical, or biological characteristics of a biological wetland to increase or improve specific functions or to change the growth stage or composition of the vegetation present.

Enhancement is undertaken for specified purposes such as water quality improvement, floodwater retention or wildlife habitat. Activities typically consist of planting vegetation, controlling nonnative or invasive species, modifying site elevations to result in open water ponds, or some combination of these. Enhancement results in a change in certain wetland functions and can lead to a decline in other wetland functions. It does not result in a gain in wetland acres.

vi *Mixed Compensatory Mitigation.* Involves more than one of the listed types of compensatory mitigation.

d. Mitigation Ratios.

i Replacement Ratios.

(A). The replacement ratios shall apply to wetland mitigation that: (1) is for the same hydrogeomorphic subclass (e.g., riverine flow-through, depressional outflow, or flats), and Cowardin class (e.g., palustrine emergent, palustrine forested or estuarine wetlands); (2) is on site; (3) is in the same category; (4) is implemented prior to or concurrent with alteration; and (5) has a high probability of success.

(B). *Mitigation Ratios.* Mitigation ratios are as follows (see subsection (C)(2)(b) of this section for definitions of mitigation actions):

**TABLE 20.720.140-5. MITIGATION REPLACEMENT RATIOS**

| Wetland Category and Type | Reestablishment or Creation | Rehabilitation | Preservation | Enhancement |
|---|---|---|---|---|
| Category I forested | 6:1 | 12:1 | 24:1 | 24:1 |
| Bog | NA | NA | 24:1 | NA |
| Wetlands of High Conservation Value | Consult with DNR | Consult with DNR | 24:1 | Consult with DNR |
| Category II | 3:1 | 6:1 | 12:1 | 12:1 |
| Category III | 2:1 | 4:1 | 8:1 | 8:1 |

| | | | | |
|---|---|---|---|---|
| Category IV | 1.5:1 | 3:1 | 6:1 | 6:1 |

ii *Adjustment of Replacement Ratios.* The Planning Official may adjust the replacement ratios to compensate for deviations from the requirements under this section, subject to the following:

(A). In most cases, adjustments to the replacement ratios will increase the required amount of mitigation. The required mitigation may be decreased under exceptional circumstances – for example, if programmatic out-of-kind mitigation yields watershed-scale benefits that would not be realized from in-kind mitigation, or if out-of-kind mitigation would protect irreplaceable wetlands.

e. *Mitigation Timing.* The mitigation shall be implemented prior to or concurrent with alterations. If mitigation is implemented after alteration is allowed, the Planning Official may require additional mitigation to compensate for temporal losses of wetland functions.

f. *Buffers for Mitigation Wetlands.* Refer to Wetland Buffer Tables 20.720.140-1 through 20.720.140-4.

g. *Wetland Mitigation Banks.*

i Credits from a wetland mitigation bank may be approved for use as mitigation for unavoidable impacts to wetlands when:

(A). The bank is certified under Chapter 173-700 WAC;

(B). The Planning Official determines that the wetland mitigation bank provides appropriate mitigation for the authorized impacts; and

(C). The proposed use of credits is consistent with the terms and conditions of the bank's certification.

ii Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.

iii Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.

D. *Additional Critical Areas Report Requirements.* A critical areas report for wetlands shall be prepared according to the Washington State Wetland Rating System for Western Washington – 2014 Update, Ecology Publication No. 23-06-009, Washington State Wetland Rating System For Western Washington: 2014 Update, published October 2014 (updated July 2023) or as revised by Ecology. The critical areas report shall contain an analysis of the wetlands including the following site- and proposal-related information:

1. A written assessment, data sheets, and accompanying maps of any wetlands or buffers on the site, including the following information:
   a. Hydrogeomorphic (HGM) subclassification and Cowardin class;
   b. Wetland category;
   c. Wetland delineation and required buffers;
   d. Existing wetland acreage;
   e. Vegetative, faunal, and hydrologic characteristics;
   f. Soil types and substrate conditions;
   g. Topographic elevations, at one-foot contours; and
   h. A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge, or evidence of water depths throughout the year, including drift lines, algal layers, moss lines, and sediment deposits).
2. Functional evaluation for the wetland and buffer using Ecology's most current approved data sheets method and including the reference of the method and all data sheets.
3. Proposed mitigation, if needed, including a discussion of alternatives and trade-offs of the various alternatives (for example, where enhancement for one function would adversely affect another) and a written description and accompanying maps of the mitigation area, including the following information:
   a. Existing and proposed wetland acreage;
   b. Existing and proposed vegetative and faunal conditions;

c. Surface and subsurface hydrological conditions of existing and proposed wetlands and hydrologically associated wetlands, including an analysis of existing hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;

d. Relationship to lakes, streams, and rivers in the watershed;

e. Soil type and substrate conditions;

f. Topographic elevations, at one-foot contours;

g. Required wetland buffers including existing and proposed vegetation;

h. Identification of the wetland's contributing area; and

i. A functional assessment of proposed mitigation to ensure no net loss of shoreline ecological function.

***THE VANCOUVER MUNICIPAL CODE IS CURRENT THROUGH MAY 5, 2026, PASSED JUNE 1, 2026.***

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# Chapter 20.730
# Shoreline Management Area

**Sections:**

20.730.010 Purpose.

20.730.020 Establishment of Boundaries.

20.730.030 Regulation of Uses.

20.730.040 Special Standards.

20.730.050 Administration and Enforcement.

20.730.060 Shoreline Permit Procedures.

20.730.070 Changes, Amendments, or Revisions.

## 20.730.010 Purpose.

*General*. The purpose of this Chapter is to implement the policies and procedures set forth by the Shoreline Management Act of 1971, as amended, and all applicable provisions contained in the Washington Administrative Code.

## 20.730.020 Establishment of Boundaries.

*Establishment of boundaries*. The provisions of the Shoreline Management Master Program together with the map entitled "Shoreline Environment Designations" shall define the boundaries of the Shoreline Management Area.

## 20.730.030 Regulation of Uses.

*Regulation of uses*. The Shoreline Management Master Program shall be used to regulate uses within the Shoreline Management Area.

## 20.730.040 Special Standards.

*Special standards*. The Shoreline Management Master Program shall provide development standards for uses within the Shoreline Management Area.

### 20.730.050 Administration and Enforcement.

*Administration and enforcement*. The Shoreline Management Master Program shall be used to administer and enforce the regulations within the Shoreline Management Area.

### 20.730.060 Shoreline Permit Procedures.

*Permits*. Shoreline permits shall be processed according to the procedures contained in 20.210 VMC Decision-Making Procedures, in conjunction with Shoreline Management Master Program permitting procedures where applicable, within the Shoreline Management Area.

### 20.730.070 Changes, Amendments, or Revisions.

*Changes, amendments or revisions*. The Shoreline Management Master Program process for changes, amendments or revisions shall be used within the Shoreline Management Area.

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# Chapter 20.740
# SEPA Regulations

## Sections:

20.740.010 Authority.

20.740.020 Contents.

20.740.100 General Requirements

20.740.200 Environmental Checklist and Threshold Determinations

20.740.300 Environmental Impact Statements (EIS)

20.740.400 Notification and Commenting

20.740.500 Use of Existing Environmental Documents

20.740.600 SEPA and City Decisions

20.740.700 Definitions

20.740.800 Categorical Exemptions

20.740.900 Agency Compliance

## 20.740.010 Authority.

The City adopts this ordinance under the authority and mandates of the State Environmental Policy Act (SEPA), 43.21C.120 RCW and 43.21C.135 RCW, and the SEPA rules, Chapter 197-11 WAC.

## 20.740.020 Contents.

*Contents*. The ordinance codified in this Chapter contains the City's SEPA procedures and policies. The SEPA rules, Chapter 197-11 WAC, are to be used in conjunction with this Chapter. As contemplated by such rules (WAC 197-11-904), the sections of the SEPA rules hereinafter set forth by number are adopted by reference as if fully set forth. Copies of the statute and the rules (WAC Chapter 197-11) shall be kept available for public inspection in the planning office at City Hall, and a section by section summary of the adopted rules shall be advertised, all as contemplated by 43.21C.135(2) RCW.

## 20.740.100 General Requirements

**Sections:**

20.740.110 Purpose of this Part and Adoption by Reference.

20.740.120 Designation of Responsible Official.

20.740.130 Lead Agency Determination and Responsibilities.

20.740.140 Additional SEPA Timing Considerations.

### 20.740.110 Purpose of this Part and Adoption by Reference.

*Adoption of SEPA provisions*. This part contains the basic requirements that apply to the SEPA process. As supplemented by the provisions of this part, the City adopts the following sections of the SEPA rules by reference:

| | |
|---|---|
| WAC 197-11-030 | Policy |
| WAC 197-11-040 | Definitions |
| WAC 197-11-050 | Lead Agency |
| WAC 197-11-055 | Timing of the SEPA Process |
| WAC 197-11-060 | Content of Environmental Review |
| WAC 197-11-070 | Limitations on Actions During SEPA Process |
| WAC 197-11-080 | Incomplete or Unavailable Information |
| WAC 197-11-090 | Supporting Documents |
| WAC 197-11-100 | Information Required of Applicants |
| WAC 197-11-158 | GMA Project Review-Reliance on Existing Plans, Laws and Regulations |

| | |
|---|---|
| WAC 197-11-210 | SEPA/GMA Integration |
| WAC 197-11-220 | SEPA/GMA Definitions |
| WAC 197-11-228 | Overall SEPA/GMA Integration Procedures |
| WAC 197-11-230 | Timing of an Integrated GMA/SEPA Process |
| WAC 197-11-232 | SEPA/GMA Integration Procedures for Preliminary Planning, Environmental Analysis, and Expanded Scoping |
| WAC 197-11-235 | Documents |
| WAC 197-11-238 | Monitoring |
| WAC 197-11-250 | SEPA/Model Toxics Control Act Integration |
| WAC 197-11-253 | SEPA Lead Agency for MTCA Actions |
| WAC 197-11-256 | Preliminary Evaluation |
| WAC 197-11-259 | Determination of Nonsignificance for MTCA Remedial Action |
| WAC 197-11-262 | Determination of Significance and EIS for MTCA Remedial Actions |
| WAC 197-11-265 | Early Scoping for MTCA Remedial Actions |
| WAC 197-11-268 | MTCA Interim Actions |

### 20.740.120 Designation of Responsible Official.

A. *Responsible official.* For public proposals, the head administrative official of the lead City department or division making the proposal shall be the responsible official. Whenever possible, agency people carrying out SEPA procedures should be different from agency people making the proposal.

B. *Private proposals*. For private proposals, the head administrative official of the department or division with primary responsibility for approving or processing the permits and licenses for the proposal shall be the responsible official. When multiple officials have permitting authority, the assignment of responsibility shall be reached by agreement.

C. *When City is lead agency*. For all proposals for which the City is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the lead agency or responsible official by those sections of the SEPA rules that are adopted by reference in this Chapter, or otherwise assigned by the supplemental provisions of this Chapter.

D. *Retention of documents*. The City shall retain all documents required by the SEPA rules (Chapter 197-11 WAC) and make them available in accordance with Chapter 42.17 RCW.

### 20.740.130 Lead Agency Determination and Responsibilities.

A. *Determination of lead agency*. The department within the City receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under the applicable SEPA rules and supplemental provisions adopted in 20.740.900 VMC of this Chapter, unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.

B. *When City is lead agency*. When the City is the lead agency for a proposal, the department receiving the application shall determine the responsible official who shall supervise compliance with the threshold determination requirements and supervise preparation of the EIS if an EIS is required.

C. *When City is not lead agency*. When the City is not the lead agency for a proposal, all departments of the City shall use and consider, as appropriate, either the Determination of Non-Significance (DNS) or final EIS of the lead agency in making decisions on the proposal. No City department shall prepare or require preparation of a DNS or EIS in addition to that prepared or required by the lead agency, unless required under 197-11-600 WAC. In some cases, the City may conduct supplemental environmental review under 197-11-600 WAC.

D. *Inappropriate designation.* If the City or any of its departments receives a lead agency determination made by another agency that appears to be inconsistent with the criteria of the SEPA rules and supplemental provisions adopted in 20.740.900 VMC of this Chapter, it may object to the determination and assume lead agency status or seek Ecology resolution of lead agency disputes, according to the SEPA rules and supplemental provisions adopted in 20.740.900 VMC of this Chapter.

E. *Inter-departmental agreement.* Departments of the City are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal, in accordance with the provisions of the SEPA rules and supplemental provisions adopted in 20.740.900 VMC of this Chapter; provided, that the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.

F. *Requirement of sufficient information.* Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal, including agencies which require nonexempt licenses.

G. *MCTA remedial action.* When the City is lead agency for a MTCA remedial action, Ecology shall be provided an opportunity under 197-11-253(5) WAC to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under 197-11-253(6) WAC, the City shall decide jointly with Ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency.

### 20.740.140 Additional SEPA Timing Considerations.

The following time limits, expressed in calendar days shall apply when the City processes licenses, approvals and project permits for all private projects and those governmental proposals submitted to the City by other agencies requesting the City to perform lead agency duties:

A. *Categorical exemptions.* The City shall identify whether an action will likely be categorically exempt under the SEPA rules and supplemental provisions adopted in 20.740.800 VMC of this Chapter no later than in its issuance of the preapplication conference summary under Section 20.210.080(H) VMC. If a preapplication conference is not required under Section 20.210.080 VMC, the City shall determine whether the project is categorically exempt within 28 days of receiving an application.

B. *Threshold determinations for project permit applications.*

1. No threshold determination shall be issued prior to the expiration of the comment period for any notice of application required by Chapter 20.210 VMC, Decision-Making Procedures, unless the responsible official uses the optional DNS provisions contained in 20.740.200 VMC of this Chapter.
2. A final determination shall be issued at least 15 days prior to any open record hearing or open record pre-decision hearing required pursuant to Chapter 20.210 VMC, Decision-Making Procedures.
3. If a determination of significance is made under this Chapter concurrently with any notice of application under Chapter 20.210 VMC, Decision-Making Procedures, the notice of application shall be combined with the determination of significance and scoping notice; provided, that nothing in this Section prevents a determination of significance and scoping notice from being issued prior to the notice of application.
4. Nothing in this Section prevents a lead agency, when it is a project proponent or is funding a project, from conducting its review under SEPA or from allowing appeals of procedural determinations prior to submitting a project permit application.
5. The optional DNS process provided in 20.740.200 VMC of this Chapter may be used to indicate on the notice of application that the lead agency is likely to issue a DNS. If this optional process is used, a separate comment period on the DNS may not be required.
6. If the City's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the City conduct environmental review prior to submission of the detailed plans and specifications and the responsible official may agree to such request; provided, that for project permit proposals, the earliest point at which environmental review may be initiated is upon filing of a fully-complete application, including an environmental checklist, as determined by Chapter 20.210 VMC, Decision-Making Procedures.
7. *Early notice.* An applicant may request in writing early notice of whether a determination of significance (DS) is likely under WAC 197-11-350. The request must:
    a. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and

b. Precede the City's actual threshold determination for the proposal.

8. *City's response.* The responsible official shall respond in writing to the request in 7 working days. Such response will:

   a. State whether the City currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the City to consider a DS; and

   b. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

9. *Status of written response.* The City's written response under Subsection (B) of this Section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for earl notice, shall not bind the City to consider the clarifications or changes in its threshold determination.

C. *Threshold determinations for nonproject permit proposals*.

1. For all proposals not classified as project permits, the City should complete threshold determinations which may be determined solely upon review of the environmental checklist within 14 days of determining that an adequate application and completed checklist have been submitted.

2. When the responsible official requires further information or studies from the applicant or consultation with other agencies with jurisdiction:

   a. The City should request such further information or studies within 14 days of determining that an adequate application and checklist have been submitted for nonproject permit proposals.

   b. The City shall wait no longer than 30 days for a consulted agency to respond.

   c. The responsible official should complete the threshold determination within 14 days of receiving the requested information or studies from the applicant or the consulted agency; provided, that in the case of information requested from a consulted agency that does not respond within 30 days, the responsible official should complete the threshold determination immediately unless further information was also requested from the applicant or another agency, provided further, that the provisions of Subsection 20.740.140(B) shall apply to project permit proposals.

3. Where the City must initiate further studies, including field investigations, to obtain the information to make the threshold determination, the City should complete the studies within 30 days of receiving a fully-complete application and checklist for project permit proposals, and within 30 days of receiving an adequate application and checklist for nonproject permit proposals.
4. For nonexempt proposals where action by an advisory or decision-making body such as the Planning Commission, Hearing Examiner, or City Council is required, the determination of nonsignificance (DNS) or final EIS for the proposal shall accompany the City's staff recommendation to the advisory or decision-making body.

## 20.740.200 Environmental Checklist and Threshold Determinations

**Sections:**

20.740.210 Purpose of this Section and Adoption by Reference.

20.740.220 Environmental Checklist.

20.740.230 Optional DNS Process.

20.740.240 Mitigated DNS.

20.740.250 Determination of Significance (DS)/Initiation of Scoping.

### 20.740.210 Purpose of this Section and Adoption by Reference.

*Adoption of SEPA provisions*. This part contains the rules for deciding whether a proposal has a probable significant, adverse environmental impact requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. As supplemented by the provisions of this part, the City adopts the following Sections of the SEPA rules by reference:

| | |
|---|---|
| WAC 197-11-300 | Purpose of this Part, Relating to Categorical Exemptions and Threshold Determinations |
| WAC 197-11-305 | Categorical Exemptions |
| WAC 197-11-310 | Threshold Determination Required |
| WAC 197-11-315 | Environmental Checklist |
| WAC 197-11-330 | Threshold Determination Process |
| WAC 197-11-335 | Additional Information |

| | |
|---|---|
| WAC 197-11-340 | Determination of Nonsignificance (DNS) |
| WAC 197-11-350 | Mitigated DNS |
| WAC 197-11-355 | Optional DNS Process |
| WAC 197-11-360 | Determination of Significance (DS)/Initiation of Scoping |
| WAC 197-11-390 | Effect of threshold Determination |

**20.740.220 Environmental Checklist.**

A. *When required*. Except as provided in Subsection (B) of this Section, a completed environmental checklist or a copy, in the form provided in 197-11-960 WAC, shall be filed at the same time as an application for a permit, license, certificate or other approval not specifically exempted in this Chapter.

B. *Exemptions*. An environmental checklist is not needed for the following proposals:

1. Proposals where the City and applicant agree an EIS is required.
2. Proposals where SEPA compliance has been previously completed.
3. Proposals where SEPA compliance has been initiated by another agency.
4. Public proposals on which the lead agency has decided to prepare its own EIS.

C. *Other provisions*.

1. The City shall use the environmental checklist to determine the lead agency and, if the City is the lead agency, to determine the responsible official for making the threshold determination.
2. For private proposals, the City will require the applicant to complete the environmental checklist, providing assistance as the City determines necessary.

3. For City proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.
4. The City may require that it, and not the private applicant, will complete all or a part of the environmental checklist for a private proposal, if either of the following occurs:
    a. The City has technical information on a question or questions that is unavailable to the private applicant; or
    b. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.
5. For projects submitted as planned actions under 197-11-164 WAC, the City shall use its existing environmental checklist form or may modify the environmental checklist form as provided in 197-11-315 WAC. The modified environmental checklist form may be prepared and adopted along with or as part of a planned action ordinance; or developed after the ordinance is adopted. In either case, a proposed modified environmental checklist form must be sent to Ecology to allow at least a 30 day review prior to use.

### 20.740.230 Optional DNS Process.

A. *General*. For any project permit proposal, where the responsible official determines upon a reasonable basis that significant, adverse environmental impacts are unlikely, the responsible official may use a single integrated comment period to obtain comments on the notice of application issued under Chapter 20.210 VMC, Decision-Making Procedures, and the likely threshold determination for the proposal. When this process is used, a separate comment period for the DNS will typically not be required when the initial Threshold Determination is issued.

B. *Optional DNS process*. Where the optional DNS process is used, the responsible official shall:

1. State on the first page of the notice of application that it expects to issue a DNS for the proposal and that:
    a. The optional DNS process will be used;
    b. That the comment period for the notice of application may be the only opportunity to comment on the environmental impacts of the proposal;

c. That the proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and

d. That a copy of the final threshold determination for the specific proposal may be obtained upon written request.

2. List in the notice of application the conditions being considered to mitigate environmental impacts, if a mitigated DNS is expected;

3. Comply with the requirements for a notice of application and public notice in 36.70B.110 RCW and Chapter 20.210 VMC, Decision-Making Procedures; and

4. Send the notice of application and environmental checklist to:

a. Agencies with jurisdiction, Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and

b. Anyone who requests a copy in writing of the environmental checklist for the specific proposal.

C. *Additional provisions.* If the lead agency indicates on the notice of application that a DNS is likely, an agency with jurisdiction may assume lead agency status during the comment period on the notice of application;

D. *Consideration of comments.* The responsible official shall consider timely comments on the notice of application and either:

1. Issue a final DNS or Mitigated Determination of Non-Significance (MDNS) with no comment period using the procedures in Subsection (E) of this Section;

2. Issue a final DNS or MDNS with a comment period using the procedures in Subsection (E) of this Section, if the responsible official determines a comment period is necessary;

3. Issue a DS; or

4. Require additional information or studies prior to making a final threshold determination; and

E. *Copies of issued DNS or MDNS.* If a DNS or MDNS is issued under Subsection (D)(1) of this Section, the lead agency shall send a copy of the DNS or MDNS to agencies with jurisdiction, Ecology, those who commented, and anyone who requests a copy in writing. A copy of the environmental checklist need not be circulated.

### 20.740.240 Mitigated DNS.

As provided in this Section and in 197-11-350 WAC, the responsible official may issue a mitigated determination of nonsignificance (DNS) based on conditions attached to the proposal by the responsible official or based on changes to, or clarifications of, the proposal made by the applicant.

A. *Early notice.* An applicant may request in writing early notice of whether a determination of significance (DS) is likely under WAC 197-11-350. The request must:

1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and
2. Precede the City's actual threshold determination for the proposal.

B. *City's response.* The responsible official shall respond in writing to the request within 7 working days. Such response will:

1. State whether the City currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the City to consider a DS; and

C. *Identification of impacts.* As much as reasonably possible, the City should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

D. *Submission of changes or changed proposal.* When an applicant submits a changed or clarified proposal, along with a revised environmental checklist, the City shall base its threshold determination on the changed or clarified proposal and should make the determination within 14 days of receiving the changed or clarified proposal:

1. If the City indicated specific mitigation measures in its response to the request for early notice and that such measures would lead to a DNS, and if the applicant changed or clarified the proposal to include those specific mitigation measures, the City shall issue and circulate a DNS under 197-11-340 WAC.

2. If the City indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the City shall make the threshold determination, issuing a DNS or DS as appropriate.
3. The applicant's proposed mitigation measures e.g., clarification, changes or conditions, must be in writing and must be specific. For example, a proposal to "control noise" or "prevent stormwater runoff" would be inadequate, whereas a proposal to "muffle machinery to X decibel" or to "construct 200' stormwater retention pond at Y location" would be adequate.
4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

E. *Issuance of mitigated DNS.* A mitigated DNS is issued under either 197-11-340(2) WAC, requiring a 14 day comment period and public notice, or 197-11-355 WAC, which may require no additional comment period beyond the comment period on the notice of application.

F. *Conditions of approval.* Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner legally available to the City.

G. *Lack of mitigation measures.* If the City's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the City should evaluate the threshold determination to assure consistency with 197-11-340(3) WAC governing withdrawal of DNS.

### 20.740.250 Determination of Significance (DS)/Initiation of Scoping.

Initiation of scoping. If a determination of significance is made under 197-11-360 WAC concurrently with any notice of application required pursuant to Chapter 20.210 VMC, Decision-Making Procedures, such notice of application shall be combined with the DS/scoping notice.

## 20.740.300 Environmental Impact Statements (EIS)

**Sections:**

20.740.310 Purpose of this Part and Adoption by Reference.

20.740.320 Scoping.

20.740.330 Preparation of EIS – Additional Considerations.

### 20.740.310 Purpose of this Part and Adoption by Reference.

*Adoption of SEPA provisions*. This part contains the rules for preparing environmental impact statements. As supplemented by the provisions of this part, the City adopts the following sections of the SEPA rules by reference:

| | |
|---|---|
| WAC 197-11-400 | Purpose of EIS |
| WAC 197-11-402 | General Requirements |
| WAC 197-11-405 | EIS Types |
| WAC 197-11-406 | EIS Timing |
| WAC 197-11-408 | Scoping |
| WAC 197-11-410 | Expanded Scoping |
| WAC 197-11-420 | EIS Preparation |

| | |
|---|---|
| WAC 197-11-425 | Style and Format |
| WAC 197-11-430 | Format |
| WAC 197-11-435 | Cover Letter or Memo |
| WAC 197-11-440 | EIS Contents |
| WAC 197-11-442 | Contents of EIS on Nonproject Proposals |
| WAC 197-11-443 | EIS Contents When Prior Nonproject EIS |
| WAC 197-11-444 | Elements of the Environment |
| WAC 197-11-448 | Relationship of EIS to Other Considerations |
| WAC 197-11-450 | Cost-Benefit Analysis |
| WAC 197-11-455 | Issuance of DEIS |
| WAC 197-11-460 | Issuance of FEIS |

### 20.740.320 Scoping.

*Scoping*. Scoping under 197-11-408 WAC is required for the preparation of every new draft EIS (DEIS), but is optional at the direction of the responsible official for the preparation of a supplemental EIS (SEIS) or when adopting another environmental document as the EIS pursuant to Part Six of this Chapter.

A. *Comment period for DS/scoping notice*. If the responsible official issues the DS/scoping notice with a notice of application issued under the provisions of Chapter 20.210 VMC, Decision-Making Procedures, the comment period on the notice of application shall be no less than 14 days.

B. *Expansion of scoping process*. The responsible official may expand the scoping process to incorporate the provisions of 197-11-410 WAC, governing expanded scoping, where the responsible official determines that such expanded scoping is reasonably necessary to evaluate the potential adverse impacts and reasonable alternatives for a proposal.

### 20.740.330 Preparation of EIS – Additional Considerations.

*Additional considerations*. Preparation of draft and final Environmental Impact Statements (DEIS and FEIS) and draft and final supplemental Environmental Impact Statements (SEIS) shall be under the direction of the responsible official. Before the City issues an EIS, the responsible official shall be satisfied that it complies with this Chapter and the SEPA rules.

A. *Who prepares EIS*. The DEIS and FEIS or draft and final SEIS may be prepared by City staff, the applicant, or by a consultant selected by the City or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the City will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the City's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

B. *Who provides additional information*. The City may require an applicant to provide information the City does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this Chapter or that is being requested from another agency; provided, that this does not apply to information the City may request under another ordinance or statute.

## 20.740.400 Notification and Commenting

**Sections:**

20.740.410 Purpose of this Part and Adoption by Reference.

20.740.420 Filing of Environmental Documents.

20.740.430 Public Notice.

20.740.440 Comments and Responses.

20.740.450 Designation of Official to Perform Consulted Agency Responsibilities.

### 20.740.410 Purpose of this Part and Adoption by Reference.

*Adoption of SEPA regulations*. This part contains the rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. As supplemented by the provisions of this part, the City adopts the following sections of the SEPA rules by reference:

| | |
|---|---|
| WAC 197-11-500 | Purpose of this Part, Relating to Commenting |
| WAC 197-11-502 | Inviting Comment |
| WAC 197-11-504 | Availability and Cost of Environmental Documents |
| WAC 197-11-508 | SEPA Register |
| WAC 197-11-510 | Public Notice |
| WAC 197-11-535 | Public Hearings and Meetings |

| | |
|---|---|
| WAC 197-11-545 | Effect of No Comment |
| WAC 197-11-550 | Specificity of Comments |
| WAC 197-11-560 | FEIS Response to Comments |
| WAC 197-11-570 | Consulted Agency Costs to Assist Lead Agency |

### 20.740.420 Filing of Environmental Documents.

A. *Submission of documents.* The City shall submit the following documents in a timely manner to Ecology for publication in the SEPA register:

1. DNSs issued under the provisions of 197-11-340 WAC;
2. DNSs issued under the optional provisions of 197-11-355 WAC and Section 20.740.320 VMC;
3. All mitigated DNSs issued under the provisions of 197-11-350 WAC Section 20.740.330 VMC;
4. All determinations of significance (DS/scoping notices) issued under the provisions of 197-11-360 WAC;
5. All EISs, including DEIS, FEIS, and SEIS documents, and notices of adoption of EISs; and
6. All Notices of Action published under the provisions of 43.21C.080 RCW and 43.21C.087 RCW.

B. *Other SEPA documents.* SEPA documents not listed in Subsection (A) of this Section involve no statutory comment or response period, and are limited to certain EIS addenda (197-11-625 WAC) and DNS documents on proposals for which the City is the only agency with jurisdiction. These documents may, but are not required to, be circulated for agency and public review or comment.

### 20.740.430 Public Notice.

A. *When notice is required.* When the SEPA rules require notice to be given under 197-11-510 WAC, the City shall provide notice under this Section. The City shall use reasonable methods to inform the public and other agencies that an environmental document is being prepared or is available and that public hearings, if any, will be held.

B. *Notice of action.* A notice of action may be publicized in the manner prescribed by 43.21C.080 RCW and 43.21C.087 RCW. The form of notice shall be substantially in the form provided in 197-11-990 WAC. The notice shall be published by the City Clerk, applicant or proponent pursuant to Section 43.21C.080 RCW.

C. *Integration of notification.* Whenever possible, the City shall integrate the public notice required under this Section with existing notice procedures for the City's nonexempt permit(s) or approval(s) required for the proposal. Whenever the City issues a DNS under 197-11-340(2) WAC or a DS under 197-11-360(3) WAC the City shall give public notice as follows:

1. If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.
2. If an environmental document is issued concurrently with the notice of application, the public notice requirements for the notice of application in 36.70B.110(4) RCW will suffice to meet the SEPA public notice requirements in 197-11-510(1) WAC.
3. If no public notice is otherwise required for the permit or approval, the City shall give notice of the DNS or DS by at least one of the following methods:
    a. Posting the property, for site-specific proposals;
    b. Publishing notice in a newspaper of general circulation in the City or general area where the proposal is located;
    c. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
    d. Notifying the news media;
    e. Placing notices in appropriate regional, neighborhood, ethnic or trade journals; and/or
    f. Publishing notice in City newsletters and/or sending notice via City or neighborhood association mailing lists.

4. Whenever the City issues a DS under 197-11-360(3) WAC, the City shall state the scoping procedure for the proposal in the DS as required in 197-11-408 WAC and in the public notice.

D. *Public notice requirements for optional DNS process.* If a DNS is issued using the optional DNS process, the public notice requirements for a notice of application in 36.70B.110(4) RCW as supplemented by the requirements in 197-11-355 WAC will suffice to meet the SEPA public notice requirements in 197-11-510(1)(b) WAC.

E. *Notice of availability of documents.* Whenever the City issues a DEIS under 197-11-455(5) WAC or a SEIS under 197-11-620 WAC, notice of the availability of those documents shall be given by:

1. Indicating the availability of the DEIS in any public notice required for a nonexempt licenses and at least one of the following methods:
    a. Posting the property, for site-specific proposals;
    b. Publishing notice in a newspaper of general circulation in the City or general area where the proposal is located;
    c. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;
    d. Notifying the news media;
    e. Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and/or
    f. Publishing notice in City newsletters and/or sending notice via City or neighborhood association mailing lists.

F. *Public notice for planned actions.* Public notice for projects that qualify as planned actions shall be tied to the underlying permit as specified in 197-11-172(3) WAC.

G. *Responsible party.* The City may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

### 20.740.440 Comments and Responses.

A. *Invitation of comments.* The City shall invite comment under 197-11-502 WAC as supplemented in this Section.

B. *Definition of reasonable methods.* The City shall use reasonable methods to inform agencies and the public of environmental determinations, document availability, and review or comment opportunities. In particular, the City shall invite written comments on the environmental aspects of any nonexempt proposal to be submitted in the manner and within the prescribed time limits set forth in this Section.

C. *Timelines of response.* Consulted agencies have a responsibility to respond in a timely and specific manner to requests for comments. If a consulted agency does not respond with written comments within the time periods for commenting on environmental documents, the City may assume that the consulted agency has no information relating to the potential impact of the proposal as it relates to the consulted agency's jurisdiction or special expertise. Any consulted agency that fails to submit substantive information to the City in response to a draft EIS is thereafter barred from alleging any defects in the City's compliance with Section 20.740.300 VMC of this Chapter, or the SEPA rules.

D. *Failure to comment.* Failure to comment by agencies with jurisdiction or members of the public on environmental documents, within the time periods specified by this part, shall be construed as lack of objection to the environmental analysis, if the requirements of Section 20.740.520 VMC are met.

E. *Specificity of comments.* Written comments on environmental documents submitted by any person or agency should be as specific as possible and shall meet the requirements of 197-11-550 WAC. The City shall consider and may respond to comments as deemed appropriate, and may decline to consider comments which do not meet the requirements of this Section.

F. *Threshold determinations.*

1. The City shall send DNSs to other agencies with jurisdiction, as required by 197-11-340 WAC and Section 20.740.320 VMC.
2. For DNSs issued under 197-11-340(2) WAC, the City shall provide public notice under Section 20.740.520 VMC and receive comments on the DNS for 14 days.
3. Comments on a DNS may be used in re-evaluating the threshold determination and in considering mitigation measures, but will normally involve no written response.

G. *Scoping.*

1. The City shall circulate the DS and invite comments on the scope of an EIS, as required by 197-11-360 WAC, 197-11-408 WAC, Section 20.740.410 VMC and Section 20.740.520 VMC.

2. The City may use other reasonable methods to inform agencies and the public, such as those indicated in 197-11-410 WAC.
3. The City determines the method for commenting, as governed by 197-11-408 and 197-11-410 WAC.
4. Comments on a DS will be used in determining the scope of an EIS.

H. *DEIS*.

1. The City shall invite comments on and circulate DEISs as required by 197-11-455 WAC.
2. The commenting period shall be 30 days unless extended by the City under 197-11-455 WAC.
3. Agencies shall comment and respond as stated in this part. This part meets the Act's formal consultation and comment requirement in 43.21C.030(2)(d) RCW.
4. Comments on a draft EIS will be evaluated for response in the FEIS by one or more of the following means:
    a. Modify alternatives including the proposed action;
    b. Develop and evaluate alternatives not previously given detailed consideration;
    c. Supplement, improve or modify the analysis;
    d. Make factual corrections; or
    e. Explain why the comments do not warrant further City response, citing the sources, authorities or reasons that support the City's response and, if appropriate, indicate those circumstances that would trigger further agency reappraisal or further response.
5. In carrying out Subsection (4), the City may respond to each comment individually, respond to a group of comments, cross-reference comments and corresponding changes in the EIS, or use other reasonable means to indicate an appropriate response to comments.

I. *FEIS*.

1. The City shall prepare a FEIS whenever a DEIS has been prepared, unless the proposal is withdrawn or indefinitely postponed.
2. An FEIS shall be issued and circulated under the provisions of 197-11-460 WAC.

3. All substantive comments on a DEIS shall be appended to the FEIS, or summarized, where comments are repetitive or voluminous, and the summary appended. If a summary of the comments is used, the names of the commenters shall be included.
4. If the City does not receive any comments critical of the scope or content of the DEIS, the City may state so in an updated fact sheet, 197-11-440(2) WAC, which shall be circulated under 197-11-460 WAC. The FEIS shall consist of the DEIS and updated fact sheet.
5. If changes in response to comments are minor and are largely confined to the responses described in Subsections (G)(4)(d) and (G)(4)(e) of this Section, the City may prepare and attach an addendum, which shall consist of the comments, the responses, the changes, and an updated fact sheet. The FEIS shall consist of the DEIS and the Addendum, and shall be issued under WAC 197-11-460, except that only the addendum need be sent to parties who received the DEIS.

J. *Public hearings and meetings*.

1. Public hearings or meetings may be held 197-11-535 WAC. Notice of public hearings shall be given under Section 20.740.520 VMC and may be combined with other agency notice.
2. In conjunction with the requirements of Section 20.740.520 VMC, notice of public hearings shall be published no later than 10 days before the hearing. For nonproject proposals, notice of the public hearing shall be published in a newspaper of general circulation in the City. For nonproject proposals having a regional or state-wide applicability, copies of the notice shall be given to the Olympia bureau of the Associated Press and United Press International.

K. *Supplements*.

1. Notice for and circulation of draft and final SEISs shall be done in the same manner as other draft and final EISs.
2. When a DNS is issued after a DS has been withdrawn, governed by 197-11-360 WAC, the City shall give notice under Section 20.740.520 VMC and receive comments for 14 days.
3. An addendum need not be circulated unless required under 197-11-625 WAC.

L. *Appeals*. Notice provisions for appeals are contained in part seven of this Chapter.

M. *Circulation of additional documents.* The City may circulate any other environmental documents for the purpose of providing information or seeking comment, as an agency deems appropriate.

N. *Use of other reasonable methods.* In addition to any required notice or circulation, the City may use other reasonable methods, to inform agencies and the public that environmental documents are available or that hearings will occur.

O. *Combining notices.* The City may combine SEPA notices with other agency notices. However, the SEPA information must be identifiable.

### 20.740.450 Designation of Official to Perform Consulted Agency Responsibilities.

A. *Designation of official.* The Planning Official shall be responsible for preparation of written comments for the City in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

B. *Responsibilities.* This Planning Official shall be responsible for the City's compliance with 197-11-550 WAC whenever the City is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the City.

## 20.740.500 Use of Existing Environmental Documents

**Sections:**

20.740.510 Purpose of this Part and Adoption by Reference.

20.740.520 Methods for Utilizing Existing Document.

20.740.530 Planned Action Review.

### 20.740.510 Purpose of this Part and Adoption by Reference.

*Adoption of SEPA regulations*. This part contains the rules for using and supplementing existing environmental documents prepared under SEPA or the National Environmental Policy Act (NEPA) for the City's own environmental compliance. As supplemented by the provisions of this part, the City adopts the following sections of the SEPA rules by reference:

| | |
|---|---|
| WAC 197-11-164 | Planned Actions-Definition and Criteria |
| WAC 197-11-168 | Ordinances or Resolutions Designating Planned Actions-Procedures for Adoption |
| WAC 197-11-172 | Planned Actions-Project review |
| WAC 197-11-600 | When to Use Existing Environmental Documents |
| WAC 197-11-610 | Use of NEPA Documents |
| WAC 197-11-620 | Supplemental Environmental Impact Statement-Procedures |
| WAC 197-11-625 | Addenda-Procedures |
| WAC 197-11-630 | Adoption-Procedures |

| | |
|---|---|
| WAC 197-11-635 | Incorporation by Reference-Procedures |
| WAC 197-11-640 | Combining Documents |

### 20.740.520 Methods for Utilizing Existing Document.

*Use of existing documentation*. Whenever possible, the City shall reduce paperwork and the accumulation of background data by using existing environmental documents under WAC 197-11-600.

### 20.740.530 Planned Action Review.

A. *Pre-application review*. Pre-application review under the provisions of Section 20.210.080 VMC shall be required for all development applications which may qualify as planned action projects, unless waived, in writing, pursuant to Section 20.210.080(B) VMC.

B. *Submitted requirements*. Development applications which may qualify as planned action development applications shall be subject to the submittal requirements for counter-complete status, as governed by Section 20.210.090 VMC. A SEPA checklist or other project review form as specified in Section 197-11-315 WAC and Section 20.740.310(7) VMC is required.

C. *Review for fully-complete status*. Development applications which may qualify as planned action development applications shall be subject to review for fully-complete status under Section 20.210.100 VMC. In addition to the usual submittal requirements, such an application shall not be deemed fully complete until all information necessary to evaluate the proposal's qualification as a planned action project and its compliance with the mitigation requirements contained in the planned action ordinance, have been provided.

D. *Written documentation required.* Within 14 calendar days after the determination that a development application which may qualify as a planned action project is fully complete, the Planning Official shall make a written determination of whether the proposed project qualifies for designation as a planned action project, according to the criteria listed below. Any Notice of Application issued under Chapter 20.210 VMC, Decision-Making Procedures, shall contain the written determination of whether the proposed project qualifies as a planned action. The Planning Official's determination under this Subsection shall be appealable only in conjunction with an appeal of the approval, conditional approval, or denial of the project, in accordance with Subsection (I) of this Section, or the provisions of Section 20.210.130 VMC, whichever is applicable.

1. The proposed project is located within the geographic area of an identified planned action subarea and the proposed project's impacts are within the thresholds identified within the applicable planned action ordinance, subarea plan and EIS;
2. The zoning designation upon the property upon which the project is proposed is consistent with those designations analyzed in the subarea plan and EIS adopted for the planned action subarea;
3. The use(s) and intensity of use(s) proposed are among or consistent with the uses and intensity of uses identified in the planned action ordinance, subarea plan and EIS, adopted for the planned action subarea;
4. The proposed project's environmental impacts, both project specific and cumulative, have been adequately addressed and analyzed in the subarea plan and EIS for the planned action subarea;
5. The proposed project implements the goals and policies of the applicable subarea plan and is consistent with the City's Comprehensive Plan;
6. The proposed project's significant environmental impacts will be adequately mitigated or avoided through application of the mitigation measures and other conditions required by the planned action ordinance, subarea plan or EIS for the planned action subarea;
7. The proposed project is in compliance with all applicable local, state, and federal regulations and development standards;
8. The proposed project is within the Vancouver Urban Growth Boundary;

9. The proposed project meets the requirements for designation as a planned action set forth in Section 43.21C.031 RCW, Section 197-11-164 WAC, and Section 20.740.630 VMC; and

10. The proposed project meets any other criteria for designation as a planned action project set forth in the applicable planned action ordinance.

E. *Threshold determination for planned actions.* No threshold determination shall be required to be issued for planned action projects; provided, that a planned action project may be conditioned to mitigate any adverse environmental impacts which are reasonably likely to result from the project action.

F. When a project is not a planned action. Where the Planning Official determines that a project application does not qualify as a planned action development application under the provisions of Subsection (E), a threshold determination is required. The application shall be reviewed, processed, and subject to appeal under the decision-making procedures otherwise applicable under Chapter 20.210 VMC, Decision-Making Procedures, and the project application shall be reviewed under the City's SEPA regulations, as governed by this Chapter. When reviewed under this Chapter, the applicant may use or incorporate relevant elements of the environmental analysis in the EIS or subarea plan adopted for the planned action subarea.

G. *Context of Final Decisions and Notice of Decision.* Any Final Decision and Notice of Decision issued under Chapter 20.210 VMC, Decision-Making Procedures, shall contain:

1. A statement of the findings supporting the conclusions that the project meets the criteria for designation as a planned action, that the project will implement relevant goals and policies of the subarea plan, and that the project is consistent with the Comprehensive Plan;

2. A statement of the requirements, standards, and mitigation measures conditioned or required pursuant to the applicable planned action ordinance, subarea plan, EIS, Vancouver Municipal Code and other applicable laws and regulations;

3. A statement that the probable adverse environmental impacts of the project have been adequately addressed and mitigated by application of the mitigation measures required by the applicable planned action ordinance, subarea plan, EIS, the Vancouver Municipal Code, and other applicable laws and regulations.

H. *Procedures for approval and appeal.* The procedures for approval and appeal set forth in this Section shall be applied to all applications and approvals which are designated as planned action projects pursuant to subsection (E); provided, that the procedures set forth in this Section for approval and appeal of planned action projects may be supplemented or modified by procedures set forth in the applicable planned action ordinance.

I. *Appeal of Final Decision.* The Final Decision on a planned action development application shall be subject to appeal pursuant to Section 20.210.130 VMC; provided, that the environmental analysis and mitigation measures or other conditions contained in the planned action ordinance, subarea plan, or EIS shall be afforded substantial weight by the review authority on appeal.

## 20.740.600 SEPA and City Decisions

**Sections:**

20.740.610 Purpose of this Part and Adoption by Reference.

20.740.620 Substantive Authority.

20.740.630 SEPA Policies.

20.740.640 Appeals.

### 20.740.610 Purpose of this Part and Adoption by Reference.

*Adoption of SEPA regulations*. This part contains the rules and policies for exercising SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This part also contains procedures for appealing SEPA determinations to agencies or the courts. As supplemented by the provisions of this part, the City adopts the following sections of the SEPA rules by reference:

| | |
|---|---|
| WAC 197-11-650 | Purpose of this Part |
| WAC 197-11-655 | Implementation |
| WAC 197-11-660 | Substantive Authority and Mitigation |
| WAC 197-11-680 | Appeals |

### 20.740.620 Substantive Authority.

A. *Supplementary to City authorization*. The policies and goals set forth in this Chapter are supplementary to those in the existing authorization of the City of Vancouver.

B. *Conditions of approval*. Subject to RCW 43.21C.060 and 43.21C.240, the city may attach conditions to a permit or approval for a proposal so long as:

1. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this title; and
2. Such conditions are in writing; and
3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
4. The city has considered whether other local, state or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
5. Such conditions are based on one or more policies in VMC 20.740.630 and cited in the decision document.

C. *When additional mitigation is not required*. If during project review the City determines that the requirements for environmental analysis, protection and mitigation in the City's development regulations or Comprehensive Plan, or in other applicable local, state or federal laws or rules provide adequate analysis of and mitigation for the specific adverse environmental impacts under 43.21C.240 RCW, the City shall not impose additional mitigation under this Chapter.

D. *Content of findings*. Subject to 43.21C.060 RCW and 43.12C.240 RCW, the City may deny a permit or approval for a proposal on the basis of SEPA so long as findings are made that:

1. Approving the proposal would result in probable significant, adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this Chapter; and
2. There are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
3. The denial is based on one or more policies identified in Section 20.740.630 VMC and identified in writing in the decision document.

### 20.740.630 SEPA Policies.

The City designates the following general policies as the basis for the City's exercise of authority pursuant to this Chapter. The City shall use all practicable means, consistent with other essential considerations of State policy, to improve and coordinate plans, functions, programs and resources to the end that the State and its citizens may:

A. *Environmental stewardship*. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

B. *Protect Washington's interests*. Assure for all people of Washington safe, healthful, productive and aesthetically and culturally pleasing surroundings;

C. *Widest range of beneficial uses*. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

D. *Preservation of national and local heritage*. Preserve important historic, cultural and natural aspects of our national and local heritage;

E. *Supportive of diversity and choice*. Maintain, wherever possible, an environment which supports diversity and a variety of individual choice;

F. *Balance*. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

G. *Enhancement of renewable resources*. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

1. The City recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

2. The city incorporates by reference the policies in the cited city codes, ordinances, resolutions and plans, and all amendments to them in effect prior to the date of fully complete application of any building permit or preliminary plat, or prior to issuance of a DNS or DEIS for any other action:

   a. 20.110 VMC, Intent and Purpose;

   b. 20.120 VMC, Legal Provisions;

   c. 20.130 VMC, Zoning Map Administration;

   d. 20.140 VMC, Enforcement;

   e. 20.150 VMC, Definitions;

   f. 20.160 VMC, Use Classifications;

   g. 20.170 VMC, Measurements;

   h. 20.180 VMC, Density Requirements;

i. 20.190 VMC, Fees;
j. 20.195 VMC, Nonconforming Situations;
k. 20.210 VMC, Decision Making Procedures;
l. 20.215 VMC, Review Bodies;
m. 20.220 VMC, Summary of Land Use Permits
n. 20.245 VMC, Conditional Use Permits;
o. 20.250 VMC, Development Agreements;
p. 20.255 VMC, Interpretations and Minor Adjustments;
q. 20.260 VMC, Master Plans;
r. 20.265 VMC, Design Review;
s. 20.270 VMC, Public Facility Master Plans;
t. 20.280 VMC, Site Plan Review;
u. 20.285 VMC, Text and Map Amendments;
v. 20.290 VMC, Variances;
w. 20.310 VMC, Boundary Adjustments;
x. 20.320 VMC, Subdivisions;
y. 20.330 VMC, Binding Site Plans;
z. 20.410 VMC, Zoning Districts;
aa. 20.420 VMC, Building Types;
bb. 20.430 VMC, Use Requirements;
cc. 20.440 VMC, Frontage Requirements;
dd. 20.450 VMC, Additional Development Standards;
ee. 20.510 VMC, Active Ground Floor Use – Required
ff. 20.520 VMC, Active Ground Floor Use – Ready
gg. 20.530 VMC, Station Areas
hh. 20.540 VMC, Industrial Holding
ii. 20.550 VMC, Heritage Overlay District;

jj. 20.560 VMC, Noise Impact Overlay District;

kk. 20.570 VMC, Airport Height Overlay District;

ll. 20.610 VMC, 112th Avenue Subarea Plan;

mm. 20.620 VMC, Central Park Subarea Plan;

nn. 20.630 VMC, Evergreen and Grand Commercial Corridors Plan;

oo. 20.640 VMC, Fourth Plain Subarea Plan;

pp. 20.650 VMC, Fruit Valley Subarea Plan;

qq. 20.660 VMC, Riverview Gateway Subarea Plan;

rr. 20.670 VMC, Section 30 Subarea Plan;

ss. 20.680 VMC, Evergreen and Grand Commercial Corridors Plan;

tt. 20.690 VMC, City Center Subarea Plan;

uu. 20.710 VMC, Archaeological Resource Protection;

vv. 20.720 VMC, Critical Areas Protection;

ww. 20.730 VMC, Shoreline Management Area

xx. 20.740 VMC, SEPA Regulations;

H. *Endangered Species Act*. The City incorporates by reference the evaluation criteria for protecting, during development, threatened and endangered salmon species listed under the federal Endangered Species Act as presented in the Federal Register, Vol 65, No. 132, Monday, July 10, 2000, Rules and Regulations and in "A Citizen's Guide to the 4(d) Rule for Threatened Salmon and Steelhead on the West Coast," National Marine Fisheries Service, June 20, 2000. As applied in the City of Vancouver, it is the City's policy that development within the City limits shall to the degree necessary to protect threatened and endangered species:

1. Meet demands on water supply without affecting, either directly or through groundwater withdrawals, the flows salmon need.
2. Avoid inappropriate areas such as unstable slopes, wetlands, areas of high habitat value, and similarly constrained sites.
3. Avoid stream crossings, whether by roads, utilities, or other linear development, wherever possible and where crossings must be provided, minimize impacts.

4. Protect wetlands, wetland buffers and wetland function, including isolated wetlands.
5. Prevent erosion and sediment run-off during and after construction, thus preventing sediment and pollutant discharge to streams, wetlands and other water bodies that support listed fish.
6. Adequately prevent stormwater discharge impacts on water quality and quantity and stream flow patterns in the watershed – including peak and base flows in perennial streams.
7. Adequately preserve permanent and intermittent streams' ability to pass peak flows.
8. Stress landscaping with native vegetation to reduce the need to water and apply herbicides, pesticides and fertilizer.
9. Adequately protect historic stream meander patterns and channel migration zones and avoid hardening stream banks and shorelines.
10. Protect riparian areas to attain or maintain properly functioning conditions for salmonid habitat around all rivers, estuaries, streams, lakes, deepwater habitats, and intermittent streams.
11. Where application of these policies creates a conflict with existing development regulations, the level of protection necessary to protect threatened salmon species shall apply.

I. *Through the project review process.*

1. If the applicable regulations require studies that adequately analyze all of the project's specific probable adverse environmental impacts, additional studies under this Chapter will not be necessary on those impacts;
2. If the applicable regulations require measures that adequately address such environmental impacts, additional measures would likewise not be required under this Chapter; and
3. If the applicable regulations do not adequately analyze or address a proposal's probable adverse environmental impacts, this Chapter provides the authority and procedures for additional review.

### 20.740.640 Appeals.

A. *Governing regulations.* It is the purpose of this Chapter to combine environmental considerations with public decisions, and for this reason, any appeal brought under this Chapter shall be linked to a specific governmental action. Appeals under this Chapter are not intended to create a cause of action unrelated to a specific governmental action.

B. *Formal elimination of appellate procedures.* The appellate procedures provided for by 43.21C.060 RCW, which provides for an appeal to a local legislative body of any decision by a nonelected official conditioning or denying a proposal under authority of SEPA, are formally eliminated. The administrative appeal procedures provided by this part shall be construed consistently with 43.21C.075 RCW, Chapter 36.70B RCW, and 197-11-680 WAC.

C. *Relevant determinations.* Appeals under the provisions of this part shall be limited solely to those actions and/or determinations listed below. No administrative appeals shall be allowed for other actions and/or determinations taken or made pursuant to this Chapter (such as lead agency determination, a determination that a proposal is categorically exempt, scoping, draft EIS adequacy, etc.).

1. Procedural Appeals which shall consist of an appeal of the responsible official's compliance with the provisions of SEPA, the SEPA rules, and this Chapter with respect to the following:
    a. Determination of nonsignificance;
    b. Determination of significance;
    c. Adoption or issuance of a Final Environmental Impact Statement.
2. Substantive Appeals which shall consist of an appeal of any nonelected official's or tribunal's action or omission with respect to the conditioning or denying of a proposal under the substantive authority set forth in Section 20.740.710 VMC.

D. *Consolidation of appeals.* Except as provided in Subsection (E) of this Section, an appeal under this Section shall consolidate any available SEPA appeal with a hearing or appeal on the underlying governmental action in a single simultaneous hearing before one hearing officer or body. The hearing or appeal shall be one at which the hearing officer or body will consider either the agency's decision or a recommendation on the proposed underlying governmental action. If no hearing or appeal on the underlying governmental action is otherwise provided, then no SEPA appeal is allowed under this Section, except as allowed under Subsection (E) of this Section.

E. *When consolidation is not required.* The following appeals of SEPA procedural or substantive determinations need not be consolidated with a hearing or appeal on the underlying governmental action:

1. An appeal of a determination of significance;
2. An appeal of a procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review under this Chapter, including any appeals of its procedural determinations, prior to submitting an application for a project permit;
3. An appeal of a procedural determination made by an agency on a nonproject action.

F. *Filing requirements.* All procedural and substantive SEPA appeals provided under this Section shall be initiated by filing a written notice of SEPA administrative appeal with the Planning Official, accompanied with the applicable appeal fee; provided, that no additional appellate fee shall be charged in conjunction with an available hearing on the underlying permit or approval.

1. The notice of appeal required by this Section shall include, at a minimum:
   a. The name and address of the party or agency filing the appeal;
   b. An identification of the specific proposal and specific SEPA actions, omissions, conditions or determinations for which appeal is sought;
   c. A statement of the particular grounds or reasons for the appeal.
2. The Planning Official shall arrange to conduct the SEPA appeal in conjunction with a hearing or appeal on the underlying permit or approval, where required to consolidate the SEPA appeal with a hearing on the underlying governmental action. Where consolidation is not required, the Planning Official shall schedule the hearing to be conducted within 90 days of the date of filing the notice of appeal.

a. SEPA procedural appeals shall be initiated and conducted in the manner set forth below:

   i. An appeal to the issuance of a DNS), MDNS or FEIS may be filed by any agency or aggrieved person as follows:

      (A). For proposals which may be approved by an administrative official without public hearing, an appeal shall be filed within 14 days after notice that the determination has been made has been issued. Such SEPA appeal shall be heard in conjunction with the appeal of the underlying permit or approval, where such appeal is allowed; provided, that if no administrative appeal of the underlying permit or approval is otherwise provided for, and consolidation is not required by Subsection (D) above, an appeal of the DNS/FEIS shall be heard and decided in an open record hearing by the Hearing Examiner appointed in Chapter 20.290 VMC, Review Bodies. The decision of the Hearing Examiner on the SEPA procedural appeal shall be final and not subject to further administrative appeal.

      (B). For proposals which may only be approved by open-record hearing or open-record pre-decision hearing recommendation before the Hearing Examiner or Planning Commission, an appeal shall be filed within 14 calendar days following the last day of any comment period required to be provided by this Chapter, or where no comment period is required, then within fourteen (14) days following the date of issuance or adoption of the DNS/FEIS, and shall be heard and decided in the open-record hearing by the Hearing Examiner or Planning Commission in conjunction with the decision or recommendation on the underlying proposal. The decision of the hearing examiner or planning commission on the SEPA procedural appeal shall be final and not subject to further administrative appeal.

      (C). An appeal to a DS may be filed by the proposal applicant or sponsor within 14 days of the issuance of the DS/scoping notice. The appeal shall be heard in an open-record hearing and decided by a Hearing Examiner appointed pursuant to Chapter 20.290 VMC, Review Bodies, whose decision shall be final and not subject to further administrative appeal.

(D). The SEPA procedural determination of the responsible official shall be entitled to substantial weight, and the appellant shall bear the burden to establish a violation of SEPA, the SEPA rules, or the provisions of this Chapter.

(E). A SEPA procedural determination shall be deemed to be conclusively in compliance with SEPA, the SEPA rules, and the provisions of this Chapter, unless a SEPA procedural appeal is filed in accordance with this part.

(F). Where the Hearing Examiner or Planning Commission determines that the procedural determination is in violation of SEPA, the SEPA rules, or the provisions of this Chapter, the Hearing Examiner or Planning Commission may remand the procedural SEPA determination to the responsible official and, in such event, shall continue the open record hearing or open record pre-decision hearing until such time as a new or modified SEPA procedural determination is issued under the provisions of this Chapter. The decision of the Hearing Examiner or Planning Commission to remand the SEPA procedural determination shall be a final administrative decision not subject to further administrative appeal. Where applicable, such remand shall toll any period for project permit approval required by Chapter 36.70B RCW or other statutes, or otherwise required by other provisions of this code.

b. SEPA substantive appeals shall be initiated and conducted in the manner set forth below:

i. For proposals subject to final administrative action, approval, or recommendation by a nonelected administrative official or tribunal for which no administrative appeal is otherwise provided, and for which consolidation is not required by Subsection (D) of this Section, any agency or aggrieved person may file a substantive SEPA appeal within 14 days of the issuance of the administrative decision approving, conditioning, or denying the proposal on the basis of substantive SEPA authority. Such substantive SEPA appeal shall be heard and decided by the Hearing Examiner appointed in Chapter 2.51 RCW in an open record hearing, unless the proposal is a project permit which has been subject to a previous open record hearing, in which case the SEPA appeal hearing shall be a closed-record hearing. The substantive SEPA appeal shall be heard in conjunction with any procedural SEPA appeal. The decision of the Hearing Examiner on the SEPA substantive appeal shall be final and not be subject to further administrative appeal.

ii. For all proposals subject to final administrative action, approval or recommendation, by a nonelected administrative official or tribunal, for which an administrative appeal or further approval hearing is otherwise provided or required, any agency or aggrieved person may file a substantive SEPA appeal within 14 days of the issuance of the administrative decision approving, conditioning or denying the proposal on the basis of substantive SEPA authority; provided, that if the proposal is a project permit, as defined in Part 20.740.700 VMC of this Chapter, a substantive SEPA appeal shall be filed within 14 days after issuance of any notice of decision under Chapter 20.210 VMC, Decision-Making Procedures. Any substantive SEPA appeal shall be conducted in the same manner and with the same process as otherwise provided for the appeal or approval hearing of the underlying administrative action.

iii. The SEPA substantive determination to condition or deny a proposal shall be deemed to be conclusively in compliance with SEPA, the SEPA rules, and the provisions of this Chapter, unless a SEPA substantive appeal is filed in accordance with this Part.

c. any appeal under this Subsection, the City shall provide for a record that shall consist of the following:

i. Findings and conclusions;

ii. Testimony under oath; and

iii. A taped or written transcript.

G. *Judicial appeal.*

1. Any available administrative appeal provided under this Section must be utilized by an agency or aggrieved person prior to initiating judicial review of any SEPA action, omission or determination made or taken under this Chapter.
2. A judicial appeal of any SEPA action, omission or determination made or taken under this Chapter must be filed within the time limitations established by any statute or ordinance for appeal of the underlying governmental action.
3. The City shall give official notice of the date and place for commencing a judicial appeal, in accordance with 197-11-680(5) WAC, where there is a statute or ordinance establishing a time limit for commencing judicial appeal.

## 20.740.700 Definitions

**Sections:**

20.740.710 Purpose of this Part and Adoption by Reference.

20.740.720 Additional Definitions.

### 20.740.710 Purpose of this Part and Adoption by Reference.

*Adoption of SEPA regulations*. This part contains uniform usage and definitions of terms under SEPA. As supplemented by the provisions of this part, the City adopts the following sections of the SEPA rules by reference:

| | |
|---|---|
| WAC 197-11-700 | Definitions |
| WAC 197-11-702 | Act |
| WAC 197-11-704 | Action |
| WAC 197-11-706 | Addendum |
| WAC 197-11-708 | Adoption |
| WAC 197-11-710 | Affected Tribe |
| WAC 197-11-712 | Affecting |
| WAC 197-11-714 | Agency |
| WAC 197-11-716 | Applicant |

| | |
|---|---|
| WAC 197-11-718 | Built Environment |
| WAC 197-11-720 | Categorical Exemption |
| WAC 197-11-721 | Closed Record Appeal |
| WAC 197-11-722 | Consolidated Appeal |
| WAC 197-11-724 | Consulted Agency |
| WAC 197-11-726 | Cost-Benefit Analysis |
| WAC 197-11-728 | County/City |
| WAC 197-11-730 | Decision Maker |
| WAC 197-11-732 | Department |
| WAC 197-11-734 | Determination of Nonsignificance (DNS) |
| WAC 197-11-736 | Determination of Significance (DS) |
| WAC 197-11-738 | EIS |

| | |
|---|---|
| WAC 197-11-740 | Environment |
| WAC 197-11-742 | Environmental Checklist |
| WAC 197-11-744 | Environmental Document |
| WAC 197-11-746 | Environmental Review |
| WAC 197-11-750 | Expanded Scoping |
| WAC 197-11-752 | Impacts |
| WAC 197-11-754 | Incorporation by Reference |
| WAC 197-11-756 | Lands Covered by Water |
| WAC 197-11-758 | Lead Agency |
| WAC 197-11-760 | License |
| WAC 197-11-762 | Local Agency |

| | |
|---|---|
| WAC 197-11-764 | Major Action |
| WAC 197-11-766 | Mitigated DNS |
| WAC 197-11-768 | Mitigation |
| WAC 197-11-770 | Natural Environment |
| WAC 197-11-772 | NEPA |
| WAC 197-11-774 | Nonproject |
| WAC 197-11-775 | Open Record Hearing |
| WAC 197-11-776 | Phased Review |
| WAC 197-11-778 | Preparation |
| WAC 197-11-780 | Private Project |
| WAC 197-11-782 | Probable |
| WAC 197-11-784 | Proposal |
| WAC 197-11-786 | Reasonable Alternative |

| | |
|---|---|
| WAC 197-11-788 | Responsible Official |
| WAC 197-11-790 | SEPA |
| WAC 197-11-792 | Scope |
| WAC 197-11-793 | Scoping |
| WAC 197-11-794 | Significant |
| WAC 197-11-796 | State Agency |
| WAC 197-11-797 | Threshold Determination |
| WAC 197-11-799 | Underlying Governmental Action |

### 20.740.720 Additional Definitions.

See 20.150 Definitions

## 20.740.800 Categorical Exemptions

**Sections:**

20.740.810 Purpose of this Part and Adoption by Reference.

20.740.820 Use of Exemptions.

20.740.830 Exemption from Threshold Determinations.

20.740.840 Exempt Levels for Minor New Construction.

### 20.740.810 Purpose of this Part and Adoption by Reference.

*Adoption of SEPA regulations*. This part contains rules for determining if a proposal is exempt from environmental review under this ordinance. This part also applies optional criteria for exemptions, including establishment of local thresholds, designation of critical areas, and selection of nonexempt actions within those areas. As supplemented by the provisions of this part, the City adopts the following sections of the SEPA rules by reference:

| | |
|---|---|
| WAC 197-11-305 | Categorical Exemptions |
| WAC 197-11-800 | Categorical Exemptions |
| WAC 197-11-880 | Emergencies |
| WAC 197-11-890 | Petitioning DOE to Change Exemptions |
| WAC 197-11-908 | Critical Areas |

### 20.740.820 Use of Exemptions.

A. *Determination of exception.* Each department within the City that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal, shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this ordinance apply to the proposal. The City shall not require completion of an environmental checklist for an exempt proposal.

B. *Identification of licenses.* In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (197-11-060 WAC). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

C. *Proposals with exempt and nonexempt actions.* Subject to the provisions of Section 20.740.920(A) VMC, if a proposal includes both exempt and nonexempt actions, the City may authorize exempt actions prior to compliance with the procedural requirements of this ordinance, except that:

1. The City shall not give authorization for:
    a. Any nonexempt action;
    b. Any action that would have an adverse environmental impact; or
    c. Any action that would limit the choice of alternatives.
2. *Withholding approval of an exempt action.* A department may withhold approval of an exempt action which would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) subsequently were not approved; and
3. *When substantial financial expenditures result.* A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

### 20.740.830 Exemption from Threshold Determinations.

A. *Exceptions.* If a proposal fits within any of the exemption provisions in this part, the proposal shall be categorically exempt from threshold determination requirements, except as follows:

1. The proposal is not exempt under WAC 197-11-908 and Chapter 20.720 VMC, critical areas.
2. The proposal is a segment of a proposal that includes:
    a. A series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not; or
    b. A series of exempt actions that are physically or functionally related to each other and that together may have a probable significant, adverse environmental impact in the judgment of the agency with jurisdiction. If so, that agency shall be the lead agency, unless the agencies with jurisdiction agree that another agency should be the lead agency. Agencies may petition Ecology to resolve disputes, as governed by WAC 197-11-946. For such proposals, the agency or applicant may proceed with the exempt aspects of the proposals, prior to conducting environmental review, if the requirements of WAC 197-11-070 are met.

B. *Documentation of categorically exempt proposals.* An agency is not required to document that a proposal is categorically exempt. Agencies may note on an application that a proposal is categorically exempt or place such a determination in agency files.

### 20.740.840 Exempt Levels for Minor New Construction.

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

1. Residential projects: those containing 200 multifamily dwelling units or fewer, 30 single-family units or fewer, or 100 single-family units or fewer on lots less than 1,500 square feet in size.
2. Agricultural structures: those containing 40,000 gross square feet or less.

3. Office, school, commercial, recreational, service or storage buildings: those containing 30,000 gross square feet or less, and which contains 90 parking spaces or fewer.
4. Parking lots: those containing 90 parking spaces or fewer.
5. Landfills and excavations: those consisting of 1,000 cubic yards or less.

B. *Establishing new exemptions levels.* Whenever the city establishes new exempt levels under this section, it shall send them to the Headquarters Office of Ecology under WAC 197-11-800(1)(c).

## 20.740.900 Agency Compliance

**Sections:**

20.740.950 Forms.

*Adoption of SEPA regulations*. This part contains the rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The City adopts the following sections of the SEPA rules by reference:

| | |
|---|---|
| WAC 197-11-900 | Purpose of this Part |
| WAC 197-11-902 | Agency SEPA Policies |
| WAC 197-11-904 | Agency SEPA Procedures |
| WAC 197-11-910 | Designation of Responsible Official |
| WAC 197-11-912 | Procedures on Consulted Agencies |
| WAC 197-11-914 | SEPA Fees and Costs |
| WAC 197-11-916 | Application to Ongoing Actions |
| WAC 197-11-920 | Agencies with Environmental Expertise |
| WAC 197-11-922 | Lead Agency Rules |
| WAC 197-11-924 | Determining the Lead Agency |

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| WAC 197-11-926 | Lead Agency for Governmental Proposals |
| WAC 197-11-928 | Lead Agency for Public and Private Proposals |
| WAC 197-11-930 | Lead Agency for Private Projects with One Agency Jurisdiction |
| WAC 197-11-932 | Lead Agency for Private Projects Requiring Licenses From More Than One Agency, When One of the Agencies is a County/City |
| WAC 197-11-934 | Lead Agency for Private Projects Requiring Licenses From a Local Agency, Not a County/City, and One or More State Agencies |
| WAC 197-11-936 | Lead Agency for Private Projects Requiring Licenses From More Than One State Agency |
| WAC 197-11-938 | Lead Agency for Specific Proposals |
| WAC 197-11-940 | Transfer of Lead Agency Status to a State Agency |
| WAC 197-11-942 | Agreements on Lead Agency Status |
| WAC 197-11-944 | Agreements on Division of Lead Agency Duties |
| WAC 197-11-946 | DOE Resolution of Lead Agency Disputes |

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| WAC 197-11-948 | Assumption of Lead Agency Status |

### 20.740.950 Forms.

*Adoption of SEPA regulations*. The City adopts the following forms and sections of the SEPA rules by reference:

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| WAC 197-11-960 | Environmental Checklist |
| WAC 197-11-965 | Adoption Notice |
| WAC 197-11-970 | Determination of Nonsignificance (DNS) |
| WAC 197-11-980 | Determination of Significance and Scoping Notice (DS) |
| WAC 197-11-985 | Notice of Assumption of Lead Agency Status |
| WAC 197-11-990 | Notice of Action |

***THE VANCOUVER MUNICIPAL CODE IS CURRENT THROUGH MAY 5, 2026, PASSED JUNE 1, 2026.***

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.

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