

# PLANNING COMMISSION MEETING MINUTES

Vancouver City Hall – Council Chambers – 415 W. Sixth Street  
PO Box 1995 – Vancouver, Washington 98668-1995  
[www.cityofvancouver.us](http://www.cityofvancouver.us)

Marjorie Ledell • Steve Schulte • Larry Blaufus • Zachary Pyle  
Nena Cavel • Patrick Adigweme • Melissa von Borstel

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## ***March 14, 2023***

### **REGULAR MEETING**

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

### **CALL TO ORDER**

The March 14, 2023, meeting of the Planning Commission was called to order at 4:31 p.m. by Chair Ledell.

### **ROLL CALL**

**Present:** Marjorie Ledell, Zachary Pyle, Patrick Adigweme, Larry Blaufus, Nena Cavel, Steve Schulte, and Melissa von Borstel

### **ADOPTION OF MINUTES**

**Motion** by Commissioner Schulte, second by Commissioner Cavel, and carried unanimously to adopt the February 14, 2023, minutes.

### **WORKSHOP**

#### **HEIGHTS MIXED USE (HX) ZONE**

Amy Zoltie, Real Estate Project Manager, Economic Prosperity & Housing; Bryan Snodgrass, Principal Planner, Community Development Department

*Amy Zoltie presented an overview of the project history, recent review and refinement of the layout of the district- including the relocation of the civic plaza, extension of the grand loop, and relocation of the neighborhood park- and community outreach efforts for the plan changes. The proposed code changes are needed to account for these refinements and include updates to ground floor use requirements, add new access standard to promote non-vehicular modes and use of the grand loop, and clean up existing code language that lacks specificity.*

#### **Commission Discussion**

- Concern that restrictions on the type of retail could conflict with the goal of a 15-minute neighborhood. Staff responded the design is intended to make the neighborhood walkable. The retail restrictions only apply to the civic plaza to ensure that it remains active after hours.
- Examples of restricting uses to activate and enliven an area? Staff responded part of the goal of successful retail strategies is creating edge to edge retail, entertainment, and dining uses to create a destination. We want to ensure the type of uses that aggregate around the civic plaza are those that will bring people and extend the amount of time that people are in the district.

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- What is an equitable development strategy and how is affordable housing defined for this project? Staff responded every element of this design has some form of equity built into it. For example, there is a huge effort to ensure the design is accessible to everyone, with outreach to groups who work with people with disabilities to ensure the design meets everyone's needs. The equitable development strategy is a program the City is establishing to govern the development of City-owned parcels. The program focuses on preventing gentrification and displacement of existing residents and businesses, affordable housing, and support for small businesses through affordable commercial space, master lease programs, and tenant improvement assistance. For this project, of the over 2,000 units planned, half will be affordable units. Every parcel in this redevelopment area needs to have some component of affordable housing. This area will also be added to the Multi-Family Tax Exemption program.
- How many roundabouts in the grand loop? Staff responded there are no roundabouts in the grand loop, but there are some planned for the Heights District and in areas right outside the district, including at the intersections of MacArthur and Devine, MacArthur and Andresen, and MacArthur and Lieser.
- Approximate sales oriented square footage in this project area and economic demand for that type of use. Staff responded there is approximately 100,000 square feet of commercial space throughout the entire district, and 50,000 square feet of commercial space around the civic plaza. Of that, about 30,000 to 35,000 square feet is retail. There is another 15,000 square feet for retail along Devine, with some allowance for commercial along MacArthur as well. The types of retail space around the civic plaza will be about 30 to 50 feet deep, which tends to be used for smaller storefronts, which works well in neighborhood settings. We see that throughout Vancouver and Portland. There is also drive by traffic along Mill Plain, MacArthur, and Devine. The proposed amount of ground floor retail is less than what was previously required, allows for more flexibility in most of the district, and maintains the requirement for active uses in the places we want it most.
- What is the intent related to massing and scale with the requirement not to exceed 16,000 square feet for a ground floor plate and removing the allowance for recesses and breaks, and is it intended to have multiple buildings on the larger blocks. Staff responded the blocks are greater than 16,000 square feet. Most housing is typically 60 to 65 feet deep and 150 feet long, which is about 9,750 square feet. The intent is to have multiple buildings on these blocks. That allows for permeability through the block and breaks down the scale of the buildings.
- The reasoning behind limiting access from Mill Plain. Staff responded access to the area from MacArthur and Mill Plain is limited to avoid disruption to traffic flow. The grand loop goes along MacArthur, and we want to reduce the number of times cars are crossing over the sidewalk in an area where we people to walk around the neighborhood. MacArthur, Mill Plain, Andresen, and Devine will have traffic calming measures installed, as well as protected mobility facilities. The internal streets of the redevelopment area are designed to have speeds around 15 miles per hour.
- Is live-work square footage being considered for the ground floor units? Staff responded live-work units are part of the plan and allowed in parcels F and G. Some of the other blocks have minimum density standards, where live-work units would not meet the standard.
- Density of urban forestry. Staff responded one of the goals for the Heights District Plan is to have a certain percentage of tree canopy and natural shade. There are large trees along Devine and Mill Plain and plans to maintain as many of those trees as possible. We are in the preliminary stages of design for the open spaces including the civic plaza and the neighborhood park, which will also add to the tree canopy.

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**BURNT BRIDGE CREEK WEST REZONE**

Bryan Snodgrass, Principal Planner, Community Development Department

*Bryan Snodgrass presented an overview of the proposed rezone, the potential site plan and anticipated development, background on the Citywide warehouse moratorium, and next steps for this proposal.*

**Commission Discussion**

- Are we requiring onsite renewables for these sites? Staff responded there is currently no requirement, but we may look into that as part of the moratorium.
- Is there a chance the moratorium could extend into 2024? Staff responded it's possible, but Council indicated they would like this to be resolved this year.
- Would the proposal be considered if it was reduced to 250,000 square feet if it was zoned IL? Staff responded if it was a development proposal of 250,000 square feet in a zone that allowed warehouse uses, it would not be subject to the moratorium.
- Concern for access to the site and traffic flow.
- What does a change in circumstances mean in the application for a rezone? Staff responded it could be anything legally. In this case, the advent of e-commerce and the role of warehousing and distribution is a factor.
- Would the staff recommendation change if the moratorium was not in place? Staff responded that applicant has also submitted a pre-application which is being considered in tandem with the rezone. It's hard to say what the recommendation would be without the moratorium.
- Is it common practice to submit a pre-application that doesn't match the developed outcome or is modified later? Staff responded typically the pre-application matches the development.
- For a development of this size, is it typical to have 200-300 jobs? Staff responded they are unsure, but plan to have the consultant review this.
- Are mixed uses allowed in the IL zone, such as residential? Staff responded in the existing OCI and proposed IL zone, residential is not allowed.
- Will OCI and IL be a major focus of the Comprehensive Plan update? Will our view of zoning on large parcels with natural resources stay consistent and allow light industrial? Staff responded there will be a thorough review of the Comprehensive Plan. All the industrial zones will likely be reviewed.

**COMMUNITY FORUM**

Scott Dickinson was present to talk about the positive impacts of short term rentals, including that they support the local economy by bringing tourists to the area, are often used by people who are looking to move to the area, and improve the appearance of neighborhoods. Short term rental platforms such as Airbnb and VRBO help responsible owners make sure guests are responsible and following the rules. He supported regulations to allow short term rentals to continue operating in Vancouver.

Sheila Dickinson was present to talk about short term rentals in Vancouver. She owns short term rentals in Vancouver and in other areas. The income from short term rentals supports the long term care of her mother. She did not support limiting the number of short term rentals by one owner or operator. The upkeep of short term rentals increases the value of the community. She supported thoughtful regulations for short term rentals.

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Peter Fels was present to speak on behalf of the Alliance for Community Engagement (ACE) to address the proposed rezone at Burnt Bridge Creek West. ACE supports the City staff's likely recommendation to deny approval of the rezone pending completion of the review of applications for large warehouses subject to the City's warehouse moratorium. Large warehouses will affect land use, climate, public health, safety, and livability the City but especially in neighborhoods already overburdened by air pollution, traffic congestion, and noise. The ACE Coalition believes the moratorium is necessary to consider all aspects of rezoning. The moratorium provides City staff the time to do research and community outreach necessary to understand potential impacts and concerns and make recommendations to City Council for protective code changes going forward.

Wes Cartwright was present to speak about his experience living next to a short term rental. The Commission and staff should gather feedback from those who live near short term rentals in addition to rental owners and operators. He supported requirements for owners to live on-site. He expressed concern for rising housing costs due to market supply.

Kenneth Harrison was present to speak about regulations that limit homeowners' abilities to modify their property with things such as solar panels and greenhouses.

Tony Pryor was present to speak about short term rentals. Airbnb does a thorough job of screening tenants. Guests at the short term rentals contribute to local businesses and he has had only positive experiences with the short term renters at his property.

## **WORKSHOP**

### **SHORT TERM RENTAL REGULATIONS**

Jason Nortz, Development Review Manager, Becky Coutinho, Associate Planner, Community Development; William Cooley, Community Engagement Manager, City Manager's Office

*Jason Nortz presented an overview of the project timeline, defining short term rentals in Vancouver, the number and size of short-term rentals in the City, and responses to community and operator surveys. Becky Coutinho presented an overview of the regulatory research conducted, trends in regulations, policy considerations for potential regulations, the draft short term rental land use classification, permit requirements, approval criteria for the permit, and recourse for the City for violation of the code. Jason Nortz concluded the presentation with questions for the Planning Commission's consideration.*

### **Commission Discussion**

- What is the process to resolve a complaint received by the City? Staff responded that the Code Compliance division would resolve the complaint similar to any other building or land use code violation. Depending on the severity of the violation, fines may be issued, and in severe cases the permit revoked.
- The frequency of inspections and what may trigger an inspection. Staff responded when an applicant applies for a short term rental permit, we would verify they are following the regulations and requirements of the permit but would likely not do an inspection. The Revised Code of Washington (RCW) requires basic life safety standards to be in place, such as smoke detectors, carbon monoxide detectors, and proper egress. Under the current proposal, the City could perform an inspection at any point but it would not be part of the mandatory permit. An example

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of when the City may determine that an inspection is required is a basement conversion to a short term rental where there were concerns about egress or height clearance.

- How the owner occupancy requirement works in other jurisdictions. Staff responded that this is difficult to confirm or enforce and could be administratively burdensome without clear benefits, and that Council and the Planning Commission didn't have a strong preference for including this requirement. While other jurisdictions that have this requirement tend to see fewer complaints, staff believe this can be addressed through the permitting process, code compliance and revocation of permits if needed.
- What happens if an owner ignores fees or permit revocation and continues to operate the short term rental? Staff responded this would fall back to code compliance and there are provisions in the code for violation.
- Proof of residency and foreign investment. Staff responded the proposed code doesn't include requirements to prove residency, but it's something staff would consider after this program has been operating for a year or two if foreign investment became an issue. Staff noted that there have been legal challenges to residency regulations under the Commerce Clause.
- Why there are differences in regulations for bed and breakfast and short term rentals. Staff responded there is one registered bed and breakfast in the City, and that its fundamentally a different model with owners/operators and food service on site.
- How often there are issues with short term rentals? Staff responded there is limited information on this. There was incident a few years ago but we haven't received any recent complaints regarding serious damage or violence since monitoring began.
- Will STR operators be required to provide a copy of the letter that was sent out to neighbors? Staff affirmed that this is a requirement in the current proposal.
- Consideration for an annual renewal application. Staff responded there was consideration for that option, but the City would then need to manage that data and process. Staff is proposing just a one time application. If a property changes hands, the operator would need to apply for a permit.
- How are we monitoring the number of short term rentals? Staff responded we have partnered with Host Compliance to get monthly updates, and that the proposed permit process would provide another mechanism for monitoring the number of short-term rentals.
- Format for public outreach. Staff responded most of the outreach occurred early on in this process, and most was done in a hybrid format. Staff attended a few neighborhood meetings. We also did small listening sessions.
- Distributing the Good Neighbor guide. Staff responded it will be included on the website, as well as in an Operator Packet that will include all applicable materials when someone applies for a permit.
- Plan to address complaints we have received already. Staff responded the plan is to work with the rental operators to come into compliance and allow them some time to apply for a permit. Under the new proposal, staff will have the code enforcement tools to respond to complaints.
- Requiring the owner of the short term rental to perform an inspection. Staff responded we can't require a third party inspection beyond what is in RCW regarding basic life safety such as carbon monoxide and smoke detectors.

**COMMUNICATIONS FROM CHAIR AND STAFF**

Chad Eiken presented a brief overview of the recent changes to the State Environmental Policy Act (SEPA), which increased the maximum SEPA exemption thresholds or levels below which the SEPA review is not

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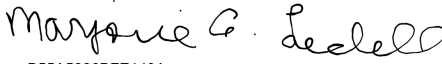
required. This would allow the City to raise the exemption threshold to up to 200 multi-family units or 100 lots in a subdivision if the lots are 1,500 square feet or less.

**Commission Discussion**

- Consideration for a lower threshold in an area with greater potential risk to the environment. Staff responded that is an option to consider. It would require more research to determine those areas.
- Would this exemption apply to all permits throughout the process of a development? Staff responded there are a number of thresholds in SEPA, and if it the review was required under a different threshold, it would still be required.
- Opposition to this change. Staff responded there is likely some opposition. Given the interest in increasing housing production, we can address those concerns through other forms of development review.
- Average size of lots. Staff responded they would need to research and bring that information at the next workshop.

Rebecca Kennedy provided a review of the Planning Commission's annual retreat and procedural updates for operations of the Commission. Meetings will start at 4:30 pm, with two workshops before the break at 6:00 pm. Community forum will remain at 6:30 pm.

**ADJOURNMENT 8:15 P.M.**

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Marjorie Ledell, Chair

To request other formats, contact Julie Nischik, Community Development Department | 360-487-7813. WA Relay: 711 | [julie.nischik@cityofvancouver.us](mailto:julie.nischik@cityofvancouver.us)