

# Planning Commission

**TO:** Planning Commission

**FROM:** Bryan Snodgrass, Principal Planner, [bryan.snodgrass@cityofvancouver.us](mailto:bryan.snodgrass@cityofvancouver.us), 360-487-7946

**SUBJECT:** Public hearing review of fall 2022 Comprehensive Plan and zoning code map and text changes

**HEARING DATE:** 10/11/2022

**REPORT DATE:** 9/29/2021

**PROPONENTS:**

- Schwartz Plan/Zone Map Change – Todd Johnson, on behalf of Schwartz First LLC
- Stutesman Plan/Zone Map Change - Ron Stutesman
- Lieser School Redevelopment Plan/Zone Map Change – Vancouver Housing Authority
- Comprehensive Plan and Zoning Code Text Changes - City of Vancouver Community Development Department

**LOCATION:** Comprehensive Plan and Zoning map changes apply to individual properties as indicated in this report. Text changes apply citywide.

**RECOMMENDATION:** Approve map and text changes as described in this report, with the exception of the proposed Schwartz map designation changes which is recommended for denial.

## I. BACKGROUND AND REVIEW PROCESS:

The Growth Management Act requires Comprehensive Plan changes to be reviewed collectively and no more than once per year. Zoning changes not involving the Comprehensive Plan may be reviewed at any time and independent of one another if needed. This staff report addresses three Comprehensive Plan and zoning map designation changes proposed by property owners as part of the Annual Review process, one Comprehensive Plan text changes and 16 zoning code text changes proposed by City staff. With one exception noted, these items were reviewed at Planning Commission workshops on July 12 and September 13, 2022.

One of the privately submitted Annual Review Comprehensive Plan and zoning map change discussed at the July and September workshops, the SRHV proposal to change from Heavy Industrial to Mixed Use in the Hough neighborhood, is in the process of being revised by the applicant and will reviewed at a future date, likely in the 2023 Annual Review cycle.

Notice of the October 11, 2022 Planning Commission public hearing was provided through publication in the *Columbian* newspaper. A SEPA Determination of Non-significance (DNS) was issued and published in the *Columbian* on September 22. Individual mailed notice was sent to property owners and occupants of lots located within 500 feet of the three proposed map changes, and the rezone sites were posted with signs. Mailed notice was also sent to properties within the Central Park Overlay district, the subject of one of the zoning text change proposals.

## II. COMPREHENSIVE PLAN AND ZONING MAP DESIGNATION CHANGES

### A. Stutesman – Commercial/CG to Urban High Density/R-22 on three parcels encompassing 0.8 acres at 5204 and 5206 NE 94<sup>th</sup> Avenue, and 9309 NE 52<sup>nd</sup> Street in the Vancouver Mall Neighborhood



#### Summary

The property is surrounded by commercial buildings immediately abutting to the west and south zoned CG, storage buildings to the east across NE 94<sup>th</sup> Avenue also zoned CG, and single-family homes to the north across NE 52<sup>nd</sup> Street zoned R-22. The site is located at a larger transition point between zoning designations, with properties north and northwest zoned for multi-family development, and properties to the west, east, northeast and south zoned for commercial development.

The applicant indicates future development of 11 townhomes is envisioned if the rezone is approved, to be priced at market rates but below current area median levels. A conceptual future site plan was not included with the application. The site is currently occupied by three

mobile homes and one single family home. The rezone site is within the Van Mall/I-205 center identified current Vancouver Comprehensive Plan Figure 1-2 as generally anticipated for future subarea planning, but no schedule has been established, and this will be revisited as part of the updated Comprehensive Plan to be adopted in 2025.

The applicant has submitted a traffic study reviewed by City staff projecting that hypothetical future intensive development of the site would likely produce more traffic under the existing CG zone than the proposed R-22 zone. A retail plaza would produce 328 daily and 40 evening peak hour trips, in comparison to 88 daily and 7 evening peak trips from a 13-unit low rise apartment development.

The site is served by Illahee Elementary, Shahala Middle and Union High Schools in the Evergreen School District, all located within walking distance from the site.

As discussed at the July and September Planning Commission workshops, establishing residential zoning as proposed would likely lead to displacement of the site occupants. If the rezone is approved, the applicant indicates a follow-up application for the townhomes will not be submitted for several months. Displacement could also occur if commercial development is maintained on the site, although that appears less likely in the near term given the lack of commercial development to date. Site occupants were contacted by email and telephone by City staff in advance of the hearing.

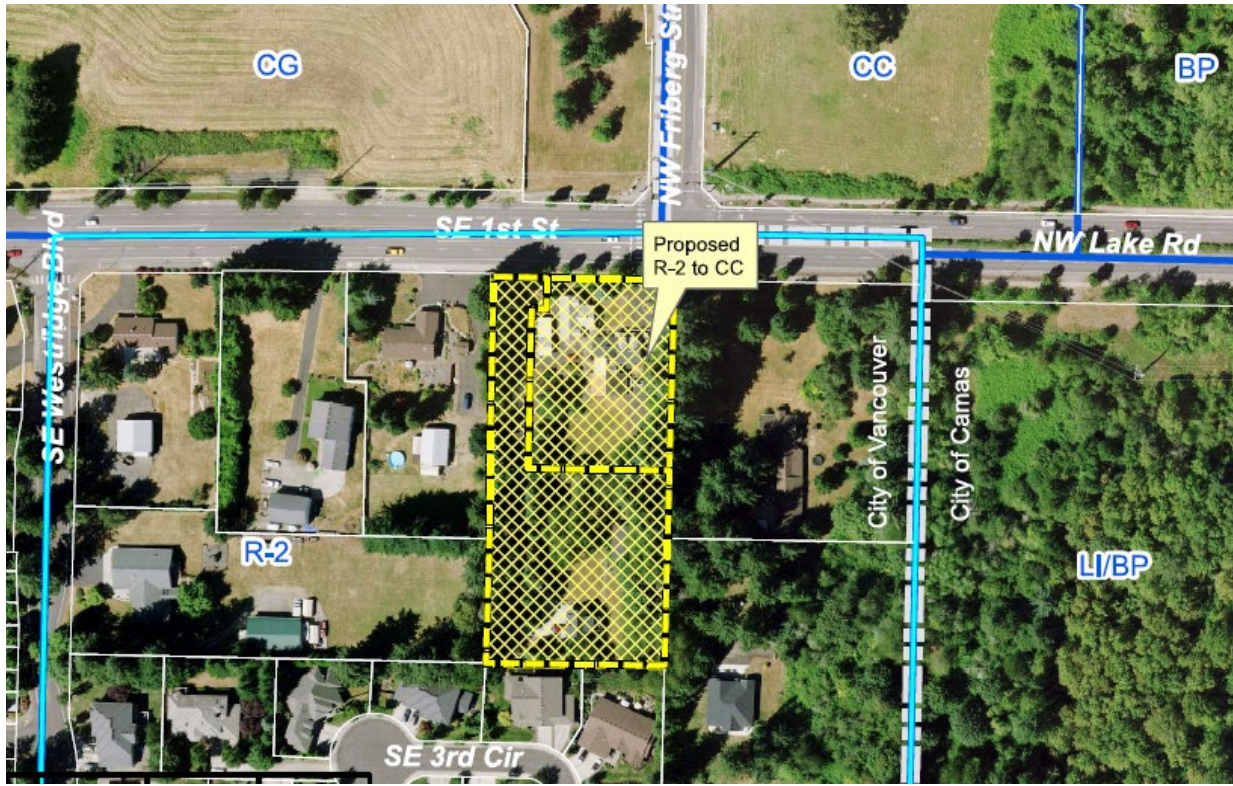
#### Analysis, finding, and recommendation

Staff finds that the proposed rezone complies with applicable criteria for Comprehensive Plan and zoning map changes of [VMC 20.285.050](#). It facilitates long term multi-family housing at a site with nearby shopping and employment opportunities, and public services including regional transit and roadway access. Commercial development has not occurred on the site thus far and has generally not occurred recently on most of the commercially zoned properties nearby that are occupied by housing, except those abutting Vancouver Mall Loop or the roads leading to it located south of the rezone site. Although future townhome development on the site is envisioned to be market rate, it can contribute to meeting nearby and citywide housing needs. Establishing an effective date in the final rezone ordinance 90 days after the final City Council hearing can ensure additional relocation notice for the site occupants.

The proposal complies with [Strategic Plan](#) Goal 6 - *Facilitate the creation of neighborhoods where residents can walk or bike to essential amenities and services – “20 minute neighborhoods.”* The proposal also complies with applicable [Comprehensive Plan](#) policies, particularly regarding compatible uses under CD-9, complimentary uses under CD-10, housing options under H-1, and housing placement near services and centers under H-5.

Staff recommends that the Planning Commission forward a recommendation of approval to the City Council.

**B. Schwartz – Urban Low Density/R-2 to Commercial/CC at 20101 and 20117 SE 1<sup>st</sup> Street encompassing 2.1 acres in east Vancouver**



**Summary**

The property is located just west of Vancouver City limits and is surrounded to the east and west by large lot single family homes zoned R-2, which requires new single-family lots to be at least 20,00 square feet in size. To the south are 10,000 square foot single family homesites also zoned R-2. North of the site across SE 1<sup>st</sup> Avenue is an undeveloped extension of the larger existing Union High School campus, zoned General Commercial (CG). Northwest of the site is a proposed mixed use development also zoned CG, to include over 100 apartment units, 40,000 square feet of commercial development, and extended stay hotel units. Northeast of the proposal site within the City of Camas is undeveloped property zoned CC that was recently approved for a food truck development.

The proposal site currently contains two single family homes, as well as detached garages and sheds. The applicant indicates the intent of the rezone is to allow an existing home-based marketing and consulting business in the northern residence to add 5-10 employees and occupy the full house.

The applicant has submitted a traffic study reviewed by City staff projecting that hypothetical future intensive development of the site would likely produce more traffic under the proposed CC zone than under the existing R-2 zone, although traffic under both scenarios would be within the carrying capacity of SE 1<sup>st</sup> Street serving the site. A future general medical office building could produce 1,253 daily and 138 evening peak hour trips per, in comparison to 38 daily and 4

evening peak trips from a 4-lot single family development. Future access to 1<sup>st</sup> Street under any development scenario would likely be via the existing improved intersection at Friberg and 1<sup>st</sup> Street, at the very northeast corner of the rezone site.

### Analysis, findings, and recommendation

Staff finds that the proposal does not comply with applicable criteria for Comprehensive Plan and zoning map changes of [VMC 20.285.050](#). As discussed in the original pre-application conference with the applicant, the site's existing R-2 zoning mandating large lot residential homesites is not an efficient long term use of land in a rapidly growing area. Other zoning designations may be more appropriate, but proposed commercial zoning on the 2-acre proposal site needs to consider implications for foregone alternatives on the 2-acre proposal site, and implications for surrounding large lot residences also zoned R-2.

The proposal would establish additional commercial zoning in a wider area that has ample commercial zoning, and nearby pending commercial development immediately northwest and northeast of the site on the north side of 1<sup>st</sup> Street. Multi-family or small lot single family development is in much shorter supply in this particular area and generally throughout eastern Vancouver, and would be less likely under the proposal. Commercial zoning does permit mixed use development including a residential component, but there are no plans to do so and the relatively small size of the proposal site makes mixed use more challenging. The need for the southern of the two proposal properties to convert to commercial zoning is unclear, as it is not needed to facilitate the existing home business expansion, and including the southern property would bring commercial zoning deeper into the residential area.

The proposal would also establish a small commercial zoning area in the middle of a larger cluster of large lot homesites also zoned R-2, potentially complicating options for long term redevelopment of the corridor in a more coordinated manner. Implications in particular for the large homesite immediately east of the proposal site are unclear, as it would be located between the commercial land and the City of Camas. The eastern property has visible frontage along 1<sup>st</sup> Street and would also likely access via the existing four-way intersection, but efficient development options for the rear of the eastern property and property immediately south of that are unclear. Existing large lot homesites west of the proposal site would be less limited by the rezone, but would still benefit by opportunities to consider the strip of large homesites more holistically.

In staff's view the proposal is also premature in light of the pending Comprehensive Plan update to be completed in 2025. The update will not necessarily result in a specific subarea plan for this portion of the 1<sup>st</sup> Street corridor, but will yield a better understanding of local commercial and residential development markets, as well as of corridor planning overall, which can be applied to the site. Recent changes to the GMA also require that the update demonstrate that specific growth targets for housing in various income ranges be accommodated, heightening the importance of not foregoing residential opportunities where appropriate.

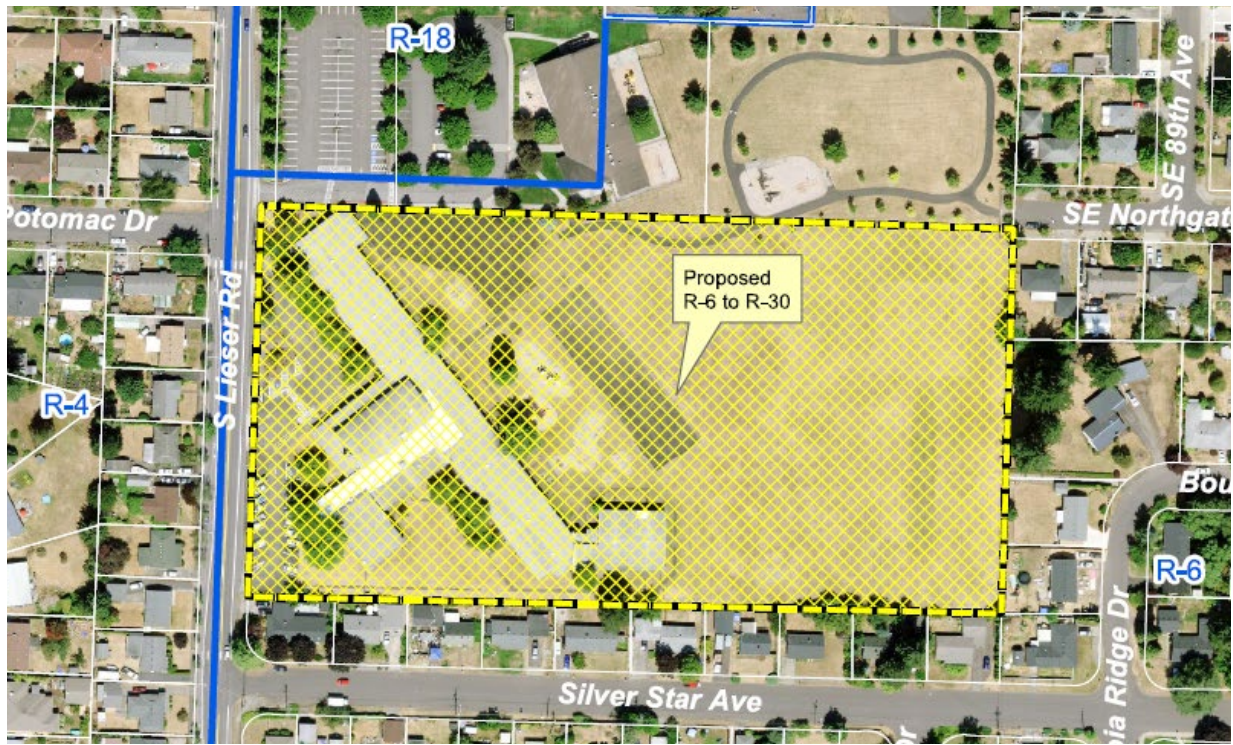
There are some considerations supporting the proposal. Commercial zoning on at least the northern of the two proposal properties would likely facilitate more intensive long term use of the site than the current R-2 designation. Some of the commercial zoning in the surrounding area such as the Union High School campus has been developed for other purposes. The large lot homesites

including the proposal site contain relatively newer homes with high property values, indicating redevelopment will likely occur slowly.

Nonetheless, staff finds that on balance the proposal does not comply with applicable [VMC 20.285.050](#) approval criteria, as it does not demonstrate the proposed commercial designation is more consistent with Strategic and Comprehensive Plan criteria than the existing designation, particularly in light of opportunities that the proposal would forego on the sight and complicate in the surrounding area. The proposal appears inconsistent with [Comprehensive Plan](#) policies to facilitate housing options under H-1, Housing placement near services and centers under H-5, and efficient development patterns under CD-2, and planning for centers and corridors under CD-4.

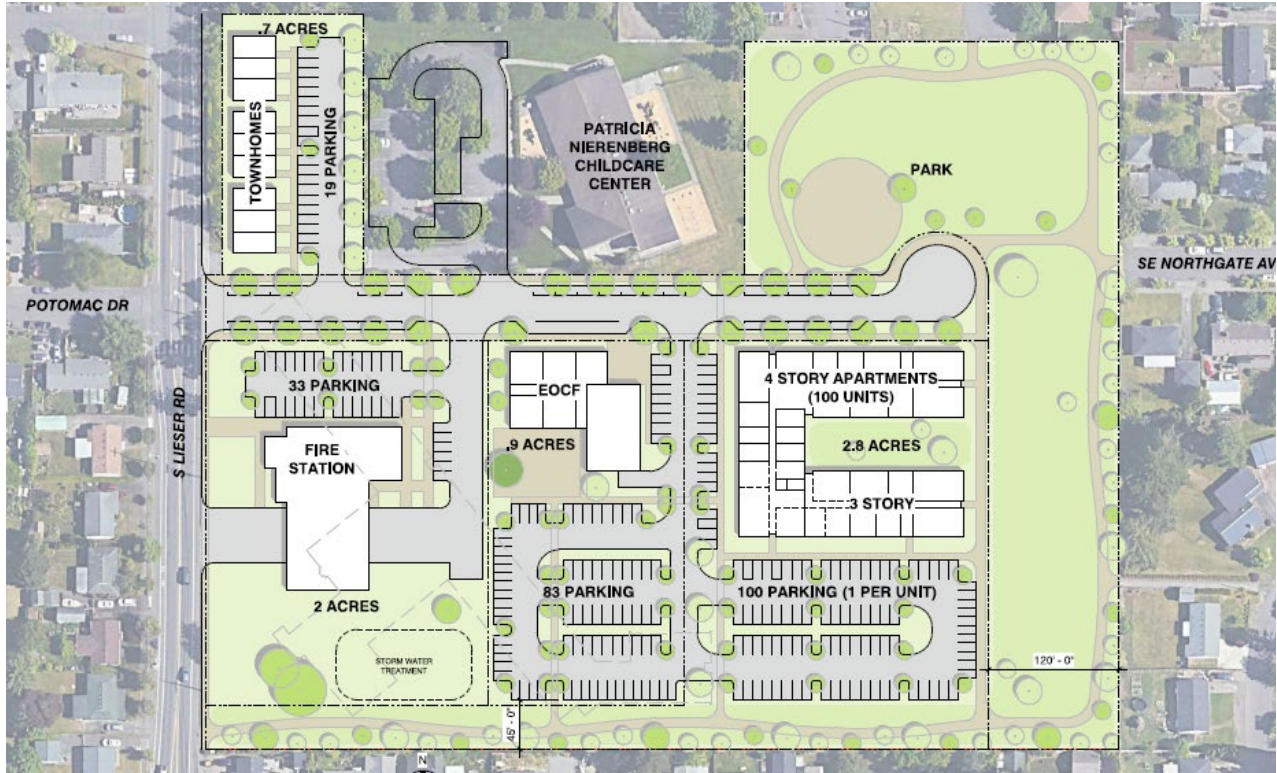
Staff recommends that the Planning Commission forward a recommendation of denial to the City Council.

**C. Lieser School Site Redevelopment – Urban Low Density/R-6 to Urban High Density/R-30 on an 8.4-acre parcel at 301 Lieser Road in the Vancouver Heights neighborhood.**



**Summary**

The proposal by the Vancouver Housing Authority, which owns the property, would change the 8.4-acre Lieser School site from Urban Low Density/R-6 to Urban High Density/R-30 as part of a larger site redevelopment that also encompassed properties immediately north of the rezone site, and envisions in total a new Fire Station to replace the City's existing fire station 3, a refurbished park, approximately 10 townhomes and 00 affordable rental housing units, and a new Educational Opportunities for Children and Families (EOCF) early childhood development facility that includes childcare, offices, and a commercial kitchen. A conceptual site plan for the redevelopment is shown on the next page. The Comprehensive Plan and zone map change is needed to allow the proposed multi-family housing.



The City of Vancouver is a co-sponsor of the rezone application since the site redevelopment involves fire and park facility improvements, and in keeping with Community Development Department policy of sponsoring rezones which provide for affordable housing and are consistent with rezone criteria. The Vancouver Housing Authority and Salazar Architects have conducted substantial outreach with the surrounding community and Vancouver Heights Neighborhood Association about the rezone proposal and larger site redevelopment plan. Information has also been provided through the City of Vancouver [Be Heard](#) site. No comments have been received thus far regarding the proposed rezone. Community feedback on the overall redevelopment to the applicants appears to be positive. Primary access to the site would be onto Lieser Road at the northeast portion of the rezone site, opposite existing Potomac Drive. Multimodal access to the park on the eastern edge of the site will also be available via Northgate Street. Northgate is not proposed to be extended through the site in order to avoid dividing the park, and in response to community concerns.

The applicant has submitted a traffic study reviewed by City staff projecting that hypothetical intensive development of the site under the proposed R-30 zoning would produce more traffic than intensive development under the existing R-6 zone. Hypothetical development of 253 multi-family units on the site would create 1,706 and 129 evening peak hour trips, in comparison to development of 500 daily and 50 evening peak hour trip from hypothetical development of 50 single family homes. The actual development envisioned on the rezone site proper is for approximately 100 multifamily units, along with a fire station, park and EOCF facility, which would likely produce significantly less traffic than the hypothetical 253-unit multi-family development.

The site is served by Marshall Elementary, McLoughlin Middle and Fort Vancouver High Schools in the Vancouver School District.



### Analysis, findings, and recommendation

Staff finds that the proposed rezone complies with applicable criteria for Comprehensive Plan and zoning map changes of [VMC 20.285.050](#). It facilitates long term affordable multi-family housing as part of a larger redevelopment of the 8-acre rezone site and adjacent four acres to the north, that also includes a park, fire station, child care facility, educational facility, and parking, and has undergone significant outreach and community vetting. The proposed redevelopment is also located within 1,000 feet of Mill Plain Boulevard and additional transportation and commercial facilities and services.

The proposal complies with [Strategic Plan](#) Goal 6 - *Facilitate the creation of neighborhoods where residents can walk or bike to essential amenities and services – “20 minute neighborhoods.”* The proposal also complies with applicable [Comprehensive Plan](#) policies, particularly regarding complimentary uses under *CD-10*, housing options under H-1, affordable housing under H-2, housing placement near services and centers under H-5, and public private partnerships for housing under H-8.

Staff recommends that the Planning Commission forward a recommendation of approval to the City Council.

### III. COMPREHENSIVE PLAN AND ZONING TEXT CHANGE

#### Summary

The City of Vancouver, on behalf of the Battle Ground, Camas, and Vancouver School Districts, is proposing to adopt updated district 6-year capital facilities plans by reference into the Comprehensive Plan and to make associated impact fee updates to City code. The Capital Facilities Plan proposed to be adopted by reference into Appendix E of the Comprehensive Plan are listed as [links](#) to this report. The associated School Impact Fee (SIF) changes to [VMC 20.915.060](#) are City code are:

Table 20.915.060-1 School District Impact Fees

<i>District</i>	<i>Single-Family</i>	<i>Multi-Family</i>
<i>Battle Ground</i>	<del>\$6,397</del> <u>\$10,760</u>	<del>\$2,285</del> <u>\$3,845</u>
<i>Camas</i>	<del>\$5,371</del> <u>\$6,650</u>	<del>\$5,371</del> <u>\$6,650</u>
<i>Vancouver</i>	<del>\$2,880</del> <u>\$2,786</u>	<del>\$2,381</del> <u>\$2,486</u>

No changes are proposed to the Evergreen School District Capital Facilities Plan or School Impact Fees, which are currently \$6,432 per single family unit and \$3,753 per multi-family unit. The applicants indicated in discussion at the July 12, 2022 Planning Commission workshop that differing fee proposals between the districts reflect varying needs for specific new school facilities during the upcoming six-year planning period, and differing funding projections based in part on varied ability to pass bond measures. The three proposed Capital Facilities Plans and associated impact fees were also reviewed and recommended for approval by the Clark County Planning Commission at an [August 18, 2022 hearing](#), and will be considered by the County Council in early 2023.

#### Analysis, findings, and recommendation

The proposal to adopt the School District Capital Facilities Plans by reference as part of the Vancouver Comprehensive Plan in Appendix E and related proposal to amend VMC 20.915.060 to reflect the new impact fees included in the Capital Facilities Plans is consistent with [VMC 20.285.070](#) approval criteria for Comprehensive Plan and Zoning text amendments.

The changes further applicable Comprehensive Plan policies, particularly Policy PFS-28 by adopting the Battle Ground, Camas and Vancouver School District capital plans which have been adopted by the districts themselves. They further the overall public interest by providing for continued school facilities in the face of increasing demand. City staff have reviewed the Capital Facilities Plan and found its methodology to be consistent with the criteria of VMC 20.915.060.C

Staff recommends that the Planning Commission forward a recommendation of approval to the City Council.

#### IV. ZONING CODE TEXT CHANGES

##### Summary

<b>Code Section</b>	<b>Issue/Action</b>
1. Central Park Overlay <a href="#">20.503</a>	Eliminate VMC 20.503, which includes two longstanding provisions which are unique to the Central Park area and inconsistent with the City Comprehensive Plan and State Growth Management Act. One places unique limits on the rebuilding of multi-family or non-residential uses, and the other prevents any residential remodels or redevelopments which add to the total number of neighborhood housing units in place when the chapter was adopted in 2000. All Overlay properties have been mailed notice of the proposed removal, and of the upcoming workshop and hearing. The proposal has also been included on the <a href="#">Beheard Vancouver</a> page, which includes the original <a href="#">ordinance and staff report</a> establishing the district in 2000.. Response to date has been limited. See Attachment C on page 24
2. Solid Waste Disposal and Recycling Standards changes <a href="#">20.970</a> , and Related Changes to Narrow Lot Standards, <a href="#">20.927</a> , and Cottage Cluster Standards, <a href="#">20.950</a>	To better facilitate solid waste disposal and codify current practices, update standards for alley access and maneuverability, and for streetfront solid waste container storage. Various development community stakeholders have been notified, with no response to date.  See proposed amendments to VMC <a href="#">20.970</a> , <a href="#">20.927</a> and <a href="#">20.950</a>
3. Temporary Uses <a href="#">20.885</a>	Temporary Uses – Shorten and clarify existing standards. See Attachment A on page 15
4. <a href="#">20.960.060</a> Commercial District Signs	Incorporate portions of the sign elevation definition into the sign code chapter to clearly address signs located at the top of multistory buildings.  D. <i>Fascia signs</i> . 1. Allowable Area: Maximum 12 percent of <b>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</b> building's elevation on which the sign is erected with a guaranteed minimum of 32 square feet. Total of all sign face areas shall not exceed 250 square feet. 4. <b>Fascia signs shall only be attached to the walls enclosing the applicant's place of business</b>
5. Definitions of Residential Care Home, <a href="#">20.150.040E</a> and Adult Care Home <a href="#">20.860.020.B.10.c</a>	Update Residential Care Home and Adult Care Home definitions referencing 6 or fewer persons, to increase allowance up to 8 persons, to be consistent with state WAC guidance  <i>Residential Care Home. Any state or federally approved dwelling used as a residence for the care or rehabilitation of dependent children, the elderly, and the physically and/or mentally handicapped. Residential care homes shall provide care for <b>six eight</b> or fewer residents.</i>

	Adult Care Homes licensed by the state for the care of <b>68</b> or fewer persons. No signs allowed
6. Definitions 20.150.040A	Add a senior housing definition. Code currently is silent, except for a reference in school impact fees to 62 years or older.  <b>Senior Housing. Housing limited to persons aged 62 years or older</b>
7. Heights Plan District 20.670.040.B.2	Limit current requirement in the Heights District for 16-foot high ground floor building heights to apply to commercial uses, not residential.  2. Ground floor to floor height. The ground floor of <b>commercial</b> buildings shall have a minimum of 16 feet building floor to floor height.
8. Subdivision requirements, 20.320.030.B.4.g 20.320.070.C.1.-foc Technical Standards	Delete sales history submittal requirement, fix typo  4. Supplementary information. The following supplemental information shall also be submitted unless otherwise indicated in parentheses:  <del>g. Sales history. A deed history of all applicable properties dating back to 1969 or to the date when a legal lot determination was made;</del>  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:  c. Intersections of the plat <b>boundary extensions</b> and street centerlines.
9. Archaeological Resources 20.710.020	Correct outdated map to align Levels A and B categories with State levels and mapping  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 <b>properties with Predictive Model Probability Level high-A as shown in Figure 20.710-1.</b>  2. Where the disturbance area is at least five acres in size and wholly within Predictive Model Probability Levels <b>moderate-high and moderate B as shown in Figure 20.710-1.</b>
10. Definitions 20.150.040A	Update definition of abutting to eliminate reference to adjacent  <b>Abutting.</b> 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 8 feet or more in a single direction. It shall include the terms <b>adjacent</b> , adjoining and contiguous.  .

11. Infill Development Standards <a href="#">20.920.060</a>	Correct inaccurate transportation code cross reference  I. Infill Development Transportation Standards. Street standards may be reduced as part of an infill development. See Section <del>11.96</del> <a href="#">11.80.060</a> of the Vancouver Municipal Code. .
12. SEPA <a href="#">20.790.830</a>	Correct inaccurate cross reference  A. <i>Exceptions.</i> 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 <a href="#">197-11-908</a> WAC and Section <del>20.790.850</del> <a href="#">20.790.740</a> VMC, critical areas.
13. <a href="#">20.570</a> Airport Height Overlay	Correct inaccurate reference  The provisions of the Airport Height Overlay District shall apply to lands identified and illustrated in Figure 20.570- <del>2</del> <a href="#">1</a>
14. Various Title 20 Locations	Correct outdated references of <a href="#">Community and Economic Development Department to Community Development Department</a> .
15. <a href="#">20.450</a> map correction	Update Figure 20.450-2 Vancouver Lake Greenway District in zoning code to reflect zoning map change approved <a href="#">last year</a> on Port property near Vancouver Lake, See Attachment B on page 23 herein.
16. {NEW} VMC <a href="#">20.430</a> Commercial zoning district allowances for affordable housing near transit without first floor retail	Amend footnote 8 to delete reference to outdated C-Tran document  <i>8 Eligible affordable housing projects must (a) demonstrate eligibility for Washington State Housing Finance Commission Low Income Housing Tax Credits by providing at least 40 percent of units affordable to households at 60 percent of Area Median Income or otherwise as demonstrated eligible for credits; (b) include a guarantee that the threshold is maintained for at least 30 years unless specified longer by the finance commission; and (c) be located on properties whose borders are within 1,000 feet of a bus rapid transit or other high capacity transit corridor, or transit corridors with existing or planned weekday peak service frequencies of 35 minutes or less, as indicated in the C-Tran 2018-2033 Transit Development Plan.</i>

### Analysis, findings, and recommendation

The proposed zoning code text amendments are consistent with [VMC 20.285.070](#) approval criteria for Comprehensive Plan and Zoning text amendments.

The proposed elimination of the VMC 20.503, the Central Park Overlay District, is necessary to allow development to follow existing zoning map designations and avoid inconsistency with Comprehensive Policy CD-2 regarding efficient development patterns, and CD-3, regarding infill and redevelopment. Proposed changes related to solid waste recycling and disposal codify existing enforcement and review practices and are consistent with Comprehensive Plan policy PFS-26 regarding solid waste. Changes to temporary use standards clarify and shorten existing

regulations. Changes to other code sections are for corrections, clarifications, or consistency with state guidance. The last proposed change listed not discussed at the most recent workshop would eliminate reference to an outdated C-Tran document in determining which transit routes provide service at 35-minute or less intervals.

Staff recommends that the Planning Commission forward a recommendation of approval to the City Council.

## **Links**

[Stutesman map change application materials](#)

[Schwartz map change application materials](#)

[Lieser School map change application materials](#)

[Updated Vancouver, Battle Ground, and School District Capital Facilities Plans](#)

[Corrected code references to Community Development Department or Director](#)

## **Attachments:**

- A. Amended Temporary Use Standards (page 15)
- B. Amended Vancouver Lake Greenway District Map (page 23)
- C. Public Comments Received (page 24)

## ATTACHMENT A – PROPOSED AMENDED VMC 20.885, TEMPORARY USES

### Chapter 20.885 TEMPORARY USES

Sections:

[20.885.010 Purpose.](#)

[20.885.020 Types of Temporary Uses.](#)

[20.885.030 Approval Process.](#)

[20.885.040 Submission Requirements.](#)

[20.885.050 Approval Criteria.](#)

#### 20.885.010 Purpose.

A. *General.* 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 on private property 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, establish standards for the approval of three types of temporary use:

1. Use that is seasonal or directed toward a special event;
2. Use which is occasioned by an unforeseen event; and
3. Sales offices and model homes in conjunction with the sale of homes.

B. *Respect for base zoning districts.* It is not the intent of this Chapter to provide a means to circumvent the strict application of the permitted uses in the base zoning districts. Time limits are to be strictly enforced.

C. *Location.* All temporary uses addressed in this section shall be located on private property, not in outside of the public right-of-way. (Ord. M-3643, 01/26/2004)

It is 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 on private property outside of the public right-of-way without requiring full compliance with the development standards for the applicable zoning district, or by which the city may allow seasonal, emergent, or transient uses not otherwise permitted.

## 20.885.020 Types of Temporary Uses.

A. *Seasonal or special events.* This type of temporary use includes seasonal or special events which involve the placement of tents, canopies, membrane structures or storage containers. Examples of this type of temporary use include:

1. Use associated with the celebration of a specific holiday such as the sale of Christmas trees. Fireworks stands require a permit from the Fire Marshall, but do not require temporary use approval pursuant to this chapter.
2. Use associated with the sale of fresh fruits, produce and flowers;
3. Use associated with festivals, grand openings or celebrations;
4. Seasonal activities such as the sale of food at sports events or activities;
5. Use associated with construction such as the storage of equipment during the construction of roads or development, but not a temporary sales office or model home as provided in subsection C below; and
6. Temporary fund-raising and other civic activities in commercial zoning districts.

B. *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 or flood or other event deemed by the Planning Official to be an emergency situation. The uses listed are allowed only with approval from the planning official. Examples of this type of temporary use include:

1. A mobile home, recreational vehicle or other temporary structure for a residential purpose in a residential zone;
2. A mobile office or other temporary structure for a business purpose in a commercial or industrial zone; and
3. Use of an existing legally established dwelling during the construction period of a new residence on the same lot.

C. *Temporary sales office/model home.* This type of use includes a temporary sales office or offices either in a housing unit or in another temporary building for the purpose of facilitating the sale of real property in any subdivision or planned development within this city. Related to this is the use of one unit in a subdivision or planned development as "model home" for purposes of showing prospective buyers.

D.C. *Temporary use in commercial and industrial zones.* This type of temporary use includes a temporary trailer or prefabricated building for use on any real within commercial or industrial zoned property within the city as a temporary commercial or industrial office or space associated with the primary use on the property.



E. *Exemption.* The regulations in this chapter shall not apply to garage sales conducted in private homes subject to the following criteria:

1. Sales last no longer than 3 days; and
2. Sales are held no more than twice in a calendar year; and
3. Sales are conducted on the owner's property. Multiple-family sales are permitted if they are held on the property of one of the participants.
4. Signs shall be subject to VMC [20.960](#) Signs and must be removed within 24 hours upon completion of the sale. (Ord. M-3701 § 27, 05/02/2005; Ord. M-3643, 01/26/2004)

D. The Planning Official may authorize a temporary use permit for a use not specifically listed above.

E. Exemptions. 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:

1. Garage sale and yard sale lasting no longer than 2 days;
2. Christmas tree lots;
3. 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;
4. Storage of equipment during the construction of roads or development or job trailer associated with an active land use and or building permit

## **20.885.030 Approval Process.**

A. *Procedure type.* Approval of various temporary uses shall be processed as follows:

1. Seasonal or special event by means of a Type I procedure, as governed by Section [20.210.040](#) VMC, using approval criteria in Section [20.885.050\(A\)](#) VMC;
2. Unforeseen/emergency situations by means of a Type I procedure, as governed by Section [20.210.040](#) VMC, using approval criteria in Section [20.885.050\(B\)](#) VMC;
3. Temporary sales office/model home by means of a Type I procedure, as governed by Section [20.210.040](#) VMC, using approval criteria in Section [20.885.050\(C\)](#) VMC; and

4. Temporary building in commercial and industrial zones by means of a Type I procedure, as governed by Section [20.210.040](#) VMC, using approval criteria in Section [20.885.050\(D\)](#) VMC.

Decision-making process. Temporary Uses shall be reviewed by means of a Type I procedure unless waived by the Planning Official.

B. *Effective period.* An approval for a temporary use by the Planning Official shall be effective for a period of not more than one year unless otherwise stipulated by the approval or renewed pursuant to Section [20.885.030\(D\)](#) Renewal of approval.

C. *Lapsing of approval.* An approval for the temporary use by the Planning Official shall lapse if:

1. Substantial construction of the approved plan or onset of the approved activity has not begun within the approval period; or
2. Construction or activity on the site is a departure from the approved plan; or
3. The temporary use does not comply with approval criteria in [20.885.050](#).

D. *Renewal of approval.*

1. *General.* ~~With the exception of Subsection 2 below,~~ a temporary use approval may be renewed no more than twice by the Planning Official for a period not to exceed one year each. The request for an extension shall be processed by means of a Type I procedure, as governed by VMC [20.210.040](#).

~~2. *Renewal of temporary residential sales office/model homes.* A permit for temporary sales offices and model homes may be renewed on an annual basis by means of a Type I procedure.~~ (Ord. M-3959 § 39, 07/19/2010; Ord. M-3922, § 39, 07/06/2009; Ord. M-3643, 01/26/2004)

## **20.885.040 Submission Requirements.**

A. *General submission requirements.* The applicant for a temporary use shall submit the following information:

1. Application form (including property manager or owner's signature) provided by the Planning Official for a Type I procedure.
2. 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.).
3. Narrative that provides the information necessary to determine compliance with the relevant approval criteria contained in VMC [20.885.050](#) below.

B. *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 subsection shall not include failure by the applicant to submit a temporary use request as provided in this Chapter. (Ord. M-3643, 01/26/2004)

## **20.885.050 Approval Criteria.**

A. *Seasonal and special events.* The planning official shall approve, or approve with conditions or deny a request for temporary use permit approval of a seasonal or special events use subject to compliance if the proposed temporary use is consistent with this chapter and the application demonstrates that the following criteria will be satisfied the application satisfies with all of the following criteria:

1. The event occurs for no longer than 30 days in a calendar year on the approved event site;
2. The event is permitted in the underlying zoning district or within the approved event site;
3. The applicant has proof of the property owner's permission to place the event on his/her property;
4. There will be no parking utilized by the customers and employees of the temporary event which is needed by the property owner to meet his/her minimum parking requirements, as governed by VMC 20.945.070, Parking and Loading;
5. The event will not interfere with adequate vision clearance, as governed by Chapter 20.985 VMC, Vision Clearance, and shall not obstruct pedestrian access on public rights-of-way;
6. Conditions as may be required by building official and/or fire marshal to determine compliance with minimum building, fire and life safety codes; and
7. Adequate provisions for trash disposal and sanitary facilities shall be provided.

B. *Unforeseen/emergency situations.* The planning official shall approve, approve with conditions or deny a request for approval of an unforeseen/emergency situation(s) subject to compliance with of all of the following criteria:

1. The need for the use is the direct result of a casualty loss such as fire, windstorm, flood or other severe damage by the elements of a pre-existing structure or facility previously occupied by the applicant on the premises for which the permit is sought;
2. There exists adequate and safe vehicular ingress and egress when combined with the other uses of the property, as required by Chapter 20.985 VMC, Vision Clearance;

3. There exists adequate parking for the temporary use as required by VMC [20.945.070](#), Off-Street Parking;

4. The use will pose no hazard to pedestrians in the area of the use;

5. The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will affect adjoining use, as governed by Chapter [20.935](#) VMC, Off-Site Impacts;

6. The use can be adequately served by sewer or septic system and water, if applicable; and

7. The length of time that the temporary building will be used is the maximum needed to address the hardship but no longer than one year. With the exception that a temporary use approval may be renewed once by the planning official for a period not to exceed one year as per VMC [20.885.030\(D\)](#), Renewal of approval.

C. *Temporary sales office or model home.* The planning official may approve, approve with conditions or deny the use of any real property within the city as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or planned development within this city, but for no other purpose provided that the applicant demonstrates compliance with the following criteria:

1. Temporary sales office.

a. The temporary sales office shall be located within the boundaries of the subdivision or planned development in which the real property is to be sold; and

b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.

2. Model house.

a. The model house shall be located within the boundaries of the subdivision or planned development where the real property to be sold is situated;

b. The property to be used for a model house shall be a permanently designed dwelling structure; and

c. Applicant must sign a Memorandum Of Understanding to be prepared by the planning official stating the model home will have approved access and can be adequately served by public water and sewer on the parent parcel. Only one model home per parent parcel is allowed.

D. *Temporary building in a commercial or industrial zone.* The planning official may approve, approve with conditions or deny a temporary trailer or prefabricated building for use on any real commercial or industrial property within the city as a temporary commercial or industrial

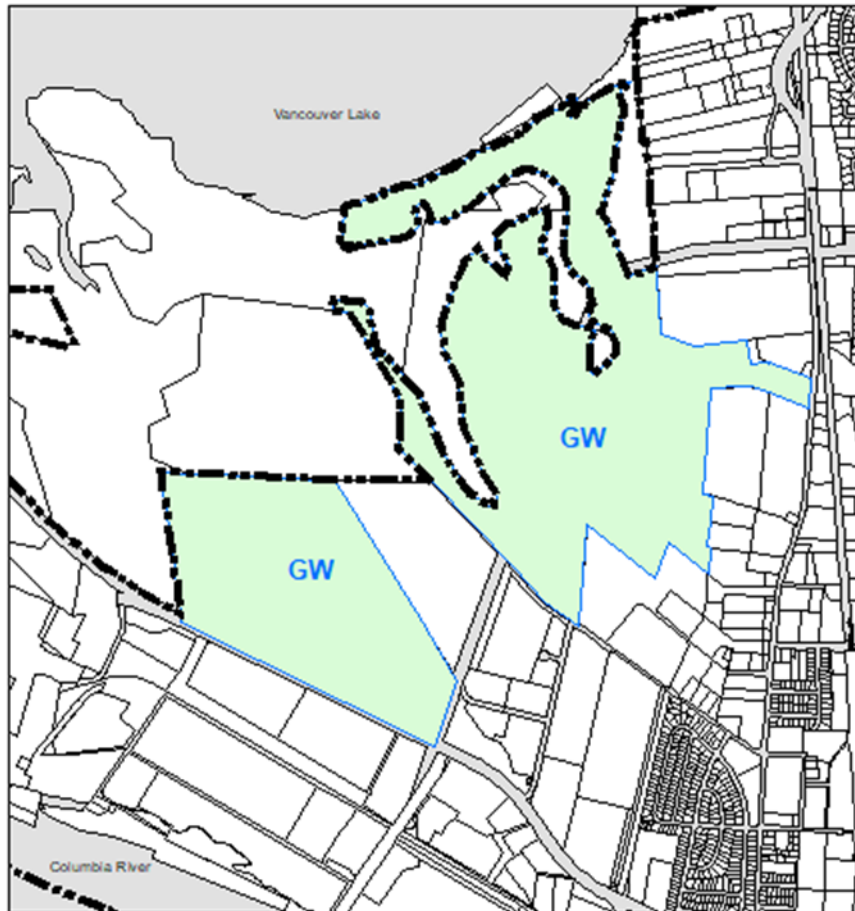
office or space associated with the primary use on the property, but for no other purpose, providing that the applicant demonstrates compliance with the following criteria:

1. The temporary structure shall be located within the boundaries of the parcel of land on which it is located;
2. The property to be used for a temporary structure shall already be developed;
3. There exists adequate and safe ingress and egress when combined with the other uses of the property; as required by Chapter [20.985](#) VMC, Vision Clearance;
4. There exists adequate parking for the customers or users of the temporary use as required by Chapter [20.945](#) VMC, Off-Street Parking;
5. The use will pose no hazard to pedestrians in the area of the use;
6. 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 [20.935](#) VMC, Off-Site Impacts;
7. The use can adequately be served by sewer or septic system and water, if applicable; and
8. The length of time that the temporary building will be used is the maximum needed to address the hardship but no longer than one year. With the exception that a temporary use approval may be renewed once by the Planning Official for a period not to exceed one year as per VMC [20.885.030\(D\)](#), Renewal of approval. (Ord. M-3922 § 40, 07/06/2009; Ord. M-3701 § 28, 05/02/2005; Ord. M-3643, 01/26/2004)


1. 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;
2. The use is permitted in the underlying zoning district or within the approved event site;
3. The applicant has proof of the property owner's permission to place the temporary use on the property;
4. 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 [20.945.070](#), Parking and Loading;
5. The temporary use will not interfere with adequate vision clearance, as governed by Chapter [20.985](#) VMC, Vision Clearance, and shall not obstruct pedestrian access on public rights-of-way;


6. The applicant agrees to comply with any conditions that may be required by building official and/or fire marshal to determine for compliance with minimum building, fire and life safety codes; and
7. Adequate provisions for trash disposal and sanitary facilities shall be provided.
8. 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 20.935 VMC, Off-Site Impacts;
9. The use can adequately be served by sewer or septic system and water, if applicable.
10. For seasonal and special events, the event occurs for no longer than 30 days in a calendar year on the approved event site;

**ATTACHMENT B - PROPOSED AMENDED VANCOUVER LAKE GREENWAY DISTRICT ZONING TEXT  
FIGURE**



0 500 1,000 2,000 Feet

 Greenway District Boundary

 City Limits

**Vancouver Lake Greenway District**

**FIGURE  
20.450-2**



## ATTACHMENT C - PUBLIC COMMENTS RECEIVED

-----Original Message-----

From: laretta howell <howlalala@yahoo.com>

Sent: Thursday, September 8, 2022 1:42 PM

To: Snodgrass, Bryan <Bryan.Snodgrass@cityofvancouver.us>

Subject: Re: **Central Park overlay district**

Would I be right in assuming that a 40% ratio of multifamily homes is higher than the average in Vancouver Washington? That high ratio of multi family homes built at a time when parking requirements were low has had an impact on available parking in our community. The city is now allowing multi family to be developed with, in my opinion, inadequate on-site parking which would make our parking problem even worse . What concerns me is that in an attempt to make up for the lack of affordable housing the city allows owners on single family but larger than average lots to build tiny homes without adequate parking on site. Could you address that concern? Thank you.

Sent from my iPad

> On Sep 7, 2022, at 4:25 PM, Snodgrass, Bryan <[Bryan.Snodgrass@cityofvancouver.us](mailto:Bryan.Snodgrass@cityofvancouver.us)> wrote:

>

> I have not been able to find any record of the original request and don't know what form it would have been conveyed in. I did find the attached staff report for the original overlay establishment which may have some background information

>