



Regulatory Improvement Code Amendment Package 6

RICAP 6

Planning and Sustainability
Commission Hearing

April 22, 2014



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.



Tonight's Agenda

- All Items (other than short-term rentals)
 - Staff presentation
 - testimony
 - PSC action
- Short-Term Rentals
 - Staff presentation
 - testimony
 - PSC action



Public Involvement

Published Public *Discussion Draft* on January 6, 2014

7 week review and comment period:

- Public notice
- Met with coalitions and neighborhoods
- PSC, HLC, and DZ Commission briefings
- Public open house
- Spoke to over 350 people
- Received over 100 written comments

Published *Proposed Draft* on March 21, 2014



Amendment Categories

RICAP 6 Item Number and Name	Proposed Amendment
Minor Policy Items – These items include changes to existing policy or are more substantive in nature.	
Minor Policy Items	
12-14 Short Term Bundle	Clarify language to allow 1 and 2 units for larger rentals.
18 Radio Frequency Facilities	Clarify language on RF emissions, objective standards.
20-24 Temporary Uses Bundle	Address building relocations, construction staging, commercial filming, warming/cooling centers. Clarify applicability of time limits. Restructure chapter.
25 Environmental zone development standards for MCDD projects	Extend Airport Plan District resource enhancement development standards to drainage district projects that occur outside the Airport Plan District.
35, 36 Revocable Permits	Establish a process to allow revocable permits that do not expire to continue as non-conforming uses.
43 Public Art for Ground Floor Windows Added	Remove the requirement to obtain an adjustment for Regional Arts and Culture Council approved public art in lieu of meeting ground floor window requirement.
44 Application of Zoning Code in right-of-way Added	Apply the zoning code to the public right-of-way in the historic resources overlay zone.
No Amendments	
Non-amendments	
10 Mechanical	Code needs additional clarification.
26 Allowing the placement of large wood in resource enhancement projects that meet environmental development standards.	The variability of circumstances for each project necessitates review on a case-by-case basis to ensure ecological, hydrological and public safety considerations are properly evaluated.
27 Use of Community Design Standards in Conservation Districts	State law allows the City to apply design review to large residential and mixed use projects in conservation districts, allowing broader use of the design standards track would be a large policy change.
28 Main street corridor overlay – retail uses	Requested clarification is not necessary and could result in unintended misapplication of the code.
32 Johnson Creek Density Transfer	The code has been affirmed by the Land Use Board of Appeals and meets the original intent of the regulation as adopted.
38 Land Use Review Comment Periods	The code provides a window of time for comments and case processing, informational handouts will be clarified.
39 Type IIX Appeal decision time	The difference between Type II and IIX reviews accounts for the increased bureau coordination while ensuring that the state-mandated 120-day rule can be met.
42 Clarify Guest House vs. Accessory Dwelling Unit	Both terms are necessary to ensure accessory structures with all the amenities of a dwelling unit meet the Accessory Dwelling Unit (ADU) standards.
5-7, 9 Fence Bundle	No amendment proposed to 3.5 foot fence height. Other fence regulation clarifications were included as described in the Clarification Items.

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2 Transitional	Clarify language for transitional house development.
3 Setbacks for Wall-mounted Mechanical Equipment	Clarify that mechanical units cannot be located in setbacks.
4 Base Zone Design Standards – Garage Wall	Clarify how the 50 percent garage limitation applies for different residential structure types (attached house, detached houses, duplexes).
5-7, 9 Fence Bundle	Correct Figure 110-15 to accurately reflect current fence height regulation. Clarify fence height requirement in front/street setback for multi-dwelling zones. (No amendments to fence height regulations are proposed.)
8 Maximum Height in RH zones	Clarify applicability of the various RH zone height limits.
11 Accessory Home Occupations	Clarify most activities associated with a home occupation must occur on site to better enforce/limit activities occurring in the right-of-way.
15 Community Design Standards cross-reference	Clarify applicable standards for residential projects in RH, RX, C, E zones. Make exterior finish material language more consistent.
16 Convenience Stores	Clarify the responsible party, notification procedures, and address changes in store ownership. Make Neighborhood Contact requirements more consistent.
17 Interior Parking Lot Landscaping configuration	Revise figure for better clarity.
19 Recreational Fields for Organized Sports, Conditional Use Threshold	Clarify that spectator seating is calculated separate from other exterior improvements for purposes of Conditional Use thresholds. Restructure chapter.
29 Plan Districts and Overlay Zones with Design Overlay Zone	Provide consistent references for when design review is required in the various plan districts and overlay zones.
30 Columbia South Shore – retail sales	Clarify limits for retail sales in EG2/IG2 zones within the Columbia South Shore Plan District.
31 Columbia South Shore – truck parking in setback	Clarify that the Airport Way setback applies to heavy truck parking.
33 Land Division Approval Criteria in Potential Landslide Hazard Areas	Clarify that development on sites be located on areas rendered suitable to limit landslide risk. Clarify the circumstances under which any final plat can be voided.
34 Regulations in Effect at Application	Clarify that the section applies to all applications and addresses how newly adopted regulations are applied.
37 Historic Landmarks Commission and Design Commission membership	Correct membership number (from 8 to 7) to reflect current membership composition.
40 Missing information in Notice of Type III Decision	Add notification requirements for Type III decisions, consistent with other existing land use decision notices.
41 Conditional Uses – change within use category	Clarify what constitutes a change of use within the use category.
45 Comprehensive Plan Map Amendments Added	Correct the approval criteria for Comprehensive Plan Map amendments to include the requirement that the proposed map amendment must also be in conformance with Statewide Land Use Planning Goals.

Minor policy items

- Radio frequency (cell tower) facilities
- Temporary Uses
- Bank restoration standards (Columbia Slough)
- Revocable Permits
- Public Art in lieu of Ground Floor Windows
- Historic resource review in the public right-of-way



Minor policy items

Radio frequency facilities (cell towers)

RICAP amendments:

- Replace ERP thresholds
- Distinguish “personal wireless services” from “radio / tv broadcast facilities”
- Defer to FCC emission standards
- Allow limited modifications to existing facilities



Minor policy items

47 U.S.C. §1455

“a State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that *does not substantially change the physical dimensions* of such tower or base station.”



Minor policy items

Proposed change

(Per memo dated April 22, 2014)

Allows modifications that “Do not substantially change the physical dimensions of the tower, pursuant to 47 U.S.C. §1455...”



Minor policy items

Temporary Activities

These amendments address:

- Warming/cooling centers
- Temporary filming
- Construction staging
- Clarified time limits



Minor policy items

Bank restoration standards

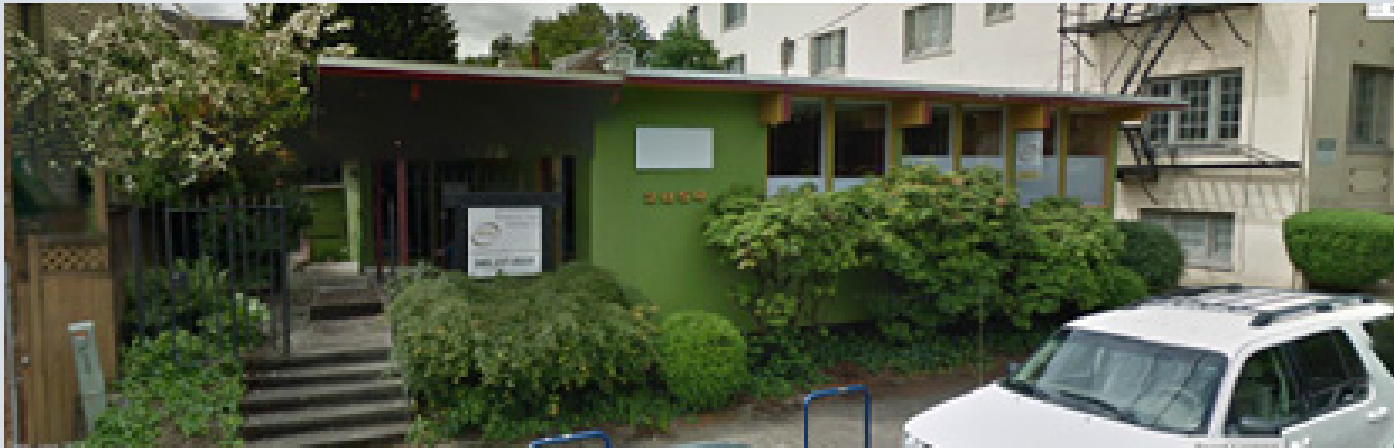
- These amendments create standards to allow bank restoration projects initiated by BES or the Drainage District, through a permit instead of environmental review.



Minor policy items

Revocable Permits

- This amendment treats these situations like other non-conforming uses and development



Professional office use in RH zone



Minor policy items

Public Art in lieu of Ground Floor Windows

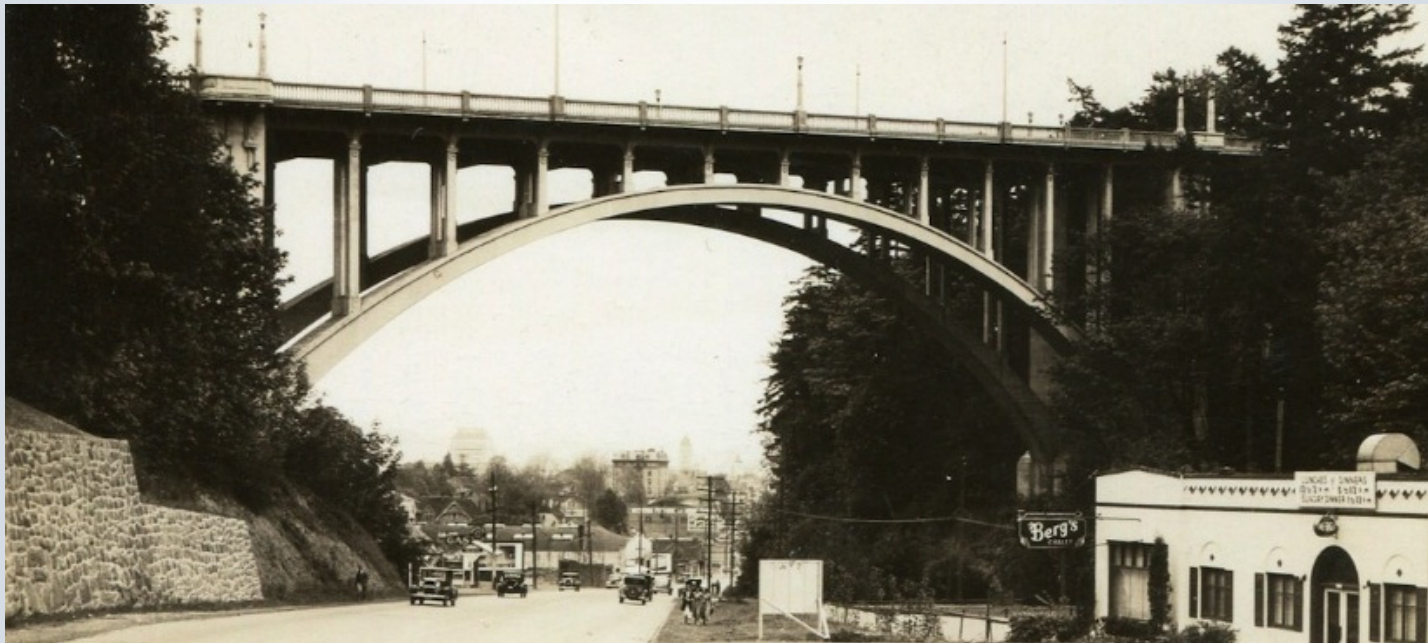


- This amendment eliminates the need for a land use adjustment, when public art has been approved by the Regional Arts and Culture Council.



Minor policy items

Historic resource review in the public right-of-way



Vista Bridge



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RICAP 6

3



RICAP 6 – Staff Recommendation

Approve RICAP 6, with the exception of items #12-14 (short term rentals) as follows:

- Amend the Proposed Draft for Item #18 (RF Facilities), as shown in the April 22, 2014 staff memo;
- Recommend that City Council adopt the Proposed Draft as amended, and amend the Zoning Code as shown in the Draft (excluding Items #12-14); and
- Direct staff to refine recommended code language and commentary as necessary.







RICAP 6

Accessory Short-Term Rentals

Planning and Sustainability Commission Hearing
April 22, 2014



Bureau of Planning and Sustainability
Innovation. Collaboration. Practical Solutions.



Rental Types

~~Long Term
(more than
30 days)~~

Short Term
(less than
30 days)



Short-Term Rental Internet Sites



Peer-to-Peer Rentals



Currently, these short-term rentals are regulated as Bed and Breakfast Facilities

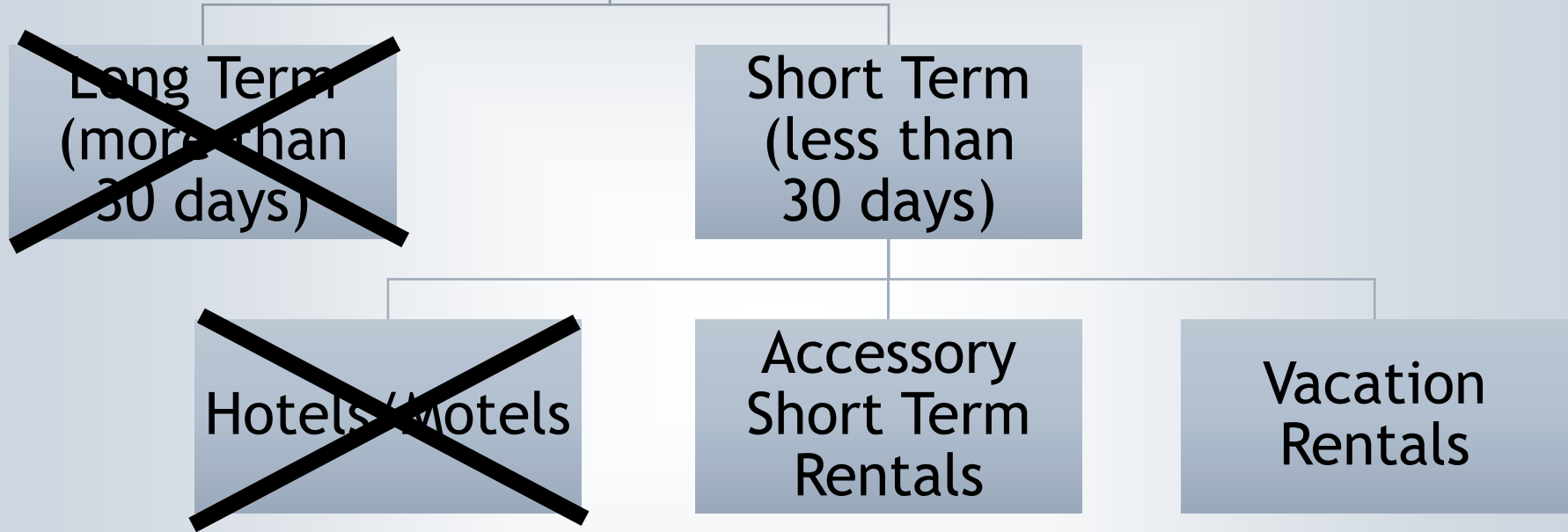


Type II Conditional Use Review

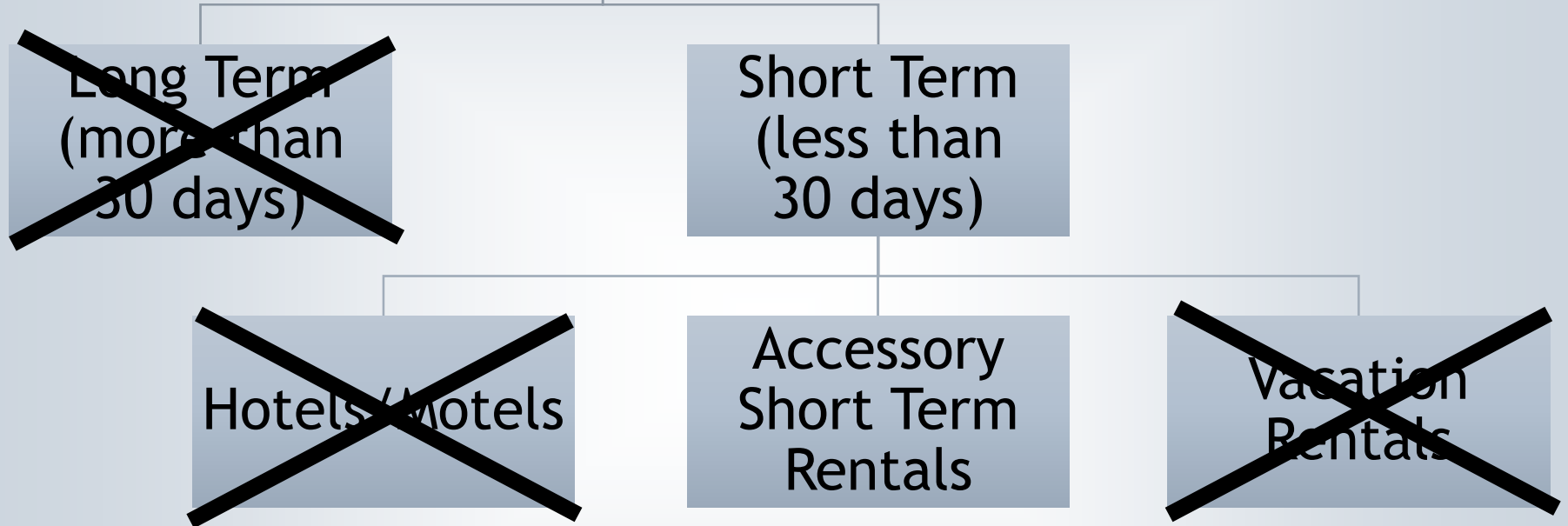
- Administrative land use decision
- Appealable to Hearings Officer
- 8-10 week process
- Fee: \$4130
- Public notice sent to property owners and recognized organizations within 150 feet



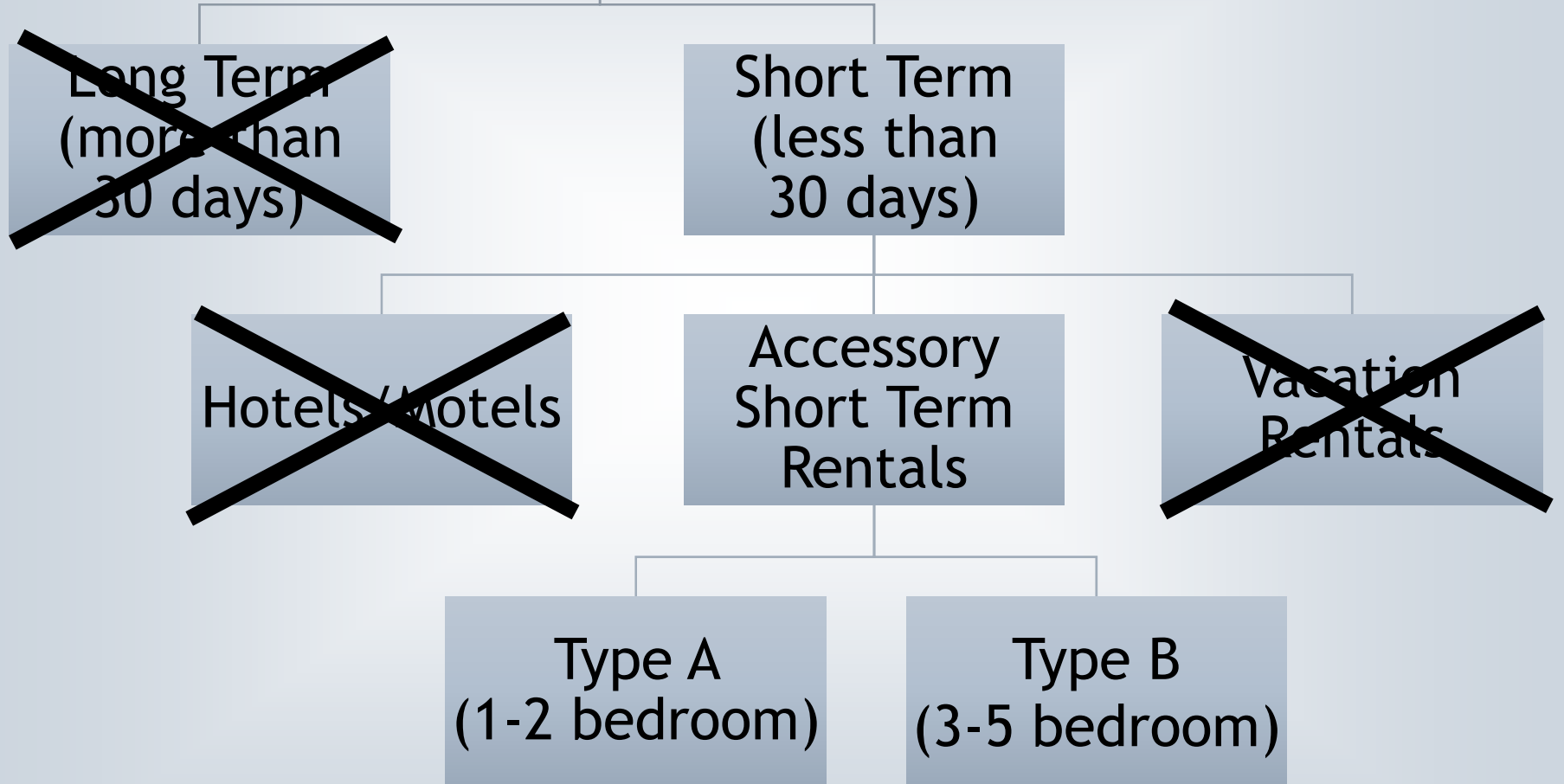
Rental Types



Rental Types



Rental Types



Proposed Type A Accessory Short-Term Rental Regulations

1. Accessory Use
2. Building Types
3. Bedroom Requirements
4. Process
5. Required Notice
6. Number of Guests
7. Home Occupations
8. Employees
9. Commercial Meetings
10. Private Social Gatherings



1. Accessory Use

Allow as accessory to residential use.

This means that the individual or family who operate the Accessory Short-Term Rental must occupy the unit as their primary residence.



2. Building Type

- Houses
- Attached Houses
- Duplexes
- Manufactured Homes
- Accessory Dwelling Units (ADUs)



3. Legal Bedrooms*

* amended by April 8, 2014 memo

Language in the Proposed Draft:

The operator of an accessory short-term rental can only rent legal bedrooms.



3. Bedroom Requirements*

* as amended in April 8, 2014 memo

The operator of an accessory short-term rental can only rent bedrooms that BDS has verified:

- Met the building code requirements for sleeping rooms at the time they were created or converted; and
- Have smoke detectors that are interconnected with smoke detectors in adjacent hallways.



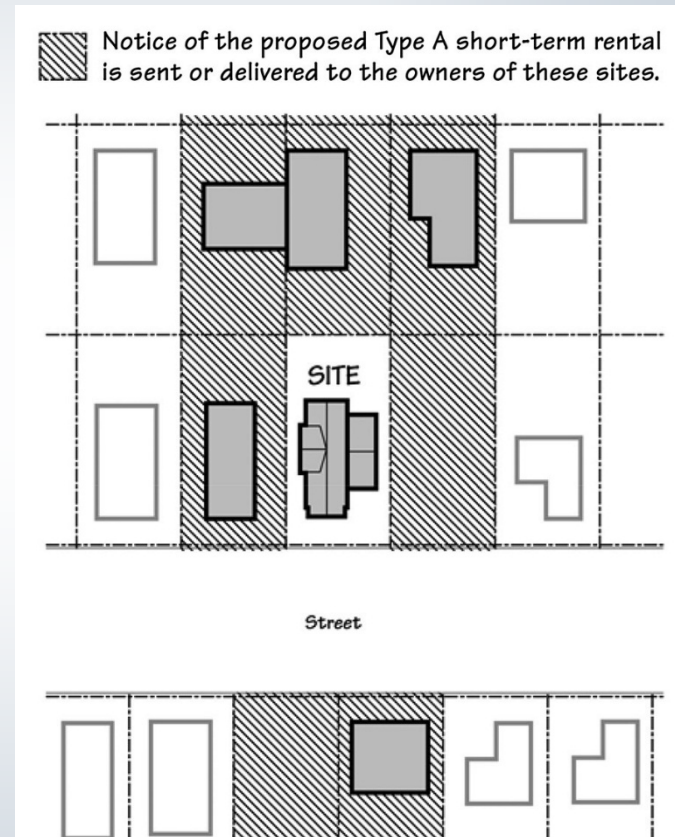
4. Type A Accessory Short-Term Rental Permit

- Administrative permit
- 1-2 week process
- Inspection required
- Renewal required every 2 years
- Estimated fee: \$180
- May be revoked for failure to comply with the regulations



5. Required Notice

Operator sends a notice to all recognized organizations and owners of property abutting or across the street from the residence.



6. Number of Guests

Maximum number of guests is the same as what is currently allowed in a household:

“One or more persons related by blood, marriage, legal adoption or guardianship, plus not more than 5 additional persons, who live together in one dwelling unit...”



7. Home Occupations

Do not allow in conjunction with an Accessory Home Occupation.



Employees, Meetings, and Gatherings

8. Nonresident employees are not allowed.
9. Commercial meetings are not allowed.
10. Private Social Gatherings are not limited.



Staff Recommendation

Approve items #12-14 (short-term rentals) in RICAP 6 as follows:

- Amend the Proposed Draft for items #12-14, as shown in the April 8, 2014 staff memo;
- Recommend that City Council adopt the Proposed Draft for items #12-14, as amended, and amend the Zoning Code as shown in the Draft; and
- Direct staff to continue refining code and commentary, as necessary.

