

City Council Meeting Agenda

November 18, 2024

In accordance with the Open Public Meetings Act (OPMA), the Vancouver City Council meeting will be open to in-person attendance. Options for viewing and/or participating in the meeting remotely will also be accommodated. The City Council will be attending this meeting in person.

All City Council workshops and meetings are broadcast ([live closed captioning available](#)), CVTV cable channels 23 / HD 323, and on the [City's Facebook page](#).

Public testimony will be accepted regarding any matter on the agenda below. Advance registration will be required.

Unless otherwise announced by the Presiding Officer, each speaker may testify once for up to three minutes under each public testimony opportunity below and will be asked to provide their name and city of residence for the record.

Testimony will be accepted in the following manner:

- **Written comments submitted in advance:** [Email comments to the City Council](#) until 12:00 p.m. November 18, 2024. Comments will be compiled and sent to the City Council and entered into the record.
- **In-person or remote testimony during the meeting:** Register in-person at City Hall. In-person registration is open until 6:30 p.m. on November 18, 2024. Instructions will be provided on-site. Register to testify online. Online registration is open until 12:00 p.m. on November 18, 2024.

Visit the [city's website](#) for more information and to register under Public Participation or call the City Manager's Office at (360) 487-8600.

Further instructions for accessing the virtual meeting (for remote testimony) will be provided upon registration.

Upon request, printouts of agenda materials will be provided, including large print.

Workshops: 4:00-6:00 p.m.

Vancouver City Hall - Council Chambers - 415 W 6th Street, Vancouver WA

State Legislative Agenda

(Approximately 30 minutes)

Aaron Lande, Program and Policy Development Manager, aaron.lande@cityofvancouver.us

Comprehensive Plan Update

(Approximately 1.5 hours, to immediately follow the previous workshop)

Rebecca Kennedy, Deputy Community Development Director, Mark Person, Senior Planner, rebecca.kennedy@cityofvancouver.us, mark.person@cityofvancouver.us

Council Dinner / Administrative Updates (6:00-6:30 p.m.)

Regular Council Meeting

6:30 PM

Vancouver City Hall - Council Chambers - 415 W 6th Street, Vancouver WA

Pledge of Allegiance

Call to Order and Roll Call

Approval of Minutes

Minutes - November 4, 2024

Proclamations

Small Business Saturday

Transgender Day of Remembrance

Native American Heritage Day and Month

Community Communication

This is the place on the agenda where the public is invited to speak to Council regarding any matter on the Agenda not already scheduled for Public Hearing. (Separate instructions are provided for offering testimony on Public Hearing when applicable.) This includes the option to testify about Workshops. Members of the public addressing Council are requested to give their name and city of residence for the audio record. Speakers are to limit their testimony to a total of three minutes for all items combined.

Consent Agenda

The following items will be passed by a single motion to approve all listed actions and resolutions. There will be no discussion on these items unless requested by Council. If discussion is requested, the item will be moved from the Consent Agenda and considered separately – after the motion has been made and passed to approve the remaining items.

1. Bid Award - Jefferson-Kauffman Realignment Project Per Bid #24-39 (Project # PRJ071247)

Staff Report: 228-24

Request: On November 18, 2024, award a construction contract for the Jefferson-Kauffman Realignment project to the lowest responsive and responsible bidder, Midway Underground LLC, of Toledo, Washington, USA at their bid price of \$6,805,028.39, which includes Washington State sales tax, and authorize the City Manager, or designee, to execute the same.

Jessica Hild, Senior Civil Engineer, Hassan Abdalla, Engineering Manager,
Jessica.Hild@cityofvancouver.us, hassan.abdalla@cityofvancouver.us

2. Bid Award - SE 34th Street Safety and Mobility Project, Per Bid #24-42 (Project

Staff Report: 229-24

Request: On November 18, 2024, award a construction contract for the SE 34th Street Safety and Mobility project to the lowest responsive and responsible bidder, Advanced Excavating Specialists, LLC of Kelso, Washington, USA at their bid price of \$1,049,470.00, which includes Washington State sales tax, and authorize the City Manager, or designee, to execute the same.

Jessica Hild, Senior Civil Engineer, Hassan Abdalla, Engineering Manager,
Jessica.Hild@cityofvancouver.us, hassan.abdalla@cityofvancouver.us

3. Contract Amendment - Washington State Government Relations Contract with Arbutus Consulting LLC, C-100454

Staff Report: 230-24

Request: Authorize the City Manager or designee to increase the contract by \$82,000 to a not-to-exceed amount of \$415,500, and amend the end date of the contract to August 31, 2025.

Aaron Lande, Program and Policy Development Manager,
aaron.lande@cityofvancouver.us

4. Interlocal Agreement – Between the City of Vancouver and the Clark County Emergency Medical Services District #2 for the Provision of Ambulance Transport

Staff Report: 231-24

Request: On Monday, November 18, 2024, authorize the City Manager, or designee, to approve the interlocal agreement ("Interlocal Agreement") between the City and EMSD2 for the provision of ambulance transport services with a term of January 1, 2025, through December 31, 2025.

Brennan Blue, Fire Chief, Michelle Bresee, Senior Management Analyst,
brennan.blue@cityofvancouver.us, michelle.bresee@cityofvancouver.us

5. Approval of Vancouver Housing Authority Bond for Cascara Apartments

A RESOLUTION providing approval solely for purposes of section 147(f) of the internal revenue code, of the issuance of revenue obligations by the Housing Authority of the City of Vancouver in the principal amount of not to exceed \$20,000,000, to finance the acquisition of a multifamily housing project to provide housing for low-income persons.

Staff Report: 232-24

Request: On Monday, November 18, 2024, adopt a resolution providing approval solely for purposes of Section 147(f) of the Internal Revenue code, of the issuance of revenue obligations by the Housing Authority of the City of Vancouver for the purchase of Cascara Apartments.

Samantha Whitley, Housing Programs Manager, Hayley Woodbridge, Associate Housing Project Coordinator, samantha.whitley@cityofvancouver.us,
hayley.woodbridge@cityofvancouver.us

6. Resolution Updating Boundaries of the Vancouver Arts District

A RESOLUTION relating to the expansion of the Vancouver Arts District.

Staff Report: 233-24

Request: On Monday, November 18, 2024, approve a Resolution updating boundaries of the Vancouver Arts District.

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

7. Resolution of Minor Adjustments to the City's Financial Policies

A RESOLUTION adopting and modifying certain City of Vancouver Financial Policies.

Staff Report: 234-24

Request: On Monday, November 18, 2024, approve the attached Resolution and the accompanying updated City Financial Policies.

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

8. Right-of-way Vacation – SE 194th Avenue

A RESOLUTION fixing December 9, 2024, as the date for a public hearing on a proposal to vacate public right-of-way associated with SE 194th Avenue, on the north side of the SE 13th Street right-of-way, located within the Southwest Quarter of Section 32, Township 2 North, Range 3 East, Willamette Meridian, City of Vancouver, Clark County, Washington.

AN ORDINANCE vacating the right-of-way associated with SE 194th Avenue, on the north side of the SE 13th Street right-of-way, located within the Southwest Quarter of Section 32, Township 2 North, Range 3 East, Willamette Meridian, City of Vancouver, Clark County, Washington, described more particularly in Exhibit A; and providing for an effective date.

Staff Report: 235-24

Request: On November 18, 2024, adopt a resolution of intent and advance the ordinance on first reading to vacate a portion of public right-of-way associated with SE 194th Avenue located within the Southwest Quarter of Section 32, Township 2 North, Range 3 East, Willamette Meridian, setting the date for a public hearing and second ordinance reading on December 9, 2024.

Ryan Lopossa, Streets and Transportation Manager,
ryan.lopossa@cityofvancouver.us

9. Telecommunications Commission Meeting Schedule Amendment

AN ORDINANCE amending Vancouver Municipal Code 5.19.310 to change the number of required annual meetings of the Vancouver Clark Telecommunications Commission (VCTC); to provide clarity to other existing provisions; to provide for severability; and setting an effective date.

Staff Report: 236-24

Request: On November 18, 2024, advance ordinance on first reading, setting date of second reading and public hearing for December 2, 2024.

Aaron Lande, Program and Policy Development Manager,
aaron.lande@cityofvancouver.us

10. Ordinance for Multifamily Tax Exemption - Fourth Plain Target Area Boundary Amendment

AN ORDINANCE of the City of Vancouver relating to changes to the City's Multi-Family Housing Tax Exemption Program (MFTE); adopting corrections to the Fourth Plain Target Area Boundary amending Section 3.22.030, of the Vancouver Municipal Code (VMC); providing for severability; and setting an immediate effective date.

Staff Report: 237-24

Request: On Monday, November 18, 2024, advance the ordinance, expanding the boundary of the Fourth Plain residential target area of the multifamily tax exemption program on first reading, setting the date of second reading and public hearing for December 2, 2024.

Bryan Monroe, Associate Housing Project Coordinator,
bryan.monroe@cityofvancouver.us

11. Ordinance Updating Vancouver's Tax Administration Code

AN ORDINANCE relating to tax administration; adding a new chapter 5.01 to the Vancouver Municipal Code; enacting new sections 5.01.010, 5.01.015, 5.01.020, 5.01.040, 5.01.050, 5.01.060, 5.01.070, 5.01.080, 5.01.090, 5.01.095, 5.01.100, 5.01.110, 5.01.120, 5.01.130, 5.01.140, 5.01.160, 5.01.170, 5.01.180, 5.01.190, 5.01.200, 5.01.210, 5.01.220, 5.01.240, 5.01.250, 5.01.260; repealing sections 5.04.100, 5.04.150, 5.04.155, 5.04.160, 5.04.170, 5.04.180, 5.04.190, 5.04.200, 5.04.210, 5.04.220, 5.04.230, 5.04.240, 5.04.250, 5.87.010, 5.87.020, 5.87.030, 5.87.040, 5.87.050, 5.87.060, 5.87.070, 5.87.080, 5.87.090, 5.87.100, 5.87.110, and 5.87.120; and providing for savings, severability and effective date.

Staff Report: 238-24

Request: On November 18, 2024, advance the ordinance on first reading and set a date of December 2, 2024, setting the second reading and public hearing for December 2, 2024.

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

12. Ordinance Establishing a Business & Occupation Tax on Retail to Fund Homeless Bridge

Shelter

AN ORDINANCE relating to business and occupation tax for revenue; adding a new chapter 5.03 to the Vancouver Municipal Code; enacting new sections VMC 5.03.010, 5.03.020, 5.03.028, 5.03.030, 5.03.050, 5.03.070, 5.03.076, 5.03.077, 5.03.078, 5.03.079, 5.03.100, 5.03.120, and 5.03.130; repealing sections 5.04.021, 5.04.030, 5.04.031, 5.04.032, 5.04.050, and 5.04.060; amending the title of chapter 5.04 of the Vancouver Municipal Code; and providing for savings, severability, referendum, and an effective date.

Staff Report: 239-24

Request: On November 18, 2024, advance the ordinance on first reading and set a date of December 2, 2024, for second reading and public hearing.

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

13. Ordinance for Utility Licenses & Taxes

AN ORDINANCE relating to utility taxes; adding a new chapter 5.10 to the Vancouver Municipal Code; enacting new sections VMC 5.10.010, 5.10.020, 5.10.030, 5.10.040, 5.10.045, 5.10.050, 5.10.060, 5.10.070, 5.10.080, 5.10.090, 5.10.100; repealing VMC sections 5.68.010, 5.68.020, 5.68.030, 5.68.040, 5.68.050, 5.68.055, 5.68.100, 5.68.110, 5.88.010, 5.88.020, 5.88.030, 5.88.035, 5.88.040, 5.88.050, 5.88.075, 5.88.100, 5.92.010, 5.92.020, 5.92.030, 5.92.040, 5.93.010, 5.93.010, 5.94.010, 5.94.020, 5.94.030, 5.94.040, 5.94.080, 5.96.010, 5.96.020, 5.96.030, 5.96.040, 5.96.090; and providing for savings, severability, referendum, and an effective date.

Staff Report: 240-24

Request: On November 18, 2024, advance the ordinance on first reading and set a date of December 2, 2024, for second reading and public hearing.

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

14. Ordinance Implementing Admissions Tax

AN ORDINANCE relating to admissions taxes; adding a new chapter 5.90 to the Vancouver Municipal Code; enacting new sections VMC 5.90.010, 5.90.020, 5.90.030, 5.90.040, 5.90.050, 5.90.060, 5.90.070, 5.90.080, 5.90.090, 5.90.100; providing for severability and an effective date.

Staff Report: 241-24

Request: On Monday, November 18, 2024, advance the ordinance on first reading, setting the second reading and public hearing for December 2, 2024.

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

15. Ordinance Implementing Parking Tax

AN ORDINANCE relating to parking taxes; adding a new chapter 5.07 to VMC; enacting new

sections VMC 5.07.010, 5.07.020, 5.07.030, 5.07.040, 5.07.050, 5.07.060; and providing for severability and an effective date.

Staff Report: 242-24

Request: On Monday, November 18, 2024, advance the ordinance on first reading, setting the second reading and public hearing for December 2, 2024.

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

16. Ordinance for Assumption of Costs for Electronic Payments by Customers

AN ORDINANCE relating to electronic payment fees; amending VMC 3.08.065; providing for severability and an effective date.

Staff Report: 243-24

Request: On Monday, November 18, 2024, advance the ordinance on first reading, setting the second reading and public hearing for December 2, 2024.

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

17. Ordinance Creating Vancouver Cultural Access Program and Cultural Access Sales Tax

AN ORDINANCE relating to a Vancouver Cultural Access Program; adding a new chapter 3.45 to the Vancouver Municipal Code; enacting new sections 3.45.010, 3.45.020, 3.45.030, 3.45.040, and 3.45.050; providing for severability and an effective date.

Staff Report: 244-24

Request: On Monday, November 18, 2024, advance the ordinance on first reading, setting the second reading and public hearing for December 2, 2024.

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

18. Ordinance Increasing Fees for Special Licensing

AN ORDINANCE relating to special license fees for Carnivals and Traveling Shows (ch. 5.18 VMC), Food Vendors (ch. 5.34 VMC), Bill Posting and Distribution of Handbills (ch. 5.38 VMC), Secondhand Dealers (ch. 5.46 VMC), Pawnbrokers (ch. 5.48 VMC), Peddlers, Solicitors, and Canvassers (ch. 5.50 VMC), Motion Picture Shows and Theaters (ch. 5.54 VMC), Collection of Recyclable Materials (ch. 5.62 VMC), Taxi & Transportation Network Companies (ch. 5.76 VMC), Ambulances (ch. 5.85 VMC), and Tow Truck Operators (ch. 5.86 VMC); amending VMC 5.18.040, 5.34.040, 5.38.010, 5.46.070, 5.48.020, 5.50.040, 5.50.060, 5.54.010, 5.62.020, 5.76.225, 5.85.100, 5.86.100; providing for savings, severability and an effective date.

Staff Report: 245-24

Request: On Monday, November 18, 2024, advance the ordinance on first reading, setting the second reading and public hearing for December 2, 2024.

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

19. Ordinance Amending VMC 20.180.060, Planning Fees, to Add Certain Land Use Review Fees and Adjust Other Certain Existing Land Use Review Fees, Consistent with the Council's Direction to Appropriately Set and Collect Fees for Services, with Said Changes to be Effective January 1, 2025

AN ORDINANCE relating to plan review fees adding several new fees and adjusting other existing fees to bring them closer in line with fees for services; providing for savings, severability and an effective date.

Staff Report: 246-24

Request: On Monday, November 18, 2024, advance the ordinance and approve the attached Planning Fee Changes, to be effective January 1, 2025, setting second reading and a public hearing on December 2, 2024.

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

20. Ordinance Updating to the Vancouver Municipal Code Sections 14.04.210, 14.04.230, and 14.09.060 for Water, Sewer and Surface Water Proposed Utility Rate Changes for 2025 and 2026

AN ORDINANCE related to the water, sewer and surface water utility user rates, amending Vancouver Municipal Code sections 14.04.210, 14.04.230, and 14.09.060; and providing for savings, severability, and an effective date.

Staff Report: 247-24

Request: On Monday, November 18, 2024, advance the proposed ordinance and amend the Vancouver Municipal Code sections 14.04.210, 14.04.230, and 14.09.060 on first reading, setting the second reading and public hearing on December 2, 2024.

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

21. Ordinance Amending VMC Title 16, Pertaining to Fire-Related Construction Permits and Fire Code Operational Permits, Fire Protection System Reviews, Consistent with the Council's Direction to Appropriately Set and Collect Fees for Services, with Said Changes to be Effective January 1, 2025

AN ORDINANCE relating to amendments to the Fire Code to consolidate the development review standards and fire code requirements, to bring the ordinance more closely into alignment with the Washington State Fire Code, to clarify the reasonable right of entry process for non-responsive parties for commercial fire and life safety inspections, to provide for limited technical assistance fire review, to streamline and clearly outline the process for special hazards, and provide general code cleanup; providing for savings, severability and an effective date.

Staff Report: 248-24

Request: On Monday, November 18, 2024, advance the ordinance and adopt the attached VMC Title 16 amendments, to be effective January 1, 2025, setting the second reading and public hearing for December 2, 2024.

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

22. Ordinance Amending VMC Title 17, Pertaining to Fire-Related Construction Permits and Fire Code Operational Permits, Fire Protection System Reviews, Consistent with the Council's Direction to Appropriately Set and Collect Fees for Services, with Said Changes to be Effective January 1, 2025

AN ORDINANCE relating to the adjustment of existing fees to more accurately align with the programs cost recovery goals, adding several new fees to reflect evolving technology and more accurately capture staff time for project related review, including technical assistance review and providing for limited expedited permit review; providing for savings, severability and an effective date.

Staff Report: 249-24

Request: On Monday, November 18, 2024, advance the ordinance and adopt the attached VMC Title 17 amendments, to be effective January 1, 2025, setting the second reading and public hearing for December 2, 2024.

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

23. 2025-2026 City of Vancouver Biennial Operating and Capital Budget

AN ORDINANCE relating to and adopting the budget for the City of Vancouver for the 2025-2026 fiscal biennium; providing for ratification and for an effective date.

Staff Report: 250-24

Request: On Monday, November 18, approve ordinance on first reading, setting date of second reading and public hearing for Monday, December 2.

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

24. Vancouver Food Carts Mixed Use Master Plan

AN ORDINANCE rendering findings and issuing a decision on a proposed mixed use master plan and a Phase 1 site plan with zone change, located at 4906 NE 72nd Avenue, Vancouver, Washington; and providing for severability and an effective date.

Staff Report: 251-24

Request: On Monday, November 18, 2024, advance the ordinance on first reading, setting date of second reading and quasi-judicial public hearing for December 2, 2024.

Kristian Corbin, Senior Planner, kristian.corbin@cityofvancouver.us

25. Approval of Claim Vouchers

Request: Approve claim vouchers for November 18, 2024.

Public Hearings

The following item(s) are scheduled for public hearing. Members of the public addressing Council are requested to give their name and city of residence for the audio record. Unless otherwise announced by the Presiding Officer, speakers are to limit their testimony to three minutes for each public hearing.

26. Ordinance for Proposed Amendments to Chapter 5.85 of the Vancouver Municipal Code, Business Licenses and Regulations: Ambulances

AN ORDINANCE of the City of Vancouver relating to the amendment of ambulance services regulations set forth in the Vancouver Municipal Code (VMC) Chapter 5.85, amending VMC Sections 5.85.020, 5.85.040, 5.85.050, 5.85.130, 5.85.140, 5.85.150 and 5.85.160, and setting an effective date of January 1, 2025.

Staff Report: 223-24

Request: On Monday, November 18, 2024, upon second reading and a public hearing, approve the ordinance to approve amendments to Chapter 5.85 of the Vancouver Municipal Code ("VMC"), effective January 1, 2025.

Michelle Bresee, Senior Management Analyst, michelle.bresee@cityofvancouver.us

27. Property Tax Levy for 2025

AN ORDINANCE relating to the annual property tax levy; authorizing an increase of 1.0% in the City's regular levy from the amount levied the previous year; and providing for an effective date.

Staff Report: 224-24

Request: On Monday, November 18, 2024, upon second reading and a public hearing, approve the ordinance.

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

28. Property Tax Affordable Housing Levy for 2025

AN ORDINANCE relating to the annual property tax levy; authorizing an increase of 0.0% in the City's Affordable Housing Fund levy from the amount levied the previous year; and providing for an effective date.

Staff Report: 225-24

Request: On Monday, November 18, 2024, upon second reading and a public hearing, approve the ordinance.

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

29. Ad Valorem Taxes for 2025

AN ORDINANCE fixing and levying the amount of ad valorem taxes necessary to balance estimated revenue with estimated expenditures for the 2025/2026 Budget for the City of Vancouver; providing for alternative levies depending on whether Proposition No. 4 is approved or rejected by the registered voters of the City of Vancouver; and providing for an effective date.

Staff Report: 226-24

Request: On Monday, November 18, 2024, upon second reading and a public hearing, approve

the ordinance.

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

30. Preservation of Levy Capacity for Exempt Property for 2025

AN ORDINANCE authorizing an increase in tax levy pursuant to RCW 84.55.120 and an increase in limit factor for maximum levy capacity pursuant to RCW 84.55.092.

Staff Report: 227-24

Request: On Monday, November 18, 2024, upon second reading and a public hearing, approve the ordinance.

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

Communications

- A. From the Council**
- B. From the Mayor**
- C. From the City Manager**

2025 Clark County Transportation Alliance Policy Statement

Adjournment

City Hall is served by C-TRAN. Route information and schedules are available online at www.c-tran.com. You also may reach C-TRAN at (360) 695-0123 for more information on times, fares, and routes.

Anyone needing language interpretation services or accommodations with a disability at a Vancouver City Council meeting may contact the City Manager's staff at (360) 487-8600 (RELAY: 711). Assistive listening devices and live Closed Captioning are available for the deaf, hard of hearing and general public use. Please notify a staff person if you wish to use one of the devices. Every attempt at reasonable accommodation will be made. To request this agenda in another format, please also contact the phone numbers listed above.



2025 Draft State Legislative Agenda

Aaron Lande
Policy and Program Manager
City Manager's Office

November 18th, 2024

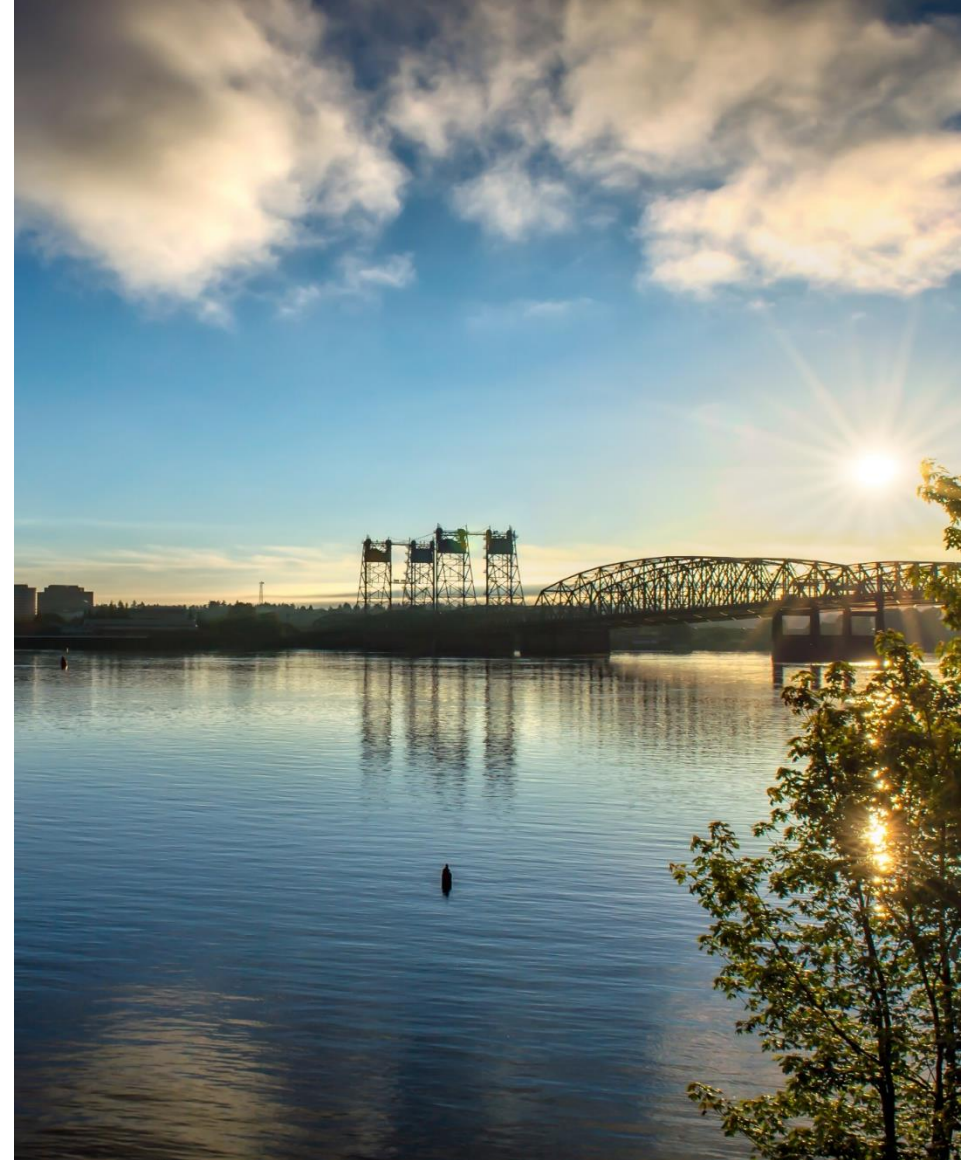


Brian Enslow
Principal
Arbutus Consulting

Transportation and Mobility

General Principles

- Sustain state transportation funding
- Support expansion of local authority
- Preserve investment in the Transportation Investment Board and Freight Mobility Strategic Investment Board



Transportation and Mobility

Action Items

Transportation Benefit District authority

- Support councilmanic authority to increase revenue for investment in a jurisdiction's transportation network.

Transit-Oriented Development

- Encourage high-capacity transit-oriented development in coordination with the creation of crucial community benefits.

Garrison Sidewalk

- Advance funding to to the 2025-2026 biennium to ensure that we can complete this needed improvement in the next two years.



Economic Opportunity

Support a consistent regulatory environment, the expansion of workforce training, and increased support for education to produce the workforce of tomorrow



Housing and Human Needs

General Principles

- Reduce or remove barriers to increased and varied housing types
- Address predatory rent increases and cost prohibitive fees and fines
- Increase housing affordability
- Apply existing housing expectations to all UGAs
- Awareness that cities are assuming increased responsibility for providing direct homelessness response



Housing and Human Needs

Action Items

Funding for Affordable Homes:

- Support a significant investment in the capital budget to construct and maintain affordable housing for low-income households and to provide necessary supportive services.

Condominium Construction:

- Seek solutions to the identified liability issues to remove barriers to construction of new condominiums to provide additional paths to homeownership.

Future Annexations

- Ensure better coordination of development standards between unincorporated UGAs and cities to facilitate future annexations.



Vibrant and Distinct Neighborhoods

General Principles

- Allow for the continued development and preservation of the unique variety of places
- Maintain access to existing spaces and have the policy levers to activate new spaces to create places for the community to enjoy nature, art, culture, food, and shopping

Actions Items

Waterfront Gateway Plaza

- This district is one of the largest undeveloped properties in the area
- The plaza will create a sense of place, with public art highlighting Vancouver's rich history and cultural diversity
- The City is seeking **\$2 million** to leverage general fund dollars to complete the project



Culture and Heritage

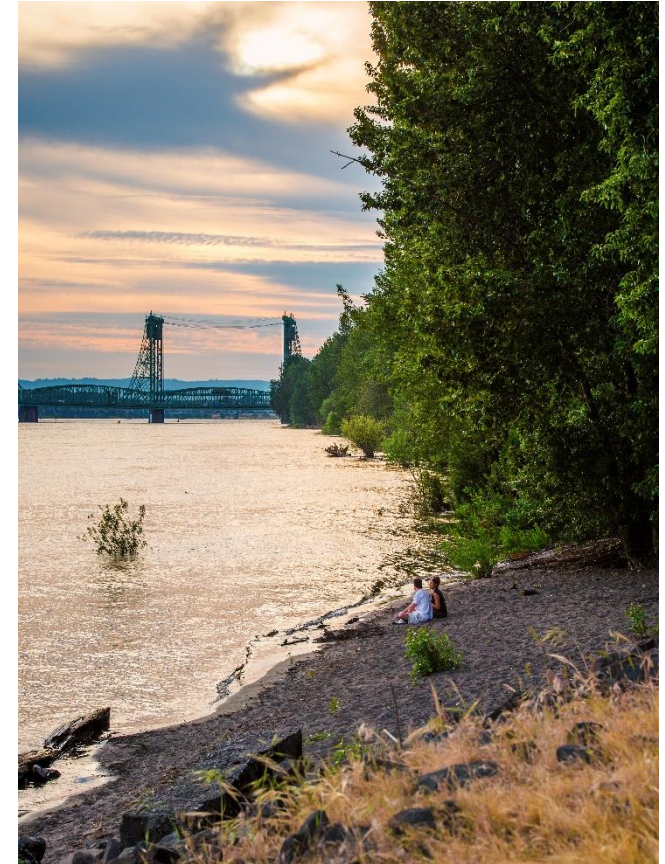
Expand opportunities for the community to learn about different cultures and experiences, through public events, museums, cultural centers, concerts and exhibits



Safe and Prepared Community

General Principles

- Advocate for continued state resources to support the goal of a community safe from violence and crime
- Plan for disaster and crisis
- Seek state partnership as we plan and prepare and prove ready to adapt to change



Safe and Prepared Communities

Action Items

Changes to Public Defense Standards

- Provide an increase in direct state funding to local public defense programs
- Increase the number of available public defenders to meet the increased demand

Regional Public Safety Training Academy

- Advocate for a permanent regional public safety training academy
- Support the training needs of other public safety functions, such as state patrol, fire, and EMS services

Declared Emergency Response

- Fund revenue tools to allow local governments to have the resources necessary to respond to declared public emergencies



Climate and Natural Systems

General Principles

- Move both the public and private sectors towards lower carbon solutions and mitigate the impacts of climate change that our community is already experiencing
- Support a statewide systemic approach to product stewardship

Actions Items

Production Stewardship

- Supports a statewide systemic approach to recycling that ensures those who manufacture, design, consume or sell products are also responsible for reducing impacts to the environment, economy, public health, and safety



High Performing Government

General Principles

- Empower local government to address local issues with local solutions
- Providing localities with appropriate and effective revenue and regulatory tools to ensure the City has the resources needed to accomplish the work required of local government
- Fund work assigned by past and future state legislatures



High Performing Government

Action Items

Property Tax

- Revise the property tax cap to better align with inflation, up to 3%.

Addressing the Structural Deficit

- Explore progressive taxing options.
- Address the impact on municipal budgets of binding arbitration.

Lodging Tax Increase

- Allow for an expanded or additional special lodging tax authority for visitor and cultural facilities.



Thank You



City of Vancouver 2025 State Legislative Priorities

Transportation and Mobility

Vancouver's growing population and increasing density, partially the result of past amendments to the Growth Management Act (GMA), requires increased investments in multiple transportation modes, including transit. We support sustainable state transportation funding in the form of direct distributions and grant opportunities to fund new projects and the maintenance and preservation of local roads, the expansion of local authority to raise the necessary revenue pay for transit and transportation investments, and continued investment in the Transportation Investment Board and Freight Mobility Strategic Investment Board.



Transportation Benefit District authority Policy Item

Expand Transportation Benefit District councilmanic authority to increase revenue for investment in a jurisdiction's transportation network to address the need and complexity of serving a diverse and rapidly growing community.

Transit-Oriented Development | Policy Item

Create a policy framework that encourages high-capacity transit-oriented development in coordination with the creation of crucial community benefits, such as affordable housing, fees in lieu of housing for commercial developments, multi-modal transportation options, parks and open spaces, green buildings and infrastructure, and increased school and childcare capacity.

Garrison Sidewalk | Budget Adjustment

Advance to the 2025-2026 biennial budget state funds previously designated in the 2029-2030 budget for sidewalk improvements along Garrison Road north of Mill Plain Blvd. Completion of these improvements will connect the many neighborhood multi-family developments with C-TRAN's Mill Plain Vine BRT and the many retail establishments located along the Mill Plain Corridor. Advancing the state funds will also allow the City to take advantage of \$350,000 in funding through the Federal Highways Administration Transportation Alternatives program (TAP) that have been earmarked for expenditure in 2024-2025. Delaying the project to 2029 will most likely put the TAP funds in jeopardy.

Economic Opportunity

Maintain an environment that encourages a wide variety of businesses of all sizes, from young startups to established enterprises, to grow and thrive. The City supports a consistent regulatory environment, the expansion of workforce training, and increased support for education to produce the workforce of tomorrow.



One of the city's many small businesses in central Vancouver.

Housing and Human Needs

Recognizing that the housing affordability crisis and the homelessness crisis are intertwined, the City urges a focus on both that ensures they are not in competition with each other, either with policy or funding. The City supports policies that reduce or remove barriers to increased and varied housing types, address predatory rent increases and cost prohibitive fees and fines, increase housing affordability, and apply existing housing expectations to all UGAs. Housing is a statewide issue that requires statewide solutions. New rules intended to address the housing crisis should thus be applied statewide.

The City also asks for awareness that cities are assuming increased responsibility for providing direct homelessness response and the need for additional direct state support, new local revenue sources to fund homelessness response, and the creation of additional policy tools for the express purpose of providing direct homelessness response efforts.



Vancouver's fourth Safe Stay Community opened Dec. 2023 and provides shelter for up to 40 people.

Funding for affordable homes | Budget Item

Support a significant investment in the capital budget to construct and maintain affordable housing for low-income households and to provide necessary supportive services. This could include a new Real Estate Excise Tax (REET) increment dedicated to affordable housing or allowing for a waiver of system development charges for affordable housing projects.

Construction defect liability | Policy Item

Build on SB 5058 to exempt detached cottage clusters with structures no more than two stories tall from the multifamily construction defect regulations. Adopt a graduated statute of limitations that have shorter liability terms for less critical builder defects as a way of decreasing financial exposure of contractors while still providing meaningful consumer protections.

Condominium construction | Policy Item

Seek solutions to identified liability issues to remove barriers to construction of new condominiums that provide additional paths to homeownership, while maintaining appropriate levels of developer defect responsibility to protect the value of private investments.

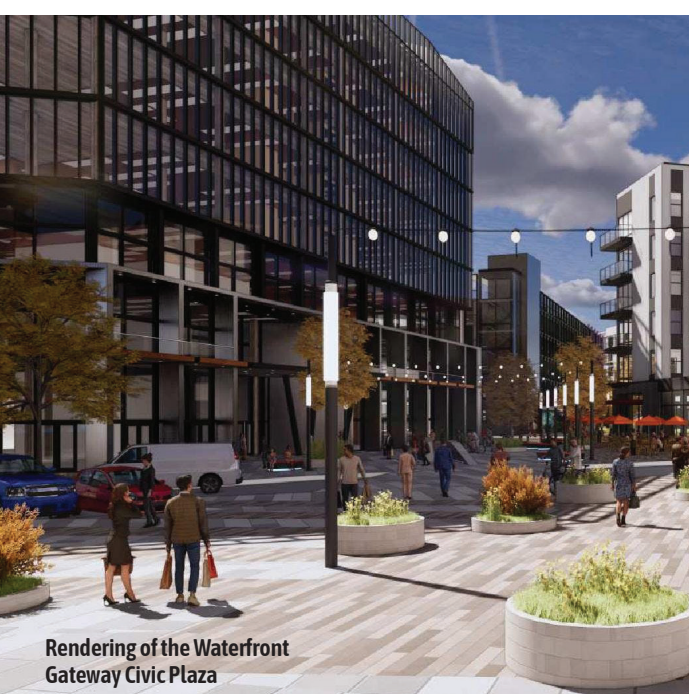
Facilitation of future annexations Policy Item

The City believes that annexation laws should encourage the incorporation of urban areas designated under the GMA. To that end, the City supports legislation to ensure better coordination of development standards between unincorporated UGAs and cities to facilitate future annexations by requiring counties to apply city development standards in unincorporated UGAs.

Rendering of the Waterfront Gateway Civic Plaza



Vibrant and Distinct Neighborhoods



Rendering of the Waterfront Gateway Civic Plaza

The City supports additional policy tools and resources that allow for the continued development and preservation of the unique variety of places and spaces that make up Vancouver. As the community continues its evolution from suburban community to urban center, it is critical that Vancouver both maintains access to existing spaces and has policy levers to create and activate new spaces where the community can enjoy nature, art, culture, food, services, and shopping.

Waterfront Gateway Plaza Capital Budget Request

Building upon the highly successful waterfront redevelopment, the City is transforming an adjacent 6.4 acres of city-owned, vacant land in downtown Vancouver into the Waterfront Gateway district. This district is one of the largest undeveloped properties in the area and will include mixed-income housing, retail, office, and a two-acre public plaza at its center. The plaza will create a sense of place, with public art highlighting Vancouver's history and cultural diversity and serve as a flexible event space for year-round events. The City is seeking \$2 million to leverage general fund dollars to complete the project.

Culture and Heritage

Vancouver supports policies and resources to expand opportunities for the community to learn about different cultures and experiences, through public events, museums, cultural centers, concerts and exhibits.



Dancers at the annual Vancouver Arts & Music Festival

Safe and Prepared Community

Recognizing that our community desires to feel that our city is a safe place to live, work, learn, and play, the City advocates for continued state resources to support the goal of a community safe from violence and crime. We also acknowledge that we must plan for disaster and crisis and ask that the state serve as a policy and financial partner as we plan and prepare and prove ready to adapt to change.

Changes to Public Defense caseload standards | Policy Item

The City agrees with the concerns raised about the current state of public defense and seeks to work with the State to increase the availability and quality of public defenders. With the possibility of state-imposed reductions in public defender caseload limits, the City asks for an increase in direct state funding to local public defense programs to cover increased costs. The City also supports efforts to significantly increase the number of available public defenders to meet the increased demand.

Regional Public Safety Training Academy Budget Item

The City joins with regional partners in continuing to advocate for a permanent regional public safety training academy that would serve as a law enforcement academy in Southwest Washington and support the training needs of other public safety functions, such as state patrol, fire, and EMS services.

Declared Emergency Response | Policy Item

The past few years have demonstrated that natural disasters are not the only emergencies that local governments must prepare for and respond to. The City urges the provision of dedicated revenue tools to allow local governments to have the resources necessary to respond to declared public emergencies. And the ability to designate all employees of a public agency declaring the emergency as disaster employees will ensure the necessary jurisdictional capacity is in place.

Climate and Natural Systems

The City is a strong supporter of further

legislative policies and increased state funding to move both the public and private sectors towards lower carbon solutions and mitigate the impacts of climate change that our community is already experiencing, including extreme weather and increased forest fires. The City also supports a statewide systemic approach to product stewardship that recognizes the intrinsic value of the land beyond the economic benefits it provides.

Product Stewardship | Policy Item

Vancouver supports a statewide systemic approach to reuse and recycling that ensures those who manufacture, design, consume or sell products are also responsible for reducing impacts to the environment, economy, public health, and safety.

Recreation Grant Funding Policy Item

Echoing the Washington Recreation and Park Association, Vancouver asks the Legislature to maximize funding for state grant programs administered through the Recreation and Conservation Office, including the Washington Wildlife & Recreation Program (WWRP).

Downtown Vancouver shrouded in wildfire smoke, August 2020.



High Performing Government

Vancouver joins our municipal colleagues in supporting legislation that empowers local government to address local issues with local solutions. To do so requires providing localities with appropriate and effective revenue and regulatory tools to ensure local governments have the resources they need to accomplish the work they are responsible for, including work assigned by past state legislatures.

Property Tax | Policy Item

Revise the property tax cap to tie it to inflation, up to 3%, so that local elected officials can adjust the local property tax rate to better serve their communities.

Addressing the structural deficit | Policy Item

Cities across the state are facing budget deficits as a result of the structural deficit inherent to the mix of allowable revenue options and rising operating costs. In addition to exploring progressive taxing options, the Legislature needs to address the increasing pressure that binding arbitration is placing on cities' finances, serving as a significant contributor to these budget deficits. In the current model cost containment is for practical purposes outside the control of local leaders, meaning that cities must look to cut other municipal services to balance budgets. This approach is not sustainable and needs to be addressed at the state level.

Lodging tax authority increase | Policy Item

Vancouver supports changes to the lodging tax authority to allow for an expanded or additional special lodging tax authority for visitor and cultural facilities.



Downtown Vancouver



For more information

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Comprehensive Plan Update City Council Workshop: New Code Framework

Mark Person (he/him), Senior Planner, Community Development

Rebecca Kennedy (she/her), Deputy Director, Community Development

November 18, 2024

Introduction

Agenda

- ➔ Overview of relevant Comp Plan goals
- ➔ Proposed approach / intended outcomes for the new development code
- ➔ Review of districts and relationship to existing Comp Plan designations
- ➔ Components of new code framework
- ➔ Timeline and next steps

Purpose

Provide a high-level overview of the proposed regulatory framework for the new Title 20 Land Use and Development Code



Comp Plan Goals Framework

- Connected, accessible neighborhoods
- Equitable access to opportunity
- Build up not out
- More housing at all income levels
- Bold climate action and equitable adaptation
- Safe, multimodal transportation options
- Community health and quality of life

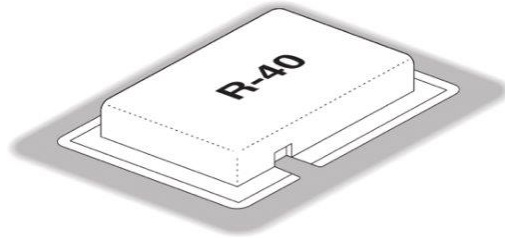
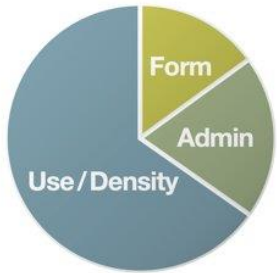


Goals for the new code

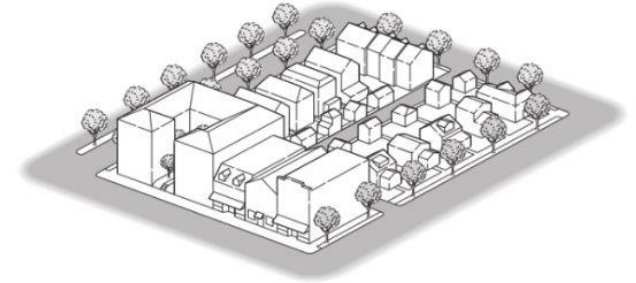
- Develop regulations that lead to high-quality buildings and public spaces by regulating physical form as the organizing principle for the code.
- Allow for the creation of mixed-use neighborhoods where people can access amenities and services close to where they live.
- Focus on aligning impacts rather than segregating uses.
- Allow for variation in the type of new development that gets built in the City – create unique and authentic places.
- Do more with less – reduce complexity of regulations while ensuring high quality outcomes.
- Balance new growth with protection of the natural environment



Existing Approach → New Approach



- Allowed and prohibited uses
- Greater focus on density *maximums*
- Minimum setbacks
- Maximum heights
- Maximum lot coverage
- Minimum parking requirements



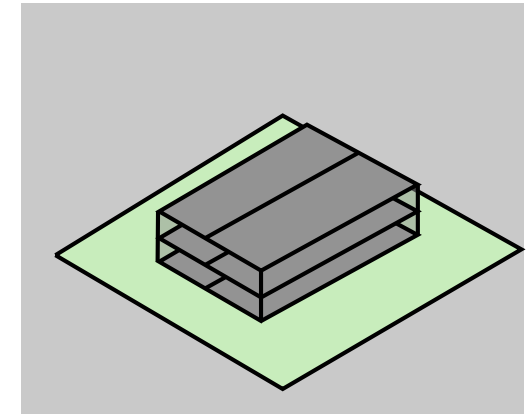
- Mixing allowances / requirements
- Greater focus on density *minimums*
- Building Types
- Build-to Lines
- Maximum heights
- Relationship to street
- Parking *maximums* and location of parking

Anticipated Outcomes

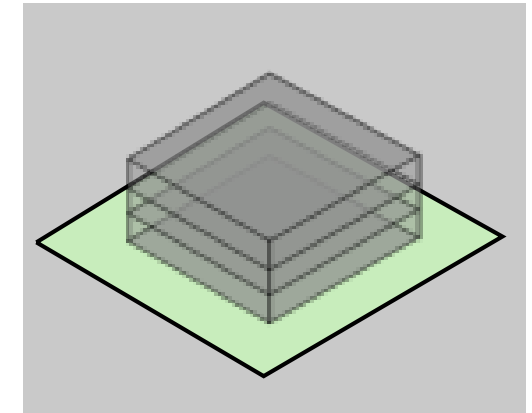
- Changes to make requirements easier and simpler to understand for residents, developers, homebuilders, and staff.
 - ➔ Reduce footnotes, incorporation of graphics to convey more complex concepts
- Simplify zoning districts and overlays
- Incorporation of form-based principles
 - ➔ Focus more on *form* than *use*
 - ➔ Greater attention paid to relationship between buildings and the street
- More neighborhood serving commercial uses within low and medium scale neighborhoods



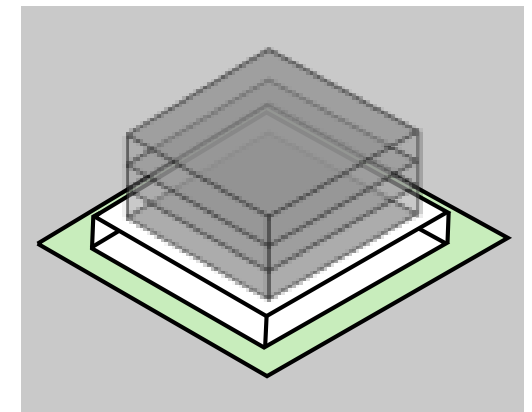
Duplex



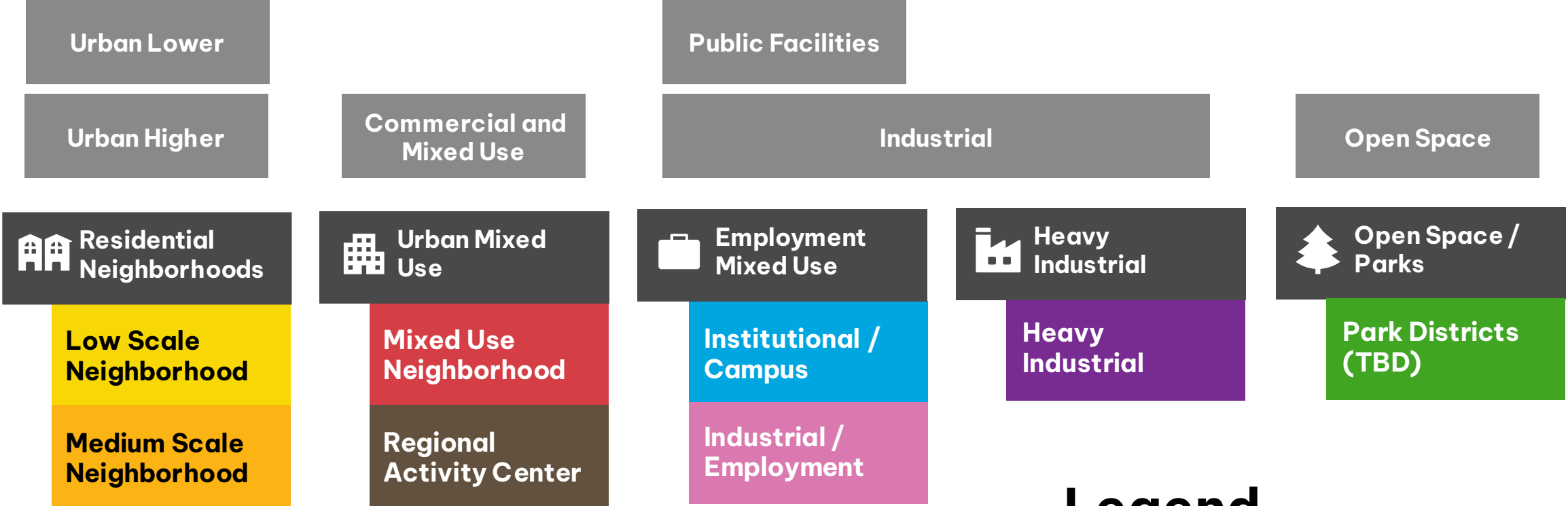
Multi-Family



Podium



Old Designations Vs New Designations + Districts



Legend

- Old Comp Plan Designation
- New Comp Plan Designation
- Place Type / New Zoning District

Percent of Land by Designation (11/7/24)						
Place type	No Build Possibility		Possibility A		Possibility B	
	Growth Nodes & Adjacent Areas	Citywide	Growth Nodes & Adjacent Areas	Citywide	Growth Nodes & Adjacent Areas	Citywide
Low Scale Residential	11%	41%	3%	36%	1%	22%
Medium Scale Residential	10%	11%	14%	16%	11%	26%
Employment/Industrial	21%	12%	20%	12%	15%	10%
Mixed Use	15%	8%	23%	11%	22%	12%
Institutional/Campus	5%	2%	6%	3%	5%	2%
Regional Activity Center	14%	6%	11%	5%	22%	9%
Heavy Industrial	18%	7%	18%	7%	18%	7%
Parks/ Open Space	6%	12%	4%	11%	4%	11%

Notes:

1. Totals of all place types do not equal 100% since Water is not included in this table and percentages were rounded for simplification.
2. Difference in Parks and Open Space between the no Build and Possibilities A and B reflect the removal of P/OP designations on non-publicly accessible green spaces, like private golf courses. In the new growth options, the underlying place type is applied to non-public green spaces. No publicly-accessible P/OP has been removed in future growth options.



Residential Neighborhoods

Existing District	% Total Land Area		New District	Possibility A	Possibility B
R2	1%	41%	Low Scale Neighborhood	36% (-5%)	22% (-19%)
R4	7%				
R6	13%				
R9	20%				
R17	0%				
R18	5%	11%	Med Scale Neighborhood	16% (+5%)	26% (+15%)
R22	4%				
R30	2%				
R35	>1%				
R50	0%				





Urban Mixed Use

Existing District	% Total Land Area		New District	Possibility A	Possibility B
CC	4%	8%	Mixed Use Neighborhood	11% (+3%)	12% (+4%)
CN	>1%				
CG	4%				
CX	1%	6%	Regional Activity Center	5% (-1%)	9% (+3%)
MX	2%				
HX	>1%				
ECX	2%				
RGX	1%				
WX	>1%				





Employment Mixed Use



Heavy Industrial

Existing District	% Total Land Area		New District	Possibility A	Possibility B
CPX	2%	2%	Institutional / Campus	3% (+1%)	2% (no change)
OCI	1%	12%	Industrial / Employment	12% (no change)	10 (-2%)
IL	11%				
IH	7%	7%	Heavy Industrial	7% (no change)	7% (no change)



Note: On slides 9-11, in No Build and both Possibilities, total land area does not total 100%. This is due to Water and Parks and Open space land not being included in totals and rounding of percentages for simplification.

Base Districts

- Fewer base zoning districts overall
- All districts– except Parks and Heavy Industrial – allow some level of mixing
- Base Districts include:
 - ➔ Lot standards, minimum density, maximum height
 - ➔ Building types that guide form, building placement
 - ➔ Use table that regulates allowed uses within districts

Park Districts (TBD)	Lands dedicated to public parks, open spaces, trails and greenways.
Low Scale Neighborhood	1-3 stories. Includes single-family, duplexes, townhouses, quadplexes, and sixplexes, small-scale commercial – cafes, salons, professional services and restaurants.
Medium Scale Neighborhood	2-4 stories. Includes stacked flats, courtyard and multifamily buildings, commercial activities like cafes, restaurants, small offices, and retail.
Mixed Use Neighborhood	3-7 stories. Includes multifamily buildings at a variety of scales, commercial or retail like professional offices, cafes, restaurants, small grocery stores, retail goods, and medical providers.
Regional Activity Center	3-12 stories. Compact mixed-use development that maximizes residential, commercial, and open space. Housing types include multifamily and mid-rise buildings.
Institutional / Campus	2-12 stories. Includes buildings for athletic facilities, event spaces, and accessory uses for institutions. Housing types include townhouses, multifamily and mid-rise buildings.
Industrial / Employment	2-12 stories. Large-scale, single-tenant industrial, warehouse, and flex space and smaller, multi-tenant buildings. Housing types include courtyard apartments, multifamily and mid-rise buildings.
Heavy Industrial	Lands dedicated to heavy industrial uses, including manufacturing and production. Housing is not allowed.

Building Types

- Within each base zone, building types will be allowed or prohibited.
- Building placement, parking placement, pedestrian access, lot coverage, street frontages regulated within building type
- Regulates **type** more than **style/design**



**Single Dwelling
Detached**



Duplex



Cottage Cluster



**Light Industrial /
Distribution**



**Multi-Dwelling
Attached**



Live / Work



Big Box Retail



Flex Use Building



Mixed Use Building



High Rise Residential



Parking Garage

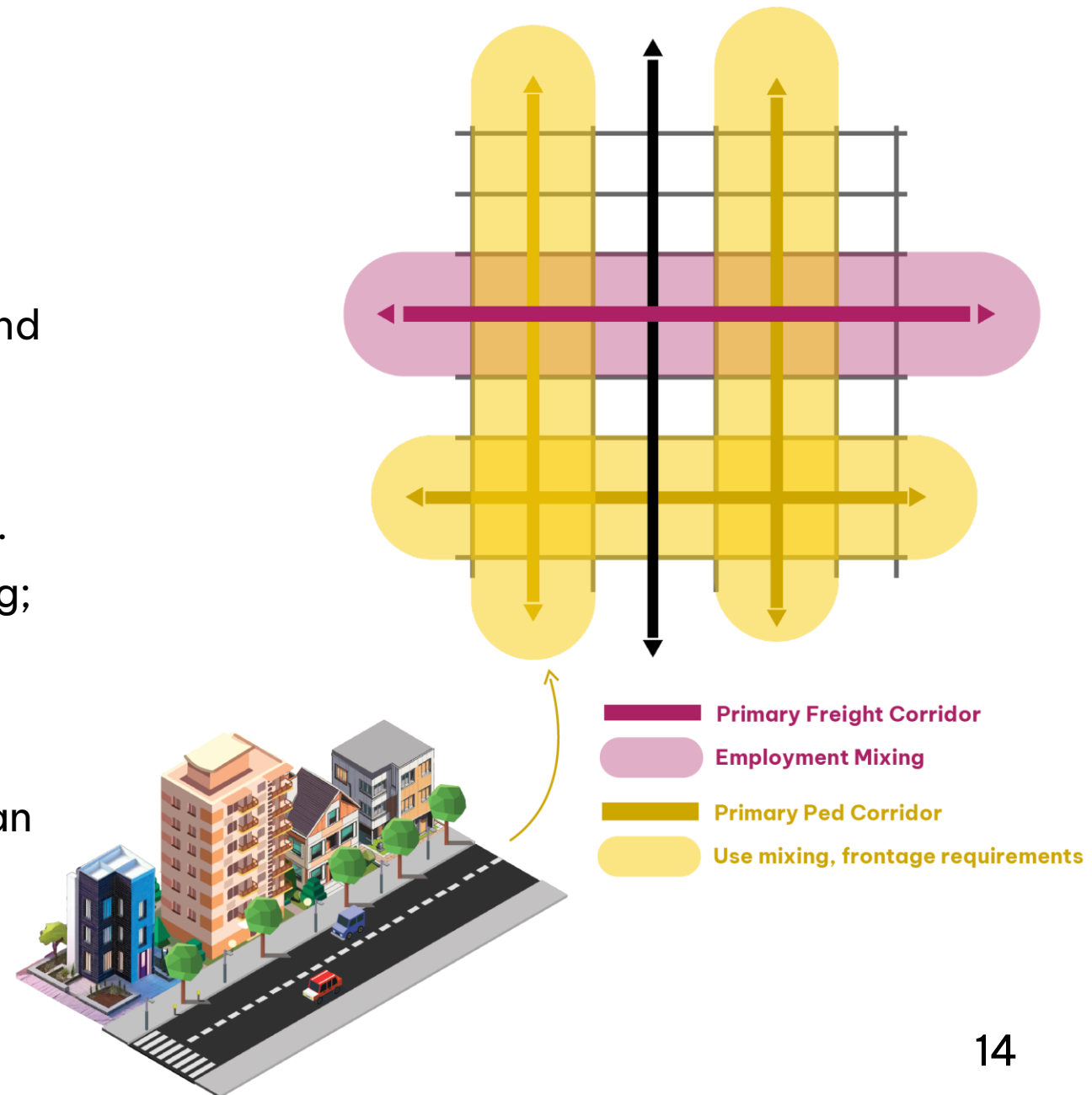


Office Block Building

Overlays

- **Overlays –**

- ➔ Address items that **differ within** zoning districts. For example: street frontage requirements, ground floor activation and mixing requirements, station areas and enhanced transit corridors, etc.
- ➔ Correspond to **hierarchy of nodes**- i.e., different types of centers and corridors.
- ➔ All base zones allow some level of mixing; overlays will **require** this in key areas.
- ➔ Add additional **placed based** design requirements.
- ➔ Accounts for Transportation System Plan **modal networks**, defining building's relationship to street.



Example

Overlays

Mixing requirements, Place specific design requirements, Build-to lines

Use Table

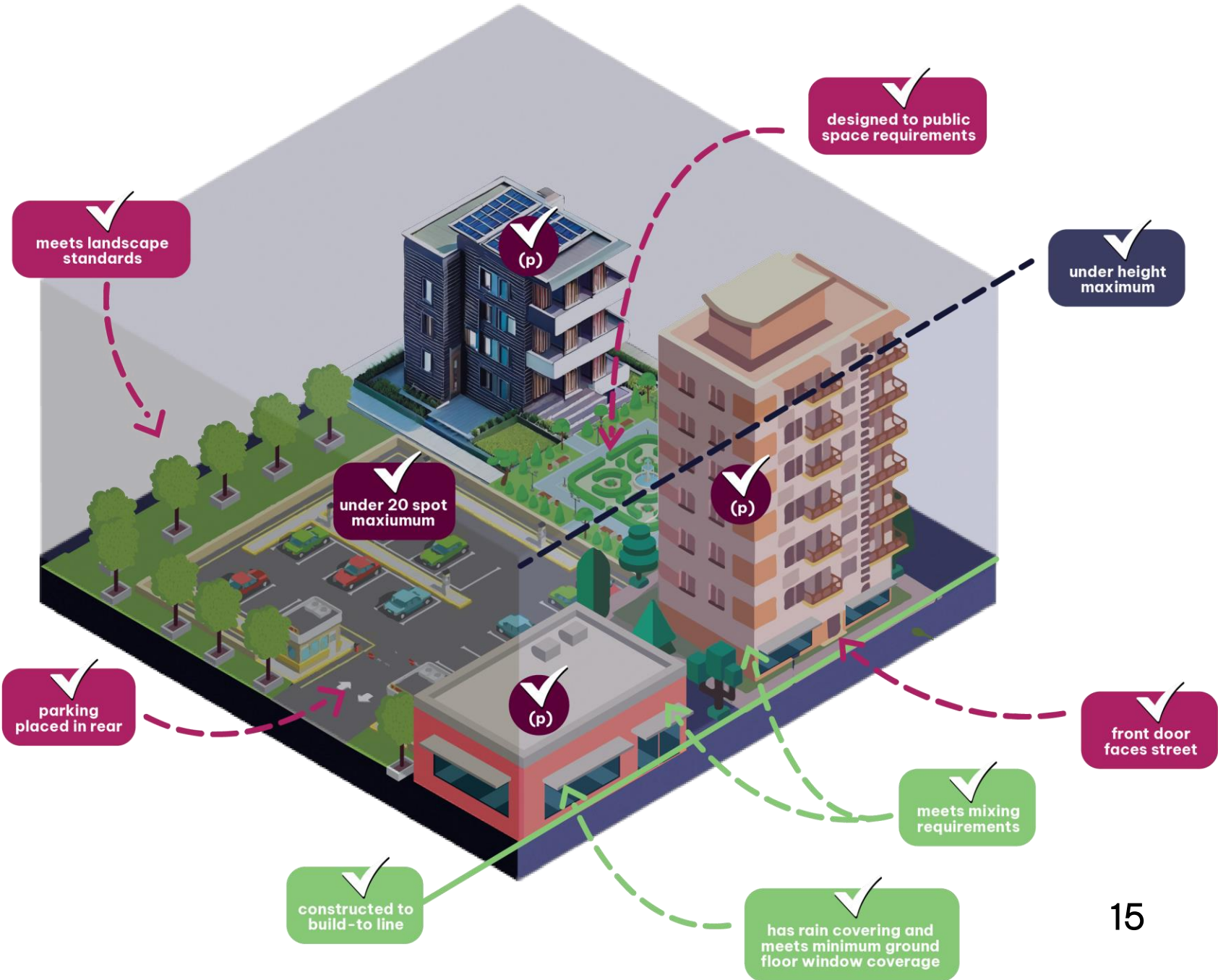
Permitted (p), Conditional (c), and not allowed (x), parking requirements (maximums), and associated use specific requirements

Building Types

Building Placement, Parking placement, pedestrian access, lot coverage, frontages, landscape / public space requirements

Base Zone

Lot Standards, minimum density requirements, maximum height requirements



Code Development Process





Questions and Discussion

www.beheardvancouver.org/plan2045

MEMORANDUM

DATE: November 18, 2024

TO: City Council

FROM: Lon Pluckhahn, City Manager

CC: Rebecca Kennedy, Deputy Director; Mark Person, Senior Planner; Dominique Martinelli, Senior Planner; Community Development Department

RE: **OUR VANCOUVER – Draft Code Framework**

The City of Vancouver's Comprehensive Plan provides the overall long-term vision and policy direction to manage the built and natural environment in Vancouver and provide necessary public facilities to achieve that vision. The City adopted its first comprehensive plan under Washington's Growth Management Act in 1994 (Chapter 36.70A RCW), with a major re-write occurring in 2004, and a less substantive update occurring most recently in 2011. Title 20 of the Vancouver Municipal Code (VMC) serves as the primary vehicle to implement the City's Comprehensive Plan, and by reference, the requirements of the Washington State Growth Management Act (GMA).

Since the comprehensive plan was last updated, new laws under GMA require the City to allow 4-6 units on single family lots (HB 1110), and to plan for and accommodate a minimum of 38,000 new housing units affordable at a range of income bands and 44,000 new jobs by 2045. The City Council has also adopted several policy documents that provide guidance on desired outcomes and goals, including: connected, accessible and equitable neighborhoods; increased housing at all income levels; efficient use of land; safe multimodal transportation options; aggressive climate action and equitable adaptation; increased access to services and opportunities; and prioritizing community health and well being. The City's current land use regulatory framework does not allow us to meet statutory requirements or Council priorities. To achieve these outcomes, the City's regulatory framework must be updated to allow a wider and more diverse range of uses.

The current comprehensive land use map designates types and intensities of uses allowed throughout the City and is broken down into five general designations – Residential (Urban Low Density and Urban High Density), Water, Open Space or Public Facility, Commercial/Mixed Use, and Industrial- that segment uses by geographic district. Seventeen specific zoning districts are nested under these designations. In general, current designations are based on the traditional Euclidian zoning model that aims to segment incompatible land uses based on perceived externalities and impacts, as was common with many cities in the State of Washington and throughout the country at large in the 20th and early 21st centuries. As with many other cities nationally, this pattern of development has both directly and indirectly contributed to sprawling land use patterns, auto

dependency, discrimination in access to housing, and increased energy usage and greenhouse gas emissions (GHG's). Given this, it is necessary to explore alternative methods to regulate land use, including creating new Comprehensive Plan designations and zoning districts that focus more on mixing and integrating land uses, providing flexibility, and allowing for a combination of market driven approaches and regulatory interventions where the private market doesn't deliver outcomes that are critical to meeting the City's policy objectives.

Overview of Districts:

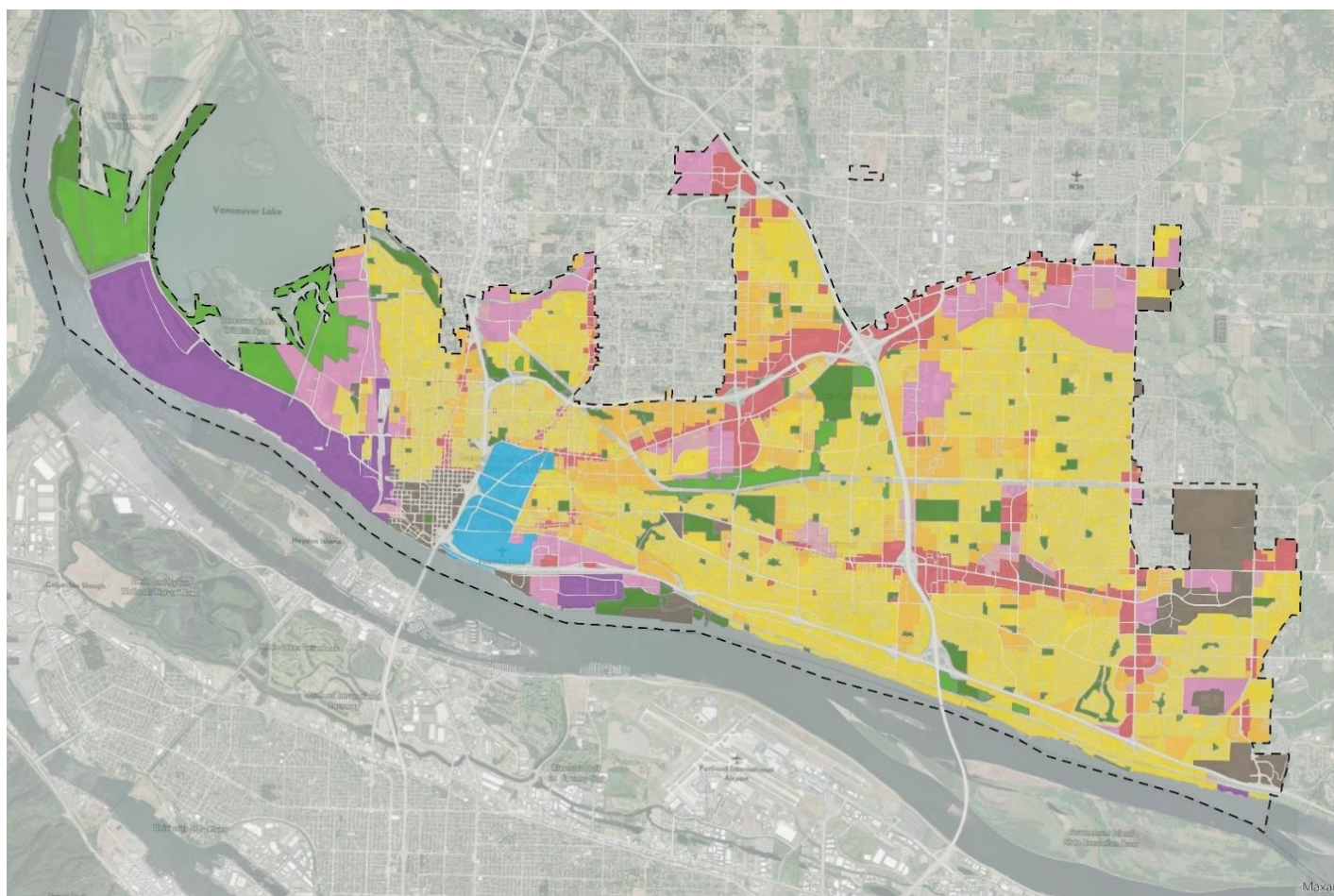


Figure 1: Map showing how existing zoning districts directly convert to the most similar new place types, if no other changes are made.

The City is proposing to utilize a form based approach to regulating land use, rather than the traditional model that focuses on segregation of uses. Under the new regulatory framework, each of the *place types* identified in the land use possibilities would serve as the foundation for the new zoning districts. The City's current zoning framework utilizes 17 distinct zoning districts, and under the proposed approach would be consolidated into 7. Consolidating the number of zoning districts from

17 to 7 will offer several significant benefits for urban development, land use flexibility, and overall administration of the code. By allowing a wider range of uses within these districts, the City can achieve greater flexibility in land use, build more complete neighborhoods, improve urban form, and enhance economic development opportunities. Fewer, broader districts can focus on guiding the character and scale of development—such as building heights, setbacks, and street interface—rather than the codes current heavy focus on restricting specific land uses. This leads to more cohesive neighborhoods where buildings and public spaces complement each other, supporting a more integrated urban fabric. Such environments encourage pedestrian activity, improve public spaces, and create a stronger sense of place.

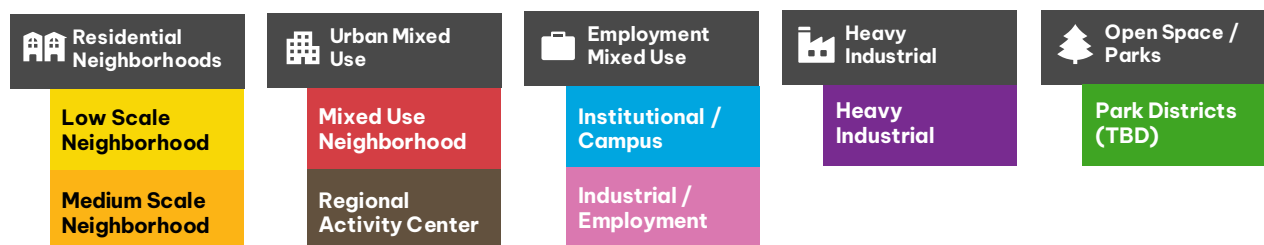


Figure 2: Draft proposed new Comprehensive Plan designations and nested zoning districts (place types).

The table below highlights each of the existing zone districts, their general use allowances, and the percentage of total land area that they take up. Additionally, the table shows how these districts convert to the new zoning districts.

Existing District	Current Allowed Uses	% Total Land Area		New District	Possib A	Possib B
R2	Single Family (1 unit per lot max)	1%	41%	Low Scale Neighborhood	36% (-5%)	22% (-19%)
R4	Single Family (1 unit per lot max)	7%				
R6	Single Family (1 unit per lot max)	13%				
R9	Single Family (1 unit per lot max)	20%				
R17	Single Family (1 unit per lot max)	0%				
R18	Multi-family with some allowances for small lot single family	5%	11%	Med Scale Neighborhood	16% (+5%)	26% (+15%)

Comprehensive Plan Update – Land Use Possibilities

September 9, 2024

Page 4 of 9

R22	Multi-family with some allowances for small lot single family	4%				
R30	Multifamily	2%				
R35	Multifamily	>1%				
R50	Multifamily	0%				
CC	Commercial, with residential allowed above first floor	4%	8%	Mixed Use Neighborhood	11% (+3%)	12% (+4%)
CN	Commercial, with residential allowed above first floor	>1%				
CG	Commercial, with residential allowed above first floor	4%				
CX	Mix of retail, office, and civic uses. Housing allowed above first floor	1%	6%	Regional Activity Center	5% (-1%)	9% (+3%)
MX	Mix of retail, office, and civic uses. Housing allowed above first floor	2%				
HX	Mix of retail, office, and civic uses. Housing allowed above first floor	>1%				
ECX	Mix of retail, office, and civic uses. Housing allowed above first floor	2%				
RGX	Mix of retail, office, and civic uses. Housing allowed above first floor	1%				
WX	Mix of retail, office, and civic uses. Housing allowed above first floor	>1%				
CPX	Parks, government buildings, healthcare, recreation, educational, and cultural facilities.	2%	2%	Institutional / Campus	3% (+1%)	2% (no change)
OCI	Office, commercial, civic and light industrial / warehousing uses.	1%	12%	Industrial / Employment	12%	10% (-2%)

IL	Light Industrial Uses	11%			(no change)	
IH	Heavy Industrial	7%	7%	Heavy Industrial	7% (no change)	7% (no change)

Table 1: Existing zoning districts, with percentage of land area currently zoned for each, and new district equivalent under the proposed land use framework.

Issues with Existing Framework

Currently, 41% of land in the City is dedicated exclusively to single-family residential use and only allows very limited commercial through a planned development (Type IV) process. This has had significant impacts on the city's housing affordability, urban form, walkability, transit access, traffic patterns, and public safety.

Limiting nearly one half of the City to a single use, low intensity development type led to decades of underproduction of housing and created a crisis of housing supply in Vancouver and across Washington State and the west coast broadly. Underproduction, particularly as the City has grown, has led to very low vacancy rates, driving up the cost of housing across all type, size and tenure categories, and contributing to the growth of the houseless community.

Low-density development characterized by larger lots and dispersed housing has created transportation related problems as well. Single family development patterns lead to inefficient use of land, perpetuating patterns of urban sprawl that in turn increase the distance between residential areas and key destinations, such as commercial centers, schools, and public services. The physical separation of uses creates a car-dependent urban form reduces opportunities for walking and using small mobility devices and limits the ability of residents to access essential services without relying on private vehicles.

The lack of mixed-use development also curtails opportunities for businesses and services to be located near residences, further reducing walkability and encouraging auto-oriented travel. The implications for transit access are similarly significant. Public transit systems thrive in areas with sufficient population densities to support frequent service and investment in infrastructure. In single-family zones, the lower density of housing units makes it economically inefficient to provide robust transit services, resulting in less frequent or less accessible transit options.

The financial viability of providing infrastructure and public services is closely tied to the density of residential development. Low-density, single-family zoning typically requires more extensive and costly infrastructure per capita compared to higher-density, multifamily, or mixed-use developments. In single-family neighborhoods, longer roads, water, and sewer lines are necessary to serve fewer residents, resulting in higher per-household costs for the construction, maintenance, and upgrading of this infrastructure. In contrast, denser, mixed-use areas allow for more efficient infrastructure provision, as more residents and businesses can be served within a smaller geographic area,

reducing the overall costs per resident. This efficiency makes it easier for municipalities to sustain high-quality public services without placing undue financial burdens on taxpayers. Thus, the predominance of single-family zoning not only affects the physical form of the city but also has long-term implications for the financial sustainability of its infrastructure and public services.

Additionally, transitioning away from a zoning system that's designed to segregate land uses towards a more form-based code can bring significant equity benefits, particularly for historically underserved communities and small businesses. Under Euclidean zoning, lower-income and minority communities are often confined to areas with limited economic opportunities, where the separation of residential, commercial, and industrial uses restricts the ability to pursue mixed-use developments or home-based businesses. This separation reinforces socioeconomic disparities by limiting access to services, jobs, and affordable housing options in certain neighborhoods. A code that focuses more on form than separation of different types of uses enables a broader range of activities within existing neighborhoods.

Overview of New Districts:

The figure below provides an overview of the proposed zoning districts, the general scale of development, and uses envisioned for each.

District	Uses
Parks Districts (TBD)	Lands dedicated to public parks, open spaces, trails and greenways.
Low Scale Neighborhood	1-3 stories. Includes single-family, duplexes, townhouses, quadplexes, and sixplexes, small-scale commercial – cafes, salons, professional services and restaurants.
Med Scale Neighborhood	2-4 stories. Includes stacked flats, courtyard and multifamily buildings, commercial activities like cafes, restaurants, small offices, and retail.
Mixed Use Neighborhood	3-7 stories. Includes multifamily buildings at a variety of scales, commercial or retail like professional offices, cafes, restaurants, small grocery stores, retail goods, and medical providers.
Regional Activity Center	3-12 stories. Compact mixed-use development that maximizes residential, commercial, and open space. Housing types include multifamily and mid-rise buildings.

Institutional / Campus	2-12 stories. Includes buildings for athletic facilities, event spaces, and accessory uses for institutions. Housing types include townhouses, multifamily and mid-rise buildings.
Industrial / Employment	2-12 stories. Large-scale, single-tenant industrial, warehouse, and flex space and smaller, multi-tenant buildings. Housing types include courtyard apartments, multifamily and mid-rise buildings.
Heavy Industrial	Lands dedicated to heavy industrial uses, including manufacturing and production. Housing is not allowed .

**Percentage of developable land by possibility a/b*

In general, the most significant policy changes compared to existing districts will happen within the low scale and medium scale neighborhood districts. The proposed framework will allow for up to six units per lot and the inclusion of small-scale commercial uses in low scale neighborhoods, when current equivalent districts allow up to a maximum of one or two units per lot. In all of the residential districts, maximum density requirements will be removed, and residential density will be regulated by the number of units that can be reasonably be constructed under the maximum height limit in that district.

Mixed Use and Regional Activity Centers will retain similar allowances of uses, while increasing maximum heights and instituting minimums. Relatively little changes are proposed for industrial districts, aside from the allowance of some residential uses in the industrial / employment district.

Moving Toward more of a Form Based Code

The new regulatory approach will focus on the following key components:

- **Base Districts** – Base districts are anticipated to contain lot standards, minimum density requirements, maximum height requirements, permitted building types and permitted uses per district.
 - **Permitted Uses** – Are associated with each district. Similar to the existing framework, uses are classified as permitted (p), conditional (c) or not allowed (x).
- **Overlay Districts** – The hierarchy of nodes will be used to determine where overlay districts are applied, focusing on areas with significant development potential, enhanced connectivity, and potential for development of Connected and Accessible Neighborhoods. These overlay districts will account for the modal networks outlined in the Transportation System Plan, particularly along enhanced transit corridors, ensuring that development supports and enhances access to the C-Tran Network. In transit-oriented nodes, the code will encourage

higher densities and increased height maximums to promote compact, walkable communities around key transit hubs. The overlay districts will also include mixing requirements, as outlined below.

- **Mixing Requirements** – Overlays will include mixing requirements, rather than just the allowances for mixing found in the base zones. These will be used to ensure active ground floors where appropriate, and that adequate land is preserved for employment uses in the employment focused zones given the strong market for residential development.
- **Building Types** – The new framework will implement building types that will be allowed within each zone district based on the intensity and scale of development appropriate for that area. Each building type will include regulations for building placement, ensuring that structures are positioned to enhance the public realm. These placement requirements will include build-to lines that define how close buildings must be to the street, promoting a strong street presence, as well as guidelines for the location of parking to ensure it is placed behind or to the side of buildings to minimize visual impact along key pedestrian routes. Pedestrian and vehicle access will also be regulated to ensure safe, convenient, and accessible routes to and from the site.
 - **Form Regulations** – The new code will regulate building form, including standards for lot coverage, frontage types, and the building length along the frontage. These standards will ensure that buildings are appropriately scaled for their context.

Parking Regulation

Currently, parking is regulated under VMC section 20.945.070. Parking requirements are designated based on use type. Table 20.945.070-2 specifies the use types and minimum standards associated with each use. Below is a generalized summary of standards:

- Residential Uses
 - 0.75 spaces per dwelling unit for the following:
 - Housing located within ¼ mile of a frequent transit line
 - Housing for low-income households earning under 60% AMI
 - Senior Housing
 - 1 space per dwelling unit for all other residential uses.
- Commercial Uses
 - Parking standards in commercial are generally regulated by parking spaces per square foot, ranging between 200 to 500 square feet for every space required.
- Industrial Uses
 - Values range between 1 space per 5,000 square feet (warehouses / freight) to 1 space per 600 square feet for research and development uses.

Currently, the City implements maximum parking requirements in limited areas within the City:

- Properties in the MX zone district have a parking maximum of 125% of the minimum standard (20.430.060(c.2))
- The Section 30 Employment Center, Columbia Palisades, and Riverview Gateway Plan Districts have a maximum standard of 115% of the minimum (20.690.040(e), 20.680.040(6.j))

It is well documented that instituting off-street parking requirements tends to drive the cost of development overall, particularly housing costs. The project team is developing a recommendation related to parking that will focus more on off-street maximums and less on minimums for some uses. We are also exploring potential options for calibrating parking, including individual parking studies and the development of a residential TDM program for developments over a certain threshold. Employers with 100 or more fulltime employees are already required to comply with Washington State's Commute Trip Reduction Law (RCW 70.94.521), which requires them to develop and implement a CTR program. Residential TDM requirements are also used in the Heights Mixed Use Plan District to reduce driving trips.

Staff Contacts

- Rebecca Kennedy(she/her), Deputy Director, Community Development
Rebecca.Kennedy@cityofvancouver.us
- Mark Person (he/him), Senior Planner, Community Development;
Mark.Person@cityofvancouver.us
- Dominique Martinelli (she/her), Senior Long Range Planner, Community Development;
Domenique.Martinelli@cityofvancouver.us

November 4, 2024

Workshops: 3:00-6:00 p.m.

Vancouver City Hall - Council Chambers - 415 W 6th Street, Vancouver WA

Workshops were conducted in person in the Council Chambers of City Hall. Members of the public were invited to view the meeting in person, via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, or www.facebook.com/VancouverUS.

View the CVTV video recording, including presentations and discussion, for workshops at:

https://www.cvtv.org/vid_link/36871?startStreamAt=0&stopStreamAt=10686

2025-26 Biennial Budget

(approximately 2 hours)

Natasha Ramras, Chief Financial Officer, Shannon Olsen, Budget Manager,
natasha.ramras@cityofvancouver.us, shannon.olsen@cityofvancouver.us

Staff led Council through a discussion of the 2025-26 Biennial Budget.

Council focused all three hours to the 2025-26 Biennial Budget between 3:00 p.m. to 6:00 p.m.

Councilmembers Perez and Fox were late to the workshop.

Councilmember Harless attended the workshop remotely.

2025-2030 Capital Improvement Plan Updates

(approximately 30 minutes, to immediately follow previous workshop)

Chris Malone, Public Works Finance and Asset Manager,
chris.malone@cityofvancouver.us

Time was not provided for the 2025-2030 Capital Improvement Plan Updates and was moved to the City Manager's Communication per vote by the City Council.

2024 Street Funding Strategy Finances and Accomplishments

(approximately 30 minutes, to immediately follow the previous workshop)

Chris Malone, Public Works Finance and Asset Manager,
chris.malone@cityofvancouver.us

Time was not provided for the discussion of the 2024 Street Funding Strategy Finances and Accomplishments and was moved to the City Manager Communications per vote by the City Council.

Council Dinner / Executive Session: Pending and Potential Litigation, RCW 42.30.110(i). (30 min)

Mayor McEnerny-Ogle announced the Council would be entering into executive session from 6:00-6:30 p.m. to discuss Pending and Potential Litigation.

Regular Council Meeting

6:30 PM

Vancouver City Hall - Council Chambers - 415 W 6th Street, Vancouver WA

This meeting was conducted as a hybrid meeting with in person and remote viewing and participation over video conference utilizing a GoToMeeting platform. Members of the public were invited to view the meeting in person, via the live broadcast on www.cvtv.org and CVTV cable channels 23 or HD 323, or on the City's Facebook page, www.facebook.com/VancouverUS. Public access and testimony on Consent Agenda items and under the Community Forum were also facilitated in person and via the GoToMeeting conference call.

Vancouver City Council meeting minutes are a record of the action taken by Council. To view the CVTV video recording, including presentations, testimony and discussion, for this meeting please visit:

https://www.cvtv.org/vid_link/36873?startStreamAt=0&stopStreamAt=5340

Electronic audio recording of City Council meetings are kept on file in the office of the City Clerk for a period of six years.

Pledge of Allegiance

Call to Order and Roll Call

The regular meeting of the Vancouver City Council was called to order at 6:30 p.m. by Mayor McEnerny-Ogle. This meeting was conducted as a hybrid meeting, including both in person and remotely over video conference.

Present: Councilmember Harless, Councilmember Perez, Councilmember Fox, Councilmember Paulsen, Councilmember Stober, Councilmember Hansen and Mayor McEnerny-Ogle

Absent: None

Council requested to move the two workshops, 2025-2030 Capital Improvement Plan

Updates and 2024 Street Funding Strategy Finances and Accomplishments, to the City Manager Communications.

Motion by Councilmember Paulsen, seconded by Councilmember Hansen, and Yes: 7, No: 0, Abstaining: 0, to move the two workshops to the City Manager Communication section.

Approval of Minutes

Minutes - October 7, 2024

Motion by Councilmember Stober, seconded by Councilmember Hansen, and Yes: 7, No: 0, Abstaining: 0, to approve the October 7, 2024, meeting minutes.

Minutes - October 14, 2024

Motion by Councilmember Stober, seconded by Councilmember Hansen, and Yes: 7, No: 0, Abstaining: 0, to approve the October 14, 2024, meeting minutes.

Minutes - October 21, 2024

Motion by Councilmember Paulsen, seconded by Councilmember Stober, and Yes: 6, No: 0, Abstaining: 1, to approve the October 21, 2024, meeting minutes. Councilmember Perez abstained from the vote.

Minutes - October 28, 2024

Motion by Councilmember Paulsen, seconded by Councilmember Perez, and Yes: 7, No: 0, Abstaining: 0, to approve the October 28, 2024, meeting minutes.

Proclamations

Walk and Knock Day

Mayor McEnerny-Ogle read and presented a proclamation to Justin Wood, Walk and Knock President, and Janet Elliot, Walk and Knock First Vice-President, proclaiming December 7, 2024, as Walk and Knock Day.

National Youth Hope Month

Mayor McEnerny-Ogle read and presented a proclamation to Michelle A. Bart, CVA, CHTA, CCA, President and Founder, proclaiming November 2024 as National Youth Hope Month.

Veteran's Day

Mayor McEnerny-Ogle read and presented a proclamation to Jay Williams, Community Military Appreciation Committee (CMAC) Event Manager, Temple Lentz, President and CEO of the Historic Trust, and Larry J. Smith, CMAC Chairman, and Launie O'Leary, Operations Manager for CMAC, proclaiming November 11, 2024, as Veteran's Day.

Community Communication

This is the place on the agenda where the public is invited to speak to Council regarding any matter on the Agenda not already scheduled for Public Hearing.

(Separate instructions are provided for offering testimony on Public Hearing when applicable.) This includes the option to testify about Workshops. Members of the public addressing Council are requested to give their name and city of residence for the audio record. Speakers are to limit their testimony to a total of three minutes for all items combined.

Mayor McEnerny-Ogle opened Community Communication and received testimony from the following community members regarding any matter on the agenda not scheduled for a Public Hearing:

- *Kimberlee Goheen Elbon, La Center, WA*
- *Jayne Haygood, Vancouver*
- *Annie Kehoe, Vancouver*
- *Allie Van Nostram, Vancouver*

There being no further testimony, Mayor McEnerny-Ogle closed Community Communication.

Consent Agenda

The following items will be passed by a single motion to approve all listed actions and resolutions. There will be no discussion on these items unless requested by Council. If discussion is requested, the item will be moved from the Consent Agenda and considered separately – after the motion has been made and passed to approve the remaining items.

Council pulled item 9 for discussion.

Motion by Councilmember Fox, seconded by Councilmember Perez, and Yes: 7, No: 0, Abstaining: 0, to approve Items 1-8 and 10 on the Consent Agenda.

Motion by Councilmember Paulsen, seconded by Councilmember Hansen, and Yes: 7, No: 0, Abstaining: 0, to approve Item 9 on the Consent Agenda.

1. Construction Acceptance - 2024 Pavement Repairs Project, Acceptance and Release of Retainage Bond

Staff Report: 220-24

Request: On November 4, 2024, accept the 2024 Pavement Repairs Project as constructed by Lakeside Industries of Vancouver, Washington, and authorize release of bond, subject to receipt of all documentation required by law.

Steve Lee, Senior Civil Engineer, Steve.Lee@cityofvancouver.us

Motion approved the request.

2. Bid Award - Vancouver Fire Department Fire Station 5 Logistics Warehouse, per ITB 24-45

Staff Report: 221-24

Request: On November 4, 2024, award a construction contract for for the Fire Station 5 logistics warehouse to the lowest responsive and responsible bidder, Construction Services Group, Inc., at their bid price of \$1,053,873.68, which includes Washington State Sales tax, and authorize the City Manager or designee, to execute the same.

Jean Singer, Capital Projects Manager, jean.singer@cityofvancouver.us

Motion approved the request.

3. Contract Amendment - Washington State Contract #05820 for Purchase of Panasonic Computer Equipment, Peripherals and Services

Staff Report: 222-24

Request: Authorize the City Manager, or designee, to approve purchases under Washington State contract #05820 for the life of the WA State contract with Datec, Inc. or five years, whichever is less, in quantities and amounts up to the Council-approved budget for such commodities.

Beau Hull, Computer Services Manager, Beau.Hull@cityofvancouver.us

Motion approved the request.

4. Ordinance for Proposed Amendments to Chapter 5.85 of the Vancouver Municipal Code, Business Licenses and Regulations: Ambulances

AN ORDINANCE of the City of Vancouver relating to the amendment of ambulance services regulations set forth in the Vancouver Municipal Code (VMC) Chapter 5.85, amending VMC Sections 5.85.020, 5.85.040, 5.85.050, 5.85.130, 5.85.140, 5.85.150 and 5.85.160, and setting an effective date of January 1, 2025.

Staff Report: 223-24

Request: On Monday, November 4, 2024, advance the ordinance to approve amendments to Chapter 5.85 of the Vancouver Municipal Code ("VMC"), effective January 1, 2025, setting the date of November 18, 2024, for second reading and a public hearing.

Michelle Bresee, Senior Management Analyst, Brennan Blue, Fire Chief, michelle.bresee@cityofvancouver.us, brennan.blue@cityofvancouver.us

Mayor McEnerny-Ogle read the title of the ordinance into the record.

Motion approved the request.

5. Property Tax Levy for 2025

AN ORDINANCE relating to the annual property tax levy; authorizing an increase of 1.0% in the City's regular levy from the amount levied the previous year; and providing for an effective date.

Staff Report: 224-24

Request: On November 4, 2024, advance the ordinance on first reading, setting the date of second reading and public hearing for November 18, 2024.

Natasha Ramras, Chief Financial Officer,
natasha.ramras@cityofvancouver.us

Mayor McEnerny-Ogle read the title of the ordinance into the record.

Motion approved the request.

6. Property Tax Affordable Housing Levy for 2025

AN ORDINANCE relating to the annual property tax levy; authorizing an increase of 0.0% in the City's Affordable Housing Fund levy from the amount levied the previous year; and providing for an effective date.

Staff Report: 225-24

Request: On November 4, 2024, advance the ordinance on first reading, setting the date of second reading and public hearing for November 18, 2024.

Natasha Ramras, Chief Financial Officer,
natasha.ramras@cityofvancouver.us

Mayor McEnerny-Ogle read the title of the ordinance into the record.

Motion approved the request.

7. Ad Valorem Taxes for 2025

AN ORDINANCE fixing and levying the amount of ad valorem taxes necessary to balance estimated revenue with estimated expenditures for the 2025/2026 Budget for the City of Vancouver; providing for alternative levies depending on whether Proposition No. 4 is approved or rejected by the registered voters of the City of Vancouver; and providing for an effective date.

Staff Report: 226-24

Request: On November 4, 2024, advance ordinance on first reading, setting the date of second reading and public hearing for November 18, 2024.

Natasha Ramras, Chief Financial Officer,
natasha.ramras@cityofvancouver.us

Mayor McEnerny-Ogle read the title of the ordinance into the record.

Motion approved the request.

8. Preservation of Levy Capacity for Exempt Property for 2025

AN ORDINANCE authorizing an increase in tax levy pursuant to RCW 84.55.120 and an increase in limit factor for maximum levy capacity pursuant to RCW 84.55.092.

Staff Report: 227-24

Request: On November 4, 2024, advance ordinance on first reading, setting the date of second reading and public hearing for November 18, 2024.

Natasha Ramras, Chief Financial Officer,
natasha.ramras@cityofvancouver.us

Mayor McEnerny-Ogle read the title of the ordinance into the record.

Motion approved the request.

9. Planning Commission Appointments

Request: Appoint Alyssa Wheeler to a midterm position on the Planning Commission with a term beginning immediately and expiring December 31, 2026. And appoint John Jay to a full term position on the Planning Commission, with a term beginning December 31, 2024, and expiring December 31, 2028.

Subcommittee 1

Motion approved the request.

10. Approval of Claim Vouchers

Request: Approve claim vouchers for November 4, 2024.

Motion approved claim vouchers in the amount of \$12,482,903.92.

Public Hearings

The following item(s) are scheduled for public hearing. Members of the public addressing Council are requested to give their name and city of residence for the audio record. Unless otherwise announced by the Presiding Officer, speakers are to limit their testimony to three minutes for each public hearing.

11. Ordinance Authorizing an Amendment to the Master Services Agreement for Annual Rate Adjustments

AN ORDINANCE authorizing a current and future Amendments relating to annual rate setting to the Master Services Agreement with Attachments (“MSA”) between Clark County, Washington (“County”), the City of Vancouver, Washington (“City”) and Columbia Resource Company (“Contractor”), herein referred to as (“Parties”).

Staff Report: 218-24

Request: On Monday, November 4, 2024, subject to second reading and public hearing, approve the ordinance.

Julie Gilbertson, Solid Waste Supervisor,
julie.gilbertson@cityofvancouver.us

Julie Gilbertson, Solid Waste Supervisor, provided an overview of the Ordinance Authorizing an Amendment to the Master Services Agreement for Annual Rate Adjustments.

Council discussed the item briefly with staff.

Mayor McEnerny-Ogle opened the public hearing and received testimony from the following community members:

- *Kimberlee Goheen Elbon, La Center, WA*

There being no further testimony, Mayor McEnerny-Ogle closed the public hearing.

Motion by Councilmember Stober, seconded by Councilmember Hansen, and Yes: 7, No: 0, Abstaining: 0, to approve Ordinance M-4466.

12. Ordinance Authorizing Rate Adjustments for City of Vancouver Garbage, Recycling and Organics Collection Rates for 2025

AN ORDINANCE relating to rate setting for collection of solid waste, recyclable materials and organics, and amending certain sections of VMC 6.12 to increase or adjust 2025 rates and charges consistent with approved utility user taxes and rates and in accordance with current contracts; providing for savings, severability and an effective date.

Staff Report: 219-24

Request: On Monday, November 4, 2024, subject to second reading and public hearing, approve the ordinance.

Julie Gilbertson, Solid Waste Supervisor,
julie.gilbertson@cityofvancouver.us

Julie Gilbertson, Solid Waste Supervisor, provided an overview of the Ordinance Authorizing Rate Adjustments for City of Vancouver Garbage, Recycling and Organics Collection Rates for 2025.

Council discussed the item briefly with staff.

Mayor McEnerny-Ogle opened the public hearing and received testimony from the following community members:

- *Kimberlee Goheen Elbon, La Center, WA*

There being no further testimony, Mayor McEnerny-Ogle closed the public hearing.

Motion by Councilmember Paulsen, seconded by Councilmember Fox, and Yes: 7, No: 0, Abstaining: 0, to approve Ordinance M-4467.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

Council requested that the Workshops that were not provided by staff during the Workshop time between 3:00 p.m. and 6:00 p.m. were moved, by vote of the Council at the beginning of the meeting, to the City Manager's Communication.

Chris Malone, Public Works Finance and Asset Manager, led Council through a discussion of the 2025-2030 Capital Improvement Plan Updates.

Chris Malone, Public Works Finance and Asset Manager, led Council through a discussion of the 2024 Street Funding Strategy Finances and Accomplishments.

Adjournment

7:58 p.m.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

The written comments below are those of the submitter alone and are not representative of the views of CVTV or the City of Vancouver, its elected or appointed officials, or its employees.

From: Karen
To: City Council
Subject: Re: Budget The Green Council Meeting 11/14/24
Date: Monday, November 4, 2024 11:08 AM
Attachments: 11/04/24

From: KAREN FRED GARMIRE [mailto:kf@garmire.com]
Sent: Monday, November 4, 2024 11:08 AM
To: City Council [mailto:citycouncil@vancouver.ca]; Health, Today; Haley [mailto:haley@cityofvancouver.ca]; White, Chelsea; Chelsea White [mailto:chelsea.white@cityofvancouver.ca]
Subject: Budget Testimony (Council Meeting 11/14) regarding Nature Spaces Funding

View this email in your inbox

Click on the email's subject line to view the email. You can also click on the email's subject line to view the email's subject line.

I had planned to testify in person today. However, my mother has taken or I am unable to attend. Thank you for your consideration of this written testimony.

I urge City Council to reconsider the proposed cuts to the Nature Spaces Program included in the 2025-26 biennial budget proposal, particularly the proposal to eliminate one AmeriCorps volunteer.

Nature Spaces is a program that advances multiple City goals with a reliance on volunteerism; it has a high return on investment. This program cannot exist in its current form without City Staff support including full funding of a full AmeriCorps position; it would not be feasible to shift the responsibility of volunteers to perform the myriad of tasks and coordination necessary for this program as it currently exists.

Funding Nature Spaces AmeriCorps volunteers is a good fiscal decision. The data submitted in the budget file is a capture of the return on this investment and ignores the value of volunteer hours which are projected to be at a record high in 2025 and more than the cost of AmeriCorps. To approve elimination of an AmeriCorps position would not be in the best interest of the Citizens of Vancouver and to do so would result in a degradation of this program. I strongly encourage you to modify the Budget Proposal to continue funding for current AmeriCorps volunteer positions. Council has an opportunity to leverage city funding for the benefit of our Citizens and I urge you to do so.

I am a volunteer team leader for Nature Spaces or restoration of Behrens Woods, one of three Parks in the program, and have seen firsthand the multiple benefits of Nature Spaces.

This is a strong, viable program and a smart investment. Details on volunteer hours are below and have only increased since I requested this data last spring.

Just one year ago, Behrens Woods, a two-acre urban forested park, was overrun with ivy and other invasive species. Work is still underway, but the transformation of this Park has been amazing and is a model for similar efforts around the City. The removal of invasive species has allowed the large conifer and deciduous trees, and their understory to thrive. There is still work to be done but Behrens Woods is well on its way to being a healthy natural ecosystem within the City of Vancouver.

As Council evaluates the many competing priorities during the Budget process, please consider the following in evaluating Nature Spaces funding:

1. Last year (2023) over 1500 volunteer hours were donated and 2,000 native species were planted. 2024 is on track to exceed the 2023 statistics and this only includes direct volunteerism for Nature Spaces. The program has attracted interest from other groups including a partnership with Washington Trail Association (WTA) for construction of Accessible Trails which was recently completed.
2. The Nature Spaces program is consistent with the City's Climate Action Framework and in particular the goal for a Carbon Rich Natural System and native and climate resilient planning. Strategy NS-1 is to increase carbon storage in trees, vegetation and soil. Restoring existing areas is a cost-effective approach to carbon storage by maximizing existing potential in these urban ecosystems, many of which are currently stressed. Nature Spaces is focused on restoration of these urban areas which will increase carbon storage.
3. Behrens Woods is located directly across the street from a large apartment complex and within a half mile of two other large apartment complexes and is heavily used by these residents. The Park contains a trail system with educational signs and ready access to a natural space consistent with the City's goal to provide equitable access to urban green spaces. The completion of the Accessible Trail by WTA will further increase access to this urban forested park.

For your reference, below are excerpts from the 2025-26 Budget Proposal and data I requested from the Parks staff last spring.

Again the full funding of the AmeriCorps position is an opportunity to leverage City funding for a higher return on this investment and I urge you to do so.

Thank you for your consideration.

Karen Garmire, PE
Nature Spaces Team Leader
Resident, City of Vancouver

PR00878 - Volunteer Management program eliminations

Recommended

No longer fund one AmeriCorps position that had been split between the PRCS department and Urban Forestry. Decrease Nature Spaces funding. Increase Community Gardens fees.

			2025 Budget	2025 FTE	2026 Budget	2026 FTE
001 General Fund	Revenue	Ongoing	1,210	0.00	1,210	0.00
001 General Fund	Expense	Ongoing	(12,025)	0.00	(12,025)	0.00

PR00878 - Volunteer Management program eliminations

Recommended

No longer fund one AmeriCorps position that had been split between the PRCS department and Urban Forestry. Decrease Nature Spaces funding. Increase Community Gardens fees.

			2025 Budget	2025 FTE	2026 Budget	2026 FTE
001 General Fund	Expense	Ongoing	(41,465)	0.00	(41,465)	0.00
343 Parks Construction Fund (Capital Projects only)	Expense	Ongoing	(41,465)	0.00	(41,465)	0.00
343 Parks Construction Fund (Capital Projects only)	Revenue	Ongoing	(41,465)	0.00	(41,465)	0.00

Data provided by City of Vancouver Parks Department dated Jun 6, 2024:

Metric	10/2022	2023	2024 updated 6/6/24	TOTAL
Cubic yards of invasive removed	38	137	56	231
Native plants	310	2439	1398	4147
Trees	6	34	55	95
Cubic yards of bark/arbor dust applied	60	495 Includes 300 added by contractor	58	613
Volunteer #	73	375	141	589
Volunteer hours	202	1,555	527	2284
Contacts	26	2,100	843	2969

From: [City of Vancouver, WA](#)
To: [City Council](#)
Subject: Submission: Contact City Council
Date: Friday, November 1, 2024 4:16:09 PM

Contact the City Council

Name
Carla Rise
Email
[REDACTED]
Phone
[REDACTED]
Address
[REDACTED] Vancouver 98662 United States Map It
Subject
Share an Opinion of a City project or Initiative
Choose Recipient
All the Council
Message
I would urge the council to reconsider dedicating Lodging Tax funds of \$800K per year into a capital projects fund. This money should remain in the 50% of eligible funds to be recommended by the Lodging Tax Advisory Committee to best promote tourism in the city as the committee decides. The eligible funds should not be dictated as to how they are to be dispersed, depleting the available amount for recommendations from the Lodging Tax Advisory Committee. These funds come from lodging tax and are best spent to increase tourism in our city to replenish & increase visitor spend to grow the fund.

From: [REDACTED]
To: [City Council](#)
Subject: Columbia Springs budget cut
Date: Tuesday, October 29, 2024 4:50:53 PM

You don't often get email from [REDACTED]. [Learn why this is important](#)

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

My name is Lauralee Martin. I reside at [REDACTED] Vancouver, WA 98661. I volunteer at Columbia Springs for their field trip programs with the various schools of Vancouver. Today I helped with 5th graders from Riverview Elementary. The field trip supports the science programs of the school and in particular habitats and environmental education, by allowing the students to have a hands-on experience in the lessons. After viewing the fishponds of the hatchery and experiencing the excitement of feeding the fish, the students learned about aquatic macrobiotics. The hands-on part was going to the water docks and collecting the various species of bugs and insects to determine the water quality. We then moved on to learn about decomposition by hunting for fungi, bacterize, and invertebrates to view under the microscopes and magnifying glasses. This was followed by a hike through the trails identifying native and non-native plants to get to the stream table. At the stream table, the students work to restore a barren riverbed so that it is once again habitable for salmon to both get to the sea to mature and then return to its hatching bed to lay its eggs to keep the salmon species alive. All of this creates the interest in STEM and a pursuit of the sciences. Not once did a student ask for a cell phone. Their intensity to the experience was exciting to be a part of. No complaints of rain or cold or the hike is too long – one young student told me this was the best day of their life!

This is a program, set in an environment, where the entire community can come to hike, learn, and just be in a beautiful nature setting. Its hatchery and restoration work through salmon in the classroom also works hard to keep our PNW the environmental attraction that brings people from all over the US and world to experience.

Please, please, do not cut the budget to Columbia Springs as it plays a vital role in the current and future generations well-being.

From: [Allyssa Darling](#)
To: [City Council](#)
Subject: Support for Adult Sports Programs
Date: Monday, October 28, 2024 1:50:11 PM

You don't often get email from [REDACTED]. [Learn why this is important](#)

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

Dear City Council Members,

I am reaching out as a resident of Vancouver and a participant in the city's women's volleyball league, to express my strong support for retaining adult sports programs within the Parks and Recreation budget. As a transplant to the area, the volleyball league has been a cornerstone in building my sense of community here. The connections and friendships I've made through these games have been invaluable, both for my own well-being and in helping me feel truly at home in Vancouver.

I've also witnessed how this league supports the well-being of friends who are new moms. For many, the league provides the only "me time" they have each week—a chance to step away, decompress, and recharge. Balancing family, work, and community obligations can be challenging, and having a safe, supportive environment to exercise and unwind with others is essential.

Adult sports like volleyball play an irreplaceable role in fostering community bonds and maintaining mental health. These programs help working parents and stay-at-home parents alike, offering a valuable outlet for stress relief and an accessible way to stay active. Removing adult sports would not only impact individual wellness but would also diminish the vibrant social fabric that makes Vancouver a wonderful place to live.

I respectfully urge you to consider the deep, positive impact that adult sports leagues have on the community. Preserving this program means preserving a vital resource that strengthens connections, supports physical and mental health, and enhances the quality of life for many Vancouver residents.

Thank you for your time and for considering the importance of these programs in our community.

Sincerely,

Allyssa Darling Bromley

From: [Amy Josephson](#)
To: [City Council](#)
Subject: import of adult sports
Date: Monday, October 28, 2024 5:32:57 PM

You don't often get email from [REDACTED]. [Learn why this is important](#)

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

Hi.

I am late to send an email, but still wanted to express my dismay that adult volleyball might be cut for winter. I have been participating in this since 2022 with my sister and friends when we had co-ed league and now with the women's league.

Having a space where we can come together and build community, be active and have FUN, is a vital part of belonging, growth and success for our city, and surrounding communities.

To cut this program would be detrimental, especially in the winter months when it is important to keep connected with friends in a healthy active way.

Please don't cut this program or others like it. I know we fill the slots with teams every year, and we were even able to support a fall league last year, which was amazing.

Thank you for your time.

Warmest Regards,
Amy Josephson
Resident of Vancouver and Clark County since 1979

--

Working on living my life, day to day, cultivating inclusivity and supporting community and diversity through enrichment. Go and be the Best part of Someone's day.
Make it Count - Amy

Tone and Content Disclaimer

This is electronic communication and inherently prone to misinterpretation of the author's tone. Be assured that this message is sent in good nature and intentions, and with all due respect. Unless depicted in the text of this email, this communication is from the sender, and in no way represents the views of any organizations the sender is affiliated with. Live.Every.Day.

From: [City of Vancouver - Office of the City Manager](#)
To: [Dollar, Sarah](#)
Subject: FW: Garbage Rates
Date: Monday, October 28, 2024 1:08:14 PM

Hey Sarah!

We got this in the CMO Inbox

Amelia Pilipchuk | Support Specialist
City Manager's Office | Information Desk
P: (360) 487-8101

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

From: Pat CAMPBELL [REDACTED]
Sent: Monday, October 28, 2024 1:01 PM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>
Subject: Garbage Rates

[You don't often get email from [REDACTED] Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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

I would like city council to report any remuneration, special banquets ,or other benefits Waste Management has given council directly or as a "Community Partner" before passing any rate increases or adjustments to services.

During my tenure on city council I found this to be an ongoing issue that I confirmed with the then city attorney was not strictly ethical.

Pat Campbell
[REDACTED]
Vancouver, Wa 98684

Sent from my iPhone

From: [Wynn Grich](#)
To: [Rebecca Messinger](#); [Dollar, Sarah](#)
Subject: Fwd: Time is running out.
Date: Tuesday, October 29, 2024 7:38:29 PM

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----- Forwarded message -----

From: **Childrens Health Defense** [REDACTED]

Date: Tue, Oct 29, 2024 at 5:27 PM

Subject: Time is running out.

To: Wynn Grich <[REDACTED]>

Please send to council members and MELNICK. Put on public record and confirm that you did. Thanks from Wynn

Time for our Clark County Health board to pull covid vaccines from all who give the toxic jabs.

Having trouble viewing this email? [View it in your web browser](#)

Children's Health Defense





Dear Wynn,

The Southwest Idaho Health District will *stop offering COVID vaccines at all of its clinics* — because 300 people, backed up by doctors, asked them to.

It's yet another sign that the dominoes are falling and time is running out for the big COVID vaccine lie.

Time is also running out for you to get in on our Million Match campaign.

We're less than \$100,000 from our goal! [Please donate by midnight ET October 31 — your donation could be the one to push us over the top!](#)

Our efforts to circumvent the censors and spread the word about the lies, the propaganda, and the dangers of these experimental vaccines are paying off.

It's only a matter of time before other doctors, hospitals, and clinics follow Southwest Idaho's lead ... and all the dominoes come clattering down.

[Please donate by midnight ET October 31 to our Million Match campaign. Thanks to you, we're winning!](#)

Thank you for defending the future of our children,



Mary Holland
CEO
Children's Health Defense

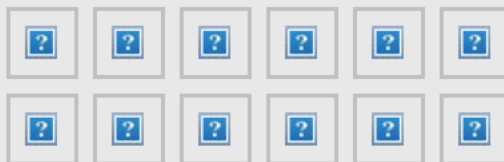
P.S. This October, for Vaccine Injury Awareness Month, we are running our Million-Dollar Match campaign. Please donate today to help Children's Health Defense raise \$1 million by October 31.

You Make It Possible

Children's Health Defense depends on generous donations from our community. Large or small, every donation gets us closer to achieving our goals.

[Donate Now](#)

[Work for CHD](#)



ChildrensHealthDefense.org

Children's Health Defense® is a 501(c)(3) non-profit organization. Our mission is ending childhood health epidemics by eliminating toxic exposure. We will restore and protect the health of children by eliminating environmental exposures, holding responsible parties accountable, and establishing safeguards to prevent future harm of children's health.

Protecting Children. Exposing Harms. Seeking Justice.

Children's Health Defense

852 Franklin Ave., Suite 511

Franklin Lakes, New Jersey 07417

[Contact Us](#)

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[Update your preferences or unsubscribe.](#)

From: [Wynn Grich](#)
To: [Harris, Rep. Paul](#); [Rebecca Messinger](#); [Reform Clark County - Rob Anderson](#); [Dollar, Sarah](#)
Subject: Fwd: Pfizer's "Crimes Against Humanity" & Media Reporting Failures + More on CHD.TV
Date: Wednesday, October 30, 2024 11:05:25 AM

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----- Forwarded message -----

From: **Childrens Health Defense** [REDACTED]
Date: Wed, Oct 30, 2024 at 7:15 AM
Subject: Pfizer's 'Crimes Against Humanity' & Media Reporting Failures + More on [CHD.TV](#)
To: Wynn Grich [REDACTED]
Please send this to council members and MELNICK. Put on public record and confirm that you did. Thanks from Wynn

Having trouble viewing this email? [View it in your web browser](#)

[CHD.TV Children's Health Defense Live, Video, Audio](#)



October 30, 2024

Watch Today:



Pfizer's 'Crimes Against Humanity' & Media Reporting Failures — 10am ET | 7am PT



U.S. EPA Children's Health Protection Advisory Committee Meeting — 10am ET | 7am PT

The People's Study:



My Father Was Murdered by the Hospital and Doctors

In Case You Missed It:



VAXXED III: Authorized to Kill



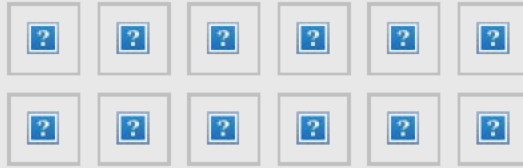
Major Win for Unvaccinated Transit Workers

You Make It Possible

Children's Health Defense depends on generous donations from our community. Large or small, every donation gets us closer to achieving our goals.

[Donate Now](#)

[Work for CHD](#)



ChildrensHealthDefense.org

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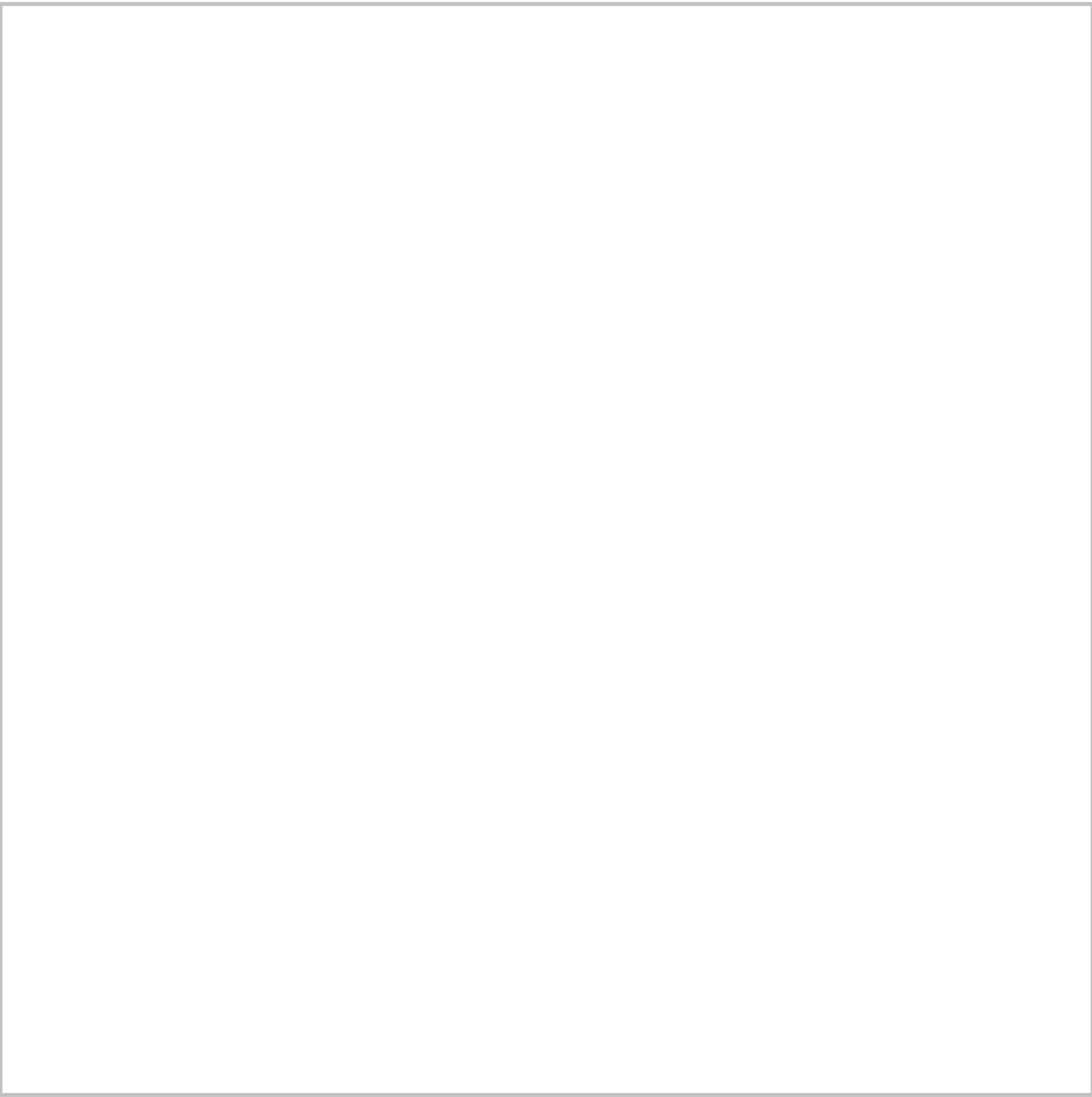
From: [Wynn Grich](#)
To: [Rebecca Messinger](#); [Dollar, Sarah](#)
Subject: Fwd: mRNA jab-induced fibrous clots proven to be composed of fibrin (a clotting protein)!
Date: Monday, November 4, 2024 11:31:41 AM

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Please send to council members and MELNICK. Put on public record and confirm that you did. Thanks from Wynn

----- Forwarded message -----

From: **Jonathan Otto** <[REDACTED]>
Date: Mon, Nov 4, 2024, 5:04 AM
Subject: mRNA jab-induced fibrous clots proven to be composed of fibrin (a clotting protein)!
To: Wynn Wynn <[REDACTED]>



Hey *Wynn*,

Have you heard about [a recent paper from UCSF published in Nature](#), that is going viral...

Because it proves that the mRNA vaxxes are directly linked...

To those HUGE **rubbery clots**...

That are being pulled from the deceased vaxx victims and

those who are still alive?

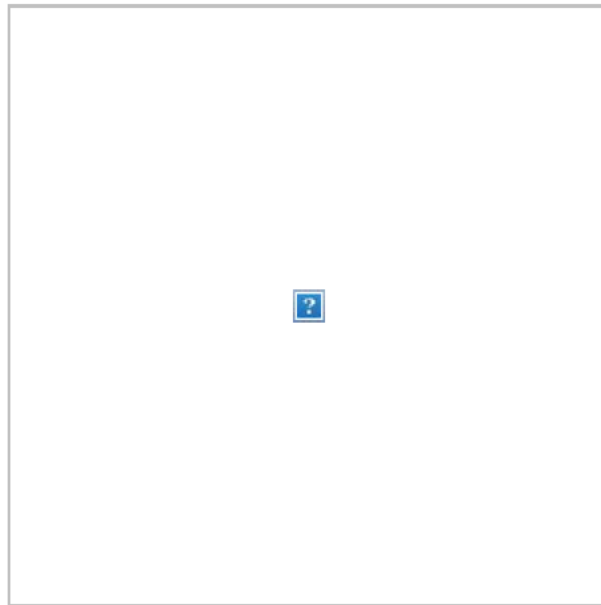


Image Source: Clotastrophe

(This six-inch, white fibrous clot was recently removed from a vaxx victim.)

Key findings from the UCSF study:

- **Two blood proteins, fibrin, and fibrinogen, stick to the spike protein, creating clots that cause inflammation.**
- These clots lead to widespread inflammation in the blood vessels, large and small clots.
- **A reduction in natural killer (NK) cells was observed, which may explain an increase in cancer.**

Fibrin and fibrinogen are two related proteins that help your blood clot...

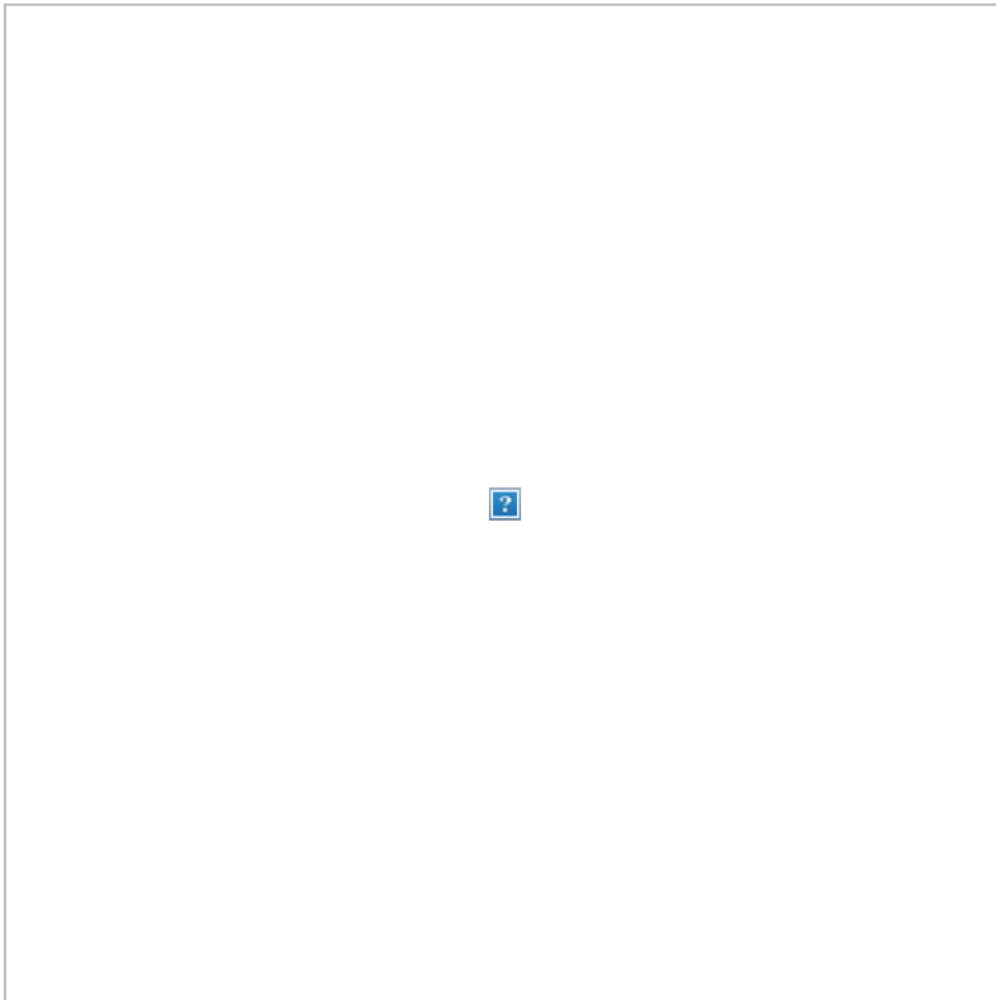
And here's where it gets very annoying:

Fibrinogen is made in the liver and is **usually inactive in the blood until there's an injury...**

...which then *triggers* it to turn into fibrin.

Those who “cooked” the jabs knew this and that's why they made sure that they contained these two proteins...

To DELIBERATELY cause blood clots in the jabbed.



[The Viral Study on Nature](#)

When I read this, it reminded me that it's high time we revisit the untold stories...

Of those who've had **life-altering experiences** after taking the DEADLY jabs.

In March 2023, a report published by Dr. Robert W. Chandler in DailyClout...

Revealed findings from the Burkhardt Group, led by the late **Professor Arne Burkhardt**...

And in one of the cases...

One patient showed SEVERE circulatory disturbance...and at times, she was unable to walk because of vascular inflammation...

And visible vasculitis (**inflammation of blood vessels**), which was marked by red discoloration on her foot.



Pathologist Dr. Arne Burkhardt

Radiological findings showed anomalies like a "double-barrelled" vessel wall in her femoral-popliteal artery...

Which indicated **resistance in blood flow within peripheral vessels.**

A blood sample from this patient, after centrifugation and cooling, showed UNUSUAL clot formation in the serum...

And her case is part of a broader analysis of **SERIOUS adverse events** following v@ccination.

This is becoming so common it's shocking!

The heartbreaking truth is that people are dying.

Our collective efforts to expose the TRUTH should not stop now!

This fight is not over yet because the truth is STILL being censored by the global gvmt.

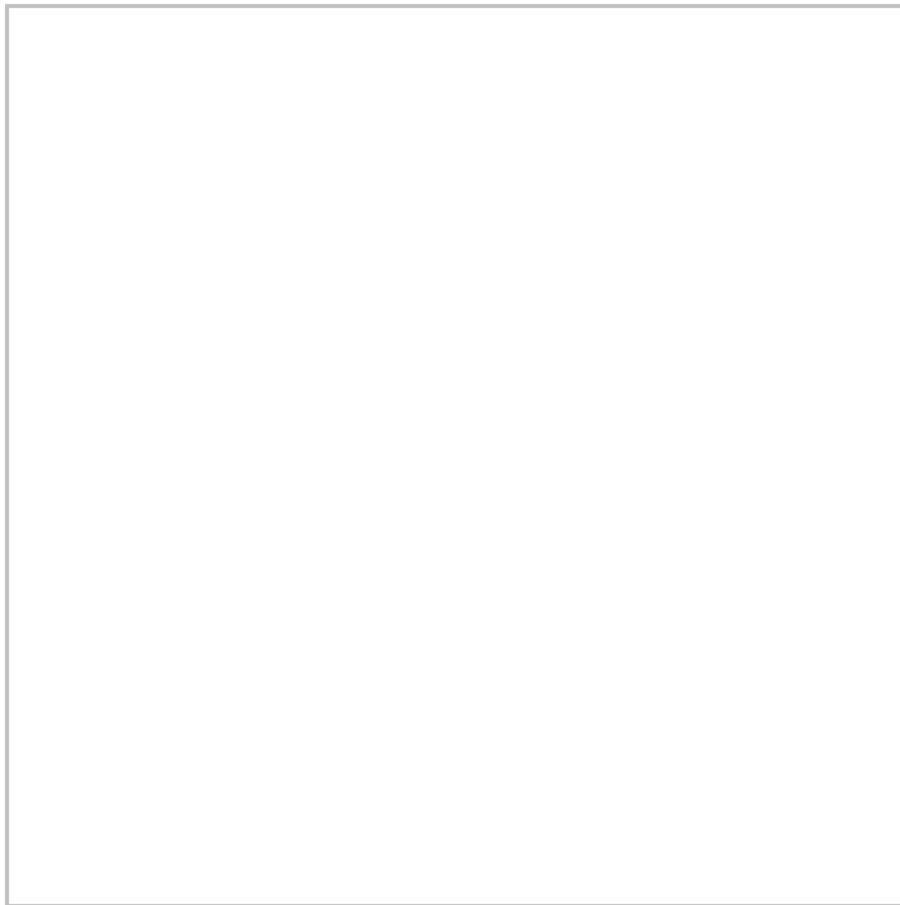
And they're *still* pushing the CVD boosters!

Why have these bioweapons NOT been taken off the market yet?

Because they're out to make more money at the expense of global health.

That has got to STOP.

That's why I want to encourage you to join us for our ***5-Day Live Challenge, Conquer Long COVID...***



Each day of the challenge, I'll be sharing a POWERFUL healing solution...

That our top experts and I have seen working to help people *finally* recover...

From life-impacting symptoms of Long COVID and even vaxx injuries.

[>>> Click HERE to register for the **5-Day Live Challenge, Conquer Long COVID!**](#)

Live challenges like this are MUCH-NEEDED...

Because chronic diseases are on the rise, *especially* due to

the lingering effects of COVID-19.

Things are *really* spiraling out of control.

Not a lot of people *know* how to take control of their health...

Through holistic health protocols, should another “p@ndemic” happen...

We’ll lose *more people* than we *ever* did before!

Here’s a **quick rundown** of what you can expect from our **5-Day Live Challenge**:

- **Discover daily healing strategies specifically designed to address life-impacting symptoms of Long COVID and vaxx injuries.**
- Learn how to apply these healing solutions to fit your unique needs and circumstances for maximum effectiveness.
- **Hear inspiring testimonials from individuals who have successfully navigated their healing journeys, offering hope and motivation.**
- Walk away each day with practical tools and techniques you can implement immediately to support your healing process and improve your overall well-being.
- ***And So. Much. More!***

Save these IMPORTANT dates:

- **Date:** Monday, November 11th - Friday, November 15th, 2024
- **Time:** 4 PM ET daily

Our time together in this INCREDIBLE **5-Day Live Challenge, Conquer Long COVID** is going to be *electrifying...*

THIS is going to be life-changing!

I can't wait to see you make progress in your health in leaps and bounds.

I'll see you on **Monday, November 11th at 4PM ET sharp!**

For the start of the **5-Day Live Challenge, Conquer Long COVID!**

[>>> Click HERE to register for the 5-Day Live Challenge, Conquer Long COVID!](#)

To your health,

Jonathan Otto



No longer want to receive these emails? [Unsubscribe.](#)

Health Secret LLC, 165 Ponce De Leon, Suite 201, San Juan Puerto Rico, 00917



Staff Report: 228-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Bid Award - Jefferson-Kauffman Realignment Project Per Bid #24-39 (Project # PRJ071247)

Key Points

- The project will re-align the intersection of Jefferson-Kauffman at West 13th Street. The project will allow the intersection to be reconstructed in a more conventional configuration to better accommodate trucks and freight mobility and provide urban complete street standards for Jefferson Street and Kauffman Avenue between Evergreen Boulevard and Mill Plain Boulevard/SR501.
- Design, environmental documentation and permitting, and right-of-way acquisition are complete. The project was advertised for bids and four bids were received on October 8, 2024.
- The City received federal grants through the Southwest Washington Regional Transportation Council (RTC) in the amount of \$5,040,000, and a state grant through Freight Mobility Strategic Investment Board (FMSIB) in the amount of \$3,000,000. Vancouver Transportation Benefit District, and other local matching dollars provide the remainder of the project funding.

Strategic Plan Alignment

Transportation and Mobility – a safe, future-ready and convenient transportation system

Economic Opportunity – a place where a wide variety of businesses of all sizes grow and thrive

Vibrant and Distinct Neighborhoods – a variety of accessible places and spaces

Present Situation

On October 8, 2024, the City received 4 bids for the subject project. The bids ranged between \$6,805,028.39 to \$8,280,329.01. The low bidder was responsive. The bids were as follows:

SUMMARY OF BIDS

BIDDER	AMOUNT
Midway Underground LLC, Toledo, WA	\$6,805,028.39
Jeffries Construction, LLC Brush Prairie, WA	\$7,568,250.54
Rotschy, Inc., Vancouver, WA	\$7,851,933.72
Tapani, Inc., Battle Ground, WA	\$8,280,329.01
Engineer's Estimate	\$6,750,000.00-\$7,500,000.00

Due to the federal funding associated with this project, the Washington State Department of

Transportation (WSDOT) has set a Disadvantaged Business Enterprise (DBE) goal of 14%, and 400 hours of training. Midway Underground LLC, from Toledo, Washington is committed to meet these goals.

There are no City Apprenticeship goals as federal guidelines for grant projects do not allow the inclusion of local agency apprenticeship programs.

Advantage(s)

1. Safer travel for freight, vehicles, pedestrians, and bicyclists through the re-aligned 13th/Jefferson/Kauffman intersection.
2. Provide Urban Complete Street Standards for Jefferson Street and Kauffman Avenue between Evergreen Boulevard and Mill Plain Boulevard/SR 501.

Challenge(s)

1. Business and local traffic will be inconvenienced during the construction period.
2. Construction will generate noise and dust; however, the contractor will implement dust control and erosion control strategies.

Budget Impact

The project is currently funded through federal grant from the RTC, state FMSIB grant, the Vancouver Transportation Benefit District, and other local matching dollars. The project is included in the 2023-2024 biennial budget.

Prior Council Review

1. Approval of the 2023-2024 biennial budget which included the referenced project.
2. Approval of the 2025-2030 Transportation Improvement Program (TIP), Resolution No. M-4283 (June 17, 2024).
3. Approval of the Interlocal Agreement with Clark County, Staff Report No. 036-24 (February 12, 2024).

Action Requested

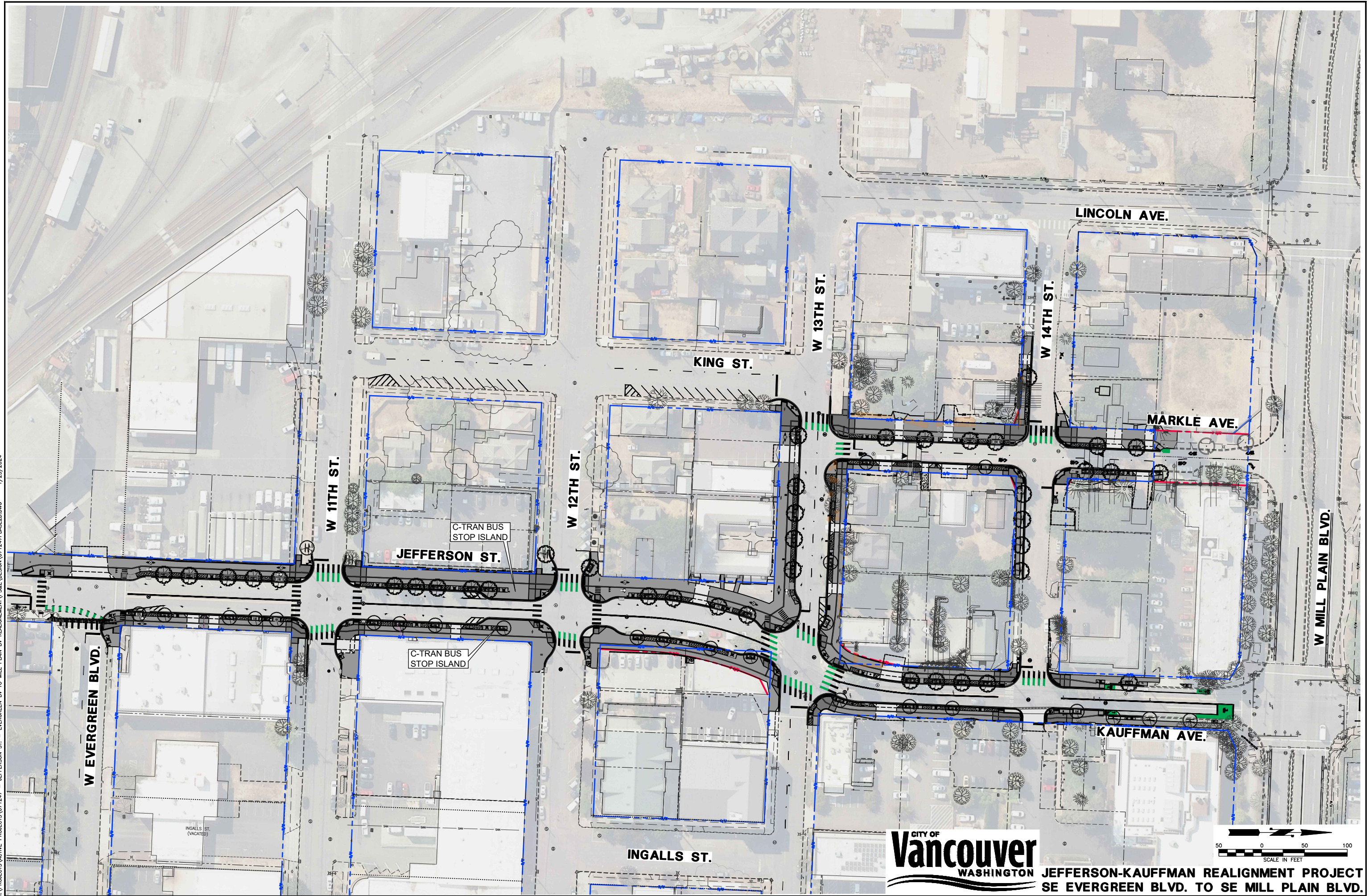
On November 18, 2024, award a construction contract for the Jefferson-Kauffman Realignment project to the lowest responsive and responsible bidder, Midway Underground LLC, of Toledo, Washington, USA at their bid price of \$6,805,028.39, which includes Washington State sales tax, and authorize the City Manager, or designee, to execute the same.

Staff Contact

Jessica Hild, Senior Civil Engineer, Hassan Abdalla, Engineering Manager,
Jessica.Hild@cityofvancouver.us, hassan.abdalla@cityofvancouver.us

Attachments:

1. Jefferson-Kauffman Realignment - Project Limits
2. ITB24-39_UnExContract



CONSTRUCTION CONTRACT # C-101794
BID 24-39: JEFFERSON-KAUFFMAN REALIGNMENT PROJECT

This Contract (hereinafter referred to as the "Contract") is entered into by and between the City of Vancouver, Washington, a municipal corporation organized under the laws of the State of Washington (hereinafter referred to as the "City") and Midway Underground, LLC, 980 Jackson Hwy, Toledo, WA 98591 (hereinafter referred to as the "Contractor"). The City and Contractor may be collectively referred to herein as the "parties" or individually as a "party".

WHEREAS, the City desires to engage the Contractor to provide public works construction and other related services for the work described herein;

WHEREAS, Contractor has agreed to offer its services to perform said work per the City issued Invitation to Bid (ITB) No. 24-39 and all addenda thereto, Contractor's Bid to said ITB, the Project Plan Set and Special Provisions, and City Council's approval on **Month Day, Year** per Staff Report No. **##-##**; and

WHEREAS, the Contractor represents by entering into this Contract that it is fully qualified to perform the work to which it will be assigned in a competent and professional manner, and to the standards required by the City.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, or attached and incorporated and made a part hereof, the parties hereto agree as follows:

1. **STATEMENT OF WORK:** The Contractor hereby agrees to furnish all materials, labor, tools, machinery and implements of every description necessary to complete the work in a professional manner within the time limits stated in this Contract for the construction and installation of the following improvements and will make all necessary arrangements for the obtaining of permits from the United States, State of Washington, and/or any of its agencies as may be necessary to do the work required and covered by this Contract.

This Contract provides for the improvement of Jefferson St / Kauffman Ave intersection at West 13th Street. The project extends from Evergreen Blvd to Mill Plain Blvd on Jefferson St with additional improvements on Markle Ave from 13th to Mill Plain Blvd. Roadway re-alignment will include demolition of an existing building and removal of existing asphalt and sidewalks. Proposed pervious sidewalk and off-street bike lanes will accompany a new asphalt section. Lighting improvements, striping, storm sewer, sanitary sewer, and water improvements and other work, all in accordance with the attached Contract Plans, these Contract Provisions, and the Standard Specifications.

The Contract Work shall be Physically Complete within 175 Working Days from the Notice to Proceed.

2. **EFFECTIVE DATE:** This Contract is effective as of the last signature of the Contract.
3. **E-VERIFY PROGRAM:** Contractor shall register and enter into a Memorandum of Understanding (MOU) with the Department of Homeland Security E-Verify program within sixty (60) days after execution of this Contract. Contractor shall ensure all Contractor employees and any sub-contractor(s) assigned to perform work under this Contract are eligible to work in the United States. Contractor shall provide verification of compliance upon City request. Failure by Contractor to comply with this subsection shall be considered a material breach.
4. **CONTRACTOR RESPONSIBILITIES FOR SUBCONTRACTORS:** The Contractor shall include the language of this section in all tier subcontracts and shall require each of its subcontractors to include the same language of this section in each of their subcontracts, adjusting only as necessary the terms used for the contracting parties. The requirements of this section apply to all subcontractors regardless of tier. The Contractor shall require all subcontractors to comply with all relevant federal, state and municipal laws, rules and regulations whatsoever.

At the time of subcontract execution, the Contractor shall verify that all tier subcontractors meet the following bidder responsibility criteria:

1. Have a current certificate of registration in compliance with chapter 18.27 RCW, which must have been in effect at the time of subcontract bid submittal;
2. Have a current Washington Unified Business Identifier (UBI) number;
3. Have received training on the requirements related to public works and prevailing wage as required by RCW 39.04.350;
4. Within the three-year period immediately preceding the date of the bid solicitation, not have been determined by a final and binding citation and notice of assessment issued by the department of labor and industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW.
5. If applicable, have:
 - i. Have Industrial Insurance (workers' compensation) coverage for the subcontractor's employees working in Washington, as required in Title 51 RCW;
 - ii. A Washington Employment Security Department reference number, as required in Title 50 RCW;
 - iii. A Washington Department of Revenue state excise tax registration number, as required in Title 82 RCW;
 - iv. An electrical contractor license, if required by Chapter 19.28 RCW;
 - v. An elevator contractor license, if required by Chapter 70.87 RCW.
6. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065 (3).

5. **DELINQUENT STATE TAXES:** The Contractor shall not owe delinquent taxes to the Washington State Department of Revenue without a payment plan approved by the Department of Revenue.
6. **COMPENSATION AND SCHEDULE OF PAYMENTS:** In consideration of the promises and agreements of the Contractor as set forth herein, and in consideration of the faithful performance and furnishing of the work and materials required by this Contract to the satisfaction of the City, the City agrees to pay to the Contractor as prescribed in the solicitation and Contractor's Bid, and in accordance with the ordinances of the City of Vancouver and the laws of the State of Washington, the following sum as indicated, which amount does include 8.7% Washington State Sales Tax (if applicable) \$6,805,028.39 USD.

The amount finally to be paid is, however, variable upon the Work actually performed and final payment will be made upon the basis of the amount of work performed and the materials furnished, and at the lump sum or unit prices fixed in the Contractor's Bid and as modified by any and all approved Change Orders.
7. **CONTRACTOR'S INSURANCE:** The Contractor agrees to obtain and provide coverage as described in the WSDOT Standard Specifications 1-07.18 or the Special Provisions as applicable.
8. **CONTRACTOR'S BOND:** The Contractor agrees that before it undertakes performance of this Contract, it will file with the City of Vancouver a Performance Bond and Payment Bond, in the forms prescribed by the City of Vancouver, in the full amount of the Contract price with a company authorized to do business in the State of Washington as a surety. The bonds shall comply with the laws of the State of Washington, and especially with the provisions of Chapter 39.08 RCW.
9. **DISPUTE RESOLUTION:** In the event of a dispute between the Parties which cannot be resolved by the contract managers, the Contractor and the City shall resolve the dispute pursuant to WSDOT Specification 1-09.11 Disputes and Claims and WSDOT Specification 1-09.13 Claims Resolution or the Special Provisions as applicable.
10. **GOVERNING LAW/VENUE:** This Contract shall be deemed to have been executed and delivered within the State of Washington, and the rights and obligations of the parties hereunder shall be construed and enforced in accordance with, and governed by, the laws of the State of Washington without regard to the principles of conflict of laws. Any action or suit brought in connection with this Contract shall be brought in the Superior Court of Clark County, Washington.
11. **EMPLOYMENT OF LABOR:** The Contractor agrees that all persons employed by Contractor and by any of its subcontractors and any of their lower tier contractors in work performed pursuant to this Contract shall not be employed in excess of eight (8) hours in any one day, except as provided or allowed by Chapter 49.28 RCW and WAC 296-127 and any amendment thereto.

- 12. PAYMENT OF LABOR:** The contract will require the payment and tracking of federal wages through Davis Bacon and will be subject to regulations of the U.S. Department of Labor. The higher wage rate between the Federal and State rates, at minimum shall prevail per WAC 296-127-025.

The Contractor agrees that all laborers, workers, or mechanics employed by it or by any subcontractor in the performance of this Contract will be paid not less than the prevailing rate of wage for an hours work, in accordance with the provisions of the Chapter 39.12 RCW, and all rules and regulations promulgated pursuant thereto.

The prevailing wage rates in effect at the time of the bid submittal deadline shall apply for the duration of the project, no matter how long it lasts. However, if the Contract is awarded more than six (6) months after the bids were due, the prevailing wage rates in effect on the award date shall apply.

In case any dispute arises as to what the prevailing rates of wages for work of a similar nature are and such dispute cannot be adjusted by the parties involved, the matter shall be referred to the director of the Department of Labor and Industries of the State of Washington for arbitration, and the director's decision shall be final, conclusive and binding on all parties involved in the dispute.

- 13. DAVIS-BACON ACT, AS AMENDED (40 U.S.C. 3141-3148):** When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

- 14. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (40 U.S.C. 3701-3708):** Under 40 U.S.C. 3702 of the Act, each Contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in

excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

- 15. PAYMENT TO THE CONTRACTOR:** Progress payments to the Contractor shall be made within 30 days of a fully executed Pay Estimate pending all compliance with all contractual requirements. The City reserves the right to require Contractor to correct any submitted or paid erroneous invoices according to the rates set forth herein. City and Contractor agree that any amount paid in error by City does not constitute a change in the agreed upon amount; Contractor agrees to issue a refund of any overages paid in error by the City.

No payment shall be made to the Contractor, however, until the Contractor and all subcontractors who have performed work shall have filed and received approval of a Statement of Intent to Pay Prevailing Wage as required by RCW 39.12.040 from the Washington State Department of Labor and Industries. Said Contractor and all subcontractors shall also keep accurate payroll records for three years from the date of acceptance as described in RCW 39.12.120. A Contractor and all subcontractors shall, file a copy of its certified payroll records using the Department of Labor and Industries online system on a monthly basis. A Contractor's noncompliance with this section shall constitute a violation of RCW 39.12.050.

- 16. INDEMNIFICATION:** Contractor agrees to indemnify, defend, save and hold harmless the City, its officials, employees and agents from any and all liability, including but not limited to demands, claims, causes of action, suits or judgments, claims of copyright or patent infringement, including costs, attorney fees and expenses incurred in connection therewith, or whatsoever kind or nature, arising out of, or in connection with, or incident to, the performance of services by Contractor pursuant to this Contract as described in WSDOT Standard Specifications or Special Provisions as applicable.

- 17. OWNERSHIP OF RECORDS AND DOCUMENTS:** Any and all work product prepared by the Contractor in the course of performing this Contract shall immediately become the property of the City. In consideration of the compensation provided for by this Contract, the Contractor hereby further assigns all copyright interests in such work product to the City. A copy may be retained by the Contractor. Previously owned intellectual property of Contractor or any third party, and any know-how, methodologies or processes used by Contractor to provide the services or project deliverables under this Contract shall remain property of the original City.

- 18. PUBLIC DISCLOSURE COMPLIANCE:** The parties acknowledge that the City is an "agency" within the meaning of the Washington Public Records Act, Chapter 42.56 RCW, and that materials submitted by the Contractor to the City become public record.

Such records may be subject to public disclosure, in whole or part and may be required to be released by the City in the event of a request for disclosure. In the event the City receives a public record request for any data or deliverable that is provided to the City and that is licensed from the Contractor, the City shall notify the Contractor of such request and withhold disclosure of such information for not less than five (5) business days, to permit the Contractor to seek judicial protection of such information, provided that the Contractor shall be responsible for attorney fees and costs in such action and shall save and hold harmless the City from any costs, attorney fees or penalty assessment under Chapter 42.56 RCW for withholding or delaying public disclosure of such information.

19. **AMENDMENTS:** All changes to this Contract, including changes to the statement of work and compensation, must be made by written Change Order and/or Amendment and signed by all parties to this Contract.
20. **AUTHORIZATION AND COMPLIANCE WITH THE LAW:** The Contractor certifies that the person signing the Contract is legally authorized to enter into this binding Contract and that the Contractor shall fully comply with all relevant, federal, state and municipal laws, rules, regulations and policies.
21. **CITY BUSINESS AND OCCUPATION LICENSE:** The Contractor will be required to obtain a business license when contracting with the City unless allowable exemptions apply. The Contractor shall contact the State of Washington Business License Service (BLS) at: <http://bls.dor.wa.gov/file.aspx>, or by phone at 800-451-7985, or go to www.bls.dor.wa.gov/cities/vancouver.aspx or www.cityofvancouver.us/businesslicense, to determine whether a business license is required pursuant to the Vancouver Municipal Code (VMC) Chapter 5.04.
22. **RELATION OF PARTIES:** The Contractor, its subcontractors, agents and employees are independent contractors performing services for The City and are not employees of City; shall not, as a result of this Contract, accrue leave, retirement, insurance, bonding or any other benefits afforded to City employees; and, shall not have the authority to bind the City in any way except as may be specifically provided in the Statement of Work.
23. **ASSIGNMENT:** This Contract is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstances, be assigned or transferred by either party without the other party's express written authorization.
24. **TERMINATION FOR CONVENIENCE:** The City, at its sole discretion, may terminate this Contract for convenience as described in the WSDOT Standard Specifications 1-08.10.
25. **TERMINATION FOR CAUSE:** In the event the Contractor is, or has been, in violation of the terms of this Contract, including the solicitation, the City reserves the right, upon written notice to the Contractor, to cancel, terminate, or suspend this contract in whole or in part for default as described in the WSDOT Standard Specifications 1-08.10.

26. **WAIVER AND REMEDIES:** City's failure to enforce the terms or conditions herein or to exercise any right or privilege, or the City's waiver of any breach hereunder shall not thereafter waive any other term, condition, or privilege, whether of the same or similar type. Remedies under this Contract are cumulative; the use of one remedy shall not be taken to exclude or waive the right to use another.
27. **ENTIRETY OF CONTRACT:** This Contract incorporates all the agreements, covenants and understanding between the parties hereto and are merged into this written Contract. No prior agreement or prior understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless set forth in this Contract.
28. **USE OF CITY'S NAME:** Contractor may not use any of City's name, trademark, service marks, or logo in connection with the services contemplated by this Contract or otherwise without the prior written permission of City, which permission may be withheld for any or no reason and may be subject to certain conditions.
29. **NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY:** During the term of this Contract, Contractor will not discriminate against any employee or applicant for employment in accordance with RCW Chapter 49.60, including, but not limited to creed, religion, race, color, age, sex, marital status, sexual orientation, sexual identity, pregnancy, military status, political ideology, ancestry, national origin, or the presence of any sensory, mental or physical disability, unless based upon a bona fide occupational qualification. The Contractor will take affirmative action to ensure that applicants and employees are treated fairly, without regard to their creed, religion, race, color, sex, national origin, or the presence of any sensory, mental or physical disability. Such action shall include all terms and conditions of employment, compensation, and benefits, including apprenticeship.
30. **EQUAL OPPORTUNITY CLAUSE:** During the performance of this contract, the Contractor agrees as follows:
- a. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Supplier agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
 - b. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Supplier, state that all qualified applicants will receive

consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.

- c. The Contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.
- d. The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- e. The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- f. The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- g. In the event of the Contractor's non-compliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- h. The Contractor will include the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

31. **CLEAN AIR ACT:** The Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401–7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251–1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
32. **DEBARMENT:** The Contractor certifies that that it is not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any Federal, State or local department or agency.
33. **BINDING EFFECT:** The provisions, covenants and conditions in this Contract bind the parties, their legal heirs, representatives, successors, and assigns.
34. **RATIFICATION:** Acts taken pursuant to this Contract but prior to its effective date are hereby ratified and confirmed.
35. **CONTRACT DOCUMENTS AND ORDER OF PRECEDENCE:** The complete Contract includes all parts listed in the Special Provisions WSDOT Standard Specification Section 1-04.2. On the Contract Plans, Working Drawings, and Standard Plans, figured dimensions shall take precedence over scaled dimensions.

Whenever reference is made in these Specifications or the Special Provisions to codes, rules, specifications, and standards, the reference shall be construed to mean the code, rule, specification, or standard that is in effect on the Invitation to Bid advertisement date, unless otherwise stated or as required by law.

If any part of the Contract requires Work that does not include a description for how the Work is to be performed, the Work shall be performed in accordance with standard trade practice(s). For purposes of the Contract, a standard trade practice is one having such regularity of observance in the trade as to justify an expectation that it will be observed by the Contractor in doing the Work.

36. **NOTICES:** All notices which are given or required to be given pursuant to this Contract shall be hand delivered, mailed postage paid, or sent by electronic mail as follows:

For the City:
Anna Vogel
City of Vancouver
415 W 6th Street
P O Box 1995
Vancouver WA 98668-1995
anna.vogel@cityofvancouver.us

For the Contractor:
Max Halberg
Midway Underground, LLC
980 Jackson Hwy
Toledo, WA 98591
bids@midwayundergroundllc.com

The undersigned, as the authorized representatives of the City and Contractor respectively, agree to all of the terms and conditions contained in this Contract, as of the dates set forth below.

CITY OF VANCOUVER

A municipal corporation

CONTRACTOR:

Midway Underground, LLC

Lon Pluckhahn, City Manager

Signature

Date

Printed Name /Title

Attest:

Date

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

Staff Report: 229-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Bid Award - SE 34th Street Safety and Mobility Project, Per Bid #24-42 (Project #PRJ100889)

Key Points

- The 34th Street Safety and Mobility Project is part of the City's Complete Streets Program to improve safety and mobility for all users in the corridor from SE 164th Avenue to SE 192nd Avenue. This project will implement Complete Street Council Resolution M-4189 (September 26, 2022).
- Under a separate contract (Pavement Management Program), the corridor was repaved and restriped to allow for on-street buffered mobility lanes. This improvement will include marked and enhanced pedestrian crossings, enhanced bicycle facilities, ADA improvements, and a pedestrian traffic signal at SE 162nd Avenue and Cascade Park Dr.
- The project is funded through a federal grant from the Southwest Washington Regional Transportation Council (RTC) in the amount of \$1,100,000, and local matching dollars.
- Corridor specific goals for this project are:
 1. Improve comfort and mobility for all users, regardless of how they choose to travel;
 2. Prioritize safety for all users;
 3. Make improvements quickly and efficiently.

Strategic Plan Alignment

Transportation and Mobility – a safe, future-ready and convenient transportation system

Economic Opportunity – a place where a wide variety of businesses of all sizes grow and thrive

Vibrant and Distinct Neighborhoods – a variety of accessible places and spaces

Present Situation

On October 15, 2024, the City received eight bids for the subject project. One bid was considered non-responsive because they did not meet the bidding requirements. The responsive bids ranged between \$1,049,470.00 to \$1,244,00.00. The low bidder was responsive. The bids are as follows:

SUMMARY OF BIDS	
BIDDER	AMOUNT
Advanced Excavating Specialists, LLC, Kelso, WA	\$1,049,470.00
Western United Civil Group, Yacolt, WA	\$1,122,334.45
Thompson Brothers Excavating, Vancouver, WA	\$1,139,880.00

Midway Underground, LLC, Toledo, WA	\$1,212,250.00
Grade Werks Excavating., Battle Ground, WA	\$1,217,443.00
Halme Excavating, Inc., Battle Ground, WA	\$1,241,420.00
Daybreak Construction, LaCenter, WA	\$1,244,000.00
Lee Contractors	Non-Responsive
Engineers' Estimate	\$1,300,000.00

Due to the federal funding associated with this project, the Washington State Department of Transportation (WSDOT) has set a Disadvantaged Business Enterprise (DBE) goal of 12% and a training goal of 0 hours. Advanced Excavating Specialists, LLC, from Kelso, Washington has committed to meet these goals.

There are no City Apprenticeship goals as federal guidelines for grant projects do not allow the inclusion of local agency apprenticeship programs.

Advantage(s)

1. Safer travel for pedestrians and bicyclists through the SE 34th Street corridor.
2. Prioritize safety for all users

Challenge(s)

1. Business and local traffic will be inconvenienced during the construction period; and
2. Construction will generate noise and dust. However, the contractor will implement dust control and erosion control strategies.

Budget Impact

The project is currently funded federal grant, and other local matching revenues. The project is included in the 2023-2024 and 2025-2026 Capital Budgets.

Prior Council Review

1. Approval of the 2023-2024 biannual budget which included the referenced project.
2. Approval of the 2025-2030 Transportation Improvement Program (TIP), Resolution No. M-4283. (June 17, 2024)
3. Approval of the SE 34th Complete Study - Resolution M-4189, adopted September 26, 2022.

Action Requested

On November 18, 2024, award a construction contract for the SE 34th Street Safety and Mobility project to the lowest responsive and responsible bidder, Advanced Excavating Specialists, LLC of Kelso, Washington, USA at their bid price of \$1,049,470.00, which includes Washington State sales tax, and authorize the City Manager, or designee, to execute the same.

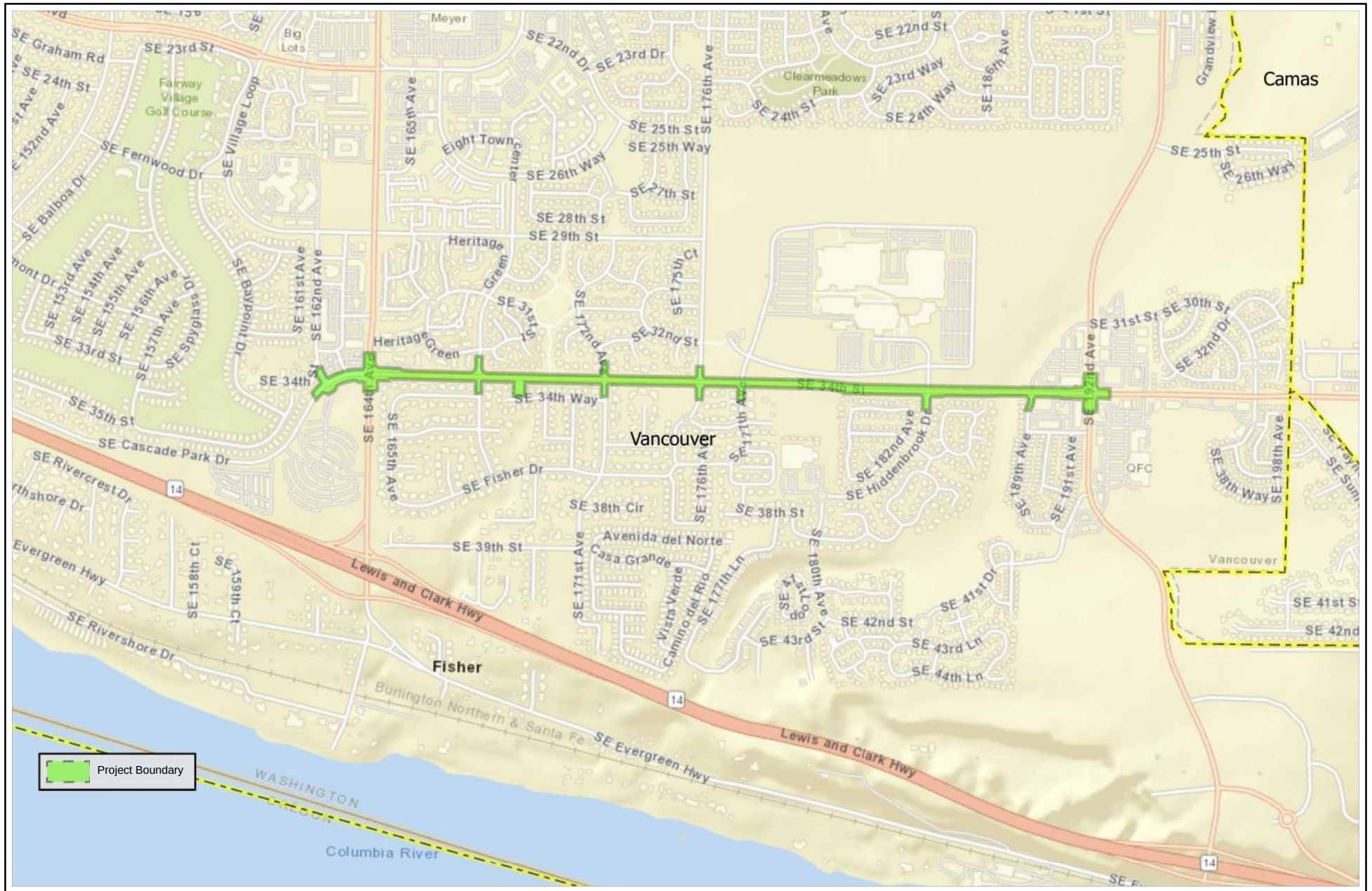
Staff Contact

Jessica Hild, Senior Civil Engineer, Hassan Abdalla, Engineering Manager,

Jessica.Hild@cityofvancouver.us, hassan.abdalla@cityofvancouver.us

Attachments:

1. SE 34th St Safety & Mobility - Project Map
2. Contract



Project Vicinity SE 34th Street Safety & Mobility Project



**CONSTRUCTION CONTRACT # C-101805
ITB 24-42: SE 34th St Safety and Mobility Project**

This Contract (hereinafter referred to as the "Contract") is entered into by and between the City of Vancouver, Washington, a municipal corporation organized under the laws of the State of Washington (hereinafter referred to as the "City") and Advanced Excavating Specialists, LLC, 1200 Hazel Street, Kelso, WA 98626 (hereinafter referred to as the "Contractor"). The City and Contractor may be collectively referred to herein as the "parties" or individually as a "party".

WHEREAS, the City desires to engage the Contractor to provide public works construction and other related services for the work described herein;

WHEREAS, Contractor has agreed to offer its services to perform said work per the City issued Invitation to Bid (ITB) No. 24-42 and all addenda thereto, Contractor's Bid to said ITB, the Project Plan Set and Special Provisions, and City Council's approval on **Month Day, Year** per Staff Report No. **##-##**; and

WHEREAS, the Contractor represents by entering into this Contract that it is fully qualified to perform the work to which it will be assigned in a competent and professional manner, and to the standards required by the City.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, or attached and incorporated and made a part hereof, the parties hereto agree as follows:

- 1. STATEMENT OF WORK:** The Contractor hereby agrees to furnish all materials, labor, tools, machinery and implements of every description necessary to complete the work in a professional manner within the time limits stated in this Contract for the construction and installation of the following improvements and will make all necessary arrangements for the obtaining of permits from the United States, State of Washington, and/or any of its agencies as may be necessary to do the work required and covered by this Contract.

This Contract provides for the improvements of SE 34th Street & SE Cascade Park Drive within the City of Vancouver including a pedestrian hybrid beacon signal, ITS, trail, bus stops and bike lane improvements and other work, all in accordance with the attached Contract Plans, these Contract Provisions, and the Standard Specifications.

The contract work shall be Physically Complete within 70 Working Days from the Notice to Proceed.

2. **EFFECTIVE DATE:** This Contract is effective as of the last signature of the Contract.
3. **E-VERIFY PROGRAM:** Contractor shall register and enter into a Memorandum of Understanding (MOU) with the Department of Homeland Security E-Verify program within sixty (60) days after execution of this Contract. Contractor shall ensure all Contractor employees and any sub-contractor(s) assigned to perform work under this Contract are eligible to work in the United States. Contractor shall provide verification of compliance upon City request. Failure by Contractor to comply with this subsection shall be considered a material breach.
4. **CONTRACTOR RESPONSIBILITIES FOR SUBCONTRACTORS:** The Contractor shall include the language of this section in all tier subcontracts and shall require each of its subcontractors to include the same language of this section in each of their subcontracts, adjusting only as necessary the terms used for the contracting parties. The requirements of this section apply to all subcontractors regardless of tier. The Contractor shall require all subcontractors to comply with all relevant federal, state and municipal laws, rules and regulations whatsoever.

At the time of subcontract execution, the Contractor shall verify that all tier subcontractors meet the following bidder responsibility criteria:

1. Have a current certificate of registration in compliance with chapter 18.27 RCW, which must have been in effect at the time of subcontract bid submittal;
2. Have a current Washington Unified Business Identifier (UBI) number;
3. Have received training on the requirements related to public works and prevailing wage as required by RCW 39.04.350;
4. Within the three-year period immediately preceding the date of the bid solicitation, not have been determined by a final and binding citation and notice of assessment issued by the department of labor and industries or through a civil judgment entered by a court of limited or general jurisdiction to have willfully violated, as defined in RCW 49.48.082, any provision of chapter 49.46, 49.48, or 49.52 RCW.
5. If applicable, have:
 - i. Have Industrial Insurance (workers' compensation) coverage for the subcontractor's employees working in Washington, as required in Title 51 RCW;
 - ii. A Washington Employment Security Department reference number, as required in Title 50 RCW;
 - iii. A Washington Department of Revenue state excise tax registration number, as required in Title 82 RCW;
 - iv. An electrical contractor license, if required by Chapter 19.28 RCW;
 - v. An elevator contractor license, if required by Chapter 70.87 RCW.
6. Not be disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.065 (3).

5. **DELINQUENT STATE TAXES:** The Contractor shall not owe delinquent taxes to the Washington State Department of Revenue without a payment plan approved by the Department of Revenue.
6. **COMPENSATION AND SCHEDULE OF PAYMENTS:** In consideration of the promises and agreements of the Contractor as set forth herein, and in consideration of the faithful performance and furnishing of the work and materials required by this Contract to the satisfaction of the City, the City agrees to pay to the Contractor as prescribed in the solicitation and Contractor's Bid, and in accordance with the ordinances of the City of Vancouver and the laws of the State of Washington, the following sum as indicated, which amount does include 8.7% Washington State Sales Tax (if applicable) \$1,049,470.00 USD.
- The amount finally to be paid is, however, variable upon the Work actually performed and final payment will be made upon the basis of the amount of work performed and the materials furnished, and at the lump sum or unit prices fixed in the Contractor's Bid and as modified by any and all approved Change Orders.
7. **CONTRACTOR'S INSURANCE:** The Contractor agrees to obtain and provide coverage as described in the WSDOT Standard Specifications 1-07.18 or the Special Provisions as applicable.
8. **CONTRACTOR'S BOND:** The Contractor agrees that before it undertakes performance of this Contract, it will file with the City of Vancouver a Performance Bond and Payment Bond, in the forms prescribed by the City of Vancouver, in the full amount of the Contract price with a company authorized to do business in the State of Washington as a surety. The bonds shall comply with the laws of the State of Washington, and especially with the provisions of Chapter 39.08 RCW.
9. **DISPUTE RESOLUTION:** In the event of a dispute between the Parties which cannot be resolved by the contract managers, the Contractor and the City shall resolve the dispute pursuant to WSDOT Specification 1-09.11 Disputes and Claims and WSDOT Specification 1-09.13 Claims Resolution or the Special Provisions as applicable.
10. **GOVERNING LAW/VENUE:** This Contract shall be deemed to have been executed and delivered within the State of Washington, and the rights and obligations of the parties hereunder shall be construed and enforced in accordance with, and governed by, the laws of the State of Washington without regard to the principles of conflict of laws. Any action or suit brought in connection with this Contract shall be brought in the Superior Court of Clark County, Washington.
11. **EMPLOYMENT OF LABOR:** The Contractor agrees that all persons employed by Contractor and by any of its subcontractors and any of their lower tier contractors in work performed pursuant to this Contract shall not be employed in excess of eight (8) hours in any one day, except as provided or allowed by Chapter 49.28 RCW and WAC 296-127 and any amendment thereto.

- 12. PAYMENT OF LABOR:** The contract will require the payment and tracking of federal wages through Davis Bacon and will be subject to regulations of the U.S. Department of Labor. The higher wage rate between the Federal and State rates, at minimum shall prevail per WAC 296-127-025.

The Contractor agrees that all laborers, workers, or mechanics employed by it or by any subcontractor in the performance of this Contract will be paid not less than the prevailing rate of wage for an hours work, in accordance with the provisions of the Chapter 39.12 RCW, and all rules and regulations promulgated pursuant thereto.

The prevailing wage rates in effect at the time of the bid submittal deadline shall apply for the duration of the project, no matter how long it lasts. However, if the Contract is awarded more than six (6) months after the bids were due, the prevailing wage rates in effect on the award date shall apply.

In case any dispute arises as to what the prevailing rates of wages for work of a similar nature are and such dispute cannot be adjusted by the parties involved, the matter shall be referred to the director of the Department of Labor and Industries of the State of Washington for arbitration, and the director's decision shall be final, conclusive and binding on all parties involved in the dispute.

- 13. DAVIS-BACON ACT, AS AMENDED (40 U.S.C. 3141-3148):** When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

- 14. CONTRACT WORK HOURS AND SAFETY STANDARDS ACT (40 U.S.C. 3701-3708):** Under 40 U.S.C. 3702 of the Act, each Contractor must be required to compute the wages of every mechanic and laborer on the basis of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is

compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

- 15. PAYMENT TO THE CONTRACTOR:** Progress payments to the Contractor shall be made within 30 days of a fully executed Pay Estimate pending all compliance with all contractual requirements. The City reserves the right to require Contractor to correct any submitted or paid erroneous invoices according to the rates set forth herein. City and Contractor agree that any amount paid in error by City does not constitute a change in the agreed upon amount; Contractor agrees to issue a refund of any overages paid in error by the City.

No payment shall be made to the Contractor, however, until the Contractor and all subcontractors who have performed work shall have filed and received approval of a Statement of Intent to Pay Prevailing Wage as required by RCW 39.12.040 from the Washington State Department of Labor and Industries. Said Contractor and all subcontractors shall also keep accurate payroll records for three years from the date of acceptance as described in RCW 39.12.120. A Contractor and all subcontractors shall, file a copy of its certified payroll records using the Department of Labor and Industries online system on a monthly basis. A Contractor's noncompliance with this section shall constitute a violation of RCW 39.12.050.

- 16. INDEMNIFICATION:** Contractor agrees to indemnify, defend, save and hold harmless the City, its officials, employees and agents from any and all liability, including but not limited to demands, claims, causes of action, suits or judgments, claims of copyright or patent infringement, including costs, attorney fees and expenses incurred in connection therewith, or whatsoever kind or nature, arising out of, or in connection with, or incident to, the performance of services by Contractor pursuant to this Contract as described in WSDOT Standard Specifications or Special Provisions as applicable.

- 17. OWNERSHIP OF RECORDS AND DOCUMENTS:** Any and all work product prepared by the Contractor in the course of performing this Contract shall immediately become the property of the City. In consideration of the compensation provided for by this Contract, the Contractor hereby further assigns all copyright interests in such work product to the City. A copy may be retained by the Contractor. Previously owned intellectual property of Contractor or any third party, and any know-how, methodologies or processes used by Contractor to provide the services or project deliverables under this Contract shall remain property of the original City.

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receives a public record request for any data or deliverable that is provided to the City and that is licensed from the Contractor, the City shall notify the Contractor of such request and withhold disclosure of such information for not less than five (5) business days, to permit the Contractor to seek judicial protection of such information, provided that the Contractor shall be responsible for attorney fees and costs in such action and shall save and hold harmless the City from any costs, attorney fees or penalty assessment under Chapter 42.56 RCW for withholding or delaying public disclosure of such information.

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- 23. ASSIGNMENT:** This Contract is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstances, be assigned or transferred by either party without the other party's express written authorization.
- 24. TERMINATION FOR CONVENIENCE:** The City, at its sole discretion, may terminate this Contract for convenience as described in the WSDOT Standard Specifications 1-08.10.
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- 26. WAIVER AND REMEDIES:** City's failure to enforce the terms or conditions herein or to exercise any right or privilege, or the City's waiver of any breach hereunder shall not

thereafter waive any other term, condition, or privilege, whether of the same or similar type. Remedies under this Contract are cumulative; the use of one remedy shall not be taken to exclude or waive the right to use another.

- 27. ENTIRETY OF CONTRACT:** This Contract incorporates all the agreements, covenants and understanding between the parties hereto and are merged into this written Contract. No prior agreement or prior understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless set forth in this Contract.
- 28. USE OF CITY'S NAME:** Contractor may not use any of City's name, trademark, service marks, or logo in connection with the services contemplated by this Contract or otherwise without the prior written permission of City, which permission may be withheld for any or no reason and may be subject to certain conditions.
- 29. NON-DISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY:** During the term of this Contract, Contractor will not discriminate against any employee or applicant for employment in accordance with RCW Chapter 49.60, including, but not limited to creed, religion, race, color, age, sex, marital status, sexual orientation, sexual identity, pregnancy, military status, political ideology, ancestry, national origin, or the presence of any sensory, mental or physical disability, unless based upon a bona fide occupational qualification. The Contractor will take affirmative action to ensure that applicants and employees are treated fairly, without regard to their creed, religion, race, color, sex, national origin, or the presence of any sensory, mental or physical disability. Such action shall include all terms and conditions of employment, compensation, and benefits, including apprenticeship.
- 30. EQUAL OPPORTUNITY CLAUSE:** During the performance of this contract, the Contractor agrees as follows:
 - a. The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Supplier agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
 - b. The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Supplier, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, sexual orientation, gender identity, or national origin.
 - c. The Contractor will not discharge or in any other manner discriminate against any employee or applicant for employment because such employee or applicant has

inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant. This provision shall not apply to instances in which an employee who has access to the compensation information of other employees or applicants as a part of such employee's essential job functions discloses the compensation of such other employees or applicants to individuals who do not otherwise have access to such information, unless such disclosure is in response to a formal complaint or charge, in furtherance of an investigation, proceeding, hearing, or action, including an investigation conducted by the employer, or is consistent with the contractor's legal duty to furnish information.

- d. The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- e. The Contractor will comply with all provisions of Executive Order 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.
- f. The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- g. In the event of the Contractor's non-compliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.
- h. The Contractor will include the provisions of paragraphs (1) through (8) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

31. CLEAN AIR ACT: The Contractor agrees to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401–7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251–1387). Violations must

be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

- 32. DEBARMENT:** The Contractor certifies that that it is not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any Federal, State or local department or agency.
- 33. BINDING EFFECT:** The provisions, covenants and conditions in this Contract bind the parties, their legal heirs, representatives, successors, and assigns.
- 34. RATIFICATION:** Acts taken pursuant to this Contract but prior to its effective date are hereby ratified and confirmed.
- 35. CONTRACT DOCUMENTS AND ORDER OF PRECEDENCE:** The complete Contract includes all parts listed in the Special Provisions WSDOT Standard Specification Section 1-04.2. On the Contract Plans, Working Drawings, and Standard Plans, figured dimensions shall take precedence over scaled dimensions.

Whenever reference is made in these Specifications or the Special Provisions to codes, rules, specifications, and standards, the reference shall be construed to mean the code, rule, specification, or standard that is in effect on the Invitation to Bid advertisement date, unless otherwise stated or as required by law.

If any part of the Contract requires Work that does not include a description for how the Work is to be performed, the Work shall be performed in accordance with standard trade practice(s). For purposes of the Contract, a standard trade practice is one having such regularity of observance in the trade as to justify an expectation that it will be observed by the Contractor in doing the Work.

- 36. NOTICES:** All notices which are given or required to be given pursuant to this Contract shall be hand delivered, mailed postage paid, or sent by electronic mail as follows:

For the City:
Anna Vogel
City of Vancouver
415 W 6th Street
P O Box 1995
Vancouver WA 98668-1995
anna.vogel@cityofvancouver.us

For the Contractor:
Chad Rorabaugh
Advanced Excavating Specialists
1200 Hazel Street
Kelso, WA 98626
chad@advexc.us

The undersigned, as the authorized representatives of the City and Contractor respectively, agree to all of the terms and conditions contained in this Contract, as of the dates set forth below.

CITY OF VANCOUVER
A municipal corporation

CONTRACTOR:
Advanced Excavating Specialists

Lon Pluckhahn, City Manager

Signature

Date

Printed Name /Title

Attest:

Date

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

Staff Report: 230-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Contract Amendment - Washington State Government Relations Contract with Arbutus Consulting LLC, C-100454

Key Points

This contract is to assist the City with its Washington State government relations, including legislative and administrative.

Strategic Plan Alignment

High Performing Government – a government that is reliable, fiscally responsible, equitable, and open to compromise

Present Situation

The City selected and awarded a five-year contract to Arbutus in October 2020 after conducting a full procurement process. The required services of the contract include, but is not limited to:

- general education and insight on the administration and legislative budgets and potential impacts on the City of Vancouver,
- assisting the City in securing Southwest Washington delegation support and funding for identified policy priorities and projects,
- assisting the City in securing administration and legislative support and funding for the Interstate Bridge Replacement project,
- general education and insight on the administration and legislative budgets and potential impacts on the City of Vancouver,
- research and provide information on state grant and committee assignments, and
- regularly meet with City staff on specific issues to review, analyze and develop strategies.

While conducting a regular review of the contract, staff determined that the contract's current not-to-exceed amount (C-100454) of \$333,500 will be exhausted by the end of November 2024 if the contract is not amended and the not-to-exceed amount increased. The reason why the contract is exceeding the not-to-exceed amount is because the initial contract amount of \$333,500 was accidentally calculated for four years of service instead of five. The requested increase will allow us to continue the contract through August 31, 2025, which will be our updated termination date.

In addition, staff determined that amending the contract end date to August 31, 2025 will better align with the timeline for developing the City's legislative agenda and strategy for the next legislative session.

Advantage(s)

1. The contractor is familiar with City officials and staff and the issues facing the City.

2. The contractor is familiar with the Southwest Washington state legislative delegation.

Challenge(s)

None

Budget Impact

None. Funds for these services have already been allocated in departmental budgets.

Prior Council Review

September 21, 2020.

Action Requested

Authorize the City Manager or designee to increase the contract by \$82,000 to a not-to-exceed amount of \$415,500, and amend the end date of the contract to August 31, 2025.

Staff Contact

Aaron Lande, Program and Policy Development Manager, aaron.lande@cityofvancouver.us

Attachments:

1. C-100940 executed
2. Amendment No 1 draft



**CITY OF VANCOUVER
FEDERAL LOBBYING SERVICES
No. C-100940**

This Services Agreement (hereinafter referred to as the "Agreement") is entered into by and between the City of Vancouver, Washington, a municipal corporation organized under the laws of the State of Washington, (hereinafter referred to as the "City") and CFM Advocates (hereinafter referred to as the "Contractor"). The City and Contractor may be collectively referred to herein as the "parties" or individually as a "party".

WHEREAS, the City desires to engage the Contractor to perform services as described in this Agreement; and

WHEREAS, the City advertised and issued a Request for Proposal, numbered 27-22 (hereinafter referred to as the "solicitation") and after evaluation of the Contractor's responsive proposal, found the Contractor be capable of performing the required services; and

WHEREAS, the Contractor represents by entering into this Agreement that it is fully qualified to perform the services described herein in a competent and professional manner, and to the full satisfaction of the City.

NOW, THEREFORE, in consideration of the terms, conditions, covenants, and performance contained herein, or attached and incorporated and made a part hereof, the parties hereto agree as follows:

- 1. SCOPE OF WORK:** The Contractor agrees to provide the City all services and materials set forth below and as further described in the City's solicitation, and the Contractor's responsive proposal to the City's solicitation, (collectively referred to herein as the "work") which are each incorporated herein by this reference, and made a part of this Agreement as if fully set forth herein.

Contractor to provide consulting services to assist the City with its federal legislative agenda. Contractor to work with the City to develop federal legislative agendas and work with legislators, agency and department staff to advance the City's legislative interests in Washington, DC.

Anticipated work includes but is not limited to:

- General education and insight on the administration and congressional budgets and potential impacts on the City of Vancouver.
- Ongoing verbal and written communications regarding current and emerging federal issues.
- Assisting the City in securing federal funding for a variety of City priority projects.
- Regular meetings with City staff on specific issues to review, analyze and develop strategies.
- Assist the City with creating effective, consistent, and coordinated communications with the federal delegation.
- Research and provide information on federal grant opportunities
- Provide information on delegation members' priorities and committee assignments.
- Keeping the City current on delegation staff and issue areas.

All work must be authorized and approved by the City's Project Manager before any work can begin. The Contractor shall approach each project in a manner consistent with its usual customary business practices. The Contractor shall actively seek collaborative input from City staff.

- 2. COMPENSATION:** Payment to the Contractor for the work described in this Agreement shall not exceed \$600,000.00 USD.

This payment shall be maximum compensation for the work and for all labor, materials, supplies, equipment and incidentals necessary to complete the work as set forth herein, and it shall not be exceeded without the City's prior written authorization in the form of a negotiated and executed amendment.

- 3. PAYMENT FOR CONTRACTOR SERVICES:** The Contractor shall submit monthly invoices to City covering both professional fees and project expenses, if any, for fees and expenses from the previous month. Payments to Contractor shall be net thirty (30) days.

The City reserves the right to correct any invoices paid in error. The Contractor shall be paid according to the rates set forth below in Attachment "A", incorporated herein by this reference, and made a part of this Agreement as if fully set forth herein.

City and Contractor agree that any amount paid in error by City does not constitute a rate change in the amount of the contract. The City's contract/purchase order (PO) number given on the notice to proceed **must** be referenced on any invoice submitted for payment.

4. **TERM OF AGREEMENT:** The term of this Agreement shall commence on July 1, 2022 and continue until June 30, 2027. Unless directed otherwise by the City, Contractor shall perform the work in accordance with any schedules made a part of this Agreement.
5. **ORDER OF PRECEDENCE:** Where there is a conflict among or between any of these documents, the controlling documents shall be the first listed in the following sequence: Amendments to this Agreement; this Agreement; Contract Purchase Orders; the Contractor's responsive proposal to the City's solicitation, and the City's solicitation.
6. **RELATION OF PARTIES:** The Contractor, and its subcontractors, agents, employees, or other vendors contracted by the Contractor to provide services or other work for the purpose of meeting the Contractor's obligations under this agreement (collectively referred to as "subcontractors"), are independent contractors performing professional services for the City and are not employees of the City. The Contractor and its subcontractors shall not, as a result of this Agreement, accrue leave, retirement, insurance, bonding or any other rights, privileges, or benefits afforded to City employees. The Contractor and its subcontractors shall not have the authority to bind City in any way except as may be specifically provided herein.
7. **SUBCONTRACTING:** The City does not permit subcontractors for the work performed under this Agreement. The Contractor shall not subcontract for the performance of any work under this Agreement without prior written permission of the City.
8. **E-VERIFY:** The Contractor shall enter into and register a Memorandum of Understanding with the Department of Homeland Security E-Verify program within sixty (60) days after execution of this Agreement. The Contractor shall ensure all Contractor employees and any subcontractors assigned to perform work under this Agreement are eligible to work in the United States. The Contractor shall provide verification of compliance upon the request of the City. Failure by the Contractor to comply with this subsection shall be considered a material breach.
9. **DELAYS AND EXTENSIONS OF TIME:** If the Contractor is delayed at any time in the progress of the work covered by this Agreement, by any causes beyond Contractor's control, the time for performance may be extended by such time as shall be mutually agreed upon by the Contractor and the City and shall be incorporated in a written amendment to this Agreement. Any request for an extension of time shall be made in writing to the City.
10. **OWNERSHIP OF RECORDS AND DOCUMENTS:** Any and all work product prepared by the Contractor in the course of performing this Contract shall immediately become the property of the City. In consideration of the compensation provided for by this Agreement, the Contractor hereby further assigns all copyright interests in such work product to the City. A copy may be

retained by the Contractor. Previously owned intellectual property of Contractor, and any know-how, methodologies or processes used by the Contractor to provide the services or project deliverables under this Agreement shall remain property of the Contractor.

- 11. TERMINATION FOR PUBLIC CONVENIENCE:** The City, at its sole discretion, may terminate this contract for convenience at any time for any reason deemed appropriate. Termination is effective immediately upon notice of termination given by the City.

In the event this Agreement is terminated prior to the completion of work, the Contractor will only be paid for the portion of the work completed at the time of termination of the Agreement.

- 12. TERMINATION FOR DEFAULT:** If the Contractor defaults by failing to perform any of the obligations of the Agreement, including violating any law, regulation, rule or ordinance applicable to this Agreement, or becomes insolvent or is declared bankrupt or commits any act of bankruptcy or insolvency or makes an assignment for the benefit of creditors, the City may, by depositing written notice to the Contractor in the U.S. mail, postage prepaid, terminate the Agreement, and at the City's option, obtain performance of the work elsewhere.

If the Agreement is terminated for default, the Contractor shall not be entitled to receive any further payments under the Agreement until all work called for has been fully performed. Any extra cost or damage to the City resulting from such default(s) shall be deducted from any money due or coming due to the Contractor. The Contractor shall bear any extra expenses incurred by the City in completing the work, and all damage sustained, or which may be sustained by the City by reason of such default.

If a notice of termination for default has been issued and it is later determined for any reason that the Contractor was not in default, the rights and obligations of the parties shall be the same as if the notice of termination had been issued pursuant to the termination for public convenience paragraph herein.

- 13. OPPORTUNITY TO CURE:** The City at its sole discretion may in lieu of a termination allow the Contractor to cure the defect(s), by providing a "Notice to Cure" to Contractor setting forth the remedies sought by City and the deadline to accomplish the remedies. If the Contractor fails to remedy to the City's satisfaction the breach or default of any of the terms, covenants, or conditions of this Contract within the time stated time, the City shall have the right to terminate the Contract without any further obligation to the Contractor. Any such termination for default shall not in any way operate to preclude the City from also pursuing all available remedies against the Contractor and its sureties for said breach or default, including but not limited to termination of this Contract for convenience.

- 14. COMPLIANCE WITH THE LAW:** The Contractor agrees to comply with all relevant, Federal, State, and Municipal laws, rules, policies, regulations or ordinances in the performance of work under this Agreement.
- 15. CITY BUSINESS AND OCCUPATION LICENSE:** The Contractor will be required to obtain a business license when contracting with the City unless allowable exemptions apply. The Contractor shall contact the State of Washington Business License Service (BLS) at: <http://bls.dor.wa.gov/file.aspx>, or by phone at 800-451-7985, or go to www.bls.dor.wa.gov/cities/vancouver.aspx or www.cityofvancouver.us/businesslicense, to determine whether a business license is required pursuant to the Vancouver Municipal Code (VMC) Chapter 5.04.
- 16. LIABILITY AND HOLD HARMLESS:** The Contractor agrees to indemnify, defend, save and hold harmless the City, its officials, employees and agents from any and all liability, demands, claims, causes of action, suits or judgments, including costs, attorney fees and expenses incurred in connection therewith, of whatsoever kind or nature (including patent infringement or copyright claims) to the extent arising out of, or in connection with, or incident to, the negligent performance or willful misconduct pursuant to this Agreement. This indemnity and hold harmless shall include any claim made against the City by an employee of Contractor or subcontractor or agent even if Contractor is thus otherwise immune from liability pursuant to the workers' compensation statute, Title 51 Revised Code of Washington (RCW), except to the extent that such liability arises from the concurrent negligence of both the City and the Contractor, such costs, fees and expenses shall be shared between the City and the Contractor in proportion to their relative degrees of negligence. The Contractor specifically acknowledges the provisions contained herein have been mutually negotiated by the parties and it is the intent of the parties that the Contractor provide the broadest scope of indemnity permitted by RCW 4.24.115. The Contractor is an independent contractor and responsible for the safety of its employees.
- 17. INSURANCE:** The Contractor shall obtain and keep in force during the entire term of this agreement, liability insurance against any and all claims for damages to person or property which may arise out of the performance of this Contract whether such work shall be by the Contractor, subcontractor or anyone directly or indirectly employed by either the Contractor or a subcontractor.

All liability insurance required herein shall be under a Comprehensive or Commercial General Liability and business policies.

COVERAGE	LIMITS OF LIABILITY
I. Commercial General Liability:	
Policy shall include Bodily Injury, Property Damage, Personal Injury and Broad Form Contractual Liability	
Each Occurrence	\$1,000,000
General Aggregate Per Occurrence	\$2,000,000
Products & Completed Operations Aggregate	\$2,000,000
Personal and Advertising Injury	\$1,000,000
Blanket Contractual Liability	\$1,000,000
II. Commercial Automobile Liability	
Policy shall include Bodily Injury and Property Damage, for any owned, Hired, and/or Non-owned vehicles used in the operation, installation and maintenance of facilities under this agreement.	
Combined Single Limit	\$1,000,000
III. Workers' Compensation (applicable to the State of Washington)	
Per Occurrence	
Employer's Liability	\$1,000,000
Disease Each Employee	\$1,000,000
Disease Policy Limit	\$1,000,000
Each Claim	\$1,000,000
Annual Aggregate	\$1,000,000

In addition to the coverage and limits listed above the Contractor's insurance must all contain the following:

- a. City Listed as an Additional Insured. The City of Vancouver, its Agents, Representatives, Officers, Directors, Elected and Appointed Officials, and Employees must be named as an additional insured. The required Additional Insured endorsements shall be at least as broad as ISO CG 20 10 11 85, or its equivalent CG 20 10 07 04 and CG 20 37 07 04 must be included with the Certificate of Insurance.
- b. Either the Commercial General Liability or the Workers' Compensation policy must be endorsed to include "Washington Stop Gap" insurance. The limits and aggregates referenced must apply to the Stop Gap coverage as well and must be indicated on the certificate.
- c. Employment Security. The Contractor shall comply with all employment security laws of the State in which services are provided and shall timely make all required payments in connection therewith.
- d. The City of Vancouver shall be listed on the Certificate as the Certificate Holder.

- e. Coverage Trigger: The insurance must be written on an “occurrence” basis. This must be indicated on the Certificate.

Contractor shall provide evidence of all insurance required, at the City’s request, by submitting an insurance certificate to the City on a standard “ACORD” or comparable form.

All policies shall be issued by an insurance company licensed to do business in the State of Washington. The City of Vancouver may inspect all policies and copies shall be provided to the City upon request.

- 18. NOTICES:** All notices which are given or required to be given pursuant to this Agreement shall be hand delivered, mailed postage paid, or sent by electronic mail as follows:

For the City:
Anna Vogel
City of Vancouver
415 W 6th Street
P O Box 1995
Vancouver WA 98668-1995
Email: anna.vogel@cityofvancouver.us

For the Contractor:
David Hodges
CFM Advocates
802D Officers Row
Vancouver, WA 98661
Email: davidh@cfmpdx.com

Either party may change the designated contact or any information listed above by giving advance notice in writing to the other party.

- 19. AMENDMENTS:** All changes to this Agreement, including changes to the scope of work and compensation sections, must be made by written amendment and signed by all parties to this Agreement.

- 20. SCOPE OF AGREEMENT:** This Agreement incorporates all the agreements, covenants and understanding between the parties hereto and are merged into this written Agreement. No prior agreement or prior understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless set forth in this Agreement.

- 21. RATIFICATION:** Acts taken pursuant to this Agreement but prior to its effective date are hereby ratified and confirmed.

- 22. GOVERNING LAW/VENUE:** This Agreement shall be deemed to have been executed and delivered within the State of Washington, and the rights and obligations of the parties hereunder shall be construed and enforced in accordance with, and governed by, the laws of the State of Washington without regard to the principles of conflict of laws. Any action or suit brought in

connection with this Agreement shall be brought in the Superior Court of Clark County, Washington.

- 23. COOPERATIVE PURCHASING:** The Washington State Inter-local Cooperation Act, Ch. 39.34 RCW, authorizes public agencies to cooperatively purchase goods and services if all parties agree. By having executed this Agreement, the Contractor agrees that other public agencies may purchase goods and services under this solicitation or contract at their own cost and without the City incurring any financial or legal liability for such purchases. The City agrees to allow other public agencies to purchase goods and services under this solicitation or contract, provided that the City is not held financially or legally liable for purchases and that any public agency purchasing under such solicitation or contract file a copy of this invitation and such contract in accordance with RCW 39.34.040.
- 24. PUBLIC DISCLOSURE COMPLIANCE:** The parties acknowledge that the City is an “agency” within the meaning of the Washington Public Records Act, Chapter 42.56 RCW, and that materials submitted by the Contractor to the City become public record. Such records may be subject to public disclosure, in whole or part and may be required to be released by the City in the event of a request for disclosure. In the event the City receives a public record request for any data or deliverable that is provided to the City and that is licensed from the Contractor, the City shall notify the Contractor of such request and withhold disclosure of such information for not less than five (5) business days, to permit the Contractor to seek judicial protection of such information, provided that the Contractor shall be responsible for attorney fees and costs in such action and shall save and hold harmless the City from any costs, attorney fees or penalty assessment under Chapter 42.17 RCW for withholding or delaying public disclosure of such information.
- 25. DEBARMENT:** The Contractor certifies that that it is not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any Federal, State or local department or agency.
- 26. NONDISCRIMINATION:** The City of Vancouver, WA is an equal opportunity employer. In the performance of this Agreement, the Contractor will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, sexual orientation, marital status, age or the presence of any sensory, mental or physical handicap.

The undersigned, as the authorized representatives of the City and Contractor respectively, agree to all of the terms and conditions contained in this Agreement, as of the dates set forth below.

CITY OF VANCOUVER

A municipal corporation

DocuSigned by:



Eric Holmes, City Manager

7/5/2022

Date

Attest:

DocuSigned by:



Natasha Ramras, City Clerk

Approved as to form:

DocuSigned by:



Jonathan Young, City Attorney

CONTRACTOR:

CFM Advocates

DocuSigned by:



Signature

Joel Rubin Partner

Printed Name /Title

6/29/2022

Date

ATTACHMENT "A":

Payment Rates

Cost Proposal

CFM proposes an annual retainer of \$96,000 (\$8,000/month), beginning with the award of the contract. The contract includes all out-of-pocket expenses incurred by CFM. Covered expenses would include travel costs, meetings with key congressional officials, postage, and other regular business expenses. CFM also provides grant writing services as part of our federal lobbying contracts. Due to the time intensive nature of many of the new grant programs created under the Bipartisan Infrastructure Law, CFM proposes an additional fee of \$12,000 for drafting each grant narrative that is expected to exceed ten pages in length. Our team can work with the City's contract manager to determine when this fee would be appropriate.

CFM Team	Hourly Rate	Estimated Monthly Hours	Estimated Annual Hours	Estimated Annual Staffing Cost
Joel Rubin	\$ 350	10	120	\$ 42,000
David Hodges	\$ 300	12	144	\$ 43,200
Michael Skipper	\$ 250	5	60	\$ 15,000
Samantha Lostia	\$ 200	7	84	\$ 16,800
	Totals	34	408	\$ 117,000
<i>(20% discount applied to total annual staff cost)</i>				\$23,400
		Staffing subtotal		\$ 93,600
Estimated annual expenses				
CFM staff travel & travel expenses				\$2,000
Telecommunications charges (i.e.; telephone, PDA's, internet)				\$150
Business expenses (i.e. insurance, materials)				\$250
Mail, overnight delivery & courier expenses				\$25
		Expense Subtotal		\$2,425
Total annual staffing & expenses				\$ 96,025
Proposed Monthly Retainer				\$ 8,002



SERVICE AGREEMENT #C-100454
AMENDMENT No. 1
WASHINGTON STATE GOVERNMENT AFFAIRS CONSULTANT

This Agreement amends the Professional Services Agreement number C-100454 by and between the City of Vancouver, hereinafter referred to as "City", and Arbutus Consulting LLC, hereinafter referred to as "Contractor", for services offered.

This amendment amends the original agreement as follows:

1. Increase the authorized amount of the Agreement by \$82,000 to a revised authorized amount of \$415,500.
2. **Amend** the language contained in Section 5, Time of Performance, with language as follows:
 - Term date of agreement changed to August 31, 2025.
3. Ratification: Acts taken pursuant to this Amendment but prior to its effective date are hereby ratified and confirmed.

This amendment in no way alters any other provisions of the original agreement.

CITY OF VANCOUVER
A municipal corporation

CONTRACTOR:
Arbutus Consulting LLC

Lon Pluckhahn, City Manager

Signature

Date

Printed Name /Title

Attest:

Date

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

Staff Report: 231-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Interlocal Agreement – Between the City of Vancouver and the Clark County Emergency Medical Services District #2 for the Provision of Ambulance Transport

Key Points

- The City's current interlocal agreement with EMS2 for the provision of ambulance transport services terminates on December 31, 2024, in connection with the termination of the City's current ambulance services agreement, which also terminates on December 31, 2024.
- On October 14th, 2024, the City Council authorized the City Manager to enter into an agreement for ambulance transport services effective January 1, 2025 ("2025 Agreement").
- EMS2 will receive ambulance transport services under the 2025 Agreement from January 1 through December 31, 2025, through the Interlocal Agreement.

Strategic Plan Alignment

Safe and Prepared Community – a safe place to live, work, learn and play

Present Situation

- The City's current interlocal agreement with EMS2 for the provision of ambulance transport services terminates on December 31, 2024, in connection with the termination of the City's current ambulance services agreement, which also terminates on December 31, 2024.
- On October 14th, 2024, the City Council authorized the City Manager to enter into an agreement for ambulance transport services effective January 1, 2025 ("2025 Agreement").
- EMS2 will receive ambulance transport services from January 1 through December 31, 2025 through the Interlocal Agreement, which sets forth the obligations of the City and EMS2 in relation to the provision and receipt of ambulance services under the 2025 Agreement.
- The City Council must approve the Interlocal Agreement in order for the City to provide ambulance services to EMS2 under the 2025 Agreement.
- The Interlocal Agreement includes a Business Associate Agreement that requires EMS2 to maintain the security and privacy of protected health information it may receive in connection with receiving ambulance services under the 2025 Agreement.
- The Interlocal Agreement includes an Exhibit B, which will be a copy of an interlocal agreement between the cities that comprise EMS2 and EMS2 regarding the receipt of ambulance transport services. The City is not part of that interlocal agreement; the City will incorporate it into the Interlocal Agreement once approved by all parties to that agreement.

Advantage(s)

Permits the City to provide ambulance services to EMS2 under the 2025 Agreement from January 1, 2025, through December 31, 2025.

Challenge(s)

None

Budget Impact

None

Prior Council Review

None. City Council approved the 2025 Agreement on October 14, 2024.

Action Requested

On Monday, November 18, 2024, authorize the City Manager, or designee, to approve the interlocal agreement ("Interlocal Agreement") between the City and EMSD2 for the provision of ambulance transport services with a term of January 1, 2025, through December 31, 2025.

Staff Contact

Brennan Blue, Fire Chief, Michelle Bresee, Senior Management Analyst,
brennan.blue@cityofvancouver.us, michelle.bresee@cityofvancouver.us

Attachments:

1. 20241016 ILA Vancouver EMSD2 Ambulance Transport Services FINAL FOR APPROVAL

**INTERLOCAL AGREEMENT FOR THE PROVISION OF AMBULANCE TRANSPORT
SERVICES BETWEEN THE CITY OF VANCOUVER AND CLARK COUNTY
EMERGENCY MEDICAL SERVICES DISTRICT # 2**

THIS IS AN INTERLOCAL AGREEMENT (“Interlocal”) entered into this ____ day of _____, 2024 under the authority of the Interlocal Cooperation Act, chapter 39.34 RCW, between the City of Vancouver, a municipal corporation organized under the laws of the State of Washington ("City"), and Clark County Emergency Medical Services District #2, an emergency medical services district authorized under RCW 36.32.480 ("EMSD2"), related to the receipt of ambulance services by EMSD2. City and EMSD2 are each a “Party” and together, the “Parties.”

RECITALS

WHEREAS, pursuant to RCW 39.34.080 of the Interlocal Cooperation Act, one or more public agencies may contract to perform any government service, activity, or undertaking that each public agency is authorized by law to perform;

WHEREAS, the City advertised a request for proposals for ambulance services in March, 2024 and subsequently entered into an Ambulance Services Agreement (“Agreement”) with American Medical Response Northwest, Inc. ("AMR") effective January 1, 2025 for the provision of care, which may include transport for emergency and non-emergency patients, when the request for care is initiated in the City (including Fire District 5), or the District, as defined below (“Services”);

WHEREAS, EMSD2 has entered into a separate Interlocal Agreement, attached as Exhibit B, under the Interlocal Cooperation Act with Clark County and the cities of Battle Ground, La Center, Ridgefield, and Woodland authorizing EMSD2 to enter into this Interlocal with the City

for the provision of Services to EMSD2 (together, these cities and unincorporated areas of Clark County excluding EMS District 1 and EMS District 3 are the “District”);

WHEREAS, the City has partnered with EMSD2 over the past ten years to provide emergency response services to areas served by EMSD2 through the City’s 2015-2024 Ambulance Services Agreement with AMR pursuant to an interlocal agreement between the City and EMSD2 that terminates on December 31, 2024;

WHEREAS, the City has determined that the level of complexity introduced by its rapid growth and urbanization requires it to focus all of its attention on providing the highest possible level of emergency medical services to the residents of the City of Vancouver and those residents in the Fire District 5 service area, which the Vancouver Fire Department serves through a cooperative fire services agreement;

WHEREAS, the City sent a letter to EMSD2 on May 10th, 2024 that stated it would pursue an ambulance services agreement for 2025-2029 that focuses on the City and Fire District 5’s needs and offered EMSD2 the option of remaining in the Contracted Service Area (as defined in Exhibit A) for the first year of the Agreement (2025), piggybacking off the Agreement, or engaging in a separate ambulance services RFP process; and,

WHEREAS, in its June 7th, 2024 letter to the City EMSD2 opted to receive Services under the Agreement from January 1, 2025 through December 31, 2025;

WHEREAS, the Parties must enter this Interlocal to ensure EMSD2 receives ambulance services under the Agreement from January 1, 2025 through December 31, 2025.

NOW, THEREFORE, THE CITY AND EMSD2 AGREE:

AGREEMENT

1. **Definitions.** The definitions in Article I and Appendix C of the Agreement apply to this Interlocal and those defined terms used in this Interlocal are attached as Exhibit A.
2. **Purpose.** The purpose of this Interlocal is to provide for the delivery of ambulance services to the District as set forth in the Agreement during the 2025 calendar year.
3. **Term.** The term of this Interlocal is January 1, 2025 through December 31, 2025 (“Term”).
4. **Termination.** This Interlocal will terminate at 12:00 AM on January 1, 2026. The Parties may not terminate this Interlocal for any reason prior to its termination date except that if City terminates the Agreement with AMR, it will provide 60 days written notice to EMSD2, following which this Interlocal will terminate and City will have no further obligations to EMSD2 related to the provision of ambulance services.
5. **City Obligations.**
 - a. *Enforcement.* City will ensure that AMR provides the Services to the District as contemplated by the Agreement during the Term.
 - b. *Communication.* City will be the sole Party to this Interlocal that communicates with AMR about the Agreement as it relates to the Services. For the avoidance of doubt, the EMS Program Analyst and EMSD2 staff persons may communicate on administrative issues including reports and liquidated damages distribution.
 - c. *Administration.* City will administer the Agreement between AMR and City.
 - d. *Pilot Projects.* City will confer in good faith with EMSD2 prior to engaging in any Pilot Projects that involves EMSD2. EMSD2 may request involvement in any Pilot Project, which the City may agree to at its discretion. If City engages in a

Pilot Project, it will ensure the Pilot Project does not impair the provision of Services to EMS2.

- e. *Reporting.* City will provide monthly compliance reports regarding the Agreement to EMS2 within thirty days of receiving the reports from AMR. City will provide EMS2 with an annual report for 2025 in 2026.

6. EMS2 Obligations.

- a. *District Agreement.* EMS2 will remain bound by the separate interlocal agreements it holds with the District during the Term.
- b. *Communication.* EMS2 will solicit feedback from the District regarding the Services and appoint one representative to communicate with City representatives about the Services. All communications from any fire district providing services to the District must be conveyed solely to the EMS2-appointed representative, who will communicate with City representatives. For the avoidance of doubt, the EMS Program Analyst and EMS2 staff persons may communicate on administrative or litigation-related matters, including with AMR as necessary related to these matters.
- c. *Business Associate Agreement.* EMS2 will agree to and remain compliant with the Business Associate Agreement attached as Exhibit 3. The Business Associate Agreement will survive the termination of this Interlocal for so long as EMS2 retains information protected by the Business Associate Agreement.
- d. *Non-Emergency Ground Ambulance Services Ordinance.* The Agreement includes provision for non-emergency ground ambulance services exclusivity in the District as required by Clark County Code Chapter 5.48B.025 except as provided

in Section 5.48B.190. EMSD2 will be solely responsible for enforcement of the relevant ordinance.

7. Financial Matters.

- a. *Funding.* There is no cost to the Parties during the Term of this Interlocal.
- b. *Distribution of Liquidated Damages.* AMR may be required to pay liquidated damages under the Agreement for failure to comply with certain obligations. Following City's receipt of those liquidated damages, the City will determine the percentage of liquidated damages applicable to EMSD2 based on calls by Emergency Response Zone. The City will provide the applicable percentage of liquidated damages to EMSD2 within thirty days.
- c. *Increased Services.* EMSD2 may request to pay for additional services under the Agreement, which the City will consider in good faith and approve at its discretion.
- d. *Early Termination.* If EMSD2 breaches Section 4 Termination and withdraws from this Interlocal prior to December 31st, 2025 at 11:59:59 PM, EMSD2 agrees to pay reasonable costs associated with its early termination, including any Services cost increase to City from the date of termination through December 31, 2025 at 11:59:59 PM.

8. Indemnification.

- a. *By EMSD2.* EMDS2 will indemnify, defend, and hold harmless City, its elected officials, employees, and agents from all third-party liability, demands, causes of action, lawsuits, and judgments, including costs, attorneys fees, and expenses ("Claims") arising from or in connection with EMSD2's obligations or receipt of

ambulance services originating in the District under this Interlocal, including any direct or third-party Claims related to Clark County Code Chapter 5.48B.025 or the provision for that exclusivity in the Agreement.

- b. *By City.* City will indemnify, defend, and hold harmless EMSD2, its elected officials, employees, and agents from all third-party liability, demands, causes of action, lawsuits, and judgements, including costs, attorneys fees, and expenses (“Claims”) arising from or in connection with the City’s obligations under this Interlocal and any Claims arising in the City (including Fire District 5).
- c. *Participation / Settlement.* Either Party may participate in the defense of indemnified Claims through counsel of their own choosing. Neither Party will settle any claim that affects the rights of the indemnified Party without prior written consent of the indemnified Party.
- d. *Notice of Claim.* The Party seeking indemnification will promptly (within seven business days) notify the other Party of any Claims made by a third party.
- e. *Survival.* The Parties’ indemnification obligations will survive termination of this Agreement.

9. Dispute Resolution.

- a. *Initial Dispute Resolution.* In the event of a dispute between the City and EMSD2 regarding the delivery of Services pursuant to the Agreement under this Interlocal, the Parties’ designated representatives will confer to amicably resolve the dispute within fourteen business days of a Party’s written notice of the dispute requiring resolution. If the Parties’ designated representatives are unable to resolve the dispute, those designated representatives will refer the dispute to the City

Manager and the EMSD2 Chair for resolution. The decision of the City Manager and EMSD2 Chair regarding the dispute shall be final as between the Parties.

- b. *Mediation.* If the City Manager and EMSD2 Chair are unable to resolve the dispute, the Parties will submit the dispute to mediation with a neutral mediator agreed to by the Parties. If the Parties cannot agree on a mediator, each will select a mediator, who will together select a third mediator to hear the dispute. Both Parties shall participate in mediation in good faith, but the Parties are not required to resolve the dispute in mediation. The Parties will equally share the cost of mediation.
 - c. *Claims.* In accordance with Section 12, the Parties may bring any claim regarding this Interlocal in Superior Court in Clark County if they are unable to resolve the dispute under Section 9A or 9B. The Parties will pay their own costs and fees, including attorneys' fees related to any Superior Court claim.
10. **Notices.** All notices under this Interlocal will be hand delivered, emailed with confirmation of receipt, or mailed in the U.S. Mail, postage paid with return receipt and effective on the delivery date. A Party may change its address for notices at any time by providing notice in writing to the then-current address. Notices must be addressed to:

For City:

If by email: fireemsd2@cityofvancouver.us

If by mail: City of Vancouver, Attn: City Manager P.O. Box 1995, Vancouver, WA 98668 with a copy to: EMS Program Analyst and Procurement Manager P.O. Box 1995, Vancouver, WA 98668

If by in-person delivery: City of Vancouver, Attn: City Manager, 415 W 6th Street,
Vancouver, WA 98660

For EMSD2:

If by email: Michelle.Schuster@clark.wa.gov

If by mail: Clark County, Attn: Emergency Service District #2, PO Box 5000,
Vancouver, WA 98666

If by in-person delivery: Clark County, Attn: Emergency Service District #2, 1300
Franklin Street, Vancouver, WA 98660

11. **Amendment.** This Agreement may not be amended except by an instrument in writing
executed by the Parties' authorized representatives.

12. **Governing Law; Venue.** This Agreement is governed by the laws of the State of
Washington. Exclusive venue for any action arising under this Agreement will be the
Superior Court located in Clark County, Washington in accordance with RCW 36.01.050.

13. **Severability.** If a court with jurisdiction over the matter determines that any clause of
this Agreement is unenforceable it shall strike the clause and the remainder of the
Agreement will remain in full force and effect.

14. **Interlocal Execution and Filing.** This is an Interlocal entered into pursuant to Chapter
39.34 RCW. The governing body of each Party shall authorize the Agreement, which sets
forth the purposes, powers, rights, objectives, and responsibilities of each Party. Its
purpose is set forth in Section 2 (Purpose). Its duration is as specified in Section 3
(Term). Its manner of financing is set forth in Section 7 (Financial Matters). Its method of
termination is set forth in Section 4 (Termination). No property shall be acquired pursuant

to this Agreement that will need to be disposed of upon partial or complete termination.

This Agreement may be executed in two counterparts, which together will constitute a single instrument. Upon execution, the Vancouver City Clerk will cause a copy of this Agreement to be posted on the City website pursuant to RCW 39.34.040.

15. **Entire Agreement.** This Interlocal, together with its exhibits, is the entire agreement between the Parties and supersedes all other agreements between them whether written or oral in nature.

[signature page follows]

IN WITNESS WHEREOF, the parties agree to enter this Interlocal Agreement by their duly authorized signatures below as of _____, _____, 2024. The term of this Interlocal Agreement begins on January 1, 2025.

FOR THE CITY OF VANCOUVER, a municipal corporation

Lon Pluckhahn, City Manager

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

FOR EMSD2

Sue Marshall, Chair EMSD2

Attest:

Rebecca Messinger, Clerk of the Board

Approved as to form:

Deb Wechselblatt, Senior Deputy Prosecuting Attorney

Exhibit A - Agreement Definitions and EMSD2 Appendix 1 Year One Definitions

Definitions applicable solely to EMSD2 in the first year of the Agreement are underlined. Definitions that apply throughout the term of the Agreement are not underlined.

"Contracted Service Area" or "CSA" - The combined geographic area within the corporate limits of the cities of Battle Ground, LaCenter, Ridgefield, Vancouver and Woodland; and within the portions of unincorporated Clark County, including Fire District 5, for the purpose of group purchasing of ambulance services, as shown on Exhibit 1 - "CSA - Map" attached hereto and incorporated herein by reference.

"County" - Clark County, Washington.

"District" or "EMSD2" - Clark County Emergency Medical Services District #2 established by ordinance pursuant to RCW 36.32.480.

"Interlocal Cooperation Agreement" - Interlocal Agreement for the Provision Of Ambulance Transport Services Between The City Of Vancouver And Clark County Emergency Medical Services District # 2 effective on January 1, 2025 through December 31, 2025.

"EMS Program Analyst" - The City Project Fire Management Analyst for the terms of this Agreement, or their designee. The EMS Program Analyst supports the Interlocal Cooperation Agreement, and provides analysis and data included in Contractor's reporting, billing and audit requirements.

"Regulated Service Area or RSA" - The combined area of the corporate limits of the cities plus the unincorporated areas of Clark County and all other general-purpose jurisdictions that have adopted the Uniform EMS Ordinance and entered into the EMS Interlocal Cooperation Agreement. This includes EMSD2 and any jurisdiction that may join or leave EMSD2 in the future. As of 2/8/24, the City is not included in the RSA.

Exhibit B – Interlocal between EMSD2 and the District

Exhibit C – Business Associate Agreement

Exhibit C – Business Associate Agreement

This Business Associate Agreement (“BAA”) is by and between the City of Vancouver, a Washington municipal corporation (“City” or “Covered Entity”) and Clark County Emergency Medical Services District #2, an emergency medical services district authorized under RCW 36.32.480 (“EMSD2” or “Business Associate”), and is effective on January 1, 2025 (“Effective Date”) in connection with the Interlocal Agreement between the Parties relating to ambulance services and effective from January 1 through December 31, 2025 (“Interlocal”), to which this BAA is an exhibit. City and EMSD2 are each a Party and collectively the Parties. Capitalized but undefined terms will have the meaning given them in the Interlocal.

Recitals

1. City is a “Covered Entity” as that term is defined in the Health Insurance Portability and Accountability Act (“HIPAA”), Privacy Standards and Security Standards, 45 C.F.R. Parts 160, 164 (the “Privacy Standards” and “Security Standards”).
2. EMSD2 is a “Business Associate” as that term is defined in the Privacy Standards and Security Standards, and may access, use, create, maintain, transmit, receive and/or disclose Protected Health Information on behalf of the Covered Entity as well Health Care Information as defined in RCW 70.02.010 (together, the “PHI”) in connection with providing the Services.
3. Covered Entity will share PHI with Business Associate in connection with Business Associate’s receipt of the Services under the Interlocal.
4. Pursuant to the Privacy Standards and Security Standards, the Business Associate must agree in writing to certain mandatory provisions regarding the use and disclosure of PHI and compliance with applicable law, including HIPAA, the HITECH Act, and Ch 70.02 RCW (“Applicable Law”).
5. This BAA contains the terms and conditions under which Covered Entity will share and Business Associate will receive, access, and manage PHI in connection with receiving the Services in compliance with the Interlocal and Applicable Law.

Agreement

The Parties agree as follows:

1. **Permitted and Required Uses of PHI.** All PHI that is created or received by Covered Entity and disclosed or made available in any form to Business Associate, including paper record, oral communication, audio recording, and electronic display or is created used, accessed, maintained, transmitted, disclosed, or received by Business Associate on Covered Entity’s behalf is subject to this BAA. Business Associate shall create, receive, maintain, and transmit PHI solely in connection with receiving the Services pursuant to the Interlocal, including its internal management and administration in connection with the Interlocal, in compliance with Applicable Law and this BAA.
2. **Business Associated Prohibited Uses.** Business Associate shall not create, receive, maintain, or transmit PHI except as permitted by this BAA or Applicable Law.
3. **Business Associate Safeguards to Protect PHI.** Business Associate shall (1) implement administrative, physical and technical safeguards that reasonably and appropriately protect the confidentiality, integrity and availability of Covered Entity’s PHI (including electronic PHI or “ePHI”) in accordance with Sections 164.308, 164.310, 164.312, and 164.316 of title 45, Code of Federal

Regulations; (2) ensure that any third party agent or subcontractor who receives Covered Entity's PHI or ePHI from Business Associate agrees to implement equivalent administrative, physical and technical safeguards; and (3) deploy appropriate safeguards to implement the Secretary of Health and Human Services' annual guidance on the most effective and appropriate technical safeguards for use in carrying out security standards; (4) report any security breaches involving Covered Entity's PHI within 24 hours of discovery; and (5) perform periodic risk assessments regarding its security practices.

4. **Business Associate Safeguards.** In addition to all safeguards it may implement to comply with the Security Standards, EMSD2 shall implement the following security safeguards:
 - A. *Least Privilege.* EMSD2 will ensure only Authorized Persons have access to PHI. EMSD2 will implement authentication and access controls to enforce least privilege. Authorized Persons means EMSD2's authorized employees and authorized subcontractors that have a legitimate need to access PHI to perform obligations under the Interlocal. EMSD2 shall ensure all Authorized Persons are subject to confidentiality obligations at least as protective as those in this BAA.
 - B. *Site Security.* EMSD2 shall ensure its locations, data centers, disaster recovery and back up sites are secure from unauthorized entry.
 - C. *Vulnerability Management.* EMSD2 shall maintain a vulnerability management program or ensure its vendors maintain a vulnerability management program and regularly patch software vulnerabilities; all Critical and High vulnerabilities must be patched within thirty days of discovery.
 - D. *Data Encryption.* EMSD2 shall encrypt all PHI in transit and at rest. EMSD2 shall ensure any mobile media that may contain PHI is encrypted. EMSD2 shall ensure its internal networks, including wireless networks, encrypt network activity. EMSD2 encryption in transit must be FIPS 140-2 certified and use minimal 128-bit strength symmetric cipher key. EMSD2 encryption at rest must be FIPS 197 certified and at least 256-bit strength.
 - E. *Privacy and Security Training.* EMSD2 shall provide all Authorized Persons with training on information security and data privacy knowledge, including protection of PHI, at least once per year.
 - F. *Location of PHI.* EMSD2 shall maintain PHI solely in data centers located in the United States.
 - G. *Business Continuity and Disaster Recovery.* EMSD2 shall maintain a business continuity plan and a disaster recovery plan. EMSD2's backup or disaster recovery sites that maintain PHI should be geographically separated.
5. **Business Associate Representation and Warranty Regarding Security Practices.** Business Associate acknowledges that City is relying on the administrative, physical, and technical safeguards implemented by Business Associate in providing PHI to Business Associate as part of receiving the Services. Business Associate represents and warrants that it has adopted, implemented, and shall maintain, for so long as Business Associate has access to, creates, maintains, uses, or transmits PHI or other confidential information, adequate and appropriate safeguards in order to: (i) protect the confidentiality and security of PHI obtained from, or created on behalf of, Covered Entity and (ii) prevent the use or disclosure of PHI other than as provided for by this BAA and Applicable Law.

6. **Business Associate Reporting Obligations for Unauthorized Use or Disclosure.** Business Associate shall report to Covered Entity any unauthorized use or disclosure of any PHI not more than 24 hours after becoming aware of an unauthorized use or disclosure of PHI by Business Associate, its representatives, employees, contractors, agents or by a third party to which Business Associate disclosed the PHI. EMSD2 shall provide notice to the City party named in Notice section of the Interlocal.
7. **Business Associate Reporting Obligations for Unauthorized Use or Disclosure of Unsecured PHI.**
- A. Breach Defined. A PHI breach occurs when Unsecured PHI may have been used, accessed, disclosed, or acquired in a manner not permitted under this BAA.
 - B. Unsecured PHI Defined. Unsecured PHI means PHI that is not rendered unusable, unreadable, or indecipherable to unauthorized persons through the use of a technology or methodology specified by the Secretary [in the guidance issued under section 13402\(h\)\(2\) of Public Law 111-5](#) (last accessed July 25, 2024).
 - C. Breach Notice. If Business Associate has reason to believe that a breach has occurred, Business Associate will, within twenty-four hours of discovery, give Covered Entity notice. A breach shall be treated as discovered by the Business Associate as of the first day on which such breach is known to the Business Associate, (which includes any person, other than the individual committing the breach, who is an employee, representative, or other agent of the Business Associate) or should reasonably have been known to the Business Associate to have occurred.
 - D. Breach Mitigation and Remediation. Business Associate shall immediately mitigate and remediate any unauthorized access to PHI and shall devote such resources as may be required to accomplish that goal. The Business Associate shall cooperate with all Covered Entity efforts, including providing information necessary to enable Covered Entity to fully understand the nature and scope of the breach including but not limited to identification of each individual who has been affected by the breach.
 - E. Breach Investigation. The Business Associate will investigate a breach of unsecured PHI to determine if the PHI has been compromised based upon a risk assessment in accordance with Section 164.402(2).
 - F. Notification; Costs. Business Associate will provide assistance at no cost to Covered Entity and in accordance with the Covered Entity's policies and standards. Business Associate must coordinate with Covered Entity on any public notification or notice to any individual, media outlet, or the Secretary of Health and Human Services and will take no action prior to consulting with Covered Entity. Business Associate shall pay the full costs of any required notice to affected individuals, including the costs to retain an outside consulting firm to undertake the notification effort and will supply City with the following information to make such notification: (1) A brief description of what happened, including the date of the breach and the date of the discovery of the breach, if known. (2) A description of the types of unsecured PHI that were involved in the breach (such as full name, Social Security number, date of birth, home address, account number, or disability code). (3) A brief description of what the Business Associate is doing to investigate the breach, to mitigate losses, and to protect against any further breaches.

8. **Business Associate Agents and Subcontractors.** Business Associate shall enter into an agreement with its agents and subcontractors to ensure that its obligations under this BAA apply to the agents or subcontractor(s), including the Security Standards as applicable.
9. **HHS Audit.** Business Associate shall make its internal practices, books and records (“Documents”) relating to its obligations under this BAA regarding PHI available to the Secretary of the U.S. Department of Health and Human Services upon request (“HHS”) for purposes of determining the Parties’ compliance with the HIPAA Standards. Business Associate shall provide Covered Entity with a copy of any Documents within five days of providing Documents to HHS.
10. **Record Requests.** Business Associate will provide Covered Entity with information requested by an individual that exists in a designated records set within ten days of receiving the request from Covered Entity in accordance with 45 CFR § 164.528. Business Associate will amend any information following a request by an individual in accordance with 45 CFR § 164.526.
11. **Term; Termination.** The term of this BAA begins on the Effective Date and terminates on the date EMSD2 no longer retains any of Covered Entity’s PHI and no subcontractor or agent of EMSD2 retains any of Covered Entity’s PHI. Covered Entity may terminate this BAA if it determines Business Associate has violated a material term of the Agreement and does not cure the violation within seven days from the date of written notice of the material breach. City may determine the breach cannot be remedied and terminate this BAA immediately in its discretion.
12. **Business Associate PHI Obligations upon Termination of the Agreement.** Business Associate shall return or destroy all PHI received from Covered Entity, or created or received on behalf of Covered Entity, that Business Associate maintains in any form in connection with termination of the Agreement. However, Business Associate may determine that return or destruction of PHI is not feasible due to records retention obligations under Applicable Law. If Covered Entity is in agreement that return or destruction is not feasible, then Covered Entity will agree to extend the protections of this Agreement to that information and to limit further uses and disclosures to those purposes that make the return or destruction of the information infeasible, for as long as Business Associate or its business associates maintain PHI. The Parties agree that Business Associate will be required to retain PHI pursuant to Applicable Law beyond the termination of the Agreement and will retain it only for so long as required by Applicable Law, after which it will return the PHI to Covered Entity or destroy it in accordance with Applicable Law. The obligations under this section will survive termination of this Agreement.
13. **Covered Entity Audit Rights.** Covered Entity may, at any time, monitor, audit, and review Business Associate’s activities and methods in implementing this BAA in order to ensure Business Associate’s compliance with it. EMSD2 will complete City’s information security questionnaire upon request from City at no cost to City.

14. **Other Provisions.** Section 10-12 and 15 of the Interlocal are fully incorporated into this Agreement. The Parties will amend this BAA pursuant to Section 11 of the Interlocal if any Applicable Law changes to ensure continued compliance with Applicable Law.

[signature page follows]

In Witness Whereof, the Parties have entered this Agreement by their signatures below as of the Effective Date.

Covered Entity

Business Associate

By: Lon Pluckhahn
Title: City Manager
Date Signed:

By: Sue Marshall
Title: EMS2 Chair
Date Signed:

A RESOLUTION providing approval solely for purposes of section 147(f) of the internal revenue code, of the issuance of revenue obligations by the Housing Authority of the City of Vancouver in the principal amount of not to exceed \$20,000,000, to finance the acquisition of a multifamily housing project to provide housing for low-income persons.

Staff Report: 232-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Approval of Vancouver Housing Authority Bond for Cascara Apartments

Key Points

- The Housing Authority of the City of Vancouver (VHA) is planning the acquisition of Cascara Apartments, a 98-unit newly constructed and unoccupied multifamily housing development located at 4902 NE 94th Avenue in Vancouver, Washington 98662.
- In order to finance this project, VHA is seeking approval from the City to issue a tax-exempt bond in the amount of \$20 million.
- While the City's approval is required for VHA to issue bonds under the Internal Revenue Code, this approval does not create any responsibility for the City regarding the issuance and debt service for the bond.
- City Housing Program staff requests on behalf of the VHA that City Council approve the execution of the enclosed certificate indicating the City's approval of the issuance of the bond for the project.

Strategic Plan Alignment

Housing and Human Needs – meeting basic needs and partnering with organizations to support the community

Present Situation

The Housing Authority of the City of Vancouver (VHA) plans to acquire Cascara Apartments, a 98-unit newly constructed and unoccupied housing project located at 4902 NE 94th Avenue in Vancouver, Washington 98662.

VHA is seeking approval for the issuance of a tax-exempt bond in the amount of \$20 million to finance the acquisition of this project. This approval is required by the City but does not imply any financial responsibility on the part of the City.

The financing sources for the project will include low-income housing tax credits (4% LIHTC) and the bond. VHA will issue the bond and provide a loan to Cascara Apartments LLLP, of which VHA is the sole general partner.

Section 147(f) of the Internal Revenue Code necessitates approval by the applicable elected representative for qualified private activity bonds, which includes this bond. The Mayor of the City of

Vancouver, as the chief elected executive officer of the City, is treated as the applicable elected representative to approve the bond. Approval by City Council will satisfy both the “issuer” approval for the bond and the “jurisdiction” approval.

A public hearing regarding the project and the bond was held on October 31, 2024, and no public testimony was provided.

Approval of the City is solely to comply with Section 147(f) of the Code and does not indicate any further financial responsibility or approval of other aspects of the project.

Advantage(s)

Provide 98 units of housing for households experiencing low-income.

Challenge(s)

None

Budget Impact

No budget impact.

Prior Council Review

None

Action Requested

On Monday, November 18, 2024, adopt a resolution providing approval solely for purposes of Section 147(f) of the Internal Revenue code, of the issuance of revenue obligations by the Housing Authority of the City of Vancouver for the purchase of Cascara Apartments.

Staff Contact

Samantha Whitley, Housing Programs Manager, Hayley Woodbridge, Associate Housing Project Coordinator, samantha.whitley@cityofvancouver.us, hayley.woodbridge@cityofvancouver.us

Attachments:

1. Resolution
2. VHA Request and TEFRA Hearing documentation

November 18, 2024

RESOLUTION NO. _____

A RESOLUTION providing approval, solely for purposes of section 147(f) of the Internal Revenue Code, of the issuance of revenue obligations by the Housing Authority of the City of Vancouver in the principal amount of not to exceed \$20,000,000, to finance the acquisition of a multifamily housing project to provide housing for low-income persons.

WHEREAS, the City of Vancouver (the “City”) is a city duly organized and existing under and by virtue of the Constitution and laws of the State of Washington (the “State”);

WHEREAS, as provided in RCW 35.82.030, the City Council of the City previously activated the Housing Authority of the City of Vancouver (the “Authority”) pursuant to a Resolution Declaring the Need for a Housing Authority in the City of Vancouver, Washington, adopted on February 5, 1942;

WHEREAS, RCW 35.82.020(11) and 35.82.130 together provide that a housing authority may issue bonds, notes or other obligations for any of its corporate purposes;

WHEREAS, RCW 35.82.070(18) provides that a housing authority may, among other things and if certain conditions are met, “make . . . loans for the acquisition, construction, reconstruction, rehabilitation, improvement, leasing, or refinancing of land, buildings, or developments for housing for persons for low income”;

WHEREAS, the Authority has advised the City that the Authority intends to issue revenue bonds (the “Obligations”) in the maximum aggregate principal amount of \$20,000,000 pursuant to chapter 35.82 RCW and a plan of financing (the “Plan of Financing”) for the acquisition of a 98-unit newly constructed housing project known as Cascara Apartments (the “Project”), which will be owned for federal tax purposes by Cascara Vancouver LLLP (the “Borrower”), a Washington limited liability limited partnership of which the Authority is the sole general partner;

WHEREAS, the Authority has also advised the City that the proceeds of the Obligations will be used to make one or more loans to the Borrower to finance the costs of the Project, and that the Authority intends that the interest on the Obligations be exempt from federal income taxation;

WHEREAS, Section 147(f)(2) of the Internal Revenue Code of 1986, as amended (the “Code”) and related Treasury Regulations provide that one of the requirements for tax-exemption is approval of the Obligations by the governmental unit under the auspices of which the Authority was activated, which is the City, and a governmental unit having jurisdiction over the area in which the Project is located, which is the City;

WHEREAS, the Authority has advised the City that, following timely notice thereof being posted on the Authority’s primary public website in the space customarily used by the Authority to give notice of public hearings, a public hearing was held on October 31, 2024 in person at the Authority’s offices and telephonically, on the proposed issuance of the Obligations pursuant to the Plan of Financing for the Project, in accordance with the requirements of Section 147(f) of the Code;

WHEREAS, the Authority has provided the City with a written summary of any public testimony and any written comments received at such public hearing;

WHEREAS, the proposed Obligations and Project are further described below:

Maximum Principal Amount of Obligations: \$20,000,000

Principal User of Project:	Cascara Vancouver LLLP, a Washington limited liability limited partnership of which the Authority is the sole general partner
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Description of Project:	Acquisition of a 98-unit newly constructed and unoccupied housing project known as Cascara Apartments, located at 4902 NE 94 th Avenue in Vancouver, Washington 98662
-------------------------	--

WHEREAS, the Authority has advised the City that the Obligations to be issued by the Authority for the Project pursuant to the Plan of Financing consist of long-term revenue bonds to provide permanent financing for the Project and will not exceed an aggregate principal amount of \$20,000,000;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. The City approves the issuance of Obligations by the Authority for the Project in accordance with the Plan of Financing. This approval is intended solely to comply with the requirements of Section 147(f) of the Code in order to permit the issuance of the Obligations.

Section 2. In approving the issuance of Obligations, the City does not assume any responsibility with respect to any payments due on the Obligations. No tax funds or governmental revenue of the City may be used to pay the principal of or the interest on the Obligations; the Obligations do not directly or indirectly constitute a debt or liability of the City; and neither the faith and credit nor the taxing power of the City is pledged to the payment of principal of or interest on the Obligations.

Section 3. This approval is not intended to and does not constitute land use, building permit, environmental, occupancy, or zoning approval for the Project.

Section 4. This resolution shall take effect immediately upon its passage and approval.

ADOPTED by the City Council of the City of Vancouver, Washington at an open public meeting this 18th day of November, 2024.

CITY COUNCIL, CITY OF VANCOUVER,
WASHINGTON

By: _____
Anne McEnery-Ogle, Mayor

ATTEST:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney



October 31, 2024

Honorable Ann McEnerny-Ogle
City of Vancouver
415 West 6th Street
Vancouver, Washington 98660

Re: Housing Authority of the City of Vancouver – Cascara Apartments

Dear Mayor McEnerny-Ogle:

The Housing Authority of the City of Vancouver (the “Authority”), a housing authority created under chapter 35.82 of the Revised Code of Washington (the “Housing Authorities Law”), is planning the acquisition of a newly constructed multifamily housing complex currently known as Cascara Apartments (the “Project”) located at 4902 NE 94th Avenue in Vancouver, Washington. The Project will provide 98 units of housing for low-income persons.

As further described below, the Authority is requesting your approval of the issuance of tax-exempt bonds (the “Bonds”) to finance the Project. Although the City's approval is required for the issuance of the Bonds, it does not create or imply any responsibility on the part of the City to issue the Bonds, to pay debt service on the Bonds or to determine whether the Bonds or the Project are financially feasible.

The financing sources for the Project will include low-income housing tax credits, the Bonds, and other loans. The Authority will issue the Bonds and use the proceeds to make a loan to Cascara Vancouver L.L.P. (the “Borrower”) a Washington limited liability limited partnership of which the Authority is the sole general partner.

Section 147(f) of the Internal Revenue Code requires that qualified private activity bonds, such as these Bonds, be approved by (a) the governmental unit that issues the bond, or on behalf of which such bond is issued, and (b) a governmental unit having jurisdiction over the area in which the financed facility is located. A bond may be approved by the “applicable elected representative” of a governmental unit. Because the City is the entity that created the Authority – by resolution adopted by the City Council on February 5, 1942 – and that appoints the Board for the Authority, and because none of the Authority Board Members are elected, our bond counsel, Pacifica Law Group LLP, has advised us that the City Council of the City of Vancouver is treated as the “applicable elected representative” to approve the Bonds. Approval by the City Council will satisfy both the “issuer” approval for the Bonds and the “jurisdiction” approval with respect to the Project.

2500 Main St., Vancouver, WA 98660
Phone (360) 694-2501 | TTY 711 | Fax (360) 993-9594
www.vhausa.org

The approval of the applicable elected representative must be made “after a public hearing following reasonable public notice.” The Treasury Regulations state that notice is presumed reasonable if published no fewer than seven days before the hearing. The Authority published a notice of a public hearing with respect to the Project and the Bonds on October 17, 2024, on its website, a permissible method of publication. A screenshot of publication of this notice is enclosed. The Authority held a hearing regarding the proposed Bonds and the Project on October 31, 2024. As shown in the enclosed hearing minutes, no one from the public appeared to present testimony or provided written testimony in advance of the hearing.

Although approval of the City is required for issuance of tax-exempt bonds to finance the Project, this approval is intended solely to comply with the requirements of Section 147(f) of the Code and is not intended to imply that the Bonds are issued on behalf of the City, that the City has approved the form of documents relating to the Bonds, that the City has approved any other aspect of the Project, or that the City is under any duty or has any responsibility for the payment of the Bonds.

The Authority respectfully requests that the City Council approve the issuance of the Bonds for the Project. We have included a form of resolution that may be used by the City Council for this purpose. Please do not hesitate to contact me, or our bond counsel (Faith Pettis (206) 245-1700) with any questions.

Sincerely,

HOUSING AUTHORITY OF THE CITY OF
VANCOUVER

By 
Andy Silver, Chief Executive Officer

MINUTES OF A HYBRID PUBLIC HEARING OF
THE HOUSING AUTHORITY OF THE CITY OF VANCOUVER

The Housing Authority of the City of Vancouver (the "Authority") conducted a hybrid public hearing on Thursday, October 31, 2024, at 3:00 PM. Members of the public were invited to attend the public hearing in person at the Authority's main office located at 2500 Main Street, Vancouver, Washinton 98660 in the Community Room or virtually using the following telephone dial-in instructions:

TOLL-FREE CALL-IN NUMBER: 1-347-690-2327
ACCESS CODE: 225-149-535#

The purpose of the hearing was to consider public testimony on the proposed issuance by the Authority, pursuant to chapter 35.82 RCW and a plan of financing with respect to the project described below (the "Project") of certain obligations the interest on which will be excluded from gross income for federal income tax purposes pursuant to Sections 103 and 142 of the Internal Revenue Code of 1986, as amended (the "Code").

Maximum Principal Amount of \$20,000,000
Obligations:

Project Principal User: Cascara Vancouver LLLP, a Washington limited liability limited partnership of which the Authority is the sole general partner

Project Description: Acquisition of a 98-unit multifamily housing complex known as Cascara Apartments

Project Location: 4902 NE 94th Avenue Vancouver, WA 98662

The hearing was called to order by Scott Sharba, Development Project Manager of the Authority at 3:00 PM Pacific Standard Time. No one from the public attended to present testimony either in person or virtually. The hearing was adjourned at 3:30 PM Pacific Standard Time.

By: 
Name: Andy Silver
Title: Chief Executive Officer

NOTICE OF PUBLIC HEARING

The Housing Authority of the City of Vancouver (the “Authority”) will hold an open public hearing for the purpose of considering the proposed issuance by the Authority of one or more series of tax-exempt revenue bonds (the “Bonds”) the proceeds of which will to be loaned to Cascara Vancouver LLLP, a Washington limited liability limited partnership, for the acquisition of a newly constructed multifamily housing facility described below and located in the Authority’s area of operation. Each apartment will be a complete and separate dwelling unit consisting of living, eating and sanitation facilities. A portion of the units will be reserved for persons or households with low incomes.

The public hearing will be held starting at 3:00p.m, October 31, 2024, in the Community Meeting Room at the offices of the Authority located at 2500 Main Street, Vancouver, Washington 98660-2676. Participants wishing to join telephonically in the United States, please dial 1-347-690-2327 Passcode 225-149-535# (U.S. toll-free).

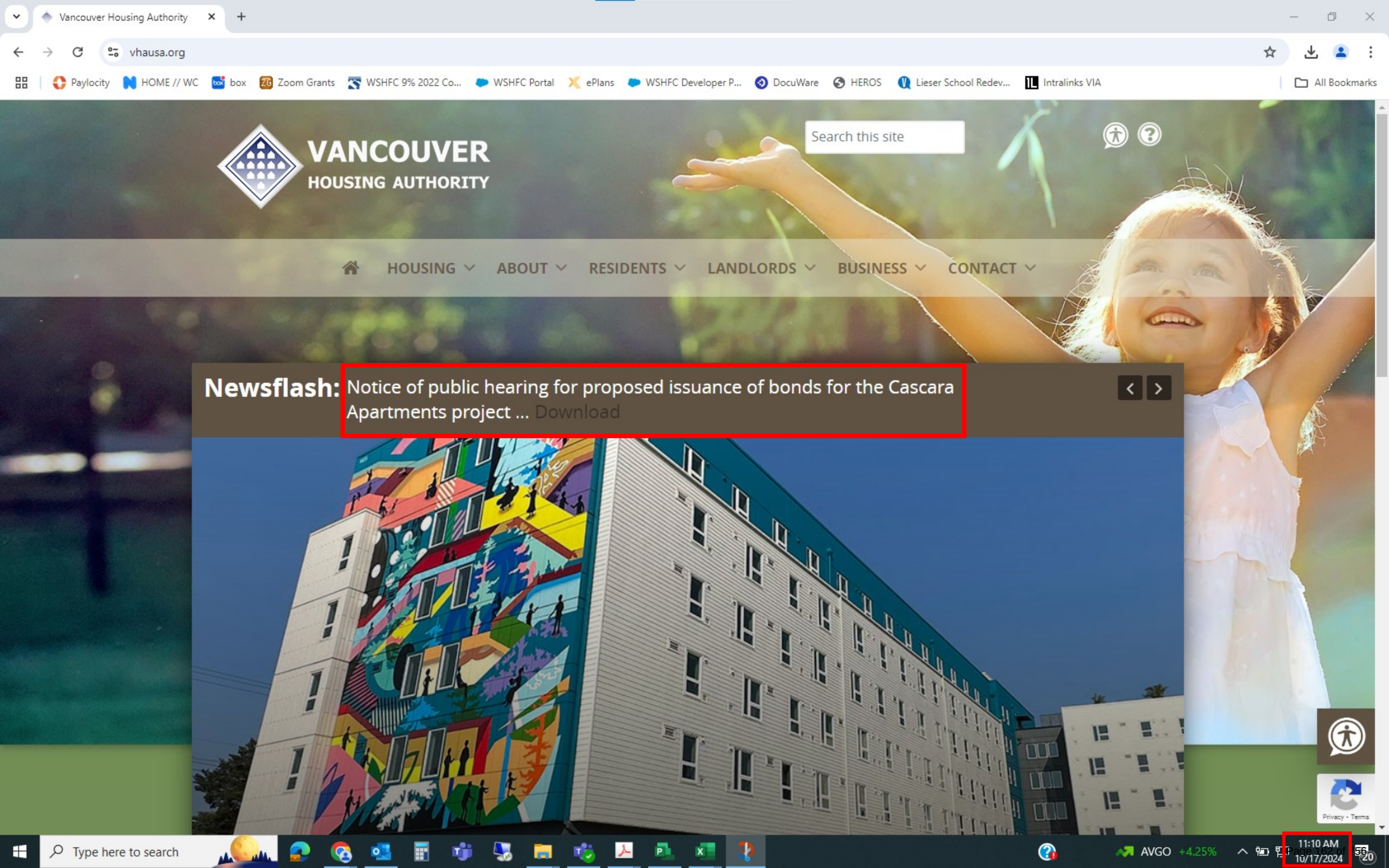
The Bonds will be issued pursuant to Chapter 35.82 of the Revised Code of Washington to finance qualified residential rental projects under section 142(d) of the Internal Revenue Code of 1986, as amended. The interest on the Bonds will be excluded from gross income for federal income tax purposes pursuant to Sections 103 and 142 of the Code, and the Bonds may be issued as one or more series issued from time to time and may include one or more series of refunding obligations.

The proceeds of the Bonds will be used to finance the following project:

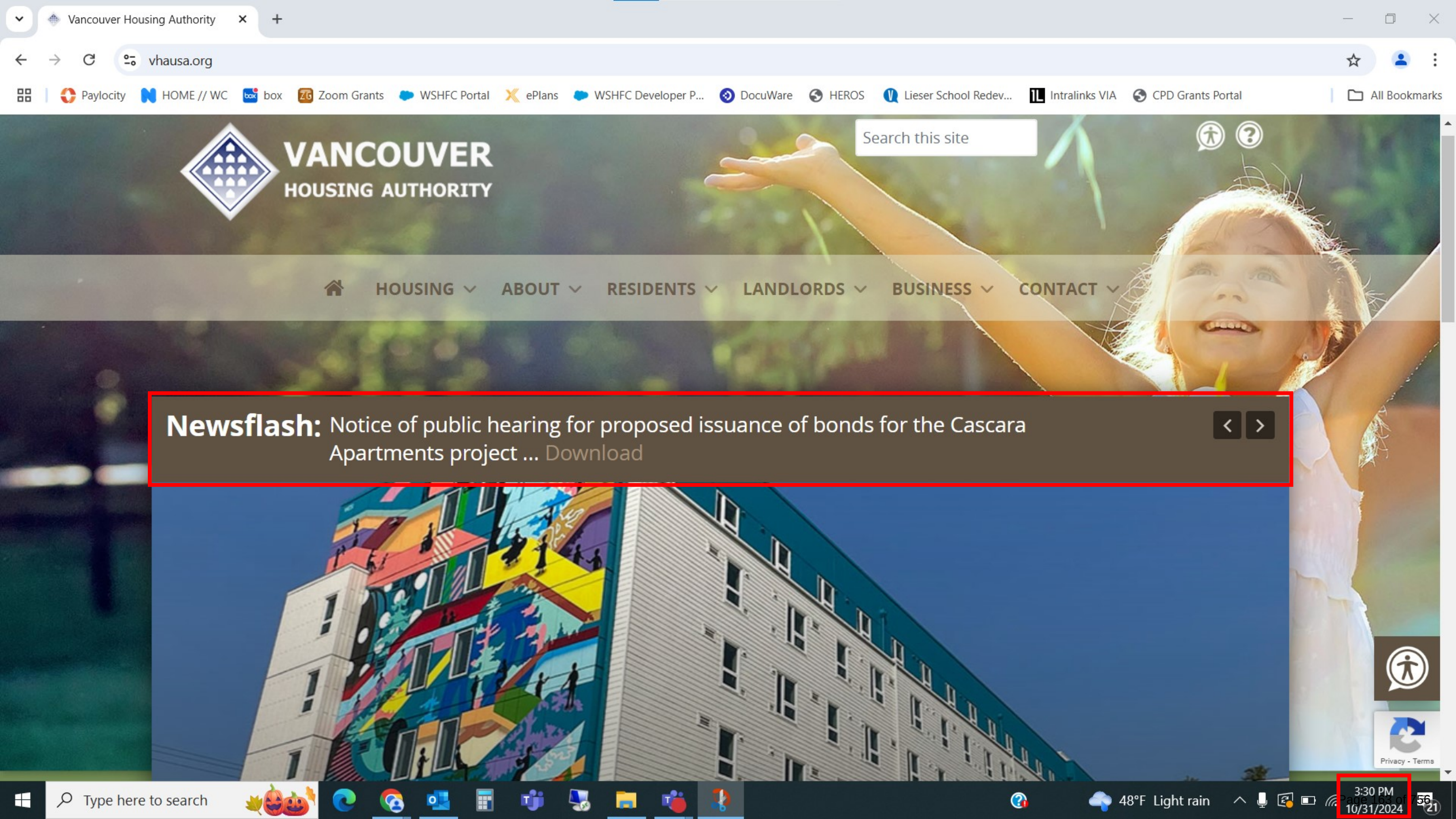
Project:	Cascara Apartments
Project Address:	4902 NE 94 th Avenue Vancouver, Washington 98662
Total Estimated Project Cost:	\$35,000,000
Estimated Maximum Bond Amount:	\$20,000,000

This notice and the provision of a toll-free telephone number are intended to comply with the public notice requirements of Section 147(f) of the Code. The public is invited to attend the hearing and present oral or written testimony regarding the proposed plan of financing for the Bonds and the project to be financed, or to submit written comments to the Authority at the above address to be received no later than the time of the hearing. The hearing will constitute the public hearing required by Section 147(f) of the Code.

The results of the hearing will be sent to the Mayor of the City of Vancouver for approval.



Newsflash: Notice of public hearing for proposed issuance of bonds for the Cascara Apartments project ... Download



VANCOUVER
HOUSING AUTHORITY

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ABOUT

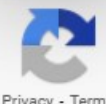
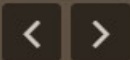
RESIDENTS

LANDLORDS

BUSINESS

CONTACT

Newsflash: Notice of public hearing for proposed issuance of bonds for the Cascara
Apartments project ... [Download](#)



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3:30 PM
10/31/2024

48°F Light rain

A RESOLUTION relating to the expansion of the Vancouver Arts District.**Staff Report: 233-24**

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Resolution Updating Boundaries of the Vancouver Arts District

Key Points

- In 2014, the City Council created the Vancouver Arts District to encourage downtown vibrancy.
- The current boundaries of the district do not include the Arts Hub and the block south of Esther Short Park.
- The attached Resolution updates the boundary to include the Arts Hub and the block south of Esther Short Park.

Strategic Plan Alignment

High Performing Government – a government that is reliable, fiscally responsible, equitable, and open to compromise

Present Situation

In 2014, City Council passed a Resolution creating the Vancouver Arts District to encourage downtown vibrancy and livability and support existing galleries and artisan shops as well as incentivize new entertainment opportunities to be located in the Arts District. A copy of the original resolution is provided as an attachment for reference.

The current boundaries of the District are recommended to be amended to include the Arts Hub and the block south of the Esther Short Park. The City is currently in the process of re-designing the Arts Hub to make it available to City artisans and artists. The block south of the Esther Short Park will have a private development with the first floor retail in one of the buildings including a “Makers Alley,” providing spaces to artists and artisans to showcase and sell their art and crafts.

The attached Resolution amends the boundaries of the current Vancouver Arts District.

Advantage(s)

The District will include arts and cultural facilities currently in design.

Challenge(s)

None

Budget Impact

None

Prior Council Review

This proposed ordinance has been mentioned at the various budget workshops in 2024 in the context of the Culture and Arts Sales Tax investments.

Action Requested

On Monday, November 18, 2024, approve a Resolution updating boundaries of the Vancouver Arts District.

Staff Contact

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

Attachments:

1. Resolution
2. Resolution M-3816

11/18/2024

RESOLUTION NO. M- [Resolution Number]

A RESOLUTION relating to the expansion of the Vancouver Arts District.

WHEREAS, arts- and entertainment-related businesses and organizations add cultural and economic diversity to a city; enhance the lives of the city's residents and visitors and positively impact the city's economy by generating jobs and revenue; and

WHEREAS, an active, pedestrian-oriented arts and entertainment district would encourage downtown livability and reflect existing plans and aspirations for support and investment in the arts; and,

WHEREAS, downtown Vancouver is already home to art galleries, studios, theaters and restaurants as well as a number of art, music and culture oriented community events, and

WHEREAS, a designated arts and entertainment district in downtown Vancouver would recognize an emerging cultural identity, support existing arts- and entertainment-oriented businesses and encourage new arts and entertainment businesses to locate in downtown, and

WHEREAS, the Council passed Resolution No. M-3816 on April 28, 2014, formally designating a portion of downtown Vancouver as the “Vancouver Arts District”, and

WHEREAS, the Council desires to expand the Vancouver Arts District to encompass the Vancouver Arts Hub and the area surrounding the future Vancouver Waterfront Gateway;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. Findings. The City Council adopts the above recitals and the information in SR_____ as findings supporting the action of the City Council adopting this resolution.

RESOLUTION - 1

Section 2. The boundaries of the Vancouver Arts District, as first created in Resolution M-3816 (2014), are expanded as follows:

The boundaries of the Vancouver Arts District shall be as follows, starting from the intersection of West 15th Street and Franklin Street:

- South on Franklin Street to West 8th Street
- West on West 8th Street to Grant Street
- South on Grant Street to West 6th Street
- East on West 6th Street to Esther Street
- South on Esther Street to Phil Arnold Way
- East on Phil Arnold Way to Columbia Street
- North on Columbia Street to West 6th Street
- East on West 6th Street to C Street
- North on C Street to East Evergreen Boulevard
- East on East Evergreen Boulevard to Fort Vancouver Way
- North on Fort Vancouver Way to the southwest corner of the parcel located at 1007 East Mill Plain Boulevard, which is the location of the Vancouver Innovation Technology and Arts Elementary;
- East and north around the parcel of the VITA Elementary to the northeast corner of the same;
- West on East Mill Plain Boulevard to its merger with East 15th Street
- West on East 15th Street to the intersection of West 15th Street and Franklin Street

All of which is as identified in Exhibit “A” to this Resolution.

Section 3. All other provisions in Resolution M-3816 are incorporated by reference as if fully adopted herein.

Section 4. This resolution shall be effective immediately upon adoption.

ADOPTED at a Regular Meeting of the Vancouver City Council this _____, of _____, 2024.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney



EXHIBIT A

04/28/14

RESOLUTION NO. M-38110

A RESOLUTION relating to designation of the Vancouver Arts District

WHEREAS, arts- and entertainment-related businesses and organizations add cultural and economic diversity to a city; enhance the lives of the city's residents and visitors and positively impact the city's economy by generating jobs and revenue; and

WHEREAS, an active, pedestrian-oriented arts and entertainment district would encourage downtown livability and reflect existing plans and aspirations for support and investment in the arts; and

WHEREAS, downtown Vancouver is already home to art galleries, studios, theaters and restaurants as well as a number of art, music and culture oriented community events; and

WHEREAS, a designated arts and entertainment district in downtown Vancouver would recognize an emerging cultural identity, support existing arts- and entertainment-oriented businesses and encourage new arts and entertainment businesses to locate in downtown.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. The recitals set forth above are adopted as findings supporting the action of the City Council in adopting this resolution.

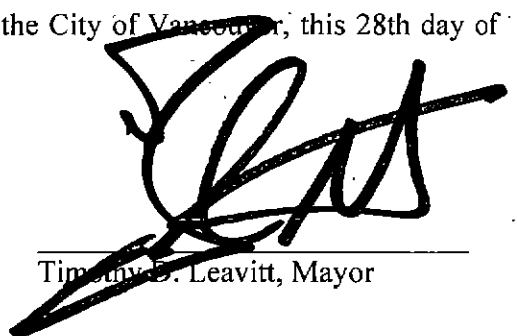
Section 2. That as recommended in SR 045-14, the Vancouver City Council hereby designates a portion of downtown Vancouver as the "Vancouver Arts District".

Section 3. The boundaries of the Vancouver Arts District shall be 15th Street on the north, Fort Vancouver Way on the east, 6th Street on the south and Esther Street on the west as identified in Exhibit "A".

Section 4. The City will work with Vancouver's Downtown Association, the Southwest Washington Art Galleries and other arts- and entertainment-oriented businesses, organizations and community members to develop and adopt a concept plan for the Vancouver Arts District.

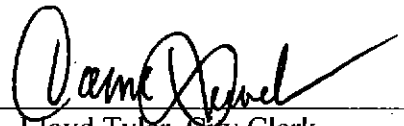
Section 5. This resolution shall be effective immediately upon adoption.

ADOPTED at regular session of the Council of the City of Vancouver, this 28th day of April, 2014.



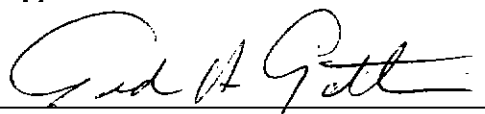
Timothy B. Leavitt, Mayor

Attest:



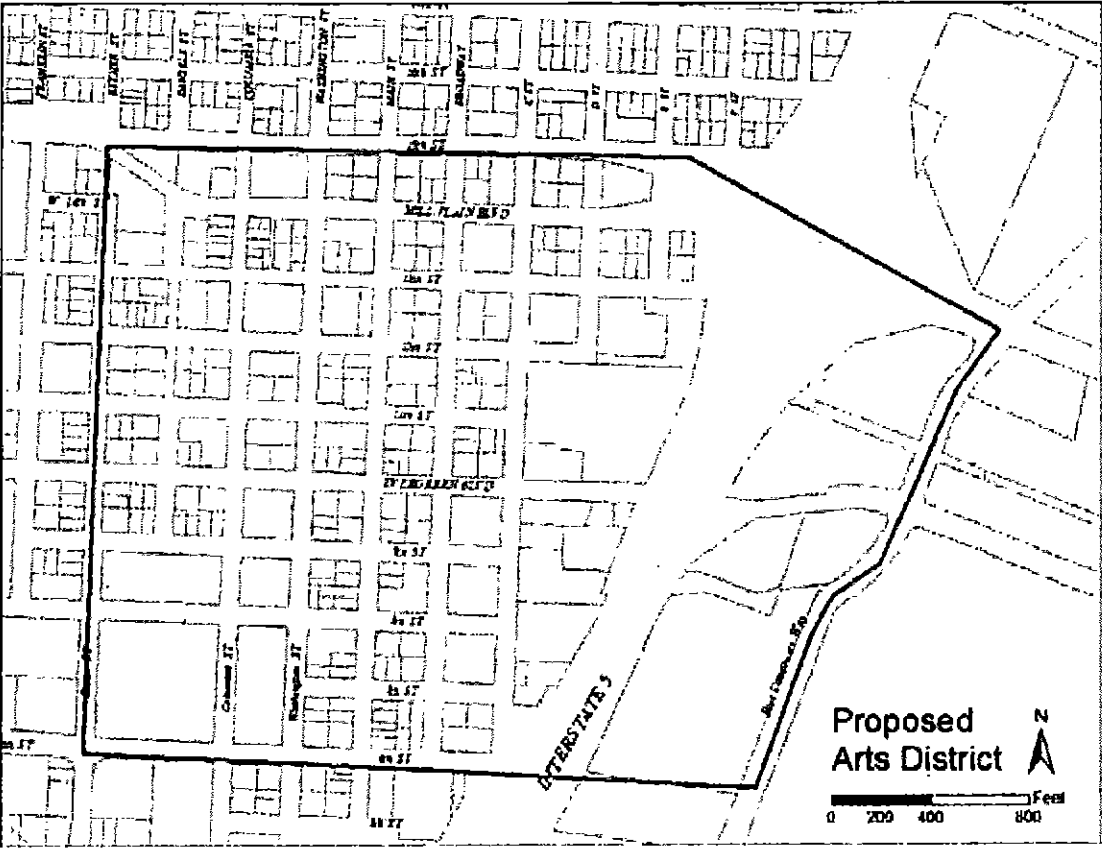
R. Lloyd Tyler, City Clerk
By: Carrie Lewellen, Deputy City Clerk

Approved as to form:



Ted H. Gathe, City Attorney

EXHIBIT A



A RESOLUTION adopting and modifying certain City of Vancouver Financial Policies.**Staff Report: 234-24**

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Resolution of Minor Adjustments to the City's Financial Policies

Key Points

- Over the years, the City has developed a set of financial policies that are in line with the best practices in City Administration to guide the City's budget development process.
- Over the years, minor modifications are necessary to modernize the said financial policies and address emerging issues.
- The resolution attached recommends updating a few existing financial policies.

Strategic Plan Alignment

High Performing Government – a government that is reliable, fiscally responsible, equitable, and open to compromise

Present Situation

- Over the years, the City has developed a set of financial policies that are in line with the best practices in City Administration to guide the City's budget development process.
- Over the years, minor modifications are necessary to modernize the said financial policies and address emerging issues.
- The attached Resolution recommends updating a few existing financial policies. Those recommendations are:
 - Eliminate reference to the 2015 Streets Initiatives language. The funding/priorities have been incorporated through budget action, and the 2025-26 Budget creates a new baseline for Streets and Transportation.
 - True-up financial policies related to pay to bring in consistency with City Charter.
 - Eliminate reference to Proposition 2, as results were incorporated in the budget.
 - Update User Fee and Utility Rate language to follow the CPI-W for Seattle-Bellevue-Tacoma using the index for 12 months ending in October (not June).
 - Remove the following language from the Facilities Asset Management and Replacement Reserve section: "This policy currently applies to facilities of the first and second tiers as defined using contemporary asset management practices."

All other policies remained unchanged.

Advantage(s)

Updates City financial policies for emerging issues.

Challenge(s)

None

Budget Impact

The 2025-2026 Biennial Budget is built on the framework outlined in the financial policies.

Prior Council Review

- 2025-2026 Biennial Budget Council Workshop – October 7, 2024
- 2023-2024 Biennial Budget Council Workshop – October 14, 2024
- 2023-2024 Biennial Budget Council Workshop – October 28, 2024
- 2023-2024 Biennial Budget Council Workshop – November 4, 2024

Action Requested

On Monday, November 18, 2024, approve the attached Resolution and the accompanying updated City Financial Policies.

Staff Contact

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

Attachments:

1. Resolution
2. Financial Policies Modified

11/18/2024

Resolution No. M-_____

A RESOLUTION adopting and modifying certain City of Vancouver Financial Policies.

WHEREAS, in addition the laws related to budgeting as outlined by Title 35 RCW, the City has Financial Management Policies (Financial Policies) that are adopted by City Council and reviewed every two years during the budget development process;

WHEREAS, the goal of the Financial Policies is to ensure that the City maintains a healthy financial foundation into the future;

WHEREAS, periodically, certain adjustments to the Financial Policies are proposed to be made;

WHEREAS, the proposed changes to the Financial Policies include minor modifications to modernize financial policies and address emerging issues, update language to provide for consistency with the City Charter, and eliminate reference to 2015 Streets Initiatives and Proposition 2 language as funding was incorporated into the budget.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. The City of Vancouver Financial Policies and the Financial policies as set forth in Staff Report xxx are hereby adopted in their entirety to take effect on January 1, 2025.

DATED this _____ day of _____ 2024.

Anne McEnerney-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

RESOLUTION - 1

Approved as to form:

Jonathan Young, City Attorney

RESOLUTION - 2

City Financial Policies

In addition to following all laws related to budgeting as outlined by RCW 35, the City has internal Financial Management Policies that are adopted by the City Council and reviewed every two years during the budget development process. The Financial Management Policies are a compendium of all city policies that shape the budget. The policies ensure that the City maintains a healthy financial foundation into the future. The goal of these policies is to promote:

- An extended financial planning horizon to increase awareness of future potential challenges and opportunities.
- Setting aside reserves for contingencies, replacement of capital equipment, and other similar needs.
- Maintaining the effective buying power of fees and charges and modifying cost recovery targets when appropriate.
- Accountability for meeting standards for financial management and efficiency in providing services.
- Management of the city's physical assets to provide sustainable service levels into the future.
- Planning for the capital needs of the community and managing them for future use by citizens.
- Improved equity for those we serve through city investments and revenue structures.
- An emphasis on improving community safety through strategic deployment of the City's financial resources.
- Improving the City's overall impact on climate change.
- Maintaining appropriate levels of debt while ensuring quality bond ratings.
- Investing public funds to provide maximum security with appropriate returns and timely liquidity.
- Communication to residents and customers on how the community goals are being addressed.

The policy statements are grouped by major category in alignment with the policy goals and are presented in the following order:

- Long Range Financial Planning and Resource Utilization
- Reserves
- Capital Planning and Asset Management
- Financial Asset and Liability Management

Long-Range Financial Planning and Resource Utilization

It is essential to the City to incorporate a long-term perspective and to monitor the performance of programs competing to receive funding. Management will ensure compliance with the legally adopted budget. Purchases and expenditures will comply with legal requirements and policies and procedures set forth by the City.

1. A **long-term forecast** of revenues and expenditures will be developed for all operating funds for the six-year period following the end of the current biennial budget.
2. The financial **impact** of budget decisions made during the development of the biennial budget will be reviewed in the context of the **six-year** forecast.
3. The operating budget will be based on the principle that **current operating expenditures**, including debt service, will be **funded with current revenues**. The budget will not use one-time (non-recurring) sources to fund on-going (recurring) uses, postpone expenditures, or use internal borrowing to fund operations. The budget will incorporate the best available estimates of revenues and expenditures.
4. **Performance management** will be utilized in the budget prioritization to ensure alignment with city goals and strategic commitments. Performance data will be used to support budgetary decisions. Measures will be developed to reflect the City's efficiency and effectiveness. Status of key performance measures will be reported to council.
5. Positive progress towards **climate action, social justice** and **community safety** will be measured annually. Equity and environmental sustainability lenses will be developed and utilized to support budgetary decisions. Status of key performance measures will be reported to council annually.
6. **Service levels will be defined and measured** in a manner that is based on results, including improving equity, safety and advancing climate action goals in the community, (e.g. units of service delivered, service quality & customer satisfaction) rather than resources allocated to provide the service and shall be considered in development of the City Budget
7. The City will endeavor to maintain a **diversified general revenue base** to diminish the effects of short-term fluctuations in any given revenue. The goal is to have a combination of revenues that grow in response to a good economy and those that remain stable during times of economic downturn. Examples of the former include sales taxes, utility taxes, and building permit fees. Examples of the latter include property taxes, court fine revenues, and the gambling tax.

8. **Revenue estimates** will be developed using reasonably conservative, but realistic assumptions. Deviation of actual revenues from forecast shall not be greater than 2.5 percent. Revenues will be monitored and reported quarterly, including trends and year-end estimates.
9. **User fees and utility rates** in all funds will be based on balancing the cost of providing the service, the competitive market, public benefit, community affordability, and other appropriate policy considerations. User fees and rates will be adjusted annually at least by the CPI- W for the Seattle-Bellevue-Tacoma using the index for the 12 months ending in October of the prior year to reflect increases in the costs of providing services. Fees and rates will be reviewed every three to five years and further adjusted if necessary.
10. On a regular basis, the City will conduct **cost of service studies** to identify the full cost of providing services funded with fees as well as the equity and affordability resulting from the cost recovery structures. The calculation of full cost will include all reasonable and justifiable direct and indirect cost components.
11. Specific council policies related to **cost recovery targets** by specific program are listed below.

- Building Fee Cost Recovery Target: 100%
- Land Use Fee Cost Recovery Target: 75%
- Development Review Fees in Transportation Target: 75%
- Recreation Fees Cost Recovery Target: 72% -under review.

The above target rates represent percentage of the full cost of providing the services, including city administrative costs, including Departmental administrative costs, cost of maintenance and operation of facilities that the services are provided from and maintenance and replacement of the equipment used.)

12. **Full cost recovery** will be targeted in the enterprise fund operations:
- City Utility Operations (water, sewer, storm water, solid waste);
 - Pearson Airport (currently is fully recovering its operating costs);
 - Parking Fund (as of 2018 no longer receives a General Fund subsidy);
 - Tennis Center (the Center is operated by USTA, since September of 2018, but the General Fund will continue supporting indirect costs and up to \$10,000 per year in maintenance costs of the building).
13. **Overhead costs** will be appropriately shared by all operating funds as determined by the City's indirect cost allocation plan. The amount charged by the City for services provided under interlocal, or similar agreements, will include a factor to cover the city's overhead costs.

14. **Grants** that support city objectives and are consistent with high priority needs, including those helping to address climate action, social justice and community safety, will be aggressively sought. Grants requiring a local match or a continuing city obligation to fund programs will be carefully considered prior to applying for the grant to ensure that ongoing resources will be available to meet the obligation. The City shall attempt to recover all allowable costs, direct and indirect, associated with the administration and implementation of the program funded through grants.

15. **Expenditures will be controlled** by an annual appropriated budget at the department/fund level. The City Council shall establish appropriations through the budget process. The City Council does not require a re-appropriation of carry-forward funds in the second year of the biennium. New or increases in appropriations require council approval.

16. If a deficit is projected during the course of a fiscal year, the city will take steps to reduce expenditures, increase revenues, or, if the deficit is caused by an emergency, consider using one of the existing General Fund reserves. The City Manager may institute a variety of measures to ensure spending remains below reduced revenues.

17. The City's **classification and compensation plan** will be maintained in a manner consistent with the labor market by reviewing classification specifications and benchmark information from private and public employers, so that changes in the classification structure may coincide with the budget cycle. The City will target compensating employees at the market median, and other factors as necessary, within its ability to pay. A schedule of pay ranges of non-represented staff will be attached to the budget for Council review and adoption.

18. Positions may be overfilled by the City Manager or their designee for a limited time period to help maintain authorized staffing, reduce personnel-related costs, transfer knowledge, and provide a seamless transition between new, terminating, and retiring employees. Overfills will be managed within the fund/department budget appropriations and the overfill FTEs shall be included in the approved budget.

19. Actual expenditures will be closely and frequently monitored. The comparison of budget to actual expenditures shall be reported to council on a quarterly basis.

Reserves

Reserves are an important indicator of the city's financial position and its ability to withstand adverse events. Maintaining reserves is a prudent management practice.

20. An **emergency General Fund reserve** will be maintained equal to 7% of actual external revenues in the preceding fiscal year in

the General, Street, and Fire Funds. The emergency reserve is for unexpected, large-scale events where damage in excess of \$1 million is incurred and immediate, remedial action must be taken to protect the health and safety of residents (e.g. major flood, earthquake, etc.). In the event that these “emergency reserve” funds are used, the City shall restore the reserve to the full 7% level within a reasonable amount of time as necessitated by the scale of emergency. A clear plan will be developed to refill the reserve and the first significant deposit will occur the following fiscal year after the event.

21. The City will maintain additional “**working capital**” reserves, sufficient to fund, on average, 60-90 days of operations in each operating city fund. This reserve will address cash flow requirements and allow the City to operate without funding its operations through short- term borrowing.

22. The City will maintain a “**revenue stabilization**” reserve with a goal of reaching 2.5% of the current year’s budget in the General Fund. This reserve may be used to provide funding to temporarily offset unanticipated fluctuations in on-going revenues or unanticipated events, such as unexpected external mandates, reductions in state-shared revenues, etc. The reserve funds will provide time for the City to restructure its operations in a deliberate manner to ensure continuance of critical city activities. If the reserve is spent down, it shall be restored within the following two years. This reserve could be utilized if there is an identified 3-6 month trend of reduced revenues.

23. An additional “**designated liability funding**” reserve will be created when the City accepts funding leading to future liabilities. The reserve will be equal to the stated liability in the future. If a federal or state grant requires local resources to fund the initiative after the grant expiration, the cost of funding the initiative is considered to be a liability that will be funded from the “designated liability funding” reserve.

24. The City will set aside a reserve to fund no less than fifty percent of the liability associated with **accrued compensated absences** in all city operating funds.

25. Council may take action to designate reserves for a specific purpose. An example is council’s designation of reserves representing proceeds from the sale of the Columbia Arts Center.

26. Funds in excess of the reserves will be considered **unassigned General Fund balance** and could be used to fund high-priority council- designated one-time purposes. This includes, but is not limited to funding accumulated currently unfunded deferred liabilities.

27. **Equipment replacement reserves** will be maintained in the equipment services capital fund sufficient to replace covered vehicles and heavy equipment at the end of their useful lives with like equipment. Equipment rates will include a factor to accrue the estimated replacement cost over the life of the equipment. Reserve balances and rates will be reviewed bi-annually for sufficiency.

28. **Technology equipment replacement reserves** will be maintained in the technology equipment replacement fund sufficient to repair covered equipment and major software systems for replacement at the end of its useful life.

29. A **liability self-insurance reserve** will be maintained to cover potential liability for tort claims. The unrestricted fund balance subtracts from available cash all the known claims against the City and those claims that might have occurred, but not yet reported. The fund balance will be based on the most recent actuarial study of the self-insurance fund. The actuarial study of the fund is to be performed no less frequently than once every two years.

30. A **benefits self-insurance reserve** will be maintained to cover two months' of costs associated with benefit insurance premiums. Additional reserve might be set, as needed, to smooth out annual health insurance cost increases over time. Self-insured health insurance reserves will be maintained at a level consistent with State of Washington requirements for self-insured benefit plans.

31. **Fire pension** benefit obligations will be addressed by annual contributions to the fire pension fund in accordance with recommendations in the most recent actuarial study, as required by R.C.W. 41.16.050. (*Note: This is a "closed" plan with no new participants.*) City obligations arise only for those firefighters hired prior to March 1, 1970. The State of Washington has assumed all obligations for those hired on or after that date.

In addition to the pension payments, the City is also responsible for life-time medical benefits for the retired members that participated in the LEOFF 1 plan. The City contribution includes the projected annual pension payments for the retired members eligible for retirement benefits and projected annual medical benefit payments for those retired members eligible for medical and long-term coverage.

32. **Police pension** benefit obligation will be funded on a pay-as-you-go basis by making contributions to the police pension fund in an amount sufficient to meet police pension benefit obligations. (Note: this is a “closed” plan with no new participants). City obligations arise only for those police officers hired prior to March 1, 1970. The State of Washington has assumed all obligations for those hired on or after that date.) In addition to the pension payments, the city is also responsible for the member’s life-time medical benefits of retired members and none on active duty.

33. A **facilities asset management and replacement reserve** shall be established in a separate fund to provide for major maintenance and building replacement of the major city facilities at the end of their useful life.

Capital Planning and Asset Management

Asset management is a systematic process whereby the assets of the city (i.e. water system, sewer system, transportation system, property, buildings, etc.) are operated, maintained, replaced and upgraded cost-effectively. It includes operations and maintenance costs, as well as capital investments which can take the form of new construction, rehabilitation, or replacement.

34. In pursuit of an asset management strategy that prioritizes safety, equity and climate action, the City will:

- Consider the climate impacts of asset investments and pursue asset management strategies that reduce its contribution to climate change over time.
- Consider equity impacts of capital projects and asset management strategies and prioritize investments that improve equity within the City.
- Consider the potential improvements to community safety associated with capital investments and prioritize investments that improve community safety, particularly in the transportation system.

35. Asset management best practice involves managing the performance, risk and expenditures on infrastructure assets in an optimal and sustainable manner throughout their lifecycle covering planning, design, construction, operation, maintenance, and disposal. The City shall integrate the principles and best practices of asset management such as those embodied in the *International Infrastructure Management Manual* or equivalent methodology in the management of its assets. Asset inventory will be maintained with maintenance, repair and deferred maintenance costs identified and updated on an annual basis. Maintenance of city assets shall be addressed on a current need, rather than deferred into the future.

36. The resources that support current outstanding debt on street improvement projects shall, once that debt is retired, be dedicated to ongoing support of the capital program of the City's street fund. Eligible uses shall be consistent with the City's adopted Transportation System Plan, Comprehensive Plan and annually updated six-year transportation improvement program.
37. A **six-year city-wide Capital Improvement Program** shall be developed annually and shall provide a prioritized list of reasonably funded projects and those in process of securing funding. Capital improvement plans for utility assets shall be updated no less frequently than every two years. The comprehensive plan will identify longer-term capital needs by program area.
38. Funding for capital projects, including major facilities maintenance projects, will be allocated in a manner that balances community needs with city priorities, the potential for attracting matching funds, and the ability to reduce or limit expenses in future years.
39. The City's objective is to incorporate a **"pay-as-you-go"** approach (using available cash and current resources) in the Capital Improvement Program. Proceeds from the sale of city capital assets no longer utilized in operations will be deposited consistent with the initial ownership of the asset and invested in the highest priority city capital projects. Debt funding shall be considered for large capital projects with long useful life to better reflect inter-generational equity.
40. The capital budget will be adopted at the same time the City operating budget is adopted. The capital budget will only include fully funded projects. The capital budget will only contain projects identified in the Capital Improvement Program.
41. A **capital repair appropriation** will be maintained for unanticipated major repairs of general operating facilities and for emergency replacement of general fund equipment. Additions to the capital repair contingency reserve will be made based on council directions.
42. **Impacts on net annual operating and maintenance costs** will be identified as part of the funding considerations for new capital projects such as buildings, parks and street enhancements. This includes identifying potential reductions in maintenance costs if improvements are funded. The necessary funds to operate the capital facility will be identified at the time the capital budget is adopted.
43. In order to provide long-term sustainable utility services, the city will structure utility rates so that system reinvestment including major repair, rehabilitation and replacement of utility assets can be fully funded on an ongoing basis in accordance with the city's "pay as you go" policy. This will be achieved through a plan of smaller incremental rate increases to maintain affordability. As identified by the utility capital improvement plan, rates will also include an investment component for capacity improvements and system expansion.

44. A **system development reserve** will be maintained to fund growth related capital costs. All systems development charge revenue will be contributed to the fund.

Financial Asset and Liability Management

Investment Policies

45. The City will invest public funds in a manner which will provide maximum security of principal with the highest investment return, while meeting the daily cash flow demands of the City. Detailed policies are found in Exhibit A – Investment Policies.
46. The City will conform to all state and local statutes governing the investment of public funds.
47. All investment security transactions will be conducted on a delivery-versus-payment (DVP) basis.
48. The City will only deposit money with financial institutions qualified by the Washington Public Deposit Protection Commission and in accordance with the provisions of RCW 39.58.
49. The City will issue Request for Proposals (RFPs) for banking services, safekeeping, trust services, and other contracts related to financial services.

Debt Management Policies

50. The City will attempt to pay for capital projects on a “pay-as-you-go” basis. However, if debt is required, the City will follow debt policies as detailed in Exhibit B – Debt Management Policy.
51. The City will issue debt in conformance with the requirements of its statutory general obligation debt limits. The non-voted debt limit is a sub-part of that limit.
52. The City will reserve 10% of its non-voted debt capacity as a contingency against unforeseen emergencies requiring the issuance of debt.
53. The City shall not exceed 85% of the non-voted legal debt limit, excluding the 10% reserved for emergency purposes.
54. The City’s annual debt service payments will not exceed 10% of the total General Fund annual expenditure appropriation.

- 
55. Any Capital projects financed through the issuance of bonds shall be financed for a period not to exceed the expected useful life of the project.
 56. The City will adhere to all post-debt-issuance compliance policies as described in Exhibit B – Debt Management Policy.

A RESOLUTION fixing December 9, 2024, as the date for a public hearing on a proposal to vacate public right-of-way associated with SE 194th Avenue, on the north side of the SE 13th Street right-of-way, located within the Southwest Quarter of Section 32, Township 2 North, Range 3 East, Willamette Meridian, City of Vancouver, Clark County, Washington.

AN ORDINANCE vacating the right-of-way associated with SE 194th Avenue, on the north side of the SE 13th Street right-of-way, located within the Southwest Quarter of Section 32, Township 2 North, Range 3 East, Willamette Meridian, City of Vancouver, Clark County, Washington, described more particularly in Exhibit A; and providing for an effective date.

Staff Report: 235-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Right-of-way Vacation – SE 194th Avenue

Key Points

- Right-of-way vacation of approximately 11,952 square feet of unimproved street right-of-way.
- Right-of-way area was dedicated with the Cascade Estates subdivision plat, recorded in 1990.
- There are no existing utilities within the proposed vacation area.
- Proposed vacation eliminates excess and unused right-of-way.
- Staff recommends Council require no compensation for the vacated area.

Strategic Plan Alignment

Transportation and Mobility – a safe, future-ready and convenient transportation system

Present Situation

Staff has received a request from all the property owners abutting the subject property (Lori Foster, Matt Casimo, and Edward Mathewson) to vacate a portion of right-of-way associated with SE 194th Avenue, located on the north side of the SE 13th Street right-of-way. The right-of-way is specifically located within the Southwest Quarter of Section 32, Township 2 North, Range 3 East, Willamette Meridian.

This right-of-way area was dedicated as part of the Cascade Estates subdivision plat, which was platted in the jurisdiction of Clark County and recorded in 1990 (Book H, Page 537). At the time, none of the surrounding properties had been subdivided yet and it is assumed that the County intended this right-of-way to be the east half of a right-of-way corridor to accommodate the future construction of SE 194th Avenue northward from SE 13th Street. However, the subsequent platting of the abutting properties to the immediate north (Westridge Place subdivision, recorded in 1998) did not include dedication of any extending right-of-way for SE 194th Avenue, so it is no longer possible or necessary to construct SE 194th Avenue at this location.

The right-of-way to be vacated contains no public street improvements. Staff has reviewed the City's Transportation Systems Plan and determined there is no future need for this right-of-way to accommodate public travel. Therefore, vacation of this right-of-way will have no adverse impact on

the City's transportation assets.

Staff has contacted all utility owners with facilities potentially located within the subject area. The City of Vancouver has no public utilities within the area of the proposed vacation. Comcast, CenturyLink (Lumen), Clark Public Utilities (CPU), and NW Natural have all indicated that they have no facilities in the vacation area and have no objections to the vacation.

Generally, under VMC 11.05.130, the property associated with a vacated street belongs to the abutting property owners, one-half to each, subject to established property rights. However, pursuant to Washington case law, a property owner abutting a street vacation that never possessed the underlying property has no claim to the vacated area, and the vacated area is therefore returned to the originating property. The original dedication of this right-of-way was provided exclusively by the platting of the underlying parent property (Cascade Estates subdivision plat, Book H, Page 537).

Therefore, the entirety of the vacated area will be conveyed back to the originating property, now owned by the applicants.

RCW 35.79.030 provides for, but does not require, the City to collect compensation for the value of public right-of-way that is vacated. Further, VMC 11.05.120 has provisions for the City to calculate and collect compensation for vacated public right-of-way. As discussed above, this right-of-way was dedicated to Clark County via platting of the underlying parent property; the property was not acquired at public expense. Staff has determined there is no future need for this right-of-way to accommodate public travel. The City has not constructed any street improvements within the subject right-of-way, and is not known to have performed any maintenance of this right-of-way area. Based on these circumstances, pursuant to VMC 11.05.120.D, staff recommends that no compensation be required for the vacated property.

Advantage(s)

1. Allows the vacated property to be placed on the tax rolls.
2. Allows the applicant to maximize use of the abutting property.
3. Relieves the City of maintenance and potential liability obligations for the property.

Challenge(s)

No known challenges.

Budget Impact

None

Prior Council Review

None

Action Requested

On November 18, 2024, adopt a resolution of intent and advance the ordinance on first reading to vacate a portion of public right-of-way associated with SE 194th Avenue located within the Southwest Quarter of Section 32, Township 2 North, Range 3 East, Willamette Meridian, setting the date for a public hearing and second ordinance reading on December 9, 2024.

Staff Contact

Ryan Lopossa, Streets and Transportation Manager, ryan.lopossa@cityofvancouver.us

Attachments:

1. Resolution
2. Ordinance
3. Ex A - Legal Description
4. Ex B - Site Map
5. Ex C - Overall Vicinity Map

11/18/2024

RESOLUTION NO. _____

A RESOLUTION fixing December 9, 2024, as the date for a public hearing on a proposal to vacate public right-of-way associated with SE 194th Avenue, on the north side of the SE 13th Street right-of-way, located within the Southwest Quarter of Section 32, Township 2 North, Range 3 East, Willamette Meridian, City of Vancouver, Clark County, Washington.

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. As recommended in SR-_____, City Council, pursuant to VMC 11.05.040 and RCW 35.79.010, hereby initiates procedures to vacate a portion of right-of-way of SE 194th Avenue, on the north side of the SE 13th Street right-of-way.

Section 2. The street area proposed to be vacated is described on Exhibit A and shown on Exhibit B; Exhibit A and Exhibit B are attached hereto and incorporated herein.

Section 3. On December 9, 2024, at 6:30 p.m. in the Council Chambers in City Hall, 415 West 6th Street, Vancouver, Washington, City Council will hold a public hearing on the proposed street vacation.

Section 4. The City Clerk shall provide notice of the proposed right-of-way vacation and the time and place of the public hearing, as required by VMC 11.05.060 and RCW 35.79.020.

ADOPTED at regular session of the Council of the City of Vancouver, this _____ day
of _____, 2024.

Anne McEnery-Ogle, Mayor

Attest:

Approved as to form:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney

11/18/24
12/09/24

ORDINANCE NO. _____

AN ORDINANCE vacating the right-of-way associated with SE 194th Avenue, on the north side of the SE 13th Street right-of-way, located within the Southwest Quarter of Section 32, Township 2 North, Range 3 East, Willamette Meridian, City of Vancouver, Clark County, Washington, described more particularly in Exhibit A; and providing for an effective date.

WHEREAS, under Vancouver Municipal Code (“VMC”) 11.05.040, the owner of real property abutting SE 194th Avenue, on the north side of the SE 13th Street right-of-way, filed a petition with the City requesting that the City vacate a portion of existing right-of-way; and

WHEREAS, the subject right-of-way consists of approximately 11,952 square feet; and

WHEREAS, City staff has contacted utility owners and found that there are no public or private utility facilities within the right-of-way; and

WHEREAS, records indicate that the subject area of right-of-way was dedicated at no cost to the City, there are no present or future public transportation needs associated with the right-of-way, and the City has been providing maintenance or upkeep of the right-of-way that is unrelated to public travel; and

WHEREAS, records indicate that the subject area of right-of-way was created by the platting of the underlying parent property (Cascade Estates Subdivision, Book H, Page 537). Therefore, the entirety of the vacated area will be conveyed back to the originating property which is now owned by the applicant; and

WHEREAS, as recommended by Staff Report No. _____, Council adopted Resolution M-_____ on November 18, 2024, and set the date of public hearing for December 9, 2024, at 6:30 p.m.; and

WHEREAS, The City Clerk caused the notices of the public hearing to be posted and published as required by law; and

WHEREAS, a public hearing was held on December 9, 2024, at which time City Council considered reports and information concerning the proposed right-of way vacation and found that: (1) a vacation of the right-of-way will better serve the public; (2) the right-of-way is no longer needed for public use or access; (3) changes are not likely to occur in the future requiring the need for the right-of-way; and (4) there are no objections to the vacation sufficient to deny its approval.

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Right-of-Way Vacation. The street area that is described on Exhibit A and shown on Exhibit B is vacated in its entirety to the underlying parent property. Exhibits A and B are incorporated by reference.

Section 2. No Charge for Value of Right-of-Way. Pursuant to VMC 11.05.120(D), there is no charge for the value of the right-of-way being vacated based upon the factors set forth in the recitals, above.

Section 3. Effective date. This Ordinance shall be effective five days after its recording.

DATE OF FINAL PASSAGE by the Vancouver City Council:_____.

SIGNED this _____ day of _____, 2024.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE vacating the right-of-way associated with SE 194th Avenue, on the north side of the SE 13th Street right-of-way, located within the Southwest Quarter of Section 32, Township 2 North, Range 3 East, Willamette Meridian, City of Vancouver, Clark County, Washington; and providing for an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 360-487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

Exhibit A

Legal Description

EXHIBIT "A" RIGHT-OF-WAY VACATION

Being in a portion of that plat "Cascade Estates" recorded in Plat Book H, Page 537, records of Clark County, Washington, being in a portion of the Southwest Quarter of Section 32, Township 2 North, Range 3 East of the Willamette Meridian, Clark County, Washington, more particularly described as follows:

Beginning at the Northwest corner of said plat, said point being on the centerline of Southeast 194th Avenue;

Thence along the North line of said plat South $88^{\circ}07'27''$ East, for a distance of 25.00 feet to the easterly right-of-way line of said Southeast 194th Avenue;

Thence, along said easterly right-of-way line, South $01^{\circ}11'17''$ West, for a distance of 467.36 feet;

Thence, continuing along said easterly right-of-way line, along a 10.00 foot radius curve to the left, through a central angle of $89^{\circ}18'44''$ for an arc distance of 15.59 feet, a chord of which bears South $43^{\circ}28'05''$ East 14.06 feet;

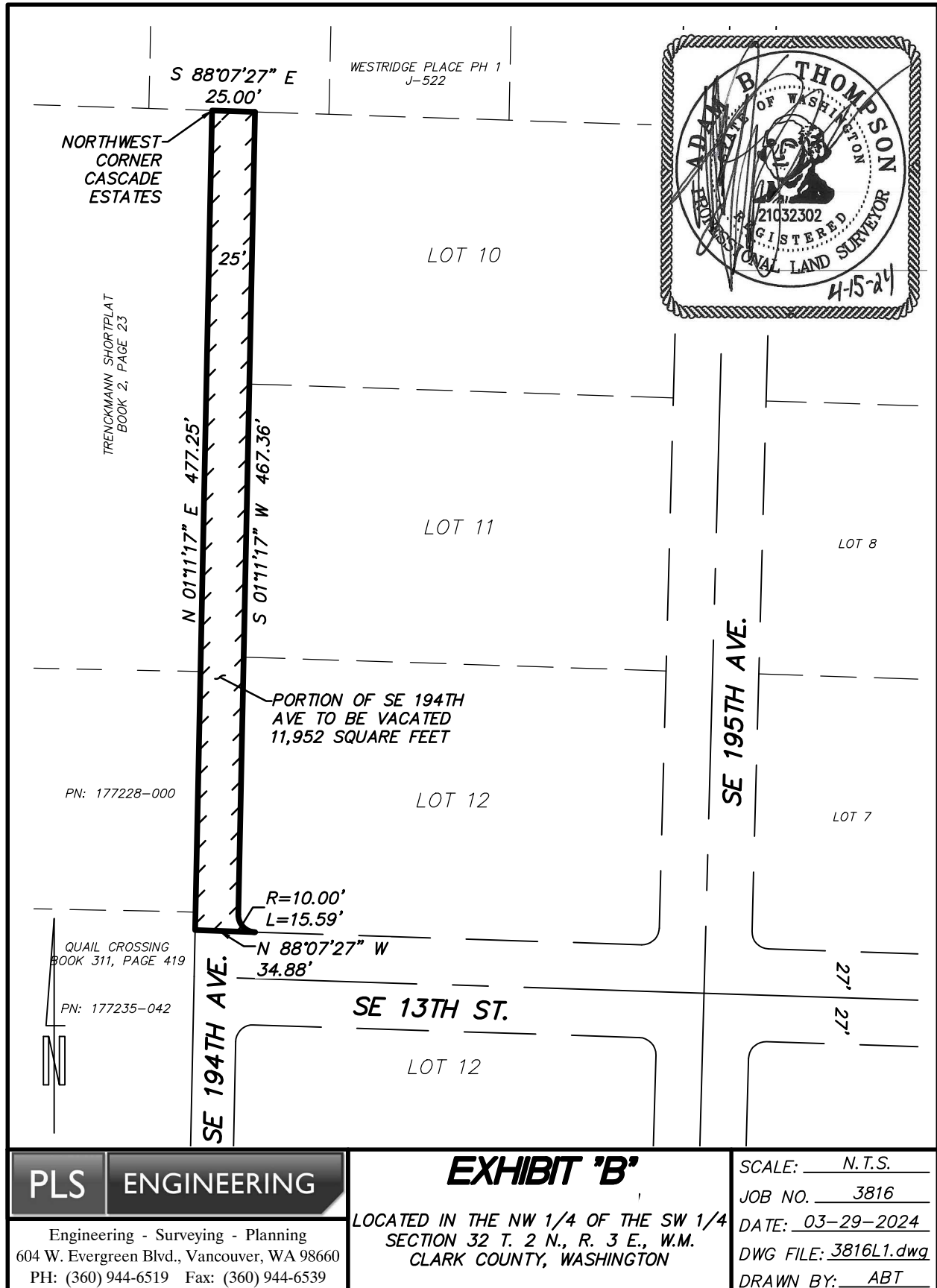
Thence, leaving said easterly right-of-way line, North $88^{\circ}07'27''$ West, for a distance of 34.88 feet, to the westerly right-of-way line of said Southeast 194th Avenue;

Thence, along said westerly right-of-way line, North $01^{\circ}11'17''$ East, for a distance of 477.25 feet to the True Point of Beginning.

Containing 11,952 square feet, more or less.



Exhibit B Site Map



PLS ENGINEERING

Engineering - Surveying - Planning
 604 W. Evergreen Blvd., Vancouver, WA 98660
 PH: (360) 944-6519 Fax: (360) 944-6539

EXHIBIT 'B'

LOCATED IN THE NW 1/4 OF THE SW 1/4
 SECTION 32 T. 2 N., R. 3 E., W.M.
 CLARK COUNTY, WASHINGTON

SCALE: N.T.S.
 JOB NO. 3816
 DATE: 03-29-2024
 DWG FILE: 3816L1.dwg
 DRAWN BY: ABT

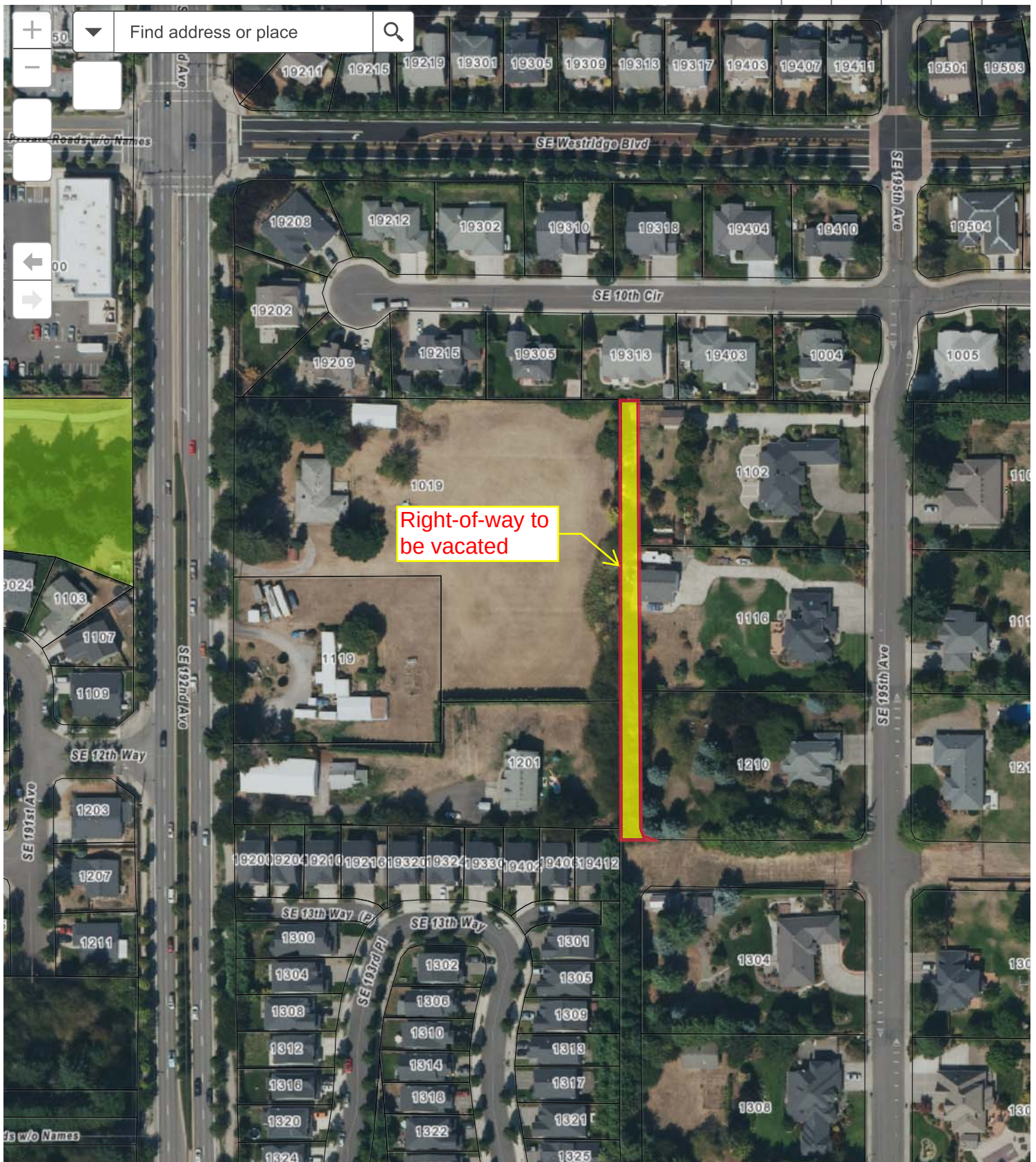


Exhibit C - Overall Vicinity Map

AN ORDINANCE amending Vancouver Municipal Code 5.19.310 to change the number of required annual meetings of the Vancouver Clark Telecommunications Commission (VCTC); to provide clarity to other existing provisions; to provide for severability; and setting an effective date.

Staff Report: 236-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Telecommunications Commission Meeting Schedule Amendment

Key Points

- The Vancouver Clark Telecommunications Commission was created by the City of Vancouver and Clark County to provide oversight and expertise relating to television cable franchises granted by each entity.
- In addition to the franchising/refranchising process, the primary duty of the Telecommunications Commission is the annual allocation of franchise funds for public, educational, and governmental (PEG) channel purposes.
- Staff from the City and County have determined that the number of annual meetings of the Telecommunications Commission can be reduced from four regular meetings to two regular meetings, returning to four annual meetings within three years of expiration of the franchise to allow additional opportunity for analysis of the cable provider for suitability of a new franchise.
- To change the number of annual meetings requires an amendment to VMC 5.19.310, "Telecommunications Commission – Meetings".
- Clark County staff are processing an identical amendment to the Clark County Code, to be presented to the County Council in the very near future.

Strategic Plan Alignment

High Performing Government – a government that is reliable, fiscally responsible, equitable, and open to compromise

Present Situation

Currently, the City/County Telecommunications Commission meets four times a year to provide oversight and expertise related to television cable franchises. Staff have observed that, other than in the time leading up to the renegotiation of the television cable franchise, it is only necessary for the Telecommunications Commission to meet twice a year for the purpose of assessing the past year's PEG efforts and recommend allocation of the next year's franchise funds to support the PEG channels.

VMC 5.19.310 – "Telecommunications Commission – Meetings" includes the expected meeting schedule for the Telecommunications Commission so it needs to be amended to reflect this proposed amended meeting schedule.

Advantage(s)

Improves staff efficiency and effectiveness by removing two Telecommunications Meetings that staff would need to prepare for and attend.

Challenge(s)

None

Budget Impact

None

Prior Council Review

None

Action Requested

On November 18, 2024, advance ordinance on first reading, setting date of second reading and public hearing for December 2, 2024.

Staff Contact

Aaron Lande, Program and Policy Development Manager, aaron.lande@cityofvancouver.us

Attachments:

1. Ordinance

***//24
***//24

ORDINANCE M - _____

AN ORDINANCE amending Vancouver Municipal Code 5.19.310 to change the number of required annual meetings of the Vancouver Clark Telecommunications Commission (VCTC); to provide clarity to other existing provisions; to provide for severability; and setting an effective date.

WHEREAS, the VCTC was created by the City and Clark County to, in addition to other tasks, assist both entities by providing oversight and expertise relating to television cable franchises granted by each entity; and

WHEREAS, both the City and County recently engaged in an extensive and time consuming effort to renew their respective cable television franchise agreements with Comcast Cable Communications Management, LLC (Comcast), and the new franchises are good for 10 years; and

WHEREAS, staff for City and County have determined that the primary regular duties of the VCTV, outside of the refranchising process, relate to assessment and recommended allocation of franchise funds for public, educational, and governmental (PEG) channel purposes; and

WHEREAS, the number of annual meetings for these can be reduced from four regular meetings to two regular meetings, returning to four annual meetings within three years of expiration of the franchise to allow additional opportunity for analysis of the cable provider for suitability of a new franchise. The VCTV or staff may call a special meeting if circumstances warrant doing so.

ORDINANCE - 1
Requires codification

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Amendment. Vancouver Municipal Code 5.19.310, “Telecommunications Commission - Meetings” is amended as follows:

5.19.310 Telecommunications Commission - Meetings.

The cable television commission shall meet as often as is necessary for it to fulfill its duties, but not less than twice annually, except that meetings shall occur once every three months beginning 36 months (a) prior to expiration of a cable television franchise, or (b) immediately after a new cable television provider entrant applies for a cable television franchise from the City, and this modified schedule will continue until a new cable television franchise has been granted. Attendance by a majority of members appointed shall constitute a quorum for purposes of conducting business. Meetings shall be open to the public and notice shall be given to the press and news media as required by state law. Notice of meetings shall also be given to the local manager at the local office of any current cable franchise grantee in the same manner as required by state law for notice to the press and news media.

Section 2. Severability. If any clause, sentence, paragraph, section, or part of this Ordinance or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any parts thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

ORDINANCE - 2
Requires codification

Section 3. Effective Date. This Ordinance shall go into effect five days after its recording.

SIGNED this _____ day of _____, 2024.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

ORDINANCE - 3
Requires codification

SUMMARY

ORDINANCE M-_____

AN ORDINANCE amending Vancouver Municipal Code 5.19.310, “Telecommunications Commission - Meetings”; adopting legislative findings, changing the minimum annual meeting requirements; clarifying existing language; providing for severability; and setting an effective date. The full text of this Ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at (360) 487-8799, or via www.cityofvancouver.us (Go to City Government and Public Records).

Commented [KP1]: Maybe take Rae's name off and just add Public Records Office at 360-487-8480 or citypdr@cityofvancouver.us just incase staff changes

Commented [CD2R1]: agreed

ORDINANCE - 4
Requires codification

AN ORDINANCE of the City of Vancouver relating to changes to the City's Multi-Family Housing Tax Exemption Program (MFTE); adopting corrections to the Fourth Plain Target Area Boundary amending Section 3.22.030, of the Vancouver Municipal Code (VMC); providing for severability; and setting an immediate effective date.

Staff Report: 237-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Ordinance for Multifamily Tax Exemption - Fourth Plain Target Area Boundary Amendment

Key Points

- A parcel thought to be a stormwater facility was left out of the Fourth Plain residential target area boundary when initially adopted in 2023.
- The parcel is part of a phased multifamily development project that is expected to commence in the near future.

Strategic Plan Alignment

Housing and Human Needs – meeting basic needs and partnering with organizations to support the community

Present Situation

During the expansion of the Multifamily Tax Exemption program target areas in 2023 a parcel that appeared to be a wetland buffer and stormwater facility was inadvertently not included within the Fourth Plain target area boundary. The parcel is the last phase of a multifamily development that is expected to be constructed in the near future and may elect to participate in the Multifamily Tax Exemption program. The parcel (Tax ID 158354000) is located off of 121st Avenue in the 5200 block just north of Burnt Bridge Creek. The proposed development phase includes 3 more buildings with an additional 60 units. If the developer proceeds and decides to use the multifamily tax exemption program, a separate application must be submitted and reviewed by council on its own merit at a future Council meeting.



[Aerial Photo of parcel proposed to be added to the Fourth Plain MFTE boundary.]

Advantage(s)

- Allows developer to participate in the Multifamily Tax Exemption program
- Results in 60 additional multifamily residential units
- Multifamily Tax Exemption projects are required to meet Council climate action goals

Challenge(s)

None

Budget Impact

None in the short term for the target area boundary expansion. If the developer chooses to use the Multifamily Tax Exemption program the residential structure portion of the property taxes will be exempt for 8 or 12 years depending on which option the applicant chooses.

Prior Council Review

- June 5, 2023, Proposed MFTE Ordinance Change Workshop
- July 3, 2023, MFTE Ordinance Public Hearing

Action Requested

On Monday, November 18, 2024, advance the ordinance, expanding the boundary of the Fourth Plain residential target area of the multifamily tax exemption program on first reading, setting the date of second reading and public hearing for December 2, 2024.

Staff Contact

Bryan Monroe, Associate Housing Project Coordinator, bryan.monroe@cityofvancouver.us

Attachments:

1. Presentation
2. Ordinance



MFTE Fourth Plain Target Area Amendment

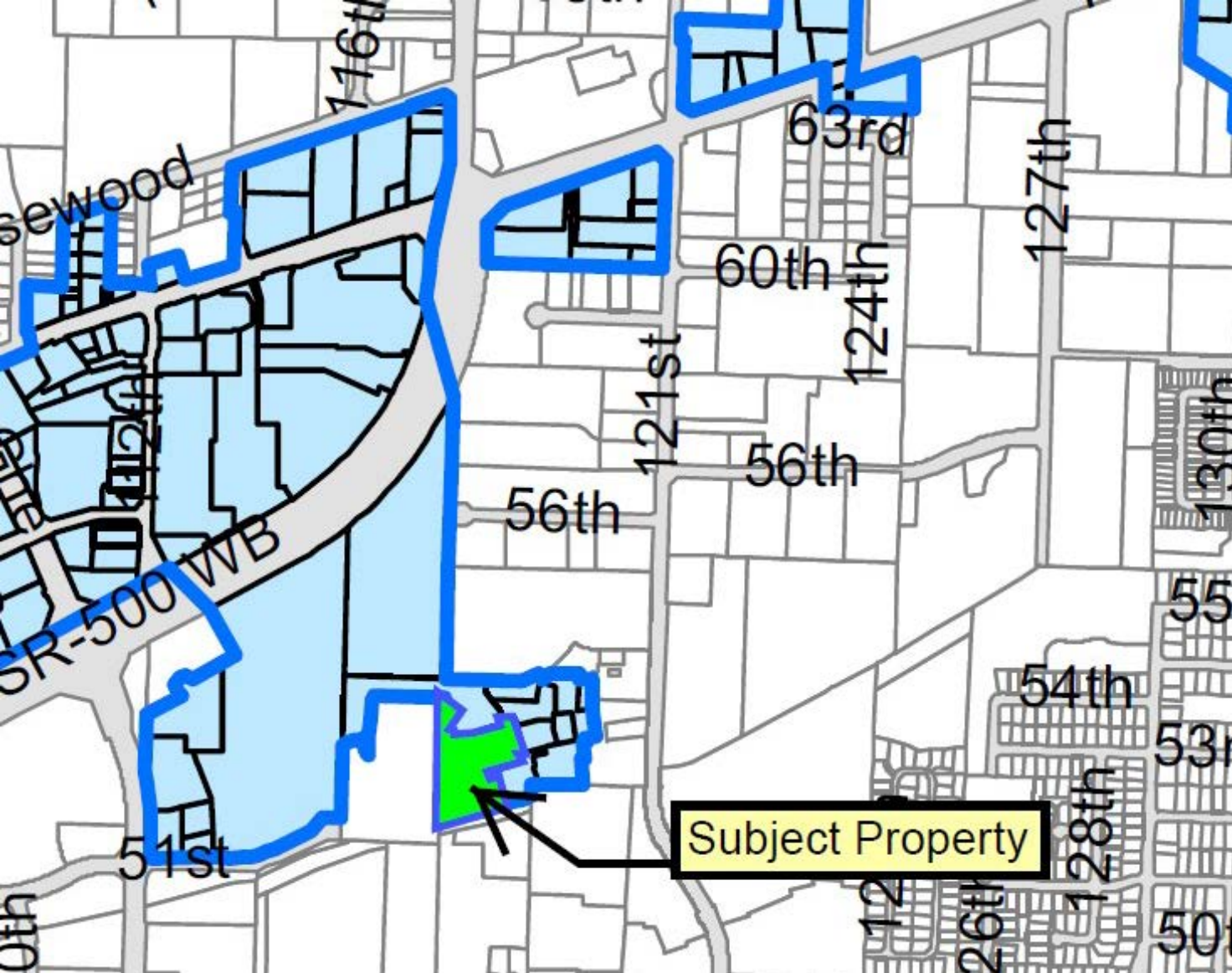
Bryan Monroe

Associate Housing Coordinator

Economic Prosperity Housing

November 18, 2024, 1st reading introduction

December 2, 2024, Public Hearing



Fourth Plain Target Area Addition

- 2.91 Acre site
- Zoned R-18
- 121st Avenue
- Abutting Burnt Bridge Creek

- **Parcel mistaken for wetland buffer and storm water facility**
- **Final phase of multifamily development**



Discussion / Questions



bryan.monroe@cityofvancouver.us | 360-487-7958



11/18/24 (Date of First Reading)

12/02/24 (Date of Public Hearing)

ORDINANCE NO. M- [Ordinance Number]

AN ORDINANCE of the City of Vancouver relating to changes to the City's Multi-Family Housing Tax Exemption Program (MFTE); adopting corrections to the Fourth Plain Target Area Boundary amending Section 3.22.030, of the Vancouver Municipal Code (VMC); providing for severability; and setting an immediate effective date.

WHEREAS, Washington State law (RCW 84.14) authorizes cities to adopt an MFTE program in certain residential target areas for the purpose of incentivizing the development of multiple-unit housing including creating additional affordable housing, encouraging urban development and density, increasing market rate workforce housing, developing permanently affordable housing opportunities, promoting economic investment and recovery, and creating family-wage jobs, and

WHEREAS, the City of Vancouver adopted a Multi-Family Housing Tax Exemption (MFTE) program in 1997 through Ordinance M-3314 and updated most recently in October 2023 through Ord M-4332, and

WHEREAS, the City of Vancouver adopted the Fourth Plain Target Area in 2011 through Ordinance M-3990 and updated most recently in July 2023 by Ord M-4416, and

WHEREAS, an eligible parcel, was inadvertently left off from the eligible parcel boundary map of the Fourth Plain Target area Map, and

WHEREAS, City Council desires to update the MFTE section of the municipal code to correct the Fourth Plain target area boundary, and

WHEREAS, the City Council adopts and incorporates by reference Staff Report SR-_____ and finds that the amendment of the Fourth Plain Target Area Boundary under the MFTE program set forth in this Ordinance will promote the general welfare and convenience of the people of Vancouver, and will encourage the development of additional multi-family housing in the City; and

WHEREAS, with proper notice to the public, the Vancouver City Council conducted a first reading of the proposed ordinance on November 18, 2024, and a public hearing concerning the ordinance and proposed code change on December 2, 2024.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. **Recitals Adopted as Findings.** The City Council hereby adopts and incorporates by reference the above recitals as findings in support of this Ordinance.

Section 2. **Amendment.** Vancouver Municipal Code Section 3.22.030 entitled “Residential target area designation and standards.” as codified by Ordinance Ord. M-3314 and last amended by Ordinance M-4420 is hereby amended as follows:

3.22.030 Residential target area designation and standards.

“Residential target area” means an area within an urban center that has been designated by the city council as lacking sufficient, available, desirable, and convenient residential housing to meet the needs of the public.

3.22.030 Residential target area designation and standards.

A. Criteria. Following a public hearing, the city council may, in its sole discretion, designate one or more residential target areas. Each designated target area must meet the following criteria, as determined by the city council:

1. The target area is located within an urban center;
2. The target area lacks sufficient available, desirable, affordable, and convenient residential housing to meet the needs of the public who would likely live in the urban center if desirable, affordable, attractive, and livable places were available; and
3. The providing of additional housing opportunities in the target area will assist in achieving the following purposes:
 - a. Encourage increased residential opportunities within the target area, including income-based housing opportunities; or
 - b. Stimulate the construction of new multi-family housing and/or the rehabilitation of existing vacant and underutilized buildings for multi-family housing; or
 - c. Where appropriate, stimulate the construction, rehabilitation or conversion of existing vacant and underutilized multi-family rental units to owner-occupied multi-family housing as such property redevelops.
4. In designating a residential target area, the city council may also consider other factors, including, but not limited to: whether additional housing in the target area will attract and maintain an increase in the number of permanent residents; whether an increased residential population will help alleviate detrimental conditions in the target area; and whether an increased

residential population in the target area will help to achieve the planning goals mandated by the Growth Management Act under RCW 36.70A.020. The city council may, by ordinance, amend or rescind the designation of a residential target area at any time pursuant to the same procedure as set forth in this chapter for original designation.

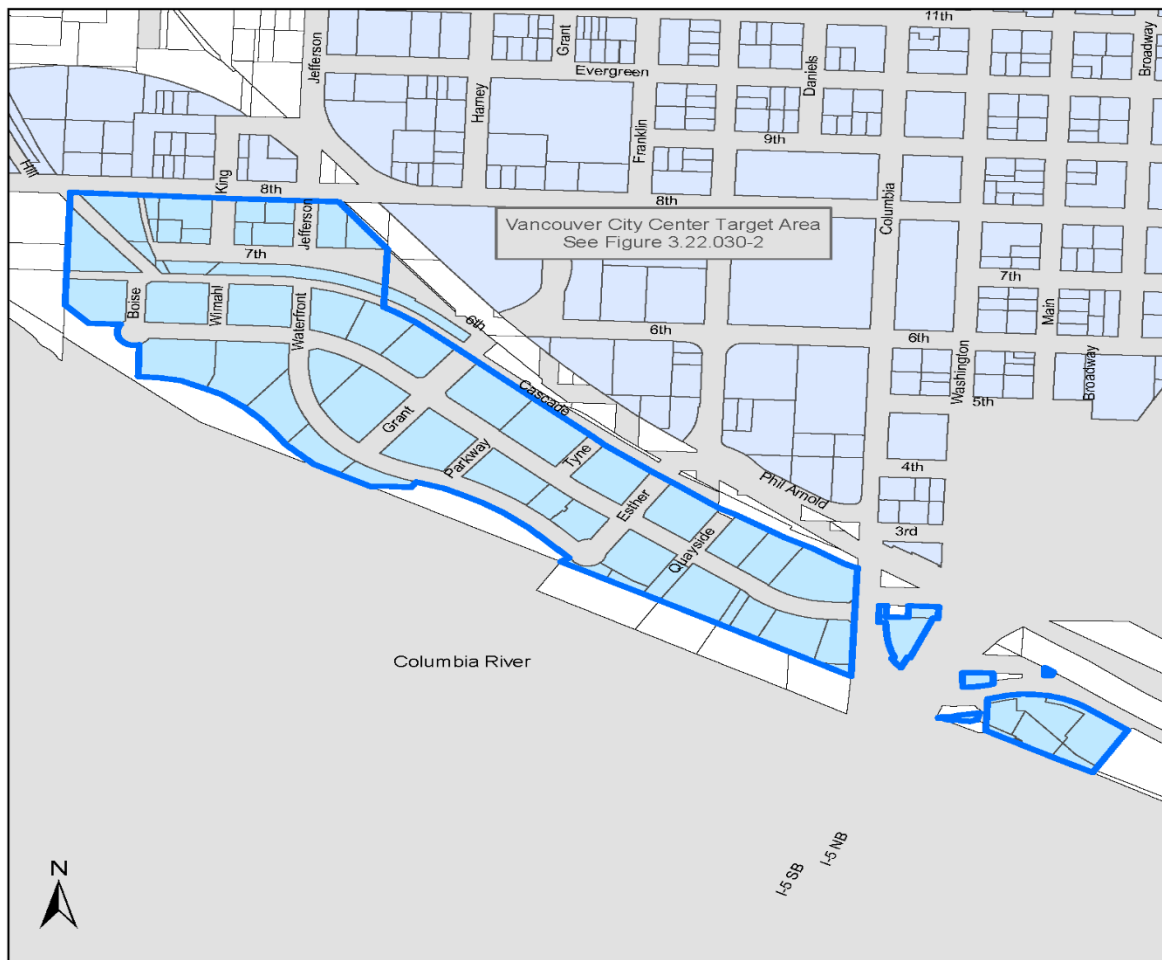
5. When designating a residential target area, the city council shall give notice of a hearing to be held on the matter and that notice shall be published once each week for two consecutive weeks, not less than seven days nor more than 30 days before the date of the hearing. The notice must state the time, date, place, and purpose of the hearing and generally identify the area proposed to be designated.

B. Target Area Standards and Guidelines. For each designated residential target area, the city council shall adopt basic requirements for both new construction and rehabilitation, including the application process and procedures. The city council may also adopt guidelines which include parking, height, density, environmental impact, home ownership, public benefit features, compatibility with the surrounding property and such other amenities as will attract and keep permanent residents and will properly enhance the livability of the residential target area. The required amenities shall be relative to the size of the proposed project and the tax benefit to be obtained.

C. Designated Target Areas. The following “residential target areas” are designated in the City of Vancouver:

1. The Vancouver Waterfront Target Area depicted on Map 1 below. Projects in this target area must meet the zoning requirements of the underlying zoning district as well as the market rate or income-based requirements under VMC 3.22.040(D)(9)(a):

Map 1: Vancouver Waterfront Target Area



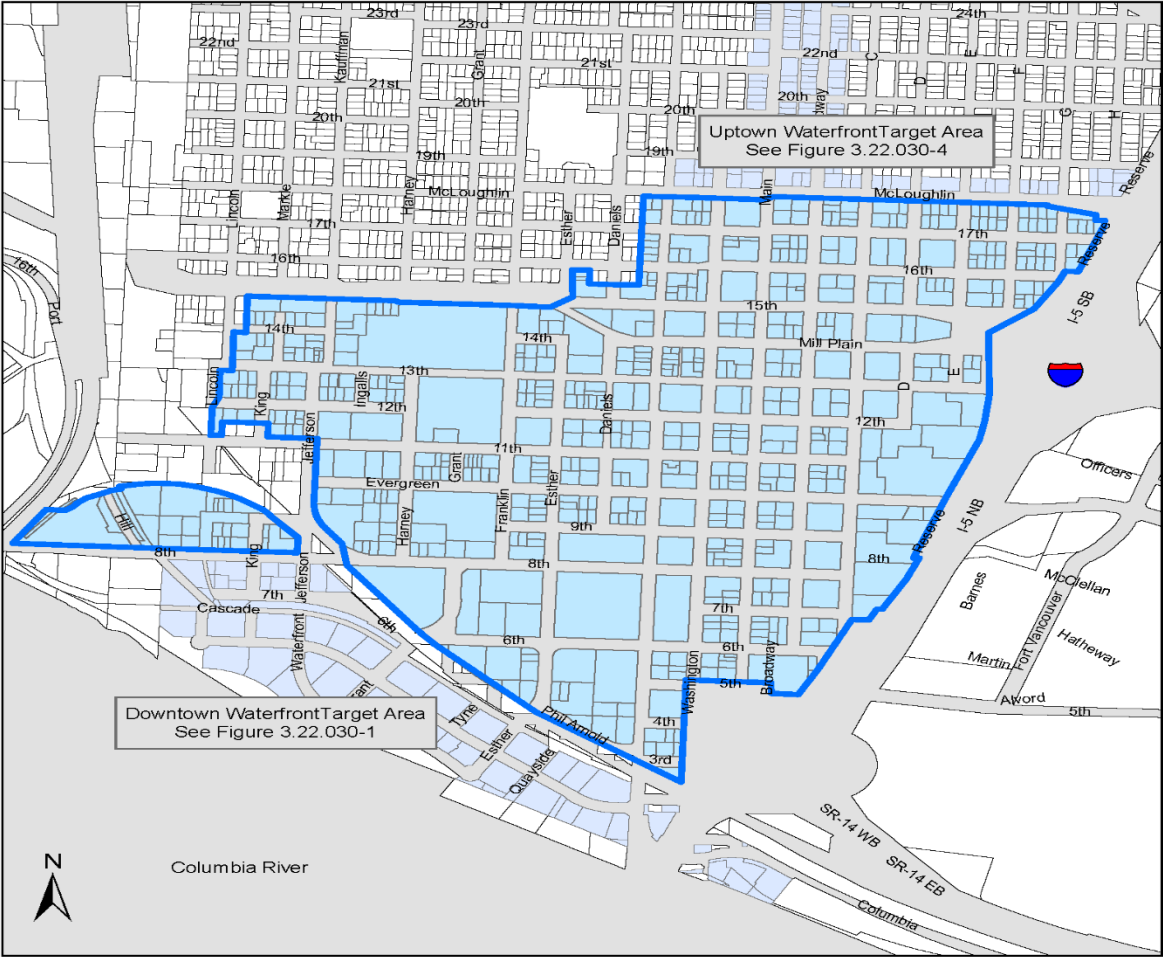
**FIGURE
3.22.030-1**

 Downtown Waterfront MFTE Target Area Boundary

Multifamily Tax Exemption Boundary

2. The Vancouver City Center Target Area depicted on Map 2 below. Projects in this target area must meet the zoning requirements of the underlying zoning district as well as the market rate or income-based requirements under VMC 3.22.040(D)(9)(a):

Map 2: Vancouver City Center Target Area



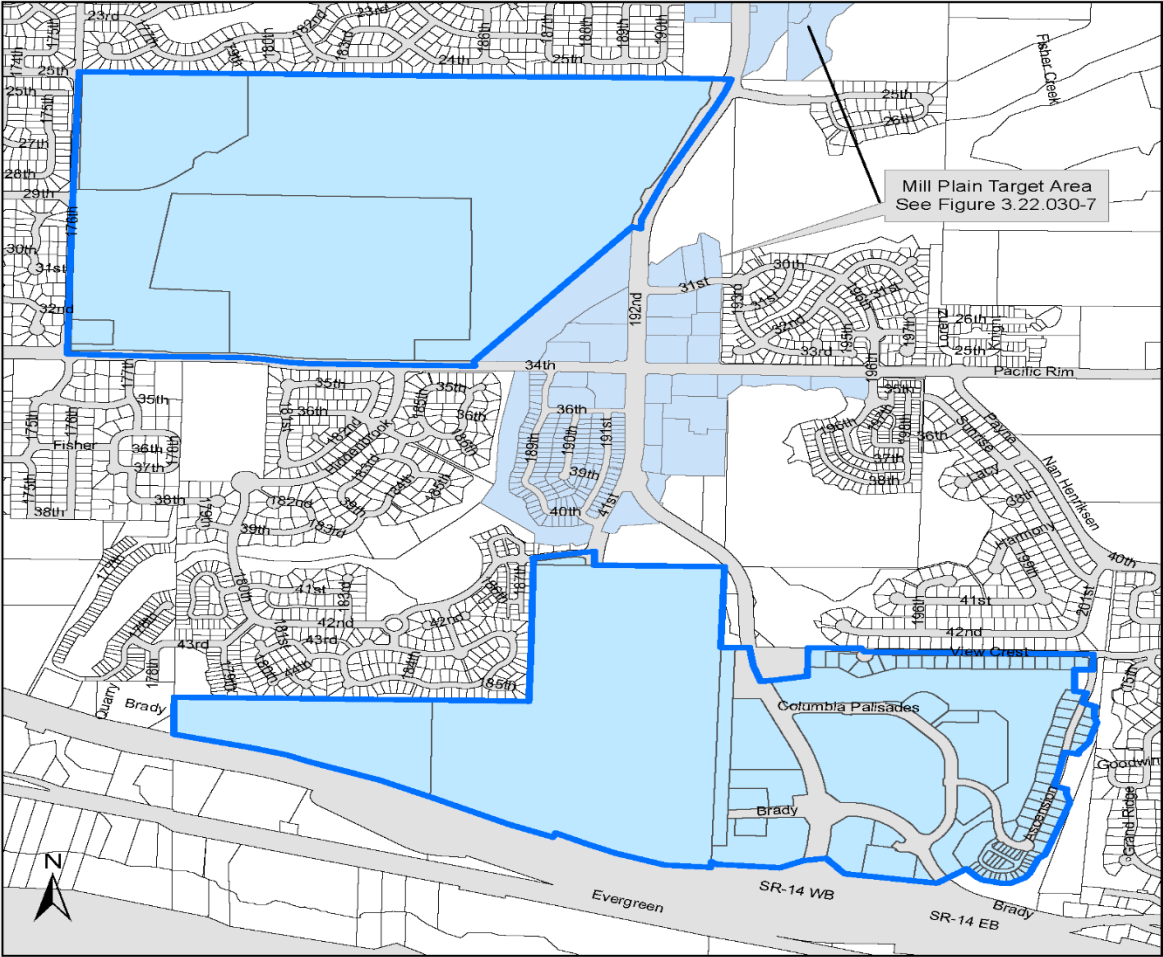
**FIGURE
3.22.030-2**

 Vancouver City Center MFTE Target Area Boundary

Multifamily Tax Exemption Boundary

3. East Vancouver Target Area depicted on Map 3 below. Projects in this target area must meet the zoning requirements of the underlying zoning district as the market rate or income-based requirements under VMC 3.22.040(D)(9)(a):

Map 3: East Vancouver Target Area



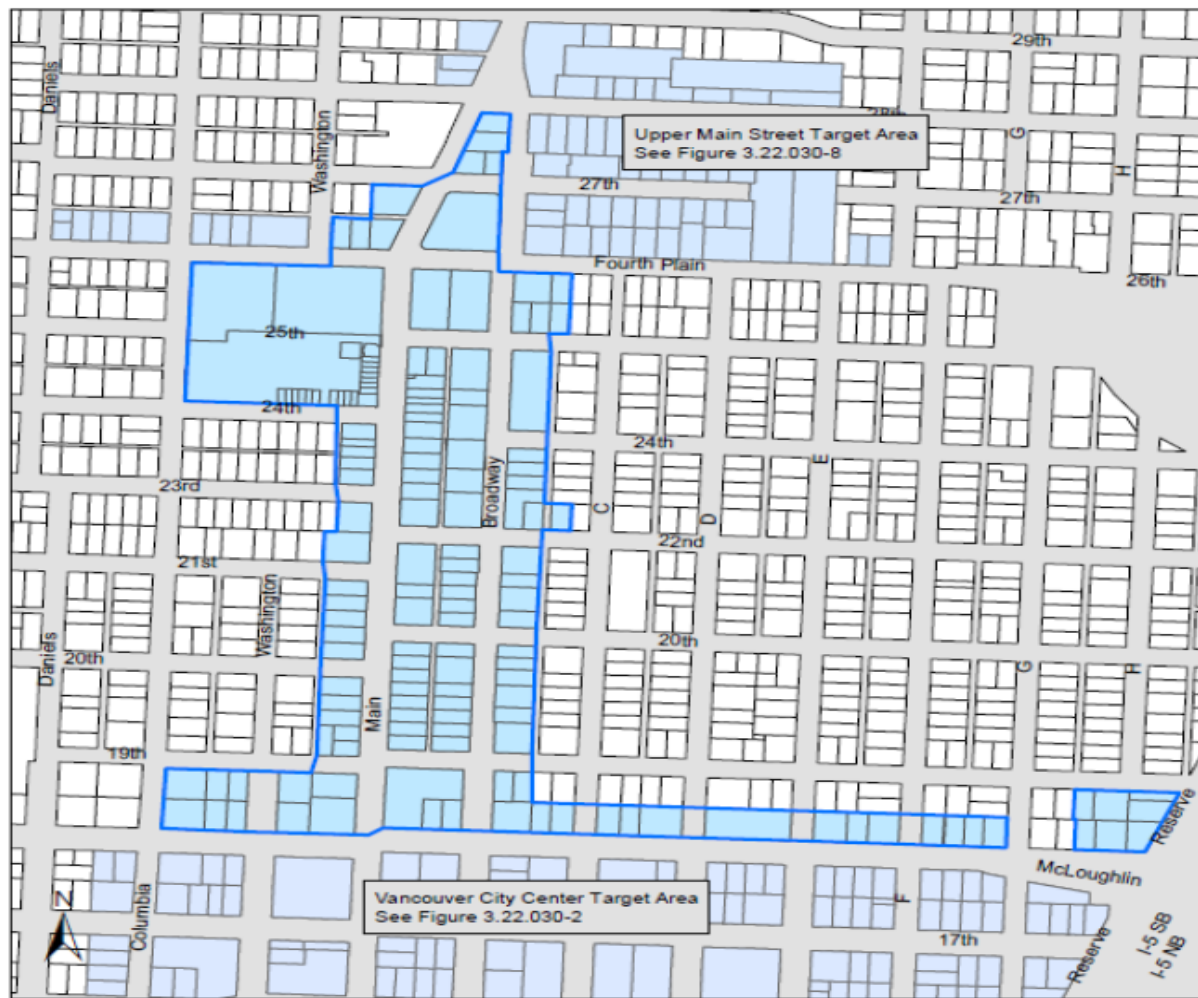
**FIGURE
3.22.030-3**

 East Vancouver MFTE Target Area Boundary

Multifamily Tax Exemption Boundary

4. The Uptown Target Area depicted on Map 4 below. Projects in this target area must meet the zoning requirements of the underlying zoning district as well as the market rate or income-based requirements under VMC 3.22.040(D)(9)(a):

Map 4: Uptown Target Area



**FIGURE
3.22.030-4**

 Uptown MFTE Target Area Boundary

Multifamily Tax Exemption Boundary

5. The Evergreen/Grand Target Area depicted on Map 5 below. Projects in this target area must meet the zoning requirements of the underlying zoning district as well as the market rate or income-based requirements under VMC 3.22.040(D)(9)(a):

Map 5: Evergreen/Grand Target Area

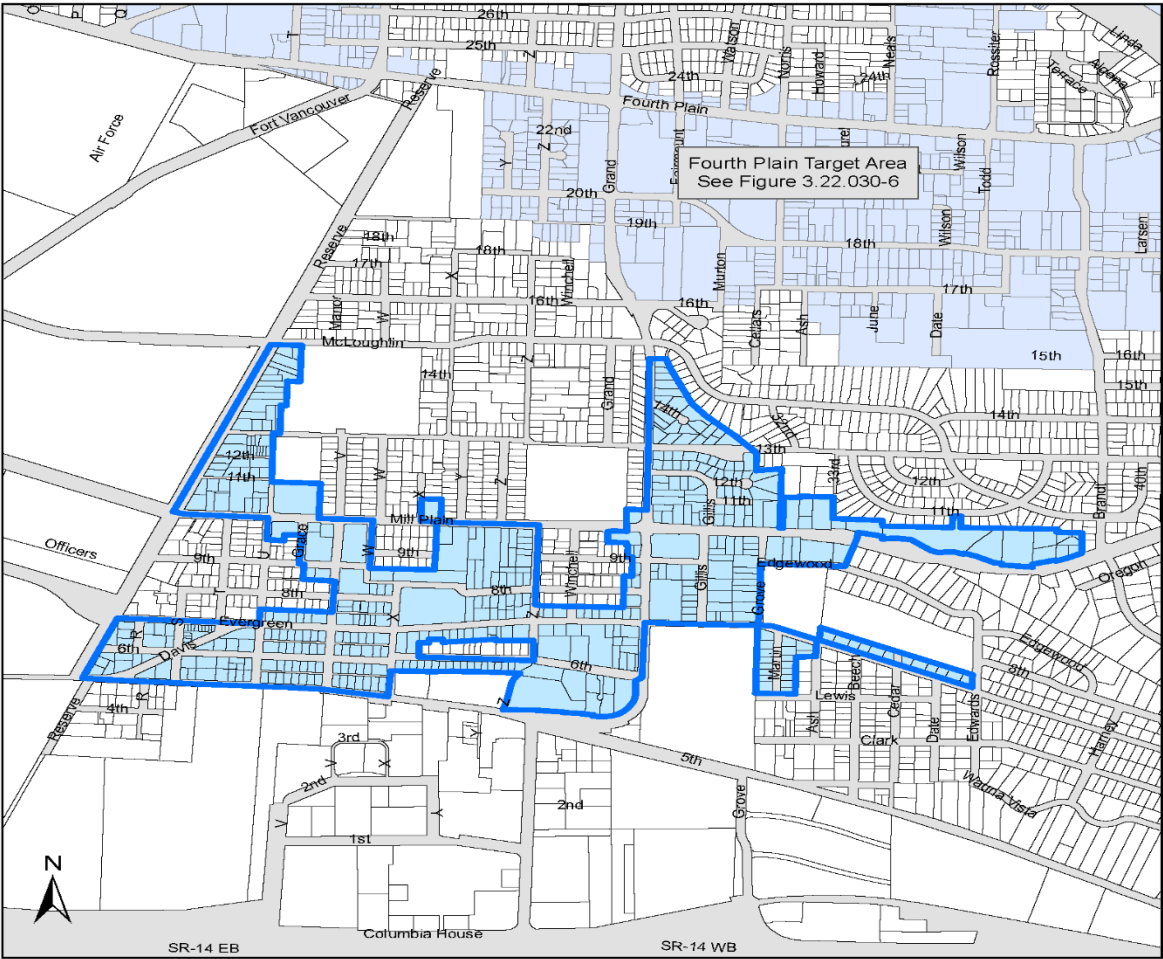


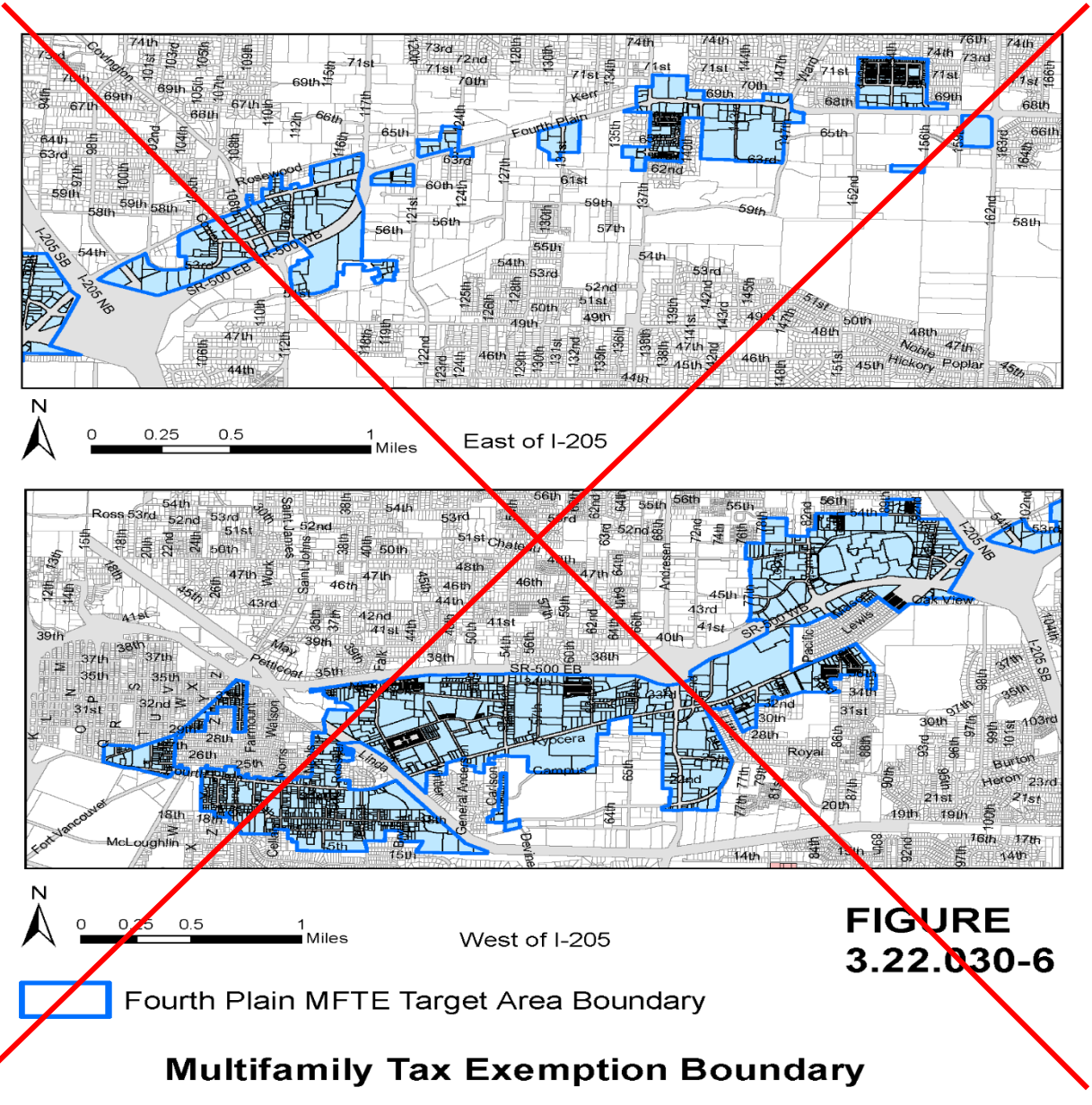
FIGURE
3.22.030-5

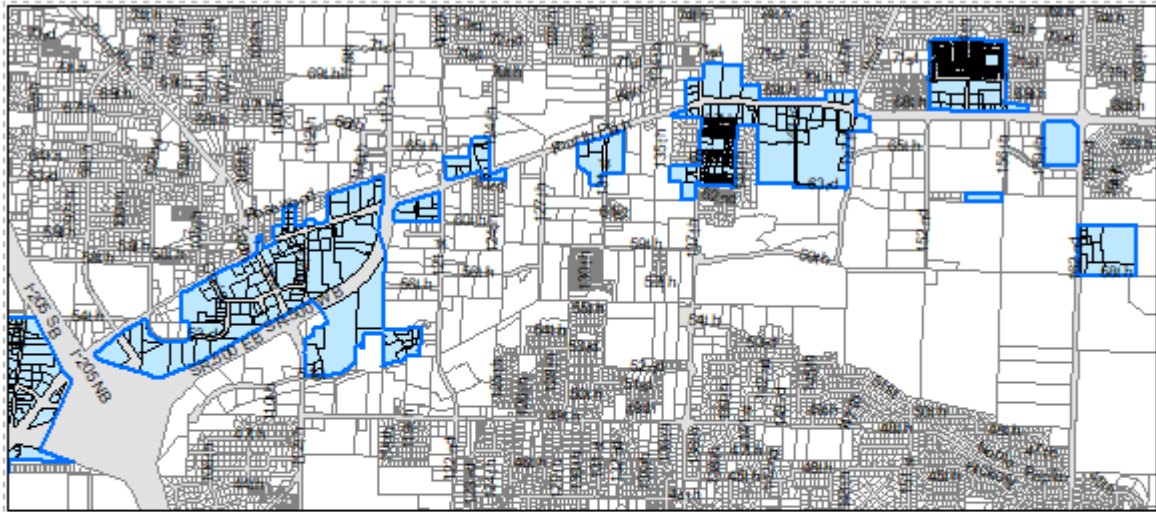
 Evergreen / Grand MFTE Target Area Boundary

Multifamily Tax Exemption Boundary

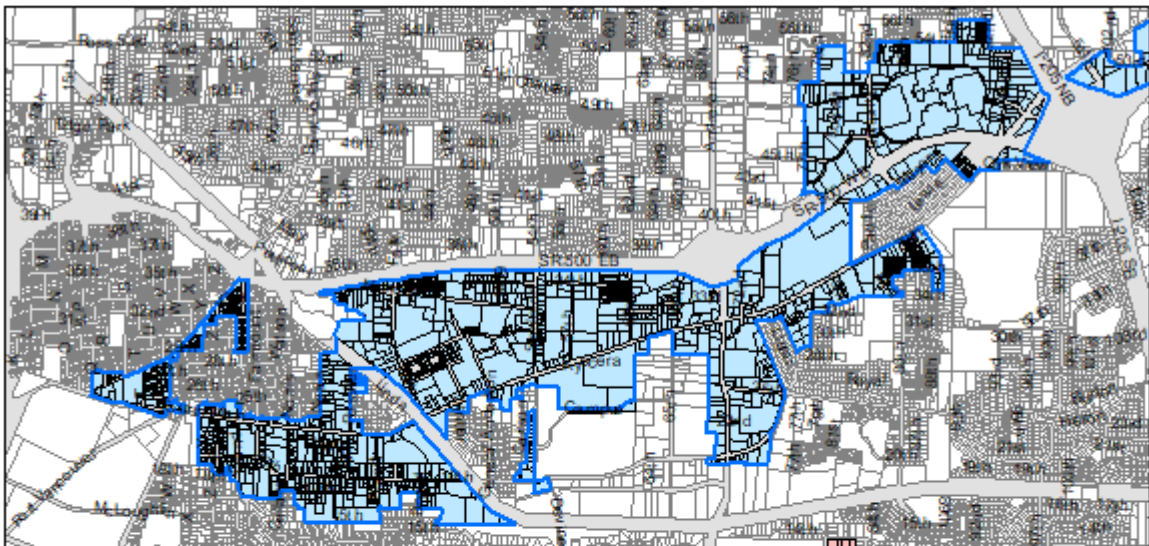
6. Fourth Plain Target Area depicted on Map 6 below. Projects in this target area must meet the zoning requirements of the underlying zoning district as the market rate or income-based requirements under VMC 3.22.040(D)(9)(a):

Map 6: Fourth Plain Target Area





N
0 0.25 0.5 1 Miles East of I-205



N
0 0.25 0.5 1 Miles West of I-205

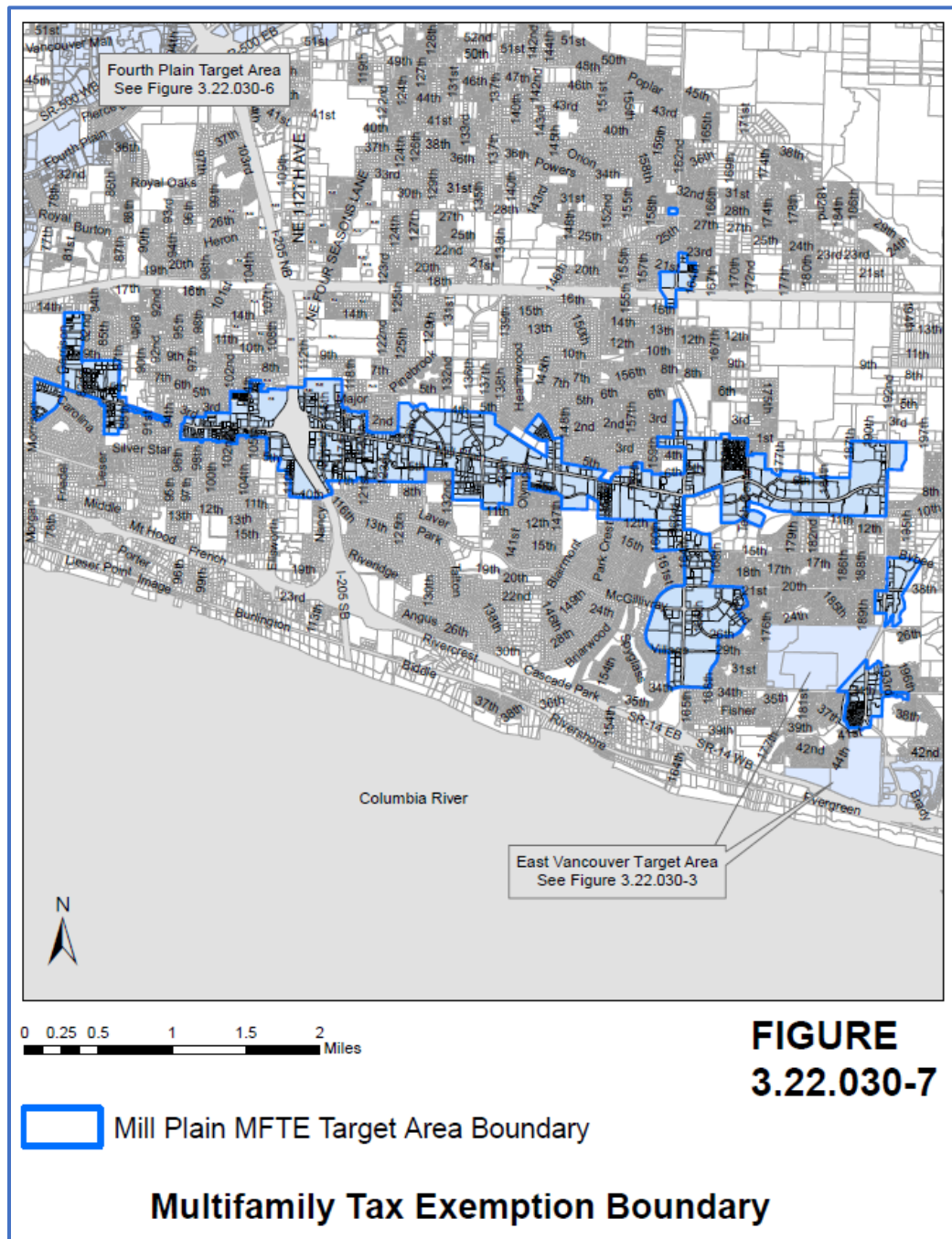
**FIGURE
3.22.030-6**

 Fourth Plain MFTE Target Area Boundary

Multifamily Tax Exemption Boundary

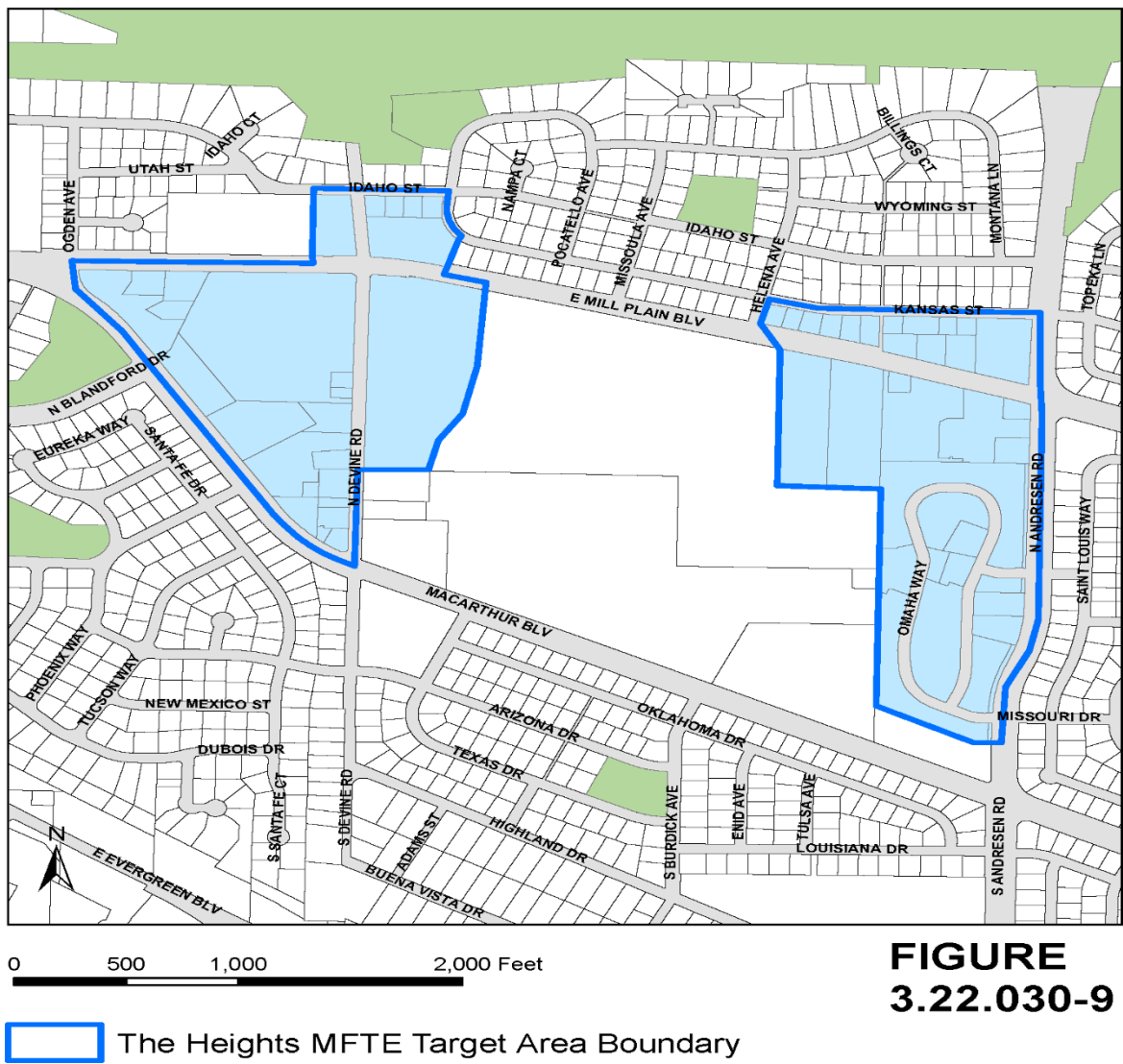
7. Mill Plain Target Area depicted on Map 7 below. Projects in this target area must meet the zoning requirements of the underlying zoning district as the market rate or income-based requirements under VMC 3.22.040(D)(9)(a):

Map 7: Mill Plain Target Area



9. The Heights Target Area depicted on Map 9 below. Projects in this target area must meet the zoning requirements of the underlying zoning district as well as the income-based requirements under VMC 3.22.040(D)(9)(a):

Map 9: The Heights Target Area



Multifamily Tax Exemption Boundary

D. *Target Area Map Boundary Interpretation.* Target area boundary lines are intended to follow property lot lines or be parallel or perpendicular thereto, or along the centerline of alleys, streets, rights-of-way or watercourses. Where, due to the scale, lack of detail or illegibility of the target area maps, there is uncertainty, contradiction or conflict as to the intended location of any target area boundary as shown thereon, the director shall provide an interpretation of said map upon request.

Section 3. **Effective Date.** This ordinance shall be effective immediately upon passage.

DATE OF FINAL PASSAGE by the Vancouver City Council:

SIGNED this _____ day of _____, 2024.

Anne McEnerny-Ogle, Mayor

Attest:

Approved as to form:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney

AN ORDINANCE relating to tax administration; adding a new chapter 5.01 to the Vancouver Municipal Code; enacting new sections 5.01.010, 5.01.015, 5.01.020, 5.01.040, 5.01.050, 5.01.060, 5.01.070, 5.01.080, 5.01.090, 5.01.095, 5.01.100, 5.01.110, 5.01.120, 5.01.130, 5.01.140, 5.01.160, 5.01.170, 5.01.180, 5.01.190, 5.01.200, 5.01.210, 5.01.220, 5.01.240, 5.01.250, 5.01.260; repealing sections 5.04.100, 5.04.150, 5.04.155, 5.04.160, 5.04.170, 5.04.180, 5.04.190, 5.04.200, 5.04.210, 5.04.220, 5.04.230, 5.04.240, 5.04.250, 5.87.010, 5.87.020, 5.87.030, 5.87.040, 5.87.050, 5.87.060, 5.87.070, 5.87.080, 5.87.090, 5.87.100, 5.87.110, and 5.87.120; and providing for savings, severability and effective date.

Staff Report: 238-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Ordinance Updating Vancouver's Tax Administration Code

Key Points

- One of the revenues proposed in the 2025-2026 budget is a Business & Occupation (B&O) Tax that must follow the model ordinance adopted by the Association of Washington Cities (AWC).
- To better effect this tax and create consistency in how all taxes are collected, AWC prepared a model ordinance for tax administration, some of the provisions of which are mandatory in terms of penalties, interest, and confidentiality.
- The City's current Tax Administration Code, chapter 5.87 VMC, as well as portions of the Business & Occupation License Code, chapter 5.04 VMC, contain many of the same provisions in the model ordinance but unnecessarily deviates in others.
- The proposed ordinance is styled after the model ordinance and conforms to the mandatory provisions, except maintaining the current procedure for a taxpayer appealing a tax assessment.

Strategic Plan Alignment

High Performing Government – a government that is reliable, fiscally responsible, equitable, and open to compromise

Present Situation

The City enacted Ordinance M-4041 in 2013 to create a Tax Administrative Code, currently codified as chapter 5.87 VMC. Additionally, the City still has sections within chapter 5.04 VMC (Business & Occupation License Tax) that address many of the same topics covered in chapter 5.87 VMC. More recently, AWC has updated the model ordinances for tax administration, some of the provisions of which are mandatory in terms of penalties, interest, and confidentiality, particularly with respect to any jurisdiction imposing a Business & Occupation tax. Additionally, the model ordinance sets a presumptive quarterly tax reporting period, whereas neither chapter 5.87 VMC nor chapter 5.04 VMC provides for any reporting period.

With the proposed re-establishment of a Business & Occupation Tax, staff examined both chapter 5.87 VMC and chapter 5.04 VMC. That examination revealed that many provisions in the Vancouver Municipal Code with respect to tax administration were duplicative, contradictory, obsolete, or lacking. Staff then examined the model ordinance prepared by AWC and confirmed that many jurisdictions have already adopted many of its provisions. Embracing the model ordinance will enhance consistency for many businesses who operate both within and outside of Vancouver.

The proposed ordinance adopts the provisions of the model ordinance and repeals what would be duplicative or contradictory sections in both chapter 5.87 VMC (which is repealed in its entirety) and chapter 5.04 VMC. One current section of the VMC—5.87.040—that governs appeals of tax assessments is kept as is and recodified into a new tax administration chapter, 5.01 VMC. In order to achieve consistency in the City's administration of certain excise taxes, and in particular the newly proposed B&O tax to fund the bridge shelter, Staff recommends adoption of the AWC model ordinance provisions in this ordinance.

Advantage(s)

1. Achieves consistency in the City's administration of excise taxes
2. Aligns Vancouver's tax administrative code with the mandatory provisions required by state law with respect to B&O taxes.

Challenge(s)

None

Budget Impact

None

Prior Council Review

Although city staff has discussed the proposed B&O tax multiple times with Council over several workshops, the adoption of a new tax administration code has only been discussed in the context of adopting the model ordinance provisions.

Action Requested

On November 18, 2024, advance the ordinance on first reading and set a date of December 2, 2024, setting the second reading and public hearing for December 2, 2024.

Staff Contact

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

Attachments:

1. Ordinance

11/18/2024 (Date of First Reading)
12/02/2024 (Date of Public Hearing)

ORDINANCE NO. M-_____

AN ORDINANCE relating to tax administration; adding a new chapter 5.01 to the Vancouver Municipal Code; enacting new sections 5.01.010, 5.01.015, 5.01.020, 5.01.040, 5.01.050, 5.01.060, 5.01.070, 5.01.080, 5.01.090, 5.01.095, 5.01.100, 5.01.110, 5.01.120, 5.01.130, 5.01.140, 5.01.160, 5.01.170, 5.01.180, 5.01.190, 5.01.200, 5.01.210, 5.01.220, 5.01.240, 5.01.250, 5.01.260; repealing sections 5.04.100, 5.04.150, 5.04.155, 5.04.160, 5.04.170, 5.04.180, 5.04.190, 5.04.200, 5.04.210, 5.04.220, 5.04.230, 5.04.240, 5.04.250, 5.87.010, 5.87.020, 5.87.030, 5.87.040, 5.87.050, 5.87.060, 5.87.070, 5.87.080, 5.87.090, 5.87.100, 5.87.110, and 5.87.120; and providing for savings, severability and effective date.

WHEREAS, as a first class city, Vancouver has authority to license for revenue under Article XI, Sec. 12 of the Washington Constitution and RCW 35.22.280(32); and

WHEREAS, since the City eliminated its Business and Occupation (B&O) tax in 2001, the Washington State Legislature adopted RCW 35.102.040, which required the Association of Washington Cities (AWC) and the Association of Washington Businesses (AWB) to develop a model ordinance consistent with specified requirements for business and occupation taxation; and

WHEREAS, the AWC, in conjunction with a majority of the Washington cities with a business and occupation tax, developed a model ordinance consistent with RCW 35.102.040's requirements to achieve a fairer and more consistent state-wide implementation of business and occupation taxes and to help prevent against multiple taxation among various jurisdictions to the extent possible; and

WHEREAS, RCW 35.102.040 requires cities wishing to impose B&O taxes to adopt the model ordinance developed by AWC and consistent with requirements as stated in RCW 35.102.040; and,

WHEREAS, to comply with the requirements of RCW 35.102.040 to impose a B&O tax, the City must adopt certain provisions relating to tax administration; and

WHEREAS, the City wishes to substantially adopt the most recent version of AWC's model ordinance for tax administration, while tailoring it where permitted to reflect the unique local characteristics of Vancouver; and

WHEREAS, as related in Staff Report _____, adopting said model ordinance will improve consistency in the administration of excise taxes;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. The intent of this Ordinance is to provide a consistent method of administering the excise taxes levied by the City of Vancouver by adopting the provisions of the Model Tax Administrative Code in a newly created chapter prepared by the Association of Washington Cities and replacing outdated provisions found in chapters 5.04 and 5.87 of the Vancouver Municipal Code.

Section 2. A new chapter is created in Title 5 VMC, to be codified as chapter 5.01 VMC, which shall be entitled "Administrative Provisions for Business Taxes."

Section 3. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.010, and shall read as follows:

5.01.010 Purpose

This chapter provides for consistent administration of taxes identified in Title 5 VMC.

This section implements Washington Constitution Article XI, Section 12 and RCW 35.22.280(32) (first class cities), which give municipalities the authority to license for revenue. In the absence of a legal or constitutional prohibition, municipalities have the power to define taxation categories as they see fit in order to respond to the unique concerns and responsibilities of local government. It is intended that this chapter be as uniform as possible among the various municipalities. Uniformity with provisions of state tax laws should not be presumed, and references in this section to statutory or administrative rule changes do not mean state tax statutes or rules promulgated by the Department of Revenue.

Section 4. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.015, and shall read as follows:

5.01.015 Application of chapter stated.

The provisions of this chapter shall apply with respect to the taxes imposed under Title 5 VMC. This Chapter shall also apply where no procedure is specifically provided for administration of taxes. These procedures may supplement those provided for taxes imposed by other chapters if such chapters provide for no equivalent procedure.

Section 5. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.020, and shall read as follows:

5.01.020 Definitions.

The definitions contained in chapter 5.03 VMC shall apply equally to the provisions of this chapter unless the term is defined otherwise in this chapter. In addition, the following definitions will apply:

- A. “Applicable Chapter” means any chapter listed at 5.01.015 and any other VMC chapter providing for administration under this chapter.
- B. “Clerk” means the Vancouver City Clerk.

- C. “Director” means the Chief Financial Officer of the City, or the Director of any successor department of the City, or any officer, agent, or employee of the City designated to act on the Director’s behalf.
- D. “Reporting period” means:
 - 1. A one-month period beginning the first day of each calendar month (monthly); or
 - 2. A three-month period beginning the first day of January, April, July or October of each year (quarterly); or
 - 3. A twelve-month period beginning the first day of January of each year (annual)
- E. “Return” means any document a person is required by the City to file to satisfy or establish a tax or fee obligation that is administered or collected by the City and that has a statutorily defined due date.
- F. “Successor” means any person to whom a taxpayer quitting, selling out, exchanging, or disposing of a business sells or otherwise conveys, directly or indirectly, in bulk and not in the ordinary course of the taxpayer's business, any part of the materials, supplies, merchandise, inventory, fixtures, or equipment of the taxpayer. Any person obligated to fulfill the terms of a contract shall be deemed a successor to any contractor defaulting in the performance of any contract as to which such person is a surety or guarantor.
- G. “Tax” means any tax, fee, charge, interest, or penalty imposed under an Applicable Chapter.
- H. “Tax year” or “taxable year” means the calendar year.
- I. “VMC” means the Vancouver Municipal Code.

Section 6. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.040, and shall read as follows:

5.01.040 When due and payable – Reporting periods – Monthly, quarterly, and annual returns – Threshold provisions or Relief from filing requirements – Computing time periods – Failure to file returns.

- A. Other than any annual license fee or registration fee assessed under this title, the tax imposed by an Applicable Chapter shall be due and payable in quarterly installments. At the Director’s discretion, businesses may be assigned to a monthly or annual reporting period depending on the tax amount owing or type of tax. Tax payments are due on or before the time as provided in RCW 82.32.045(1), (2), and (3).

- B. Taxes shall be paid as provided in this chapter and accompanied by a return on forms as prescribed by the Director. The return shall be signed by the taxpayer personally or by a responsible officer or agent of the taxpayer. The individual signing the return shall swear or affirm that the information in the return is complete and true.
- C. Tax returns must be filed and returned by the due date whether or not any tax is owed.
- D. For purposes of the tax imposed by chapter 5.03 VMC, any person whose value of products, gross proceeds of sales, or gross income of the business, subject to tax after all allowable deductions, is equal to or less than Fifty Thousand Dollars (\$50,000) in the current calendar year) shall file a return, declare no tax due on their return, and submit the return to the Director. The gross receipts and deduction amounts shall be entered on the tax return even though no tax may be due.
- E. A taxpayer that commences to engage in business activity shall file a return and pay the tax or fee for the portion of the reporting period during which the taxpayer is engaged in business activity.
- F. Except as otherwise specifically provided by any other provision of this chapter, in computing any period of days prescribed by this chapter the day of the act or event from which the designated period of time runs shall not be included. The last day of the period shall be included unless it is a Saturday, Sunday, or City or Federal legal holiday, in which case the last day of such period shall be the next succeeding day which is neither a Saturday, Sunday, or City or Federal legal holiday.
- G. If any taxpayer fails, neglects or refuses to make a return as and when required in this chapter, the Director is authorized to determine the amount of the tax or fees payable by obtaining facts and information upon which to base the Director's estimate of the tax or fees due. Such assessment shall be deemed prima facie correct and shall be the amount of tax owed to the City by the taxpayer. The Director shall notify the taxpayer by mail of the amount of tax so determined, together with any penalty, interest, and fees due; the total of such amounts shall thereupon become immediately due and payable.

Section 7. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.050, and shall read as follows:

5.01.050 Payment methods – Mailing returns or remittances – Time extension – Deposits – Recording payments – Payment must accompany return – NSF checks.

- A. Taxes shall be paid to the Director in United States currency by bank draft, certified check, cashier's check, personal check, money order, cash, or by wire transfer or electronic payment if such wire transfer or electronic payment is authorized by the Director. If payment so received is not paid by the bank on which it is drawn, the taxpayer, by whom such payment is tendered, shall remain liable for payment of the tax and for all legal penalties, the same as if such payment had not been tendered. Acceptance of any sum by the Director shall not discharge the tax or fee due unless the amount paid is the full amount due.
- B. A return or remittance that is transmitted to the City by United States mail shall be deemed filed or received on the date shown by the cancellation mark stamped by the Post Office upon the envelope containing it. The Director may allow electronic filing of returns or remittances from any taxpayer. A return or remittance which is transmitted to the City electronically shall be deemed filed or received according to procedures set forth by the Director.
- C. If a written request is received prior to the due date, the Director, for good cause, may grant, in writing, additional time within which to make and file returns.
- D. The Director shall keep full and accurate records of all funds received or refunded. The Director shall apply payments first against all penalties and interest owing, and then upon the tax, without regard to any direction of the taxpayer.
- E. For any return not accompanied by a remittance of the tax shown to be due thereon, the taxpayer shall be deemed to have failed or refused to file a return and shall be subject to the penalties and interest provided in this chapter.
- F. Any payment made that is returned for lack of sufficient funds or for any other reason will not be considered received until payment by certified check, money order, or cash of the original amount due, plus a "non-sufficient funds" (NSF) charge of twenty dollars (\$20.00) is received by the Director. Any license issued upon payment with a NSF check will be considered void, and shall be returned to the Director. No license shall be reissued until payment (including the twenty dollars (\$20.00) NSF fee) is received.
- G. The Director is authorized, but not required, to mail tax return forms to taxpayers, but failure of the taxpayer to receive any such forms shall not excuse the taxpayer from filing returns and making payment of the taxes or fees, when and as due under this chapter.

Section 8. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.060, and shall read as follows:

5.01.060 Records to be preserved – Examination – Estoppel to question assessment.

Every person liable for any fee or tax imposed by this chapter shall keep and preserve, for a period of five (5) years after filing a tax return, such records as may be necessary to determine the amount of any fee or tax for which the person may be liable; which records shall include copies of all federal income tax and state tax returns and reports made by the person. All books, records, papers, invoices, vendor lists, inventories, stocks of merchandise, and other data including federal income tax and state tax returns and reports shall be open for examination at any time by the Director or its duly authorized agent. Every person's business premises shall be open for inspection or examination by the Director or a duly authorized agent.

- A. If a person does not keep the necessary books and records within the City, it shall be sufficient if such person (a) produces within the City such books and records as may be required by the Director, or (b) bears the cost of examination by the Director's agent at the place where such books and records are kept; provided that the person electing to bear such cost shall pay in advance to the Director the estimated amount thereof including round-trip fare, lodging, meals and incidental expenses, subject to adjustment upon completion of the examination.
- B. Any person who fails, or refuses a Department request, to provide or make available records, or to allow inspection or examination of the business premises, shall be forever barred from questioning in any court action, the correctness of any assessment of taxes made by the City for any period for which such records have not been provided, made available or kept and preserved, or in respect of which inspection or examination of the business premises has been denied. The Director is authorized to determine the amount of the tax or fees payable by obtaining facts and information upon which to base the estimate of the tax or fees due. Such fee or tax assessment shall be deemed prima facie correct and shall be the amount of tax owing the City by the taxpayer. The Director shall notify the taxpayer by mail the amount of tax so determined, together with any penalty, interest, and fees due; the total of such amounts shall thereupon become immediately due and payable.

Section 9. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.070, and shall read as follows:

5.01.070 Accounting methods.

- A. A taxpayer may file tax returns in each reporting period with amounts based upon cash receipts only if the taxpayer's books of account are kept on a cash receipts basis. A taxpayer that does not regularly keep books of account on a cash receipts basis must file returns with amounts based on the accrual method.
- B. The taxes imposed and the returns required hereunder shall be upon a calendar year basis.

Section 10. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.080, and shall read as follows:

5.01.080 Public work contracts – Payment of fee and tax before final payment for work.

The Director may, before issuing any final payment to any person performing any public work contract for the City, require such person to pay in full all license fees or taxes due under this title from such person on account of such contract or otherwise, and may require such taxpayer to file with the Director a verified list of all subcontractors supplying labor and/or materials to the person in connection with said public work.

Section 11. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.090, and shall read as follows:

5.01.090 Underpayment of tax, interest, or penalty – Interest.

- A. If, upon examination of any returns, or from other information obtained by the Director, it appears that a tax or penalty less than that properly due has been paid, the Director shall assess the additional amount found to be due and shall add thereto interest on the tax only. The Director shall notify the person by mail of the additional amount, which shall become due and shall be paid within thirty (30) days from the date of the notice, or within such time as the Director may provide in writing.
- B. For tax periods after December 31, 2025, the Director shall compute interest in accordance with RCW 82.32.050 as it now exists or as it may be amended.

- C. If VMC 5.03.190(B) is held to be invalid, then the provisions of RCW 82.32.050 existing at the effective date of this ordinance shall apply.

Section 12. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.095, and shall read as follows:

5.01.095 Time in which assessment may be made.

The Director shall not assess, or correct an assessment for, additional taxes, penalties, or interest due more than four years after the close of the calendar year in which they were incurred, except that the Director may issue an assessment:

- A. Against a person who is not currently registered or licensed or has not filed a tax return as required by this chapter for taxes due within the period commencing 10 years prior to the close of the calendar year in which the person was contacted in writing by the Director;
- B. Against a person that has committed fraud or who misrepresented a material fact;
or
- C. Against a person that has executed a written waiver of such limitations.

Section 13. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.100, and shall read as follows:

5.01.100 Over payment of tax, penalty, or interest – Credit or refund – Interest rate – Statute of limitations.

- A. If, upon receipt of an application for a refund, or during an audit or examination of the taxpayer's records and tax returns, the Director determines that the amount of tax, penalty, or interest paid is in excess of that properly due, the excess amount shall be credited to the taxpayer's account or shall be refunded to the taxpayer. Except as provided in subsection B of this section, no refund or credit shall be made for taxes, penalties, or interest paid more than four (4) years prior to the beginning of the calendar year in which the refund application is made or examination of records is completed.
- B. The execution of a written waiver shall extend the time for applying for, or making a refund or credit of any taxes paid during, or attributable to, the years covered by the waiver if, prior to the expiration of the waiver period, an

application for refund of such taxes is made by the taxpayer or the Director discovers that a refund or credit is due.

- C. Refunds shall be made by means of vouchers approved by the Director and by the issuance of a City check or warrants drawn upon and payable from such funds as the City may provide.
- D. Any final judgment for which a recovery is granted by any court of competent jurisdiction for tax, penalties, interest, or costs paid by any person shall be paid in the same manner, as provided in subsection C of this section, upon the filing with the Director a certified copy of the order or judgment of the court.
- E.
 - 1. For tax periods after December 31, 2025, the Director shall compute interest on refunds or credits of amounts paid or other recovery allowed a taxpayer in accordance with RCW 82.32.060 as it now exists or as it may be amended.
 - 2. If VMC 5.03.200(E)(2) is held to be invalid, then the provisions of RCW 82.32.060 existing at the effective date of this ordinance shall apply.

Section 14. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.110, and shall read as follows:

5.01.110 Late payment – Disregard of written instructions – Evasion – Penalties.

- A. If payment of any tax due on a return to be filed by a taxpayer is not received by the Director by the due date, the Director shall add a penalty in accordance with RCW 82.32.090(1), as it now exists or as it may be amended.
- B. If the Director determines that any tax has been substantially underpaid as defined in RCW 82.32.090(2), there shall be added a penalty in accordance with RCW 82.32.090(2), as it now exists or as it may be amended.
- C. If a citation or criminal complaint is issued by the Director for the collection of taxes, fees, assessments, interest or penalties, there shall be added thereto a penalty in accordance with RCW 82.32.090(3), as it now exists or as it may be amended.
- D. If the Director finds that a person has engaged in any business or performed any act upon which a tax is imposed under this title and that person has not obtained from the Director a license as required by chapter 5.04, the Director shall impose a penalty in accordance with RCW 82.32.090(4), as it now exists or as it may be amended. No penalty shall be imposed under this subsection D if the person who

has engaged in business without a license obtains a license prior to being notified by the Director of the need to be licensed.

- E. If the Director determines that all or any part of a deficiency resulted from the taxpayer's failure to follow specific written tax reporting instructions, there shall be assessed a penalty in accordance with RCW 82.32.090(5), as it now exists or as it may be amended.
- F. If the Director finds that all or any part of the deficiency resulted from an intent to evade the tax payable, the Director shall assess a penalty in accordance with RCW 82.32.090(6), as it now exists or as it may be amended.
- G. The penalties imposed under subsections A through E above of this section can each be imposed on the same tax found to be due. This subsection does not prohibit or restrict the application of other penalties authorized by law.
- H. The Director shall not impose both the evasion penalty and the penalty for disregarding specific written instructions on the same tax found to be due.
- I. For the purposes of this section, "return" means any document a person is required by the City of Vancouver to file to satisfy or establish a tax or fee obligation that is administered or collected by the City, and that has a statutorily defined due date.
- J. If incorporation into the City of Vancouver code of future changes to RCW 82.32.090 is deemed invalid, then the provisions of RCW 82.32.090 existing at the time this ordinance is effective shall apply.

Section 15. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.120, and shall read as follows:

5.01.120 Cancellation of penalties.

- A. The Director may cancel any penalties imposed under VMC 5.01.110(A) if the taxpayer shows that its failure to timely file or pay the tax was due to reasonable cause and not willful neglect. Willful neglect is presumed unless the taxpayer shows that it exercised ordinary business care and prudence in making arrangements to file the return and pay the tax but was, nevertheless, due to circumstances beyond the taxpayer's control, unable to file or pay by the due date. The Director has no authority to cancel any other penalties or to cancel penalties for any other reason except as provided in subsection C.
- B. A request for cancellation of penalties must be received by the Director within 30 days after the date the Department mails the notice that the penalties are due. The

request must be in writing and contain competent proof of all pertinent facts supporting a reasonable cause determination. In all cases the burden of proving the facts rests upon the taxpayer.

- C. The Director may cancel the penalties in VMC 5.01.110(A) one time if a person:
(a) Is not currently licensed and filing returns, (b) Was unaware of its responsibility to file and pay tax, and (c) Obtained business licenses and filed past due tax returns within 30 days after being notified by the Department.
- D. The Director shall not cancel any interest charged upon amounts due.

Section 16. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.130, and shall read as follows:

5.01.130 Taxpayer quitting business – Liability of successor.

- A. Whenever any taxpayer quits business, sells out, exchanges, or otherwise disposes of their business or stock of goods, any tax payable hereunder shall become immediately due and payable. Such taxpayer shall, within ten (10) days thereafter, make a return and pay the tax due.
- B. Any person who becomes a successor shall become liable for the full amount of any tax owing. The successor shall withhold from the purchase price a sum sufficient to pay any tax due to the city from the taxpayer until such time as: a) the taxpayer shall produce a receipt from the City showing payment in full of any tax due or a certificate that no tax is due, or b) more than six (6) months has passed since the successor notified the Director of the acquisition and the Director has not issued and notified the successor of an assessment.
- C. Payment of the tax by the successor shall, to the extent thereof, be deemed a payment upon the purchase price. If such payment is greater in amount than the purchase price, the amount of the difference shall become a debt due such successor from the taxpayer.
- D. Notwithstanding the above, if a successor gives written notice to the Director of the acquisition, and the Department does not within six (6) months of the date it received the notice issue an assessment against the taxpayer and mail a copy of that assessment to the successor, the successor shall not be liable for the tax.

Section 17. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.140, and shall read as follows:

5.01.140 Director Review -- Administrative Appeal -- Judicial Review

- A. *Director Review.*
1. Any person seeking an exemption, waiver or interpretation under this chapter, or aggrieved by a presumption or rule in this chapter or review of the amount of tax due, may request review by the Director of the same.
 2. The request for review shall be delivered in writing to the Director within fourteen (14) calendar days after the person discovers the issue of concern and shall be submitted under penalty of perjury on forms to be provided by the City.
 3. The Director may require the person to submit additional background information and may hold a conference with the person. After review and the conference, if one is held, the Director will make a determination regarding the issue of concern. The Director shall mail notice of the determination to the person. This determination is subject to appeal pursuant to subsection B of this section. If no such appeal is filed, the determination shall become final.
- B. *Administrative appeal.* Any taxpayer aggrieved by the determination or regarding the amount of the fee, tax, interest or penalty finally found by the Director to be due under the provisions of this chapter may appeal from such determination by filing a written notice of appeal with the Clerk.
- C. *Form of appeal.* Any appeal must be in writing and must contain the following:
1. The name and address of the taxpayer.
 2. A statement identifying the determination of the Director from which the appeal is taken.
 3. A statement setting forth the grounds upon which the appeal is taken and identifying specific errors the Director is alleged to have made in making the determination.
 4. A statement identifying the specific relief from the determination being appealed.
- D. *Time and place of appeal.* Any appeal shall be filed with the City Clerk no later than ten (10) days following the date on which the taxpayer was given notice of such determination. Failure to follow the appeal procedures in this section shall preclude the taxpayer's right to appeal.

- E. *Appeal Hearing.* The clerk shall, as soon as practicable, fix a time and place for the hearing of such appeal before a hearing examiner as created and appointed under chapter 2.51 VMC, and the clerk shall cause a notice of the time and place thereof to be mailed to the appellant. Hearings shall be conducted in accordance with the provisions of VMC 22.03.040; provided that:
1. The Director's determination shall be regarded as prima facie correct, and the appellant taxpayer shall have the burden of proving by a preponderance of the evidence that the determination of the Director is incorrect, either in whole or in part, and to establish the correct amount of tax, if any.
 2. The hearing shall be conducted in the following order:
 - a. Preliminary motions;
 - b. Appellant taxpayer's case in chief. After each witness, the City has the right to cross-examine;
 - c. City's case in chief. After each witness the appellant taxpayer has the right to cross-examine;
 - d. Appellant taxpayer's rebuttal;
 - e. City's rebuttal;
 - f. Appellant taxpayer's closing argument;
 - g. City's closing argument
- F. *Decision of hearing examiner.* Following the hearing, the hearing examiner shall thereupon ascertain the correct determination regarding any presumption or rule or the amount of the tax and shall enter a decision on the appeal stating the correct presumption or rule or amount of the tax owing, supported by written findings and conclusions. The Clerk shall immediately notify the appellant of the decision by mail. The amount found to be due, together with costs of the appeal, if appellant is unsuccessful therein, must be paid within ten (10) days after such notice is given.
- In the event the hearing examiner finds that a fee, tax, interest or penalty paid by the taxpayer is more than the amount required, the Director shall refund or credit the amount overpaid within ten (10) business days following receipt of the hearing examiner's decision, unless upon motion of the City, the hearing examiner stays the decision pending judicial review.
- G. *Judicial review.*
1. The appellant taxpayer, any other person beneficially interested, or the Director of Financial and Management Services, may obtain judicial review of the decision of the hearing examiner by applying for a writ of review in the Clark County Superior Court within fourteen (14) days from

the date of service the hearing examiner's decision in accordance with the procedure set forth in Chapter 7.16 RCW, or other applicable law and court rules.

2. The decision of the hearing examiner shall be final and conclusive unless review is sought in compliance with this section.

Section 18. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.160, and shall read as follows:

5.01.160 Director to make rules.

The Director shall have the power, from time to time, to adopt, publish and enforce rules and regulations not inconsistent with this chapter or with law for the purpose of carrying out the provisions of this chapter and it shall be unlawful to violate or fail to comply with, any such rule or regulation.

Section 19. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.170, and shall read as follows:

5.01.170 Ancillary allocation authority of Director.

The Director is authorized to enter into agreements with other Washington cities which impose an "eligible gross receipts tax":

- A. To conduct an audit or joint audit of a taxpayer by using an auditor employed by the City of Vancouver, another city, or a contract auditor, provided, that such contract auditor's pay is not in any way based upon the amount of tax assessed;
- B. To allocate or apportion in a manner that fairly reflects the gross receipts earned from activities conducted within the respective cities the gross proceeds of sales, gross receipts, or gross income of the business, or taxes due from any person that is required to pay an eligible gross receipts tax to more than one Washington city.
- C. To apply the City's tax prospectively where a taxpayer has no office or place of business within the City and has paid tax on all gross income to another Washington city where the taxpayer is located; provided that the other city maintains an eligible gross receipts tax, and the income was not derived from contracts with the City.

Section 20. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.180, and shall read as follows:

5.01.180 Mailing of Notices.

Any notice required by this chapter to be mailed to any taxpayer or licensee shall be sent by ordinary mail, addressed to the address of the taxpayer or licensee as shown by the records of the Director. Failure of the taxpayer or licensee to receive any such mailed notice shall not release the taxpayer or licensee from any tax, fee, interest, or any penalties thereon, nor shall such failure operate to extend any time limit set by the provisions of this chapter. It is the responsibility of the taxpayer to inform the Director in writing about a change in the taxpayer's address.

Section 21. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.190, and shall read as follows:

5.01.190 Tax declared additional.

The license fee and tax herein levied shall be additional to any license fee or tax imposed or levied under any law or any other ordinance of the City of Vancouver except as herein otherwise expressly provided.

Section 22. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.200, and shall read as follows:

5.01.200 Public disclosure – Confidentiality – Information sharing.

- A. For purposes of this section, unless a different meaning is clearly established by context, the following definitions apply:
 - 1. “Disclose” means to make known to any person in any manner whatever a return or tax information.
 - 2. “Tax information” means:
 - a. A taxpayer's identity;
 - b. The nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemption, credits, assets, liability, net worth, tax liability deficiencies, over assessments, or tax payments, whether taken from the taxpayer's books and records or any other source;

- c. Whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing; or
 - d. Other data received by, recorded by, prepared by, or provided to the City with respect to the determination or the existence, or possible existence, of liability, or the amount thereof, of a person under an Applicable Chapter for a tax, penalty, interest, fine, forfeiture, or other imposition, or offense. However, data, material, or documents that do not disclose information related to a specific or identifiable taxpayer do not constitute tax information under this section. Nothing in this chapter requires any person possessing data, material, or documents made confidential and privileged by this section to delete information from such data, material or documents so as to permit its disclosure.
- 3. "City agency" means every City office, department, division, bureau, board, commission, or other City agency.
- 4. "Taxpayer identity" means the taxpayer's name, address, telephone number, registration number, or any combination thereof, or any other information disclosing the identity of the taxpayer.
- B. Returns and tax information are confidential and privileged, and except as authorized by this section, neither the Director nor any other person may disclose any return or tax information.
- C. This section does not prohibit the Director from:
 - 1. Disclosing such return or tax information in a civil or criminal judicial proceeding or an administrative proceeding:
 - a. In respect of any tax imposed under Title 5 VMC if the taxpayer or its officer or other person liable under this title is a party in the proceeding; or
 - b. In which the taxpayer about whom such return or tax information is sought and another state agency are adverse parties in the proceeding.
 - 2. Disclosing, subject to such requirements and conditions as the Director prescribes by rules adopted pursuant to section 5.03.260, such return or tax information regarding a taxpayer to such taxpayer or to such person or persons as that taxpayer may designate in a request for, or consent to, such disclosure, or to any other person, at the taxpayer's request, to the extent necessary to comply with a request for information or assistance made by the taxpayer to such other person. However, tax information not received from the taxpayer must not be so disclosed if the director determines that such disclosure would compromise any investigation or litigation by any federal, state, or local government agency in connection with the civil or

criminal liability of the taxpayer or another person, or that such disclosure would identify a confidential informant, or that such disclosure is contrary to any agreement entered into by the department that provides for the reciprocal exchange of information with other government agencies which agreement requires confidentiality with respect to such information unless such information is required to be disclosed to the taxpayer by the order of any court;

3. Publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof;
4. Disclosing such return or tax information, for official purposes only, to the mayor or city attorney, or to any City agency, or to any member of the city council or their authorized designees dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions;
5. Permitting the City's records to be audited and examined by the proper state officer, his or her agents and employees;
6. Disclosing any such return or tax information to a peace officer as defined in RCW 9A.04.110 or county prosecuting attorney, for official purposes. The disclosure may be made only in response to a search warrant, subpoena, or other court order, unless the disclosure is for the purpose of criminal tax enforcement. A peace officer or county prosecuting attorney who receives the return or tax information may disclose that return or tax information only for use in the investigation and a related court proceeding, or in the court proceeding for which the return or tax information originally was sought or where otherwise allowed to be disclosed under this Section;
7. Disclosing any such return or tax information to the proper officer of the internal revenue service of the United States, the Canadian government or provincial governments of Canada, or to the proper officer of the tax department of any state or city or town or county, for official purposes, but only if the statutes of the United States, Canada or its provincial governments, or of such other state or city or town or county, as the case may be, grants substantially similar privileges to the proper officers of the City;
8. Disclosing any such return or tax information to the United States department of justice, including the bureau of alcohol, tobacco, firearms and explosives, the department of defense, the immigration and customs enforcement and the customs and border protection agencies of the United States department of homeland security, the United States coast guard, the alcohol and tobacco tax and trade bureau of the United States department of treasury, and the United States department of transportation, or any

authorized representative of these federal agencies or their successors, for official purposes

9. Publishing or otherwise disclosing the text of a written determination designated by the director as a precedent pursuant to RCW 82.32.410;
10. Disclosing, in a manner that is not associated with other tax information, the taxpayer name, entity type, business address, mailing address, revenue tax registration numbers and the active/closed status of such registrations, state or local business license registration identification and the active/closed status and effective dates of such licenses, reseller permit numbers and the expiration date and status of such permits, North American industry classification system or standard industrial classification code of a taxpayer, and the dates of opening and closing of business. Except that this subsection may not be construed as giving authority to the City or any recipient to give, sell, or provide access to any list of taxpayers for any commercial purpose;
11. Disclosing such return or tax information that is also maintained by another Washington state or local governmental agency as a public record available for inspection and copying under the provisions of chapter 42.56 RCW or is a document maintained by a court of record and is not otherwise prohibited from disclosure;
12. Disclosing such return or tax information to the United States department of agriculture, or successor department or agency, for the limited purpose of investigating food stamp fraud by retailers;
13. Disclosing to a financial institution, escrow company, or title company, in connection with specific real property that is the subject of a real estate transaction, current amounts due the City for a filed tax warrant, judgment, or lien against the real property;
14. Disclosing to a person against whom the department has asserted liability as a successor under section 5.03.230 return or tax information pertaining to the specific business of the taxpayer to which the person has succeeded;
15. Disclosing real estate excise tax affidavit forms filed under chapter 3.20 VMC in the possession of the City, including real estate excise tax affidavit forms for transactions exempt or otherwise not subject to tax;
16. Disclosing such return or tax information to the court or hearing examiner in respect to the City's application for a subpoena if there is probable cause to believe that the records in possession of a third party will aid the Director in connection with its official duties under this title or a civil or criminal investigation.

D.

1. The Director may disclose return or taxpayer information to a person under investigation or during any court or administrative proceeding against a person under investigation as provided in this subsection D. The disclosure must be in connection with the department's official duties under this Title, or a civil or criminal investigation. The disclosure may occur only when the person under investigation and the person in possession of data, materials, or documents are parties to the return or tax information to be disclosed. The department may disclose return or tax information such as invoices, contracts, bills, statements, resale or exemption certificates, or checks. However, the department may not disclose general ledgers, sales or cash receipt journals, check registers, accounts receivable/payable ledgers, general journals, financial statements, expert's workpapers, income tax returns, state tax returns, tax return workpapers, or other similar data, materials, or documents.
2. Before disclosure of any tax return or tax information under this subsection D, the Director must, through written correspondence, inform the person in possession of the data, materials, or documents to be disclosed. The correspondence must clearly identify the data, materials, or documents to be disclosed. The Director may not disclose any tax return or tax information under this subsection D until the time period allowed in subsection (D)(3) of this section has expired or until the court has ruled on any challenge brought under subsection (D)(3) of this section.
3. The person in possession of the data, materials, or documents to be disclosed by the department has twenty days from the receipt of the written request required under (D)(2) of this subsection to petition the superior court of the county in which the petitioner resides for injunctive relief. The court must limit or deny the request of the Director if the court determines that:
 - a. The data, materials, or documents sought for disclosure are cumulative or duplicative, or are obtainable from some other source that is more convenient, less burdensome, or less expensive;
 - b. The production of the data, materials, or documents sought would be unduly burdensome or expensive, taking into account the needs of the department, the amount in controversy, limitations on the petitioner's resources, and the importance of the issues at stake; or
 - c. The data, materials, or documents sought for disclosure contain trade secret information that, if disclosed, could harm the petitioner.

4. The Director must reimburse reasonable expenses for the production of data, materials, or documents incurred by the person in possession of the data, materials, or documents to be disclosed.
 5. Requesting information under subsection (D)(2) of this section that may indicate that a taxpayer is under investigation does not constitute a disclosure of tax return or tax information under this section.
- E. Service of a subpoena issued by the court or under VMC 22.03.030(C) does not constitute a disclosure of return or tax information under this section. Notwithstanding anything else to the contrary in this section, a person served with a subpoena issued by the court or under VMC 22.03.030(C) may disclose the existence or content of the subpoena to that person's legal counsel.
- F. Any person acquiring knowledge of any return or tax information in the course of his or her employment with the City and any person acquiring knowledge of any return or tax information as provided under subsections (C)(4), (C)(5), (C)(6), (C)(7), (C)(8), (C)(9), or (C)(11) of this section, who discloses any such return or tax information to another person not entitled to knowledge of such return or tax information under the provisions of this section, is guilty of a misdemeanor. If the person guilty of such violation is an officer or employee of the city, such person must forfeit such office or employment and is incapable of holding any public office or employment in this city for a period of two years thereafter.

Section 23. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.210, and shall read as follows:

5.03.210 Tax constitutes debt.

Any license fee or tax due and unpaid under this chapter, and all interest and penalties thereon, shall constitute a debt to the City of Vancouver and may be collected in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies.

Section 24. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.220, and shall read as follows:

5.01.220 Unlawful actions – Violation – Penalties.

- A. It shall be unlawful for any person liable for fees under this chapter (or other chapters as listed):
 1. To violate or fail to comply with any of the provisions of this chapter or any lawful rule or regulation adopted by the Director;

2. To make any false statement on any license application or tax return;
 3. To aid or abet any person in any attempt to evade payment of a license fee or tax;
 4. To fail to appear or testify in response to a subpoena issued pursuant to VMC 22.03.030(C);
 5. To testify falsely in any investigation, audit, or proceeding conducted pursuant to this Chapter.
- B. Violation of any of the provisions of this chapter is a gross misdemeanor. Any person convicted of a violation of this chapter may be punished by a fine not to exceed \$1,000, imprisonment not to exceed one year, or both fine and imprisonment. Penalties or punishments provided in this chapter shall be in addition to all other penalties provided by law.
- C. Any person, or officer of a corporation, convicted of continuing to engage in business after the revocation of a license shall be guilty of a gross misdemeanor and may be punished by a fine not to exceed \$5,000, or imprisonment not to exceed one year, or both fine and imprisonment.

Section 25. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.240, and shall read as follows:

5.01.240 Settlement agreement provisions.

The Director may enter into an agreement, in writing, with any person relating to the liability of such person with respect of any tax, interest, or penalties imposed by any Applicable Chapter and administered by this chapter for any taxable period(s). Upon approval of such agreement, evidenced by execution thereof by the Director and the person so agreeing, the agreement shall be final and conclusive as to the liability or immunity covered thereby, and, except upon a showing of fraud or malfeasance, or misrepresentation of a material fact:

- A. The case shall not be reopened as to the matters agreed upon, or the agreement modified, by the Director or the taxpayer, and
- B. In any suit, action or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded.

Section 26. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.250, and shall read as follows:

5.01.250 Charge-off of uncollectible taxes.

The Director may charge off any tax, penalty, or interest that is owed by a taxpayer, if the Director reasonably ascertains that the cost of collecting such amounts would be greater than the total amount that is owed or likely to be collected from the taxpayer. Charge-offs in excess of \$25,000 require City Council approval.

Section 27. A new section is enacted and added to chapter 5.01 VMC, to be codified at VMC 5.01.260, and shall read as follows:

5.01.260 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances shall not be affected.

Section 28. The following sections of Chapter 5.04 VMC are hereby repealed in their entirety: 5.04.100, 5.04.150, 5.04.155, 5.04.160, 5.04.170, 5.04.180, 5.04.190, 5.04.200, 5.04.210, 5.04.220, 5.04.230, 5.04.240, 5.04.250.

~~5.04.100 Periodic payment or report.~~

~~The license fee or tax imposed by this chapter, except the fee required by Section 5.04.090 of this chapter to accompany the application for the license, shall be due and payable in quarterly installments. Remittance therefore shall be made on or before the fifteenth day of the month next succeeding the end of the quarterly period in which the tax accrued. The remittance shall be made as hereinafter provided and shall be accompanied by a return on a form to be provided and prescribed by the Director of Financial & Management Services. To the return the taxpayer shall be required to swear or affirm that the information therein given is full and true and that the taxpayer knows the same to be so.~~

~~Whenever the total gross income for which any person is liable under this chapter does not exceed the sum of fourteen thousand dollars in case of a retailer or wholesaler reporting on a quarterly basis, or seven thousand dollars in case of one providing professional services and reporting on a quarterly basis, or seventy thousand dollars in the case of a manufacturer reporting on a quarterly basis, no tax is due but a properly~~

~~completed tax return must in each case be filed on an annual or quarterly basis, consistent with rules to be adopted by the department of finance.~~

~~Whenever a taxpayer commences to engage in business during any quarterly period, his first return and the license fee or tax shall be based upon and cover the portion of the quarterly period during which he is engaged in business.~~

~~5.04.150 — Sale or transfer of business.~~

~~Upon the sale or transfer during any quarterly period of a business on account of which a license fee or tax is required by this chapter, the purchaser or transferee shall, if the fee or tax has not been paid in full for that period, be responsible for the payment of the fee or tax for that portion of the quarterly period during which he carries on such business.~~

~~5.04.155 — Return confidential — Penalty for violation.~~

~~Except as hereinafter provided, it is unlawful for the city council or any member, deputy, clerk, agent, employee or representative thereof, or for any city official or any other person, to make known or reveal any facts or information contained in any return filed by any license payer pursuant to the provisions of this chapter or disclosed in any investigation or examination of the license payer's books or records made in connection with the administration of this chapter. The foregoing, however, shall not be construed to prohibit the city council, or a member or employee thereof, from:~~

- ~~a. Giving such facts or information in evidence in any court action involving license fees imposed under this chapter or involving a violation of the provisions of this chapter, or involving any department of the State of Washington if such facts and information are relevant to the issues in such cases;~~
- ~~b. Giving such facts and information to the license payer or his duly authorized agent;~~
- ~~c. Publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof;~~
- ~~d. Permitting the records to be audited by proper state or city officers, agents and employees;~~
- ~~e. Giving any such facts or information to the Commissioner of Internal Revenue of the United States or the proper officers of any tax department of the State of Washington for official purposes.~~

~~Any person acquiring knowledge of such facts and information in the course of his employment or duties with the city council, and any person acquiring knowledge of such facts and information as provided under subsections (d) and (e) of this section, who shall reveal or make known any such facts or information to another not entitled to knowledge of such facts or information under the provisions of this section, shall be punished by a fine not exceeding three hundred dollars, or imprisonment in the city jail not exceeding~~

~~ninety days, or both such fine and imprisonment. If the offender or person guilty of such violation by an employee of the city, he shall, in addition to the penalty above mentioned set forth in this paragraph, forfeit such employment and shall not be eligible to employment by the city in any capacity for a period of two years thereafter.~~

~~5.04.160 — Over or under payment of tax.~~

~~If the Director of Financial & Management Services upon investigation or upon checking returns finds that the fee paid or tax paid on any of them is more than the amount required of the taxpayer, he shall refund the amount overpaid by a warrant upon the general fund, or credit the amount on the next payment. If the Director of Financial & Management Services finds that the fee or tax paid is less than required, he shall mail a statement to the taxpayer showing the balance due, who shall within three days pay the amount shown thereon.~~

~~5.04.170 — Failure to make return.~~

~~If any taxpayer fails, neglects or refuses to make his return as and when required herein, the Director of Financial & Management Services is authorized to determine the amount of the tax payable, and by mail to notify such taxpayer of the amount so determined. The amount so fixed shall thereupon become the tax and be immediately due and payable.~~

~~5.04.180 — Director Review — Administrative Appeals.~~

~~A. — Director Review.~~

- ~~1. Any person seeking an exemption, waiver or interpretation under this chapter, or aggrieved by a presumption or rule in this chapter, may request review by Director of Financial and Management Services of the same.~~
- ~~2. The request for review shall be delivered in writing to the Director within fourteen (14) calendar days after the person discovers the issue of concern and shall be submitted under penalty of perjury on forms to be provided by the city.~~
- ~~3. The director may require the person to submit additional background information and may hold a conference with the person. After review, and the conference if one is held, the director will make a determination regarding the issue of concern. The director will mail notice of the determination to the person. This determination is subject to appeal pursuant to subsection B of this section. If no such appeal is filed, the determination shall become final.~~

~~B. — Administrative appeal. Any taxpayer aggrieved by the determination under Section VMC 5.04.095 or regarding the amount of the fee, tax, interest or penalty finally found by the Director of Financial and Management Services to be due under the provisions of this chapter may appeal from such determination by filing a written notice of appeal with the City Clerk.~~

~~C. *Form of appeal.* Any appeal must be in writing and must contain the following:~~

- ~~1. The name and address of the taxpayer.~~
- ~~2. A statement identifying the determination of the Director of Financial and Management Services from which the appeal is taken.~~
- ~~3. A statement setting forth the grounds upon which the appeal is taken and identifying specific errors the Director of Financial and Management Services is alleged to have made in making the determination.~~
- ~~4. A statement identifying the specific relief from the determination being appealed.~~

~~D. *Time and place of appeal.* Any appeal shall be filed with the City Clerk no later than five (5) days following the date on which the taxpayer was given notice of such determination. Failure to follow the appeal procedures in this section shall preclude the taxpayer's right to appeal.~~

~~E. *Appeal Hearing.* The clerk shall, as soon as practicable, fix a time and place for the hearing of such appeal before a hearing examiner as created and appointed under VMC Ch 2.51, and the clerk shall cause a notice of the time and place thereof to be mailed to the appellant. Hearings shall be conducted in accordance with the provisions of VMC 22.03.040; provided that:~~

- ~~1. The Director's determination shall be regarded as prima facie correct, and the appellant taxpayer shall have the burden of proving by a preponderance of the evidence that the determination of the Director is incorrect, either in whole or in part, and to establish the correct amount of tax, if any.~~
- ~~2. The hearing shall be conducted in the following order:~~
 - ~~a. Preliminary motions;~~
 - ~~b. Appellant taxpayer's case in chief. After each witness, the City has the right to cross-examine;~~
 - ~~c. City's case in chief. After each witness the appellant taxpayer has the right to cross-examine;~~
 - ~~d. Appellant taxpayer's rebuttal;~~
 - ~~e. City's rebuttal;~~
 - ~~f. Appellant taxpayer's closing argument;~~
 - ~~g. City's closing argument;~~

~~F. *Decision of hearing examiner.* Following the hearing, the hearing examiner shall thereupon ascertain the correct determination regarding any presumption or rule or the amount of the fee, tax, interest or penalty and shall enter a decision on the appeal stating the correct presumption or rule or amount of the fee, tax, interest or penalty owing, supported by written findings and conclusions. The City Clerk shall immediately notify the appellant of the decision by mail. The amount found to be due, together with costs of the appeal, if appellant is unsuccessful therein, must be paid within three (3) days after such notice is given.~~

~~In the event the hearing examiner finds that a fee, tax, interest or penalty paid by the taxpayer is more than the amount required, the Director of Financial and Management Services shall refund or credit the amount over paid as set forth in VMC 5.04.160.~~

~~G. *Judicial review.*~~

~~1. The appellant taxpayer, any other person beneficially interested, or the Director of Financial and Management Services, may obtain judicial review of the decision of the hearing examiner by applying for a writ of review in the Clark County Superior Court within fourteen (14) days from the date of the hearing examiner's decision in accordance with the procedure set forth in Chapter 7.16 RCW, or other applicable law and court rules.~~

~~2. The decision of the hearing examiner shall be final and conclusive unless review is sought in compliance with this section.~~

~~5.04.190 — Adoption of rules.~~

~~The Director of Financial & Management Services shall have authority to adopt written rules and regulations not inconsistent with this chapter for the purpose of administering the business and occupation tax here imposed. Such rules shall be consistent, insofar as possible, with rules promulgated by the State of Washington Department of Revenue under RCW Ch. 82.04, the state Business and Occupation Tax. A copy of such written rules and regulations shall be made available to any taxpayer requesting the same. They may be amended from time to time by the Director of Financial & Management Services as he finds necessary.~~

~~5.04.200 — Mailing of notices.~~

~~Any notice required by this chapter to be mailed to any taxpayer shall be sent by ordinary mail, addressed to the address of the taxpayer as shown by the records of the Director of Financial & Management Services or, if no such address is shown, to such address as the Director of Financial & Management Services is able to ascertain by reasonable effort. Failure of the taxpayer to receive such mailed notice shall not release the taxpayer from any tax or any penalties thereon, nor shall such failure operate to extend any time limit set by the provisions of this chapter.~~

~~5.04.210 — False returns.~~

It shall be unlawful for any person liable to tax hereunder to fail or refuse to secure the license, to make the returns as and when required, or to pay the fee or tax when due, or for any person to make any false or fraudulent application or return or any false statement or representation in, or in connection with, any such application or return, or to aid or abet another in any attempt to evade payment of the fee or tax, or any part thereof, or for any person to fail to appear and/or testify falsely upon any investigation of the correctness of a return, or upon the hearing of any appeal, or in any manner to hinder the city or any of its officers in carrying out the provisions of this chapter.

~~5.04.220 — License fee additional.~~

~~The license fee and tax herein levied shall be additional to any license fee or tax imposed or levied under any law or any other ordinances of the City of Vancouver except as herein otherwise expressly provided.~~

~~5.04.230 — Tax constitutes debt.~~

~~Any license fee or tax due and unpaid under this chapter, and all penalties thereon, shall constitute a debt to the City of Vancouver and may be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies.~~

~~5.04.240 — License revocation.~~

~~The Director of Financial & Management Services may revoke the license issued to any taxpayer who is in default in any payment of any license fee or tax hereunder, or who shall fail to comply with any of the provisions of this chapter. Notice of such revocation shall be mailed to the taxpayer by the Director of Financial & Management Services, and on and after the date thereof any such taxpayer who continues to engage in business shall be deemed to be operating without a license and shall be subject to any or all penalties herein provided.~~

~~5.04.250 — Penalties for violations.~~

~~Any person violating or failing to comply with any of the provisions of this chapter or any lawful rule or regulation adopted by the Director of Financial & Management Services pursuant thereto, upon conviction thereof, shall be punished by a fine in any sum not to exceed one thousand dollars, or by imprisonment for a term not exceeding ninety days, or by both such fine and imprisonment.~~

Section 29. Chapter 5.87 VMC, and specifically VMC 5.87.010, 5.87.020, 5.87.030, 5.87.040, 5.87.050, 5.87.060, 5.87.070, 5.87.080, 5.87.090, 5.87.100, 5.87.110, and 5.87.120, are hereby repealed in their entirety:

~~5.87.010 — Applicability.~~

~~This Chapter shall govern the administration of taxes imposed under Chapters 5.59, 5.60, 5.68, 5.88, 5.92, 5.94, and 5.96 VMC. This Chapter shall also apply where no procedure is specifically provided for administration of taxes. These procedures may supplement those provided for taxes imposed by other chapters if such chapters provide for no equivalent procedure.~~

~~5.87.020 — Definitions.~~

~~“Applicable Chapter” means any chapter listed at 5.87.010 and any other VMC chapter providing for administration under this chapter.~~

~~“Clerk” means the Vancouver City Clerk.~~

~~“Director” means the Director or Financial and Management Services or the Director of any successor department of the City of Vancouver.~~

~~“Tax” means any tax, fee, charge, interest, or penalty imposed under an Applicable Chapter.~~

~~“VMC” means the Vancouver Municipal Code.~~

~~5.87.030 — Rules Authorized.~~

~~The Director is authorized to adopt rules for implementation of this Chapter~~

~~5.87.040 — Director review — Administrative appeals.~~

~~A. *Director Review.*~~

~~1. Any person seeking an exemption, waiver or interpretation under this chapter, or aggrieved by a presumption or rule in this chapter or review of the amount of tax due, may request review by the Director of the same.~~

~~2. The request for review shall be delivered in writing to the Director within fourteen (14) calendar days after the person discovers the issue of concern and shall be submitted under penalty of perjury on forms to be provided by the City.~~

~~3. The Director may require the person to submit additional background information and may hold a conference with the person. After review and the conference, if one is held, the director will make a determination regarding the issue of concern. The Director shall mail notice of the determination to the person. This determination is subject to appeal pursuant to subsection B of this section. If no such appeal is filed, the determination shall become final.~~

~~B. *Administrative appeal.* Any taxpayer aggrieved by the determination or regarding the amount of the fee, tax, interest or penalty finally found by the Director to be due under the provisions of this chapter may appeal from such determination by filing a written notice of appeal with the Clerk.~~

~~C. *Form of appeal.* Any appeal must be in writing and must contain the following:~~

- ~~1. The name and address of the taxpayer.~~
- ~~2. A statement identifying the determination of the Director from which the appeal is taken.~~
- ~~3. A statement setting forth the grounds upon which the appeal is taken and identifying specific errors the Director is alleged to have made in making the determination.~~
- ~~4. A statement identifying the specific relief from the determination being appealed.~~

~~D. *Time and place of appeal.* Any appeal shall be filed with the City Clerk no later than ten (10) days following the date on which the taxpayer was given notice of such determination. Failure to follow the appeal procedures in this section shall preclude the taxpayer's right to appeal.~~

~~E. *Appeal Hearing.* The clerk shall, as soon as practicable, fix a time and place for the hearing of such appeal before a hearing examiner as created and appointed under VMC Ch. 2.51, and the clerk shall cause a notice of the time and place thereof to be mailed to the appellant. Hearings shall be conducted in accordance with the provisions of VMC 22.03.040; provided that:~~

- ~~1. The Director's determination shall be regarded as prima facie correct, and the appellant taxpayer shall have the burden of proving by a preponderance of the evidence that the determination of the Director is incorrect, either in whole or in part, and to establish the correct amount of tax, if any.~~
- ~~2. The hearing shall be conducted in the following order:~~
 - ~~a. Preliminary motions;~~
 - ~~b. Appellant taxpayer's case in chief. After each witness, the City has the right to cross-examine;~~
 - ~~c. City's case in chief. After each witness the appellant taxpayer has the right to cross-examine;~~
 - ~~d. Appellant taxpayer's rebuttal;~~
 - ~~e. City's rebuttal;~~

~~f. Appellant taxpayer's closing argument;~~

~~g. City's closing argument~~

~~F. Decision of hearing examiner.~~ Following the hearing, the hearing examiner shall thereupon ascertain the correct determination regarding any presumption or rule or the amount of the tax and shall enter a decision on the appeal stating the correct presumption or rule or amount of the tax owing, supported by written findings and conclusions. The Clerk shall immediately notify the appellant of the decision by mail. The amount found to be due, together with costs of the appeal, if appellant is unsuccessful therein, must be paid within ten (10) days after such notice is given.

~~In the event the hearing examiner finds that a fee, tax, interest or penalty paid by the taxpayer is more than the amount required, the Director shall refund or credit the amount overpaid within ten (10) business days following receipt of the hearing examiner's decision, unless upon motion of the City, the hearing examiner stays the decision pending judicial review.~~

~~G. Judicial review.~~

~~1. The appellant taxpayer, any other person beneficially interested, or the Director of Financial and Management Services, may obtain judicial review of the decision of the hearing examiner by applying for a writ of review in the Clark County Superior Court within fourteen (14) days from the date of service the hearing examiner's decision in accordance with the procedure set forth in Chapter 7.16 RCW, or other applicable law and court rules.~~

~~2. The decision of the hearing examiner shall be final and conclusive unless review is sought in compliance with this section.~~

~~5.87.050 — Return confidential — Penalty violation.~~

~~Except as hereinafter provided, it is unlawful for the City Council or any member, deputy, clerk, agent, employee or representative thereof, or for any City official or any other person, to make known or reveal any facts or information contained in any return filed by any tax payer pursuant to the provisions of this chapter or disclosed in any investigation or examination of the license payer's books or records made in connection with the administration of this chapter. The foregoing, however, shall not be construed to prohibit the City Council, or a member or employee thereof, from:~~

~~a. Giving such facts or information in evidence in any court action involving taxes imposed under this chapter or involving a violation of the provisions of this chapter, or involving any department of the State of Washington if such facts and information are relevant to the issues in such cases;~~

~~b. Giving such facts and information to the taxpayer or duly authorized agent thereof;~~

~~e. Publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof;~~

~~d. Permitting the records to be audited by proper state or city officers, agents and employees;~~

~~e. Giving any such facts or information to the Commissioner of Internal Revenue of the United States or the proper officers of any tax department of the State of Washington for official purposes.~~

~~Any person acquiring knowledge of such facts and information in the course of his employment or duties with the City Council, and any person acquiring knowledge of such facts and information as provided under subsections (d) and (e) of this section, who shall reveal or make known any such facts or information to another not entitled to knowledge of such facts or information under the provisions of this section, shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the county jail not exceeding one year for each violation, or both such fine and imprisonment. If the offender or person guilty of such violation by an employee of the City, he shall, in addition to the penalty above mentioned set forth in this paragraph, forfeit such employment and shall not be eligible to employment by the City in any capacity for a period of two years thereafter.~~

~~5.87.060 — Record of Revenue Required.~~

~~1. Anyone liable for the payment of any tax imposed by an Applicable Chapter shall keep and maintain for a period of five years such books and records as will accurately reflect the gross operating revenue.~~

~~2. All books and records required to be kept or maintained under an Applicable Chapter shall be subject to inspection and audit at any reasonable time, with or without notice, at the place where such records are kept, upon demand by the Director or his designees, for the purpose of determining compliance or noncompliance with the provisions of the taxing ordinance codified herein.~~

~~3. In the event a taxpayer fails to keep such books and records or refuses to provide such for audit, the Director may use any reasonable means based on information available to the Director to calculate the amount of tax due. The Director is authorized to issue an administrative subpoena for such records.~~

~~5.87.070 — Director Investigation and examination of data.~~

~~If any taxpayer fails to make his return, or if the Director is dissatisfied as to the correctness of the statements made in the return of any taxpayer, he or his authorized agent may enter the premises of such taxpayer at any reasonable time for the purpose of inspecting books or records of account to ascertain the amount of tax or to determine the correctness of such statements, as the case may be, and may examine any person under oath administered by said officer or his agent, touching the matters inquired into, or said~~

~~officer or his authorized agent may fix a time and place for an investigation of the correctness of the return and may issue a subpoena to the taxpayer or any other person, to attend upon such investigation and there testify under oath administered by said officer or his agent in regard to the matters inquired into, and may by subpoena require him or any person to bring with him such books, records or papers as may be necessary. It is a misdemeanor to knowingly defy the directives of a subpoena under this subsection.~~

~~5.87.080 — Director Determination of tax.~~

~~If any taxpayer fails, neglects or refuses to make his return as and when required herein, the Director is authorized to determine the amount of the tax payable, and by mail to notify such taxpayer of the amount so determined. The amount so determined shall thereupon become the tax due and be immediately payable.~~

~~5.87.090 — Credit against future taxes.~~

~~Any money paid to the city through error or otherwise not in payment of the tax imposed by this chapter or in excess of such tax shall, upon request of the taxpayer, be credited against any tax due or to become due from such taxpayer under this chapter, or, upon the taxpayer's ceasing to do business in the city, shall be refunded to the taxpayer. The right of recovery against the city because of overpayment of tax by any taxpayer shall be prohibited after the expiration of three years from the date the tax was due.~~

~~5.87.100 — Penalty for violation.~~

~~Any person willfully violating or willfully failing to comply with any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished as prescribed in VMC 7.00.010(M).~~

~~5.87.110 — Tax Owed is a Debt to the City.~~

~~The tax imposed by this chapter shall, when due, be a debt of the taxpayer to the City and may be collected as such. The Director may, in addition to the tax owed, add an additional charge for interest at a rate not to exceed 1% per month commencing thirty days from the date the tax was due.~~

~~5.87.120 — Failure to file return, register, or pay tax.~~

~~It is unlawful for any person liable to pay a tax under an Applicable Chapter to fail or refuse to register, file a return, or to pay the tax or installment thereof when due, or for any person to make any false or fraudulent application or return or any false statement or representation in, or in connection with, any such application or return, or to aid or abet another in any attempt to evade payment of the tax or any part thereof, or in any manner to hinder or delay the City or any of its officers or agents in carrying out the provisions of this chapter.~~

~~If any person, firm or corporation subject to this chapter fails to pay any tax required by an Applicable Chapter within thirty days after the due date thereof, there shall be added to such tax a penalty of ten percent of the amount of such tax, and any tax due under this chapter and unpaid, and all penalties thereon, shall constitute a debt to the City and may be collected by court proceedings, which remedy shall be in addition to all other remedies.~~

~~The Director for good cause shown may allow an extension of not more than ninety (90) days for filing a return, registering, or paying a tax. In such cases, the Director shall charge interest on the amount of unpaid tax of not less than one half percent per month and not more than one percent per month.~~

Section 30. Savings. Those ordinances or parts of ordinances which are amended or repealed by this ordinance shall remain in full force and effect until the effective date of this ordinance.

Section 31. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

Section 32. This ordinance shall take effect January 1, 2025.

DATE OF FINAL PASSAGE at a Regular Meeting of the Vancouver City Council:

_____, 2024.

SIGNED this _____ day of _____, 2024.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. M-_____

AN ORDINANCE relating to tax administration; adding a new chapter 5.01 to the Vancouver Municipal Code; enacting new sections 5.01.010, 5.01.015, 5.01.020, 5.01.040, 5.01.050, 5.01.060, 5.01.070, 5.01.080, 5.01.090, 5.01.095, 5.01.100, 5.01.110, 5.01.120, 5.01.130, 5.01.140, 5.01.160, 5.01.170, 5.01.180, 5.01.190, 5.01.200, 5.01.210, 5.01.220, 5.01.240, 5.01.250, 5.01.260; repealing sections 5.04.100, 5.04.150, 5.04.155, 5.04.160, 5.04.170, 5.04.180, 5.04.190, 5.04.200, 5.04.210, 5.04.220, 5.04.230, 5.04.240, 5.04.250, 5.87.010, 5.87.020, 5.87.030, 5.87.040, 5.87.050, 5.87.060, 5.87.070, 5.87.080, 5.87.090, 5.87.100, 5.87.110, and 5.87.120; and providing for savings, severability and effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

AN ORDINANCE relating to business and occupation tax for revenue; adding a new chapter 5.03 to the Vancouver Municipal Code; enacting new sections VMC 5.03.010, 5.03.020, 5.03.028, 5.03.030, 5.03.050, 5.03.070, 5.03.076, 5.03.077, 5.03.078, 5.03.079, 5.03.100, 5.03.120, and 5.03.130; repealing sections 5.04.021, 5.04.030, 5.04.031, 5.04.032, 5.04.050, and 5.04.060; amending the title of chapter 5.04 of the Vancouver Municipal Code; and providing for savings, severability, referendum, and an effective date.

Staff Report: 239-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Ordinance Establishing a Business & Occupation Tax on Retail to Fund Homeless Bridge Shelter

Key Points

- Without new revenue, the City cannot construct or operate a new 150-bed bridge shelter identified as necessary to address the current homelessness emergency.
- The City of Vancouver could close that funding gap by re-establishing for retail only the Business & Occupation Tax that was phased out in 2002.
- Since the City stopped collecting Business & Occupation Taxes, the state enacted legislation directing the Association of Washington Cities to draft a model ordinance that all cities desiring to enact a Business & Occupation Tax must follow.
- The proposed ordinance tracks the model ordinance, but imposes the 0.1% tax (\$1 per \$1,000 in retail sales) on the retail sector and adding the provision that all funding collected must be dedicated toward construction and operation of the bridge shelter. In addition, the ordinance contains a provision that reduces the rate to 0% in the event the City fails to begin construction on the bridge shelter before January 1, 2027, or if the City subsequently determines to close the bridge shelter.
- Businesses that make less than \$50,000 annually or \$12,500 quarterly will be exempt from paying the tax.

Strategic Plan Alignment

Housing and Human Needs – meeting basic needs and partnering with organizations to support the community

High Performing Government – a government that is reliable, fiscally responsible, equitable, and open to compromise

Present Situation

The City of Vancouver has been working to address a significant budget shortfall in the 2025-2026 Biennial Budget. One of the areas that has experienced exponential growth over the last decade was providing services for the unsheltered residents of the City. The City has stood up three Safe Stay locations and one Safe Park location. The City has also established a Homeless Assistance and Resource Team (HART) to provide outreach and support services to the unsheltered residents. One service gap that remains is the need for a large bridge shelter. The City's General Fund does not

have the capacity to cover either the cost of construction or operation of a new shelter. Although the City has applied to Clark County for a grant to cover a portion of the capital and operating costs from the Mental Health Sales Tax dollars, there is ongoing need for a new permanent funding source to fund on-going future operations of the shelter.

A Business and Occupation (B&O) Tax is a revenue source that was phased out by the City prior to 2002 and has not been utilized since then. If the B&O tax was re-established and applied only to the retail sector, it would have the capacity to generate sufficient revenues to cover the gap in funding for the operations and construction of the operations of the bridge shelter.

After the City phased out its B&O tax, the state legislature enacted Engrossed House Bill 2030, designed “to provide for a more uniform system of city business and occupation taxes that eliminates multiple taxation, while allowing for some continued local control and flexibility to cities.” RCW 35.102.010. The state law directed all cities to work through the Association of Washington Cities to form a model ordinance with the input of business stakeholders and other members of the public. Certain provisions of the model ordinance are mandatory for any city that imposes a B&O tax. The proposed ordinance tracks the language of [the model ordinance last substantially updated in 2019](#), though one section (.078) [was updated in 2023](#) due to Senate Bill 5199. Additionally, the proposed ordinance omits one section labeled by AWC as "mandatory" (Section .075) because it applies only to B&O taxes imposed prior to 2008.

The City’s proposed ordinance creates a new chapter in Title 5 of the Vancouver Municipal Code (5.03) and repeals those antiquated sections in chapter 5.04 VMC that imposed the earlier B&O tax. The new chapter imposes a 0.1% (0.0010) B&O tax on the gross proceeds of Retail and Retail Services, two categories that are defined using the model ordinance’s mandatory definitions. This rate is half of the maximum that may be imposed absent voter approval. Section .050 contains a subsection in addition to the model ordinance that restricts the revenue received by the B&O tax to construction and operation of the bridge shelter. The ordinance would not take effect until January 1, 2026, providing a year for the City to establish the infrastructure to manage the program and for merchants to prepare for the tax.

The proposed B&O ordinance includes the following rates measured against gross receipts for various business classes:

<u>City B&O Classification</u>	<u>Rate</u>
Retailing (Sales/Service)	.1% (or \$1.00 per \$1,000 gross receipts)
Manufacturing	0.00%
Wholesale	0.00%
Extractors	0.00%
Printing/Publishing	0.00%

Under the proposed ordinance, certain limited exemptions to the B&O tax would be provided. For example, retailing businesses with gross receipts less than \$50,000 annually or \$12,500 quarterly would not be required to pay City B&O tax for that period.

Additional exemptions are detailed in the ordinance but generally include the following:

- 501(c)(3) nonprofits, except with respect to revenues from retail sales;
- Manufacturing, selling, distribution of motor vehicle fuel;

- Liquor sale and distribution;
- Public utilities, including electric power, cable, telephone and gas;
- Insurance businesses;
- Health Maintenance Organization premiums;
- Farming;
- Boxing or wrestling matches;
- Racing.
- Ride-sharing in cases requiring special accommodations;
- Amounts derived from the sale of real estate;
- Neighborhood Associations and Farmers Markets;
- Accommodation sales;
- Casual and isolated sales.

In computing the B&O tax, a business may qualify for deductions to gross receipts. Examples include the following items:

- Receipts from tangible personal property delivered outside the state;
- Taxing activities where it is constitutionally prohibited;
- Cash discounts taken by the purchaser;
- Bad debts for companies using the accrual method of accounting;

To ensure proper accountability, revenues from the proposed B&O tax will be used only for the purpose of construction or operations of the 150-bed homeless shelter in Vancouver. The ordinance contains what is essentially a "sunset clause," reducing the tax rate to zero if the City fails to begin construction on the bridge shelter by January 1, 2027 (one year after the City begins collecting the tax) or on January 1 of the year following the Council's determination to close the bridge shelter. Expenditures related to this revenue source will be prioritized and allocated during the City's established budgetary process. Council will review the B&O structure on a biannual basis in conjunction with the City's budget and legislative processes. As the availability of other revenue sources fluctuates, Council has the option to adjust the B&O rates.

Advantage(s)

This action addresses Council's objective of addressing on a longer-term basis the current structural imbalance between City revenues and expenditures and the ongoing need for predictable funding for services for the unsheltered.

Challenge(s)

A higher cost will be paid by retail businesses from the proposed B&O tax.

Budget Impact

The proposed B&O tax will provide an estimated \$6.5 million annually for capital expenditures and operating costs of the bridge shelter.

Prior Council Review

This proposed ordinance has been mentioned at the various budget workshops in 2024.

Action Requested

On November 18, 2024, advance the ordinance on first reading and set a date of December 2, 2024, for second reading and public hearing.

Staff Contact

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

Attachments:

1. Ordinance

11/18/2024 (Date of First Reading)
12/02/2024 (Date of Public Hearing)

ORDINANCE NO. M-_____

AN ORDINANCE relating to business and occupation tax for revenue; adding a new chapter 5.03 to the Vancouver Municipal Code; enacting new sections VMC 5.03.010, 5.03.020, 5.03.028, 5.03.030, 5.03.050, 5.03.070, 5.03.076, 5.03.077, 5.03.078, 5.03.079, 5.03.100, 5.03.120, and 5.03.130; repealing sections 5.04.021, 5.04.030, 5.04.031, 5.04.032, 5.04.050, and 5.04.060; amending the title of chapter 5.04 of the Vancouver Municipal Code; and providing for savings, severability, referendum, and an effective date.

WHEREAS as related in Staff Report _____, the City's ability to provide a consistent service level to meet growing community needs for the core general fund supported services provided by the City, to include those in the areas of homeless services, have been impacted in recent years by statewide passage of tax limitation measures; and

WHEREAS, despite efforts by the City to address the structural challenge of the cost of providing such core services growing at a faster rate than revenues, including cost containment through organizational changes, budget cuts and investments in technology to automate processes and increase efficiencies, there remains a funding shortfall in the General, Street, and Fire Funds of approximately \$43 million; and

WHEREAS, the City is proposing to address that funding shortfall for the 2025-2026 biennial budget using a combination of targeted reductions in all General Fund supported departments and revenue increases; and

WHEREAS, there is no capacity in the current General Fund resources to fund construction and operations of a new 150-bed homeless shelter; and

WHEREAS, additional shelter is highly needed in the City of Vancouver to address the increasing number of unsheltered individuals; and

WHEREAS, as further set forth in the Staff Report, the revenues generated by re-establishment of the City's Business and Occupation (B&O) tax on Retailing could provide much of the revenues needed to fund the new 150-bed shelter; and

WHEREAS, as a first class city, Vancouver has authority to license for revenue under Article XI, Sec. 12 of the Washington Constitution and RCW 35.22.280(32); and

WHEREAS as related in Staff Report _____, since the City eliminated its Business and Occupation (B&O) tax in 2001, the Washington State Legislature adopted RCW 35.102.040, which required the Association of Washington Cities (AWC) and the Association of Washington Businesses (AWB) to develop a model ordinance consistent with specified requirements for business and occupation taxation; and

WHEREAS, the AWC, in conjunction with a majority of the Washington cities with a business and occupation tax, developed a model ordinance consistent with RCW 35.102.040's requirements to achieve a fairer and more consistent state-wide implementation of business and occupation taxes and to help prevent against multiple taxation among various jurisdictions to the extent possible; and

WHEREAS, RCW 35.102.040 requires cities wishing to impose B&O taxes to adopt the model ordinance developed by AWC and consistent with requirements as stated in RCW 35.102.040; and,

WHEREAS, the AWC's model ordinance was updated in 2007, 2012, and 2019, and all B&O tax cities adopted the changes from 2019 with an effective date of January 1, 2020; and

WHEREAS, the City wishes to substantially adopt the most recent version of the model ordinance consistent with RCW 35.102.040, while tailoring it where permitted to reflect the unique local characteristics of Vancouver; and

WHEREAS, City Council has determined that it is in the public interest to implement the business and occupation tax ordinance commencing January 1, 2026;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. The intent of this Ordinance is to replace the provisions of the Business & Occupation Tax in chapter 5.04 of the Vancouver Municipal Code in a newly created chapter by substantially adopting the Model Ordinance prepared by the Association of Washington Cities pursuant to RCW 35.102.040.

Section 2. A new chapter is created in Title 5 VMC, to be codified as chapter 5.03 VMC, which shall be entitled "Business and Occupation Tax."

Section 3. A new section is enacted and added to chapter 5.03 VMC, to be codified at VMC 5.03.010, and shall read as follows:

5.03.010 Purpose.

The tax provisions of this chapter are intended to provide a uniform methodology for levying a gross receipts tax on business entities.

Section 4. A new section is enacted and added to chapter 5.03 VMC, to be codified at VMC 5.03.020, and shall read as follows:

5.03.020 Exercise of Revenue License Power.

The provisions of this chapter shall be deemed an exercise of the power of the City to license for revenue. The provisions of this chapter are subject to periodic statutory or administrative rule changes or judicial interpretations of the ordinances or rules. The responsibility rests with the licensee or taxpayer to reconfirm tax computation procedures and remain in compliance with the City code.

Section 5. A new section is enacted and added to chapter 5.03 VMC, to be codified at VMC 5.03.028, and shall read as follows:

5.03.028 Administrative Provisions.

The administrative provisions contained in chapter 5.01 VMC shall be fully applicable to the provisions of this chapter except as expressly stated to the contrary herein.

Section 6. A new section is enacted and added to chapter 5.03 VMC, to be codified at VMC 5.03.030, and shall read as follows:

5.03.030 Definitions.

In construing the provisions of this chapter, the following definitions shall be applied. Words in the singular number shall include the plural, and the plural shall include the singular.

- A. “Advance,” “Reimbursement”
 - 1. “Advance” means money or credits received by a taxpayer from a customer or client with which the taxpayer is to pay costs or fees on behalf of the customer or client.
 - 2. “Reimbursement” means money or credits received from a customer or client to repay the taxpayer for money or credits expended by the taxpayer in payment of costs or fees of the customer or client.
- B. “Business” includes all activities engaged in with the object of gain, benefit, or advantage to the taxpayer or to another person or class, directly or indirectly.

- C. “Business and occupation tax” or “gross receipts tax” means a tax imposed on or measured by the value of products, the gross income of the business, or the gross proceeds of sales, as the case may be, and that is the legal liability of the business.
- D. “City” means the City of Vancouver.
- E. “Commercial or industrial use” means the following uses of products, including by-products, by the extractor or manufacturer thereof:
 - 1. Any use as a consumer; and
 - 2. The manufacturing of articles, substances or commodities;
- F. “Consumer” means the following:
 - 1. Any person who purchases, acquires, owns, holds, or uses any tangible or intangible personal property irrespective of the nature of the person’s business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for a consumer other than for the purpose of:
 - a. Resale as tangible or intangible personal property in the regular course of business;
 - b. Incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing, or decorating such real or personal property of or for consumers;
 - c. Incorporating such property as an ingredient or component of a new product or as a chemical used in processing a new product when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new product; or
 - d. Consuming the property in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon;
 - 2. Any person engaged in any business activity taxable under Section 5.03.050(A)(7);
 - 3. Any person who purchases, acquires, or uses any competitive telephone service as herein defined, other than for resale in the regular course of business;

4. Any person who purchases, acquires, or uses any personal, business, or professional service defined as a retail sale or retail service in Section 5.03.030, other than for resale in the regular course of business;
5. Any person who is an end user of software;
6. Any person engaged in the business of “public road construction” with respect to tangible personal property when that person incorporates the tangible personal property as an ingredient or component of a publicly-owned street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle by installing, placing, or spreading the property in or upon the right-of-way of a publicly-owned street, place, road, highway, easement, bridge, tunnel, or trestle, or in or upon the site of a publicly-owned mass public transportation terminal or parking facility;
7. Any person who is an owner, lessee, or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved, or otherwise altered by a person engaged in business;
8. Any person who is an owner, lessee, or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted, or otherwise altered by a person engaged in business;
9. Any person engaged in “government contracting.” Any such person shall be a consumer within the meaning of this subsection with respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person;

Nothing contained in this or any other subsection of this section shall be construed to modify any other definition of “consumer.”

- G. “Delivery” means the transfer of possession of tangible personal property between the seller and the buyer or the buyer's representative. Delivery to an employee of a buyer is considered delivery to the buyer. Transfer of possession of tangible personal property occurs when the buyer or the buyer’s representative first takes physical control of the property or exercises dominion and control over the property. Dominion and control means the buyer has the ability to put the property to the buyer’s own purposes. It means the buyer or the buyer’s representative has made the final decision to accept or reject the property, and the seller has no further right to possession of the property and the buyer has no right to return the property to the seller, other than under a warranty contract. A buyer does not exercise dominion and control over tangible personal property merely by arranging for shipment of the property

from the seller to itself. A buyer's representative is a person, other than an employee of the buyer, who is authorized in writing by the buyer to receive tangible personal property and take dominion and control by making the final decision to accept or reject the property. Neither a shipping company nor a seller can serve as a buyer's representative. It is immaterial where the contract of sale is negotiated or where the buyer obtains title to the property. Delivery terms and other provisions of the Uniform Commercial Code (Title 62A RCW) do not determine when or where delivery of tangible personal property occurs for purposes of taxation.

- H. “Digital automated service,” “digital code,” and “digital goods” have the same meaning as in RCW 82.04.192.
- I. “Digital products” means digital goods, digital codes, digital automated services, and the services described in RCW 82.04.050(2)(g) and (6)(b).
- J. “Director” means the Chief Financial Officer of the City, or the Director of any successor department of the City, or any officer, agent, or employee of the City designated to act on the Director’s behalf.
- K. “Eligible gross receipts tax” means a tax which:
 - 1. Is imposed on the act or privilege of engaging in business activities within Section 5.03.050; and
 - 2. Is measured by the gross volume of business, in terms of gross receipts and is not an income tax or value added tax; and
 - 3. Is not, pursuant to law or custom, separately stated from the sales price; and
 - 4. Is not a sales or use tax, business license fee, franchise fee, royalty or severance tax measured by volume or weight, or concession charge, or payment for the use and enjoyment of property, property right or a privilege; and
 - 5. Is a tax imposed by a local jurisdiction, whether within or without the State of Washington, and not by a Country, State, Province, or any other non-local jurisdiction above the County level.
- L. “Engaging in business” –
 - 1. The term “engaging in business” means commencing, conducting, or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.
 - 2. This section sets forth examples of activities that constitute engaging in business in the City, and establishes safe harbors for certain of those

activities so that a person who meets the criteria may engage in de minimis business activities in the City without having to register and obtain a business license or pay City business and occupation taxes. The activities listed in this section are illustrative only and are not intended to narrow the definition of “engaging in business” in subsection (L)(1). If an activity is not listed, whether it constitutes engaging in business in the City shall be determined by considering all the facts and circumstances and applicable law.

3. Without being all inclusive, any one of the following activities conducted within the City by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf constitutes engaging in business and requires a person to register and obtain a business license.
 - a. Owning, renting, leasing, maintaining, or having the right to use, or using, tangible personal property, intangible personal property, or real property permanently or temporarily located in the City.
 - b. Owning, renting, leasing, using, or maintaining, an office, place of business, or other establishment in the City.
 - c. Soliciting sales.
 - d. Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.
 - e. Providing technical assistance or service, including quality control, product inspections, warranty work, or similar services on or in connection with tangible personal property sold by the person or on its behalf.
 - f. Installing, constructing, or supervising installation or construction of, real or tangible personal property.
 - g. Soliciting, negotiating, or approving franchise, license, or other similar agreements.
 - h. Collecting current or delinquent accounts.
 - i. Picking up and transporting tangible personal property, solid waste, construction debris, or excavated materials.
 - j. Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system

services, surveying, and real estate services including the listing of homes and managing real property.

- k. Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, veterinarians.
 - l. Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.
 - m. Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the City, acting on its behalf, or for customers or potential customers.
 - n. Investigating, resolving, or otherwise assisting in resolving customer complaints.
 - o. In-store stocking or manipulating products or goods, sold to and owned by a customer, regardless of where sale and delivery of the goods took place.
 - p. Delivering goods in vehicles owned, rented, leased, used, or maintained by the person or another acting on its behalf
4. If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the City but the following, it need not register and obtain a business license and pay tax.
- a. Meeting with suppliers of goods and services as a customer.
 - b. Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.
 - c. Attending meetings, such as board meetings, retreats, seminars, and conferences, or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting.

- d. Renting tangible or intangible property as a customer when the property is not used in the City.
 - e. Attending, but not participating in a “trade show” or “multiple vendor events”. Persons participating at a trade show shall review the City's trade show or multiple vendor event ordinances.
 - f. Conducting advertising through the mail.
 - g. Soliciting sales by phone from a location outside the City.
5. A seller located outside the City merely delivering goods into the City by means of common carrier is not required to register and obtain a business license, provided that it engages in no other business activities in the City. Such activities do not include those in subsection (L)(4).

The City expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the tax under the law and the constitutions of the United States and the State of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus generating contact or subsequent contacts.

- M. “Extracting” is the activity engaged in by an extractor and is reportable under the extracting classification.
- N. “Extractor” means every person who from the person’s own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use, mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product; or fells, cuts or takes timber, Christmas trees, other than plantation Christmas trees, or other natural products; or takes fish, shellfish, or other sea or inland water foods or products. “Extractor” does not include persons performing under contract the necessary labor or mechanical services for others; or persons meeting the definition of farmer.
- O. “Extractor for Hire” means a person who performs under contract necessary labor or mechanical services for an extractor.
- P. “Gross income of the business” means the value proceeding or accruing by reason of the transaction of the business engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized from trading in stocks, bonds, or other evidences of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends, and other emoluments however designated, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery

costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.

- Q. “Gross proceeds of sales” means the value proceeding or accruing from the sale of tangible personal property, digital goods, digital codes, digital automated services or for other services rendered, without any deduction on account of the cost of property sold, the cost of materials used, labor costs, interest, discount paid, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses.
- R. “In this City” or “within this City” includes all federal areas lying within the corporate city limits of the City.
- S. “Manufacturing” means the activity conducted by a manufacturer and is reported under the manufacturing classification.
- T. “Manufacturer,” “to manufacture.”
 - 1. “Manufacturer” means every person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or for commercial or industrial use from the person’s own materials or ingredients any products. When the owner of equipment or facilities furnishes, or sells to the customer prior to manufacture, materials or ingredients equal to less than twenty percent (20%) of the total value of all materials or ingredients that become a part of the finished product, the owner of the equipment or facilities will be deemed to be a processor for hire, and not a manufacturer.
 - 2. “To manufacture” means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials or ingredients so that as a result thereof a new, different or useful product is produced for sale or commercial or industrial use, and shall include:
 - a. The production of special made or custom made articles;
 - b. The production of dental appliances, devices, restorations, substitutes, or other dental laboratory products by a dental laboratory or dental technician;
 - c. Crushing and/or blending of rock, sand, stone, gravel, or ore; and
 - d. The producing of articles for sale, or for commercial or industrial use from raw materials or prepared materials by giving such materials, articles, and substances of trade or commerce new forms, qualities, properties or combinations including, but not limited to, such activities as making, fabricating, processing, refining, mixing, slaughtering, packing, aging, curing, mild

curing, preserving, canning, and the preparing and freezing of fresh fruits and vegetables.

“To manufacture” shall not include the production of digital goods or the production of computer software if the computer software is delivered from the seller to the purchaser by means other than tangible storage media, including the delivery by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser.

U. “Person” means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the State of Washington, corporation, limited liability company, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit, or otherwise and the United States or any instrumentality thereof.

V. “Product” or “byproduct.”

1. “Product” means tangible personal property, including articles, substances, or commodities created, brought forth, extracted, or manufactured by human or mechanical effort.
2. “Byproduct” means any additional product, other than the principal or intended product, which results from extracting or manufacturing activities and which has a market value, without regard to whether or not such additional product was an expected or intended result of the extracting or manufacturing activities.

W. “Retailing” means the activity of engaging in making sales at retail and is reported under the retailing classification.

X. “Retail Service” shall include the sale of or charge made for personal, business, or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

1. Amusement and recreation services including but not limited to golf, pool, billiards, skating, bowling, swimming, bungee jumping, ski lifts and tows, basketball, racquet ball, handball, squash, tennis, batting cages, day trips for sightseeing purposes, and others, when provided to consumers. “Amusement and recreation services” also include the provision of related facilities such as basketball courts, tennis courts, handball courts, swimming pools, and charges made for providing the opportunity to dance. The term “amusement and recreation services” does not include instructional lessons to learn a particular activity such as tennis lessons, swimming lessons, or archery lessons.

2. Abstract, title insurance, and escrow services;
3. Credit bureau services;
4. Automobile parking and storage garage services;
5. Landscape maintenance and horticultural services but excluding (i) horticultural services provided to farmers and (ii) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;
6. Service charges associated with tickets to professional sporting events; and the following personal services: Physical fitness services, tanning salon services, tattoo parlor services, steam bath services, Turkish bath services, escort services, and dating services.
7. The term shall also include the renting or leasing of tangible personal property to consumers and the rental of equipment with an operator.

Y. “Sale,” “casual or isolated sale.”

1. “Sale” means any transfer of the ownership of, title to, or possession of, property for a valuable consideration and includes any activity classified as a “sale at retail,” “retail sale,” or “retail service.” It includes renting or leasing, conditional sale contracts, leases with option to purchase, and any contract under which possession of the property is given to the purchaser but title is retained by the vendor as security for the payment of the purchase price. It also includes the furnishing of food, drink, or meals for compensation whether consumed upon the premises or not.
2. “Casual or isolated sale” means a sale made by a person who is not engaged in the business of selling the type of property involved on a routine or continuous basis.

Z. “Sale at retail,” “retail sale.”

1. “Sale at retail” or “retail sale” means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers, other than a sale to a person who presents a resale certificate under RCW 82.04.470 and who:
 - a. Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person; or

- b. Installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person; or
 - c. Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or
 - d. Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or
 - e. Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a “sale at retail” or “retail sale” even though such property is resold or utilized as provided in (a), (b), (c), (d), or (e) of this subsection following such use.
 - f. Purchases for the purpose of satisfying the person’s obligations under an extended warranty as defined in subsection (Z)(7) of this section, if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person.
- 2. “Sale at retail” or “retail sale” also means every sale of tangible personal property to persons engaged in any business activity which is taxable under Section 5.03.050(A)(7).
 - 3. “Sale at retail” or “retail sale” shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:
 - a. The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect

thereto, but excluding charges made for the use of coin-operated laundry facilities when such facilities are situated in an apartment house, rooming house, or mobile home park for the exclusive use of the tenants thereof, and also excluding sales of laundry service to nonprofit health care facilities, and excluding services rendered in respect to live animals, birds and insects;

- b. The constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;
- c. The charge for labor and services rendered in respect to constructing, repairing, or improving any structure upon, above, or under any real property owned by an owner who conveys the property by title, possession, or any other means to the person performing such construction, repair, or improvement for the purpose of performing such construction, repair, or improvement and the property is then reconveyed by title, possession, or any other means to the original owner;
- d. The sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term “janitorial services” shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term “janitorial services” does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;
- e. The sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW;
- f. The sale of and charge made for the furnishing of lodging and all other services, except telephone business and cable service, by a

hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. For the purposes of this subsection, it shall be presumed that the sale of and charge made for the furnishing of lodging for a continuous period of one month or more to a person is a rental or lease of real property and not a mere license to enjoy the same;

- g. The installing, repairing, altering, or improving of digital goods for consumers;
 - h. The sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), (e), (f), and (g) of this subsection when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a “sale at retail” or “retail sale” even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection shall be construed to modify subsection (Z)(1) of this section and nothing contained in subsection (Z)(1) of this section shall be construed to modify this subsection.
- 4. “Sale at retail” or “retail sale” shall also include the providing of competitive telephone service to consumers.
 - 5. “Sale at retail” or “retail sale”
 - a. “Sale at retail” or “retail sale” shall also include the sale of prewritten software other than a sale to a person who presents a resale certificate under RCW 82.04.470, regardless of the method of delivery to the end user. For purposes of this subsection (5)(a) the sale of the sale of prewritten computer software includes the sale of or charge made for a key or an enabling or activation code, where the key or code is required to activate prewritten computer software and put the software into use. There is no separate sale of the key or code from the prewritten computer software, regardless of how the sale may be characterized by the vendor or by the purchaser.

The term “sale at retail” or “retail sale” does not include the sale of or charge made for:

- i. Custom software; or
 - ii. The customization of prewritten software.
- b.
 - i. The term also includes the charge made to consumers for the right to access and use prewritten computer software, where possession of the software is maintained by the seller or a third party, regardless of whether the charge for the service is on a per use, per user, per license, subscription, or some other basis.
 - ii.
 - a. The service described in (b)(i) of this subsection (5) includes the right to access and use prewritten software to perform data processing.
 - b. For purposes of this subsection (b)(ii), “data processing” means the systematic performance of operations on data to extract the required information in an appropriate form or to convert the data to usable information. Data processing includes check processing, image processing, form processing, survey processing, payroll processing, claim processing, and similar activities.
- 6. “Sale at retail” or “retail sale” shall also include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state, the State of Washington, or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind.
- 7. “Sale at retail” or “retail sale” shall also include the sale of or charge made for an extended warranty to a consumer. For purposes of this subsection, “extended warranty” means an agreement for a specified duration to perform the replacement or repair of tangible personal property at no additional charge or a reduced charge for tangible personal property, labor, or both, or to provide indemnification for the replacement or repair of tangible personal property, based on the occurrence of specified events. The term “extended warranty” does not include an agreement, otherwise meeting the definition of extended

warranty in this subsection, if no separate charge is made for the agreement and the value of the agreement is included in the sales price of the tangible personal property covered by the agreement.

8. “Sale at retail” or “retail sale” shall also include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation (government contracting).
9. “Sale at retail” or “retail sale” shall not include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority. Nor shall the term include the sale of services or charges made for cleaning up for the United States, or its instrumentalities, radioactive waste and other byproducts of weapons production and nuclear research and development.
10. “Sale at retail” or “retail sale” shall not include the sale of or charge made for labor and services rendered for environmental remedial action.
11. “Sale at retail” or “retail sale” shall also include the following sales to consumers of digital goods, digital codes, and digital automated services:
 - a. Sales in which the seller has granted the purchaser the right of permanent use;
 - b. Sales in which the seller has granted the purchaser a right of use that is less than permanent;
 - c. Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and
 - d. Sales in which the purchaser is obligated to make continued payment as a condition of the sale. A retail sale of digital goods, digital codes, or digital automated services under this subsection (Z)(11) includes any services provided by the seller exclusively in connection with the digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services. For purposes of this subsection, “permanent” means perpetual or for an indefinite or unspecified length of time. A right of permanent use is presumed to have been granted

unless the agreement between the seller and the purchaser specifies or the circumstances.

12. “Sale at retail” or “retail sale” shall also include the installing, repairing, altering, or improving of digital goods for consumers.
- AA. “Sale at wholesale” or “wholesale sale” means any sale of tangible personal property, digital goods, digital codes, digital automated services, prewritten computer software, or services described in subsection (Z)(5)(b)(i) of VMC 5.03.030, which is not a retail sale, and any charge made for labor and services rendered for persons who are not consumers, in respect to real or personal property and retail services, if such charge is expressly defined as a retail sale or retail service when rendered to or for consumers. Sale at wholesale also includes the sale of telephone business to another telecommunications company as defined in RCW 80.04.010 for the purpose of resale, as contemplated by RCW 35.21.715.
- BB. “Service” means those activities that do not fall within one of the other tax classifications used by a City. The term “service” excludes retail or wholesale services.
- CC. “Taxpayer” means any “person”, as herein defined, required to have a business license under this chapter or liable for the collection of any tax or fee under this chapter, or who engages in any business or who performs any act for which a tax or fee is imposed by this chapter.
- DD. “Value proceeding or accruing” means the consideration, whether money, credits, rights, or other property expressed in terms of money, a person is entitled to receive or which is actually received or accrued. The term shall be applied, in each case, on a cash receipts or accrual basis according to which method of accounting is regularly employed in keeping the books of the taxpayer.
- EE. “Value of products.”
 1. The value of products, including by-products, extracted or manufactured, shall be determined by the gross proceeds derived from the sale thereof whether such sale is at wholesale or at retail, to which shall be added all subsidies and bonuses received from the purchaser or from any other person with respect to the extraction, manufacture, or sale of such products or by-products by the seller.
 2. Where such products, including by-products, are extracted or manufactured for commercial or industrial use; and where such products, including by-products, are shipped, transported or transferred out of the City, or to another person, without prior sale or are sold under circumstances such that the gross proceeds from the sale are not

indicative of the true value of the subject matter of the sale; the value shall correspond as nearly as possible to the gross proceeds from sales in this state of similar products of like quality and character, and in similar quantities by other taxpayers, plus the amount of subsidies or bonuses ordinarily payable by the purchaser or by any third person with respect to the extraction, manufacture, or sale of such products. In the absence of sales of similar products as a guide to value, such value may be determined upon a cost basis. In such cases, there shall be included every item of cost attributable to the particular article or article extracted or manufactured, including direct and indirect overhead costs. The Director may prescribe rules for the purpose of ascertaining such values.

3. Notwithstanding subsection (EE)(2) above, the value of a product manufactured or produced for purposes of serving as a prototype for the development of a new or improved product shall correspond to (a) the retail selling price of such new or improved product when first offered for sale; or (2) the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

FF. “Wholesaling” means engaging in the activity of making sales at wholesale, and is reported under the wholesaling classification.

Section 7. A new section is enacted and added to chapter 5.03 VMC, to be codified at VMC 5.03.050, and shall read as follows:

5.03.050 Imposition of the tax – tax or fee levied.

- A. Except as provided in subsection (B) of this section, there is hereby levied upon and shall be collected from every person a tax for the act or privilege of engaging in business activities within the City, whether the person’s office or place of business be within or without the City. The tax shall be in amounts to be determined by application of rates against gross proceeds of sale, gross income of business, or value of products, including by-products, as the case may be, as follows:
 1. Upon every person engaging within the City in business as an extractor; as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including by-products, extracted within the city for sale or for commercial or industrial use, multiplied by the rate of 0.00 of one percent (0.0000). The measure of the tax is the value of the products, including by-products, so extracted, regardless of

the place of sale or the fact that deliveries may be made to points outside the City.

2. Upon every person engaging within the City in business as a manufacturer, as to such persons the amount of the tax with respect to such business shall be equal to the value of the products, including by-products, manufactured within the city, multiplied by the rate of 0.00 of one percent (0.0000). The measure of the tax is the value of the products, including by-products, so manufactured, regardless of the place of sale or the fact that deliveries may be made to points outside the City.
3. Upon every person engaging within the City in the business of making sales at wholesale, except persons taxable under subsection (4) of this section; as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of such sales of the business without regard to the place of delivery of articles, commodities or merchandise sold, multiplied by the rate of 0.00 of one percent (0.0000).
4. Upon every person engaging within the City in the business of making sales at retail, as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of such sales of the business, without regard to the place of delivery of articles, commodities or merchandise sold, multiplied by the rate of 0.100 of one percent (0.0010).
5. Upon every person engaging within the City in the business of (i) printing, (ii) both printing and publishing newspapers, magazines, periodicals, books, music, and other printed items, (iii) publishing newspapers, magazines and periodicals, (iv) extracting for hire, and (v) processing for hire; as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of 0.00 of one percent (0.0000).
6. Upon every person engaging within the City in the business of making sales of retail services; as to such persons, the amount of tax with respect to such business shall be equal to the gross proceeds of sales multiplied by the rate of 0.100 of one percent (0.0010).
7. Upon every other person engaging within the City in any business activity other than or in addition to those enumerated in the above subsections; as to such persons, the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of 0.000 of one percent (0.0000). This subsection includes, among others, and without limiting the scope hereof (whether or not title to material used in the performance of such business passes to another by accession, merger or other than by outright sale), persons engaged in the business of

developing, or producing custom software or of customizing canned software, producing royalties or commissions, and persons engaged in the business of rendering any type of service which does not constitute a sale at retail, a sale at wholesale, or a retail service.

- B. The gross receipts tax imposed in this section shall not apply to any person whose gross proceeds of sales, gross income of the business, and value of products, including by-products, as the case may be, from all activities conducted within the City during any calendar year is equal to or less than \$50,000, or is equal to or less than \$12,500 during any quarter if on a quarterly reporting basis.
- C. The taxes imposed under subsections (A)(4) and (A)(6) of this section shall be used only for the purpose of funding the construction and operations of a new bridge shelter for the homeless. The rates described in subsections (A)(4) and (A)(6) of this section shall be amended to 0.000 of one percent on January 1, 2027 if the bridge shelter described in this section is not under construction as of that date. Further, should the City Council determine to close the bridge shelter, the rates described in subsections (A)(4) and (A)(6) of this section shall be amended to 0.000 of one percent on January 1 of the year following such determination.

Section 8. A new section is enacted and added to chapter 5.03 VMC, to be codified at VMC 5.03.070, and shall read as follows:

5.03.070 Multiple activities credit when activities take place in one or more cities with eligible gross receipt taxes.

- A. Persons who engage in business activities that are within the purview of two (2) or more subsections of .050 shall be taxable under each applicable subsection.
- B. Notwithstanding anything to the contrary herein, if imposition of the City's tax would place an undue burden upon interstate commerce or violate constitutional requirements, a taxpayer shall be allowed a credit to the extent necessary to preserve the validity of the City's tax, and still apply the City tax to as much of the taxpayer's activities as may be subject to the City's taxing authority.
- C. To take the credit authorized by this section, a taxpayer must be able to document that the amount of tax sought to be credited was paid upon the same gross receipts used in computing the tax against which the credit is applied.
- D. Credit for persons that sell in the City products that they extract or manufacture. Persons taxable under the retailing or wholesaling classification with respect to selling products in this City shall be allowed a credit against those taxes for any

eligible gross receipts taxes paid (a) with respect to the manufacturing of the products sold in the City, and (b) with respect to the extracting of the products, or the ingredients used in the products, sold in the City. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the sale of those products.

- E. Credit for persons that manufacture products in the City using ingredients they extract. Persons taxable under the manufacturing classification with respect to manufacturing products in this City shall be allowed a credit against those taxes for any eligible gross receipts tax paid with respect to extracting the ingredients of the products manufactured in the City. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the manufacturing of those products.
- F. Credit for persons that sell within the City products that they print, or publish and print. Persons taxable under the retailing or wholesaling classification with respect to selling products in this City shall be allowed a credit against those taxes for any eligible gross receipts taxes paid with respect to the printing, or the printing and publishing, of the products sold within the City. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to the sale of those products.

Section 9. A new section is enacted and added to chapter 5.03 VMC, to be codified at

VMC 5.03.076, and shall read as follows:

5.03.076 Assignment of gross income derived from intangibles.

Gross income derived from the sale of intangibles such as royalties, trademarks, patents, or goodwill shall be assigned to the jurisdiction where the person is domiciled.

Section 10. A new section is enacted and added to chapter 5.03 VMC, to be codified at VMC 5.03.077, and shall read as follows:

5.03.077 Allocation and apportionment of income when activities take place in more than one jurisdiction.

Gross income, other than persons subject to the provisions of chapter 82.14A RCW, shall be allocated and apportioned as follows:

- A. Gross income derived from all activities other than those taxed as service or royalties under VMC 5.03.050(A)(7) shall be allocated to the location where the activity takes place.
- B. In the case of sales of tangible personal property, the activity takes place where delivery to the buyer occurs.
- C. In the case of sales of digital products, the activity takes place where delivery to the buyer occurs. The delivery of digital products will be deemed to occur at:
 - 1. The seller's place of business if the purchaser receives the digital product at the seller's place of business;
 - 2. If not received at the seller's place of business, the location where the purchaser or the purchaser's donee, designated as such by the purchaser, receives the digital product, including the location indicated by instructions for delivery to the purchaser or donee, known to the seller;
 - 3. If the location where the purchaser or the purchaser's donee receives the digital product is not known, the purchaser's address maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith;
 - 4. If no address for the purchaser is maintained in the ordinary course of the seller's business, the purchaser's address obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of this address does not constitute bad faith; and
 - 5. If no address for the purchaser is obtained during the consummation of the sale, the address where the digital good or digital code is first made available for transmission by the seller or the address from which the digital automated service or service described in RCW 82.04.050(2)(g) or (6)(b) was provided, disregarding for these purposes any location that merely provided the digital transfer of the product sold.

- D. If none of the methods in subsection 5.03.077(C) for determining where the delivery of digital products occurs are available after a good faith effort by the taxpayer to apply the methods provided in subsections 5.03.077(C)(1) through 5.03.077(C)(5), then the city and the taxpayer may mutually agree to employ any other method to effectuate an equitable allocation of income from the sale of digital products. The taxpayer will be responsible for petitioning the city to use an alternative method under this subsection 5.03.077(D). The city may employ an alternative method for allocating the income from the sale of digital products if the methods provided in subsections 5.03.077(C)(1) through 5.03.077(C)(5) are not available and the taxpayer and the city are unable to mutually agree on an alternative method to effectuate an equitable allocation of income from the sale of digital products.
- E. For purposes of subsections 5.03.077(C)(1) through 5.03.077(C)(5), the following definitions apply:
1. “Digital automated services,” “digital codes,” and “digital goods” have the same meaning as in RCW 82.04.192;
 2. “Digital products” means digital goods, digital codes, digital automated services, and the services described in RCW 82.04.050(2)(g) and (6)(c); and
 3. “Receive” has the same meaning as in RCW 82.32.730.
- F. Gross income derived from activities taxed as services and other activities taxed under subsection 5.03.050(A)(7) shall be apportioned to the city by multiplying apportionable income by a fraction, the numerator of which is the payroll factor plus the service income factor and the denominator of which is two.
1. The payroll factor is a fraction, the numerator of which is the total amount paid in the city during the tax period by the taxpayer for compensation and the denominator of which is the total compensation paid everywhere during the tax period. Compensation is paid in the city if:
 - a. The individual is primarily assigned within the city;
 - b. The individual is not primarily assigned to any place of business for the tax period and the employee performs fifty percent or more of his or her service for the tax period in the city; or
 - c. The individual is not primarily assigned to any place of business for the tax period, the individual does not perform fifty percent or more of his or her service in any city and the employee resides in the city.

2. The service income factor is a fraction, the numerator of which is the total service income of the taxpayer in the city during the tax period, and the denominator of which is the total service income of the taxpayer everywhere during the tax period. Service income is in the city if the customer location is in the city.
3. Gross income of the business from engaging in an apportionable activity must be excluded from the denominator of the service income factor if, in respect to such activity, at least some of the activity is performed in the city, and the gross income is attributable under subsection (F)(2) of this section to a city or unincorporated area of a county within the United States or to a foreign country in which the taxpayer is not taxable. For purposes of this subsection (F)(3), “not taxable” means that the taxpayer is not subject to a business activities tax by that city or county within the United States or by that foreign country, except that a taxpayer is taxable in a city or county within the United States or in a foreign country in which it would be deemed to have a substantial nexus with the city or county within the United States or with the foreign country under the standards in RCW 35.102.050 regardless of whether that city or county within the United States or that foreign country imposes such a tax.
4. If the allocation and apportionment provisions of this subsection (F) do not fairly represent the extent of the taxpayer’s business activity in the city, the taxpayer may petition for or the tax administrators may jointly require, in respect to all or any part of the taxpayer's business activity, if reasonable:
 - a. Separate accounting;
 - b. The exclusion of any one or more of the factors;
 - c. The inclusion of one or more additional factors that will fairly represent the taxpayer's business activity in the city; or
 - d. The employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.
5. The party petitioning for, or the tax administrator requiring, the use of any method to effectuate an equitable allocation and apportionment of the taxpayer’s income pursuant to subsection (4) of this subsection (F) must prove by a preponderance of the evidence:
 - a. That the allocation and apportionment provisions of this subsection (F) do not fairly represent the extent of the taxpayer’s business activity in the city; and

b. That the alternative to such provisions is reasonable. The same burden of proof shall apply whether the taxpayer is petitioning for, or the tax administrator is requiring, the use of an alternative, reasonable method to effectuate an equitable allocation and apportionment of the taxpayer's income.

6. If the tax administrator requires any method to effectuate an equitable allocation and apportionment of the taxpayer's income, the tax administrator cannot impose any civil or criminal penalty with reference to the tax due that is attributable to the taxpayer's reasonable reliance solely on the allocation and apportionment provisions of this subsection (F).
7. A taxpayer that has received written permission from the tax administrator to use a reasonable method to effectuate an equitable allocation and apportionment of the taxpayer's income shall not have that permission revoked with respect to transactions and activities that have already occurred unless there has been a material change in, or a material misrepresentation of, the facts provided by the taxpayer upon which the tax administrator reasonably relied in approving a reasonable alternative method.

G. The definitions in this subsection apply throughout this section.

1. "Apportionable income" means the gross income of the business taxable under the service classifications of a city's gross receipts tax, including income received from activities outside the city if the income would be taxable under the service classification if received from activities within the city, less any exemptions or deductions available.
2. "Business activities tax" means a tax measured by the amount of, or economic results of, business activity conducted in a city or county within the United States or within a foreign country. The term includes taxes measured in whole or in part on net income or gross income or receipts. "Business activities tax" does not include a sales tax, use tax, or a similar transaction tax, imposed on the sale or acquisition of goods or services, whether or not denominated a gross receipts tax or a tax imposed on the privilege of doing business.
3. "Compensation" means wages, salaries, commissions, and any other form of remuneration paid to individuals for personal services that are or would be included in the individual's gross income under the federal internal revenue code.

4. “Customer” means a person or entity to whom the taxpayer makes a sale or renders services or from whom the taxpayer otherwise receives gross income of the business.
5. “Customer location” means the following:
 - a. For a customer not engaged in business, if the service requires the customer to be physically present, where the service is performed.
 - b. For a customer not engaged in business, if the service does not require the customer to be physically present:
 - i. The customer’s residence; or
 - ii. If the customer’s residence is not known, the customer’s billing/mailling address.
 - c. For a customer engaged in business:
 - i. Where the services are ordered from;
 - ii. At the customer’s billing/mailling address if the location from which the services are ordered is not known; or
 - iii. At the customer’s commercial domicile if none of the above are known.
6. “Individual” means any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee of that taxpayer.
7. “Primarily assigned” means the business location of the taxpayer where the individual performs his or her duties.
8. “Service-taxable income” or “service income” means gross income of the business subject to tax under either the service or royalty classification.
9. “Tax period” means the calendar year during which tax liability is accrued. If taxes are reported by a taxpayer on a basis more frequent than once per year, taxpayers shall calculate the factors for the previous calendar year for reporting in the current calendar year and correct the reporting for the previous year when the factors are calculated for that year, but not later than the end of the first quarter of the following year.

- H. Assignment or apportionment of revenue under this Section shall be made in accordance with and in full compliance with the provisions of the interstate commerce clause of the United States Constitution where applicable.

Section 11. A new section is enacted and added to chapter 5.03 VMC, to be codified at VMC 5.03.078, and shall read as follows:

5.03.078 Allocation and apportionment of printing and publishing income when activities take place in more than one jurisdiction.

Notwithstanding RCW 35.102.130, effective January 1, 2026, gross income from the activities of printing, and of publishing newspapers, periodicals, or magazines, shall be allocated to the principal place in this state from which the taxpayer's business is directed or managed. As used in this section until December 31, 2023, the activities of printing, and of publishing newspapers, periodicals, or magazines, have the same meanings as attributed to those terms in RCW 82.04.280(1) by the department of revenue. Beginning January 1, 2024, until January 1, 2034, the activities of printing, and of publishing newspapers and periodicals or magazines are those activities to which the exemption in RCW 82.04.759 and the tax rate in RCW 82.04.280(1)(a) apply.

Section 12. A new section is enacted and added to chapter 5.03 VMC, to be codified at VMC 5.03.079, and shall read as follows:

5.03.079 Exemptions

- A. Public utilities. This chapter shall not apply to any person in respect to a business activity with respect to which tax liability is specifically imposed under the provisions of chapter 5.10 VMC.
- B. Investments - dividends from subsidiary corporations. This chapter shall not apply to amounts derived by persons, other than those engaging in banking, loan, security, or other financial businesses, from investments or the use of money as such, and also amounts derived as dividends by a parent from its subsidiary corporations.
- C. Insurance business. This chapter shall not apply to amounts received by any person who is an insurer or their appointed insurance producer upon which a tax based on gross premiums is paid to the state pursuant to RCW 48.14.020, and

provided further, that the provisions of this subsection shall not exempt any bonding company from tax with respect to gross income derived from the completion of any contract as to which it is a surety, or as to any liability as successor to the liability of the defaulting contractor.

D. Employees.

1. This chapter shall not apply to any person in respect to the person's employment in the capacity as an employee or servant as distinguished from that of an independent contractor. For the purposes of this subsection, the definition of employee shall include those persons that are defined in the Internal Revenue Code, as hereafter amended.
2. A booth renter is an independent contractor for purposes of this chapter.

E. Amounts derived from sale of real estate. This chapter shall not apply to gross proceeds derived from the sale of real estate. This, however, shall not be construed to allow an exemption of amounts received as commissions from the sale of real estate, nor as fees, handling charges, discounts, interest or similar financial charges resulting from, or relating to, real estate transactions. This chapter shall also not apply to amounts received for the rental of real estate if the rental income is derived from a contract to rent for a continuous period of thirty (30) days or longer.

F. Mortgage brokers' third-party provider services trust accounts. This chapter shall not apply to amounts received from trust accounts to mortgage brokers for the payment of third-party costs if the accounts are operated in a manner consistent with RCW 19.146.050 and any rules adopted by the director of financial institutions.

G. Amounts derived from manufacturing, selling or distributing motor vehicle fuel. This chapter shall not apply to the manufacturing, selling, or distributing motor vehicle fuel, as the term "motor vehicle fuel" is defined in RCW 82.38.020 and exempt under RCW 82.38.280, provided that any fuel not subjected to the state fuel excise tax, or any other applicable deduction or exemption, will be taxable under this chapter.

H. Amounts derived from liquor, and the sale or distribution of liquor. This chapter shall not apply to liquor as defined in RCW 66.04.010 and exempt in RCW 66.08.120.

I. Casual and isolated sales. This chapter shall not apply to the gross proceeds derived from casual or isolated sales.

- J. Accommodation sales. This chapter shall not apply to sales for resale by persons regularly engaged in the business of making retail sales of the type of property so sold to other persons similarly engaged in the business of selling such property where (1) the amount paid by the buyer does not exceed the amount paid by the seller to the vendor in the acquisition of the article and (2) the sale is made as an accommodation to the buyer to enable the buyer to fill a bona fide existing order of a customer or is made within fourteen days to reimburse in kind a previous accommodation sale by the buyer to the seller.
- K. Taxes collected as trust funds. This chapter shall not apply to amounts collected by the taxpayer from third parties to satisfy third party obligations to pay taxes such as the retail sales tax, use tax, and admission tax.

Section 13. A new section is enacted and added to chapter 5.03 VMC, to be codified at VMC 5.03.100, and shall read as follows:

5.03.100 Deductions.

In computing the tax, there may be deducted from the measure of tax the following items:

- A. **Receipts from tangible personal property delivered outside the State.** In computing tax, there may be deducted from the measure of tax under retailing or wholesaling amounts derived from the sale of tangible personal property that is delivered by the seller to the buyer or the buyer's representative at a location outside the State of Washington.
- B. **Cash discount taken by purchaser.** In computing tax, there may be deducted from the measure of tax the cash discount amounts actually taken by the purchaser. This deduction is not allowed in arriving at the taxable amount under the extracting or manufacturing classifications with respect to articles produced or manufactured, the reported values of which, for the purposes of this tax, have been computed according to the "value of product" provisions.
- C. **Credit losses of accrual basis taxpayers.** In computing tax, there may be deducted from the measure of tax the amount of credit losses actually sustained by taxpayers whose regular books of account are kept upon an accrual basis.
- D. **Constitutional prohibitions.** In computing tax, there may be deducted from the measure of the tax amounts derived from business which the City is prohibited from taxing under the Constitution of the State of Washington or the Constitution of the United States.

- E. **Receipts from the Sale of Tangible Personal Property and Retail Services Delivered Outside the City but Within Washington.** Effective January 1, 2026, amounts included in the gross receipts reported on the tax return derived from the sale of tangible personal property delivered to the buyer or the buyer's representative outside the City but within the State of Washington may be deducted from the measure of tax under the retailing, retail services, or wholesaling classification.
- F. **Professional employer services.** In computing the tax, a professional employer organization may deduct from the calculation of gross income the gross income of the business derived from performing professional employer services that is equal to the portion of the fee charged to a client that represents the actual cost of wages and salaries, benefits, workers' compensation, payroll taxes, withholding, or other assessments paid to or on behalf of a covered employee by the professional employer organization under a professional employer agreement.
- G. **Interest on investments or loans secured by mortgages or deeds of trust.** In computing tax, to the extent permitted by Chapter 82.14A RCW, there may be deducted from the measure of tax by those engaged in banking, loan, security or other financial businesses, amounts derived from interest received on investments or loans primarily secured by first mortgages or trust deeds on non-transient residential properties.

Section 14. A new section is enacted and added to chapter 5.03 VMC, to be codified at

VMC 5.03.120, and shall read as follows:

5.03.120 Tax part of overhead.

It is not the intention of this chapter that the taxes or fees herein levied upon persons engaging in business be construed as taxes or fees upon the purchasers or customer, but that such taxes or fees shall be levied upon, and collectible from, the person engaging in the business activities herein designated and that such taxes or fees shall constitute a part of the cost of doing business of such persons.

Section 15. A new section is enacted and added to chapter 5.03 VMC, to be codified at VMC 5.03.130, and shall read as follows:

5.03.130 Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances shall not be affected.

Section 16. The following sections of Chapter 5.04 VMC are hereby repealed in their entirety: 5.04.021, 5.04.030, 5.04.031, 5.04.032, 5.04.050, 5.04.060.

5.04.021 Competitive telephone service.

"Competitive telephone service" means the providing by any person of telephone equipment, apparatus, or service, other than toll service, which is of a type which can be provided by persons that are not subject to regulation as telephone companies under RCW Title 80, and for which a separate charge is made.

5.04.030 Enumeration of persons subject to tax Rates of tax.

~~There is levied upon and shall be collected from and paid as hereinafter provided by every person on account and for the privilege of engaging in business activities, a license fee or occupational tax, sometimes referred to as "the tax," in amounts to be determined by application of rates here provided against gross proceeds of sales, or value or goods manufactured, or gross income of personal services or of business, as the case may be, for the three calendar months next preceding the beginning of each quarterly period as follows:~~

~~a. Upon every person engaging within this city in the business of making sales at wholesale, except persons taxable under subsection (b) of this section, as to such persons the amount of tax with respect to such business shall be equal to the gross proceeds of such sales of the business without regard to the place of delivery of articles, commodities or merchandise sold, multiplied by the rate of .0011; provided, that as of January 1, 1993, the tax herein on making of sales at wholesale is reduced by the percentage shown on the chart in Exhibit A, attached to Ordinance M-3003 and on file in the office of the city clerk, and it shall be reduced by an additional amount each January 1st thereafter, as shown on said chart, until such tax has been eliminated.~~

~~b. Upon every person engaging within this city in the business of (1) printing and publication of newspapers, periodicals or magazines, (2) building, repairing or improving~~

~~any publicly owned street, place, road, highway, bridge or trestle which is used, primarily, for foot or vehicular traffic, as to such persons, the amount of tax on such business shall be equal to the gross income of the business multiplied by the rate of .0011; provided, that as of January 1, 1993, this tax is reduced by the percentage shown on the chart in Exhibit A attached to Ordinance M-3003 and on file in the office of the City Clerk, and it shall be reduced by an additional amount each January 1st thereafter, as shown on the attached chart, until such tax has been eliminated;~~

~~c. Upon every person engaging in business within this city as a manufacturer, as to such persons the amount of the tax with respect to such businesses shall be equal to the value of the products, including byproducts, so manufactured, multiplied by the rate of .00022, regardless of the place of sale or the fact that deliveries may be made to points outside the state; provided, that as of January 1, 1993, this tax is reduced by the percentage shown on the chart in Exhibit A attached to Ordinance M-3003 and on file in the office of the City Clerk, and it shall be reduced by an additional amount each January 1st thereafter, as shown on the attached chart, until such tax has been eliminated;~~

~~d. Except as provided in subsections (c) and/or (e) of this section, upon all persons engaging within this city in any business activity other than or in addition to those enumerated in other subsections of this section, and including national banks, state banks, trust companies, mutual savings banks, building and loan associations, savings and loan associations and other financial institutions including loan companies, all subject to and in accordance with the definitions, deductions and exemptions set forth in RCW Chapter 82.04, insofar as the same may be applicable, and in accordance with RCW 82.14A.010, as amended, as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business multiplied by the rate of .0011; provided, that as of January 1, 1993, this tax is reduced by the percentage shown on the chart in Exhibit A attached to Ordinance M-3003 and on file in the office of the City Clerk, and it shall be reduced by an additional amount each January 1st thereafter, as shown on the attached chart, until such tax has been eliminated;~~

~~e. Upon every person engaging within this city in any professional activities other than or in addition to those enumerated in subsections (a), (b), (c), (d) or (f) of this section, as to such persons the amount of tax on account of such activities shall be equal to the gross income of the business or professional activity, multiplied by the rate of .0022. Included within the professional activities, but not limited thereof, upon which the license fee or tax is paid at .0022 as provided in this section are the following: physicians, veterinarians, dentists, lawyers, accountants, engineers, architects, optometrists, real estate brokers and bond brokers; provided, that as of January 1, 1993, this tax is reduced by the percentage shown on the chart in Exhibit A attached to Ordinance M-3003 and on file in the office of the City Clerk, and it shall be reduced by an additional amount each January 1st thereafter, as shown on the attached chart, until such tax has been eliminated;~~

~~f. Upon every person engaged within the city in "competitive telephone business," as to such persons the amount of tax shall be equal to the gross income of the business~~

multiplied by the rate of .0011; provided, that as of January 1, 1993, this tax is reduced by the percentage shown on the chart in Exhibit A attached to Ordinance M-3003 and on file in the office of the City Clerk, and it shall be reduced by an additional amount each January 1st thereafter, as shown on the attached chart, until such tax has been eliminated;

g. Every person engaged in activities which are within the purview of two or more subsections of this section shall be taxable under each paragraph applicable to the activities engaged in; provided, that persons taxable under (a), (b), (d), (e) or (f) of this section shall be not taxable under (c) with respect to manufacturing the goods so sold. The tax imposed at (c) on the process of manufacturing shall be collected only from persons in the city who are not liable for the tax imposed at (a) on the wholesale sale of the articles so manufactured. In no event shall any taxpayer be liable for double taxation from application of both (a) and (c), but if any activities are subject to the tax under more than one of the subsections in this section, then such activities shall be taxed at the highest applicable rate.

5.04.031 — Deductions — Manufactured goods sold outside city.

a. Persons subject to tax under subsection (c) of Section 5.04.030 of this chapter may deduct from the value of the products manufactured the amount of the value of the products thus manufactured which are sold outside Vancouver when all the following conditions have been met:

1. A state of the United States, other than Washington, a political subdivision of a state or a recognized Indian tribe with taxing authority, the District of Columbia, or any foreign country or political subdivision thereof (the "tax jurisdiction") uses the value of the products manufactured in Vancouver in measuring and applying a gross receipts tax on the act or privilege of engaging in manufacturing or in the business of making sales of the product; and
2. The tax so imposed by the taxing jurisdiction is a "gross receipts tax," measured by the gross volume of business, in terms of gross receipts or in other terms and in the determination of which the deductions allowed would not constitute the tax an income tax or value added tax; and
3. The tax is not, pursuant to law or custom, separately stated from the sales price; and
4. The taxpayer can document that gross receipts taxes were paid to the other taxing jurisdiction(s) that included in the calculations of the amount due the value of the products for which a deduction was made.

b. Any determination by the State of Washington, Department of Revenue, or by the Washington State Attorney General that an out-of-state or foreign tax does qualify under RCW 82.04.440(4)(c) for a credit upon the State of Washington business and occupation tax shall satisfy conditions (2) and (3) of subsection (a) of this section; conversely, unless the taxpayer proves otherwise to the city, a determination by the state that such tax does not

qualify under RCW 82.04.440(4)(c) shall render the amounts so considered ineligible for a deduction under this section.

5.04.032 — Deductions—Sale of goods manufactured outside city.

~~Persons subject to tax under Section 5.04.030 of this chapter may deduct from the gross proceeds of retail or wholesale sales the amount of the value of the products manufactured outside Vancouver where all the following conditions have been met:~~

- ~~1. A state of the United States, other than Washington, a political subdivision of a state, other than Washington, or a recognized Indian tribe with taxing authority, the District of Columbia, or any foreign country or political subdivision thereof (the "taxing jurisdiction") uses the value of the products manufactured in such taxing jurisdiction in measuring and applying a gross receipts tax on the act or privilege of engaging in the business of manufacturing; and~~
- ~~2. The tax so imposed is a "gross receipts tax," which is measured by the gross value of business, in terms of gross receipts or in other terms, and in the determination of which the deductions allowed would not constitute the tax an income tax or value added tax; and~~
- ~~3. The tax is not, pursuant to laws or custom, separately stated from the sales price; and~~
- ~~4. The taxpayer can document that gross receipts taxes were paid to the other taxing jurisdiction(s) that included in the calculation of the amount due the value of the products for which deduction was made.~~

5.04.050 — Taxing business carried on partially outside the city.

~~Persons engaged in business both within and without the city, or partially within and partially without the city, and maintaining an office or place of business within the city and not elsewhere shall be taxable on the gross income from the business without regard to the place where such business is transacted; and such persons having an office or place of business inside the city and also elsewhere and such persons engaged in business within the city but without an office or place of business within the city shall, for the purpose of computing tax liability under this chapter, apportion to the city that portion of his gross income which is derived from business transacted within the city. Where such apportionment cannot be made by separate accounting methods, the taxpayer shall apportion to the city that portion of his total income which the cost of doing business within the city bears to the total cost of doing business within and without the city.~~

~~Persons maintaining an office, plant, warehouse or other business establishment which is partly within and partly outside of the city shall be taxable on gross proceeds of sales, or gross income of the business, attributable to business within the city, ascertained either (1) by a segregation of business within and business without the city, shown and supported by separate account records, of (2) if such segregation cannot be practicably~~

~~made, by apportionment to the city of that part of the gross proceeds of sales, or gross income of the business, derived from business both within and outside the city (a) in the proportion that the cost of doing business within the city bears to the cost of doing business both within and outside the city, or (b) when the use of such apportionment factor is impractical or inequitable, by a fair and equitable apportionment of such values, proceeds or income between business within the city and business outside the city upon such basis, comparable in character to that prescribed in (a) above, as shall be agreed upon by the Director of Financial & Management Services and the taxpayer after consideration of the facts; provided, in the case of financial institutions upon which the business and occupation tax is imposed by this chapter and which are engaged in business both within and without the city, such computation shall be pursuant to rules promulgated by the Washington State Department of Revenue as contemplated by Section 3 of Chapter 134, Laws of Washington, 1972.~~

5.04.060 — Sales by consignee, bailee, factor or auctioneer.

~~Every consignee, bailee, factor or auctioneer having either actual or constructive possession of tangible personal property, or having possession of the documents of title thereto, with power to sell such tangible personal property in his or its own name and actually so selling, shall be deemed the seller of such tangible personal property within the meaning of this chapter, and further, the consignor, bailor, principal or owner shall be deemed a seller of such property to the consignee, bailee, factor or auctioneer.~~

~~The burden shall be upon the taxpayer in every case to establish the fact that such taxpayer is not engaged in the business of selling tangible personal property but is acting merely as broker or agent in promoting sales for a principal. Such claim will be allowed only when the taxpayer's account records are kept in such manner as the Director of Financial & Management Services by general regulation provides.~~

Section 17. The title of chapter 5.04 VMC shall be amended to delete the words “and occupation” and “tax” and amend “license” to “licenses.” The title shall now read: “Business Licenses.”

Section 18. Savings. Those ordinances or parts of ordinances which are amended or repealed by this ordinance shall remain in full force and effect until the effective date of this ordinance.

Section 19. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 20. Referendum. This ordinance is subject to the referendum procedure specified in RCW 35.21.706. A referendum petition may be filed within seven days of the passage of the ordinance with the filing officer of the City, which is hereby designated to be the City Clerk, 415 West 6th Street, Vancouver, Washington. Within ten days of filing the petition, the City Clerk shall confer with the petitioner concerning the form and style of the petition, issue the petition an identification number, and secure an accurate, concise, and positive ballot title from the City Attorney. The petitioner shall then have thirty days in which to secure the signatures of not less than fifteen percent of the registered voters of the City, as of the last municipal general election, upon petition forms which contain the ballot title and the full text of the measure to be referred. Signed petition forms that are timely submitted to the City Clerk shall be transmitted to the Clark County Auditor who shall verify the sufficiency of the signatures on the petition and report to the City Clerk. If sufficient valid signatures are properly submitted, the City Clerk shall so inform the City Council, which shall submit the referendum measure to the voters at a special election to be held on the next City election date, as provided in RCW 29A.04.330, that occurs not less than forty-five days after the County Auditor's report of sufficiency is received by the City Clerk, unless a general election will occur within ninety days of receipt of that report, in which event the proposed ordinance will be submitted at the general election. Pursuant to RCW 35.21.706, the

referendum procedure in this section is exclusive, and as such this ordinance is not subject to any other referendum or initiative process.

Section 21. Effective date. This ordinance shall become effective on the later date of (a) January 1, 2026, or (b) if a timely referendum petition is filed as provided for in the previous section, the effective date shall be the date on which the referendum petition is found to be insufficient under the law or the ordinance is approved by the voters at the election.

DATE OF FINAL PASSAGE at a Regular Meeting of the Vancouver City Council:
_____, 2024.

SIGNED this _____ day of _____, 2024.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. M-_____

AN ORDINANCE relating to business and occupation tax for revenue; adding a new chapter 5.03 to the Vancouver Municipal Code; enacting new sections VMC 5.03.010, 5.03.020, 5.03.028, 5.03.030, 5.03.050, 5.03.070, 5.03.076, 5.03.077, 5.03.078, 5.03.079, 5.03.100, 5.03.120, and 5.03.130; repealing sections 5.04.021, 5.04.030, 5.04.031, 5.04.032, 5.04.050, and 5.04.060; amending the title of chapter 5.04 of the Vancouver Municipal Code; and providing for savings, severability, referendum, and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

AN ORDINANCE relating to utility taxes; adding a new chapter 5.10 to the Vancouver Municipal Code; enacting new sections VMC 5.10.010, 5.10.020, 5.10.030, 5.10.040, 5.10.045, 5.10.050, 5.10.060, 5.10.070, 5.10.080, 5.10.090, 5.10.100; repealing VMC sections 5.68.010, 5.68.020, 5.68.030, 5.68.040, 5.68.050, 5.68.055, 5.68.100, 5.68.110, 5.88.010, 5.88.020, 5.88.030, 5.88.035, 5.88.040, 5.88.050, 5.88.075, 5.88.100, 5.92.010, 5.92.020, 5.92.030, 5.92.040, 5.93.010, 5.93.010, 5.94.010, 5.94.020, 5.94.030, 5.94.040, 5.94.080, 5.96.010, 5.96.020, 5.96.030, 5.96.040, 5.96.090; and providing for savings, severability, referendum, and an effective date.

Staff Report: 240-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Ordinance for Utility Licenses & Taxes

Key Points

- The City of Vancouver has been working to address a significant budget shortfall in the 2025-2026 Biennial Budget.
- The proposed ordinance includes cable within the utilities taxed at the lowest authorized rate (six percent), which is anticipated to generate \$1.9 million annually in revenue for the General Fund to address the budget shortfall.
- The proposed ordinance further consolidates six separate chapters of the VMC into a single chapter addressing all utility taxes levied by the City.

Strategic Plan Alignment

High Performing Government – a government that is reliable, fiscally responsible, equitable, and open to compromise

Present Situation

Under its authority as a first class charter city, the City of Vancouver generates revenue by taxing certain utilities: telephone (ch. 5.68 VMC), natural gas (ch. 5.88 VMC), water-sewer (ch. 5.92 VMC), stormwater (5.93 VMC), solid waste (5.94 VMC), and electricity (ch. 5.96 VMC). The current tax rate for telephone, natural gas, and electricity is six percent, which is the maximum rate that can be set by councilmanic action under state law (RCW 35.21.870). The other utilities—water-sewer, stormwater, and solid waste—are not subject to this statutory cap and are currently taxed at 28.9 percent. One service taxed by many jurisdictions to generate revenue is the gross income of cable operators. However, the federal Cable Communications Act of 1984 prohibits any tax on cable unless it is a tax of general applicability on utilities and not unduly discriminatory.

The proposed ordinance serves three primary goals. First, it includes cable within those utilities that are taxed at the lowest rate—six percent—thereby complying with the 1984 Cable Act. Second, it consolidates the six chapters governing licensing and taxes of all other utilities into a single chapter to achieve uniformity. Third, it aligns the water-sewer and stormwater utilities with all other utilities that are taxed on “gross income” rather than “revenue proceeding or accruing.” Staff has prepared a

matrix detailing prior VMC sections and where they are re-enacted within the newly proposed VMC chapter, 5.10 VMC.

Because the ordinance increases a utility tax, it is subject to the referendum process provided timely compliance occurs.

Advantage(s)

1. Generates an estimated \$1.9 million annually in revenue to close the gap on a significant budget shortfall. Revenue is unrestricted and may be used for any governmental purpose.
2. Consolidates six chapters into a single location in the Vancouver Municipal Code and harmonizes provisions for consistency.

Challenge(s)

The cable tax would be shifted to the cable subscribers. For example, a monthly bill of \$100 would increase by \$6.

Budget Impact

Staff estimates the ordinance will generate approximately \$1.9 million annually for the General Fund.

Prior Council Review

This proposed ordinance has been mentioned at the various budget workshops in 2024.

Action Requested

On November 18, 2024, advance the ordinance on first reading and set a date of December 2, 2024, for second reading and public hearing.

Staff Contact

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

Attachments:

1. Ordinance
2. Matrix

11/18/2024 (Date of First Reading)
12/02/2024 (Date of Public Hearing)

ORDINANCE NO. M-_____

AN ORDINANCE relating to utility taxes; adding a new chapter 5.10 to the Vancouver Municipal Code; enacting new sections VMC 5.10.010, 5.10.020, 5.10.030, 5.10.040, 5.10.045, 5.10.050, 5.10.060, 5.10.070, 5.10.080, 5.10.090, 5.10.100; repealing VMC sections 5.68.010, 5.68.020, 5.68.030, 5.68.040, 5.68.050, 5.68.055, 5.68.100, 5.68.110, 5.88.010, 5.88.020, 5.88.030, 5.88.035, 5.88.040, 5.88.050, 5.88.075, 5.88.100, 5.92.010, 5.92.020, 5.92.030, 5.92.040, 5.93.010, 5.93.010, 5.94.010, 5.94.020, 5.94.030, 5.94.040, 5.94.080, 5.96.010, 5.96.020, 5.96.030, 5.96.040, 5.96.090; and providing for savings, severability, referendum, and an effective date.

WHEREAS, the City of Vancouver is a first class charter city and has general taxing authority under RCW 35.22.280(32) to license for revenue purposes; and

WHEREAS, despite efforts by the City to address the structural challenge of the cost of providing such core services growing at a faster rate than revenues, including cost containment through organizational changes, budget cuts and investments in technology to automate processes and increase efficiencies, there remains a funding shortfall in the General, Street, and Fire Funds of approximately \$43 million over the next biennium; and

WHEREAS, the City is proposing to address that funding shortfall for the 2025-2026 biennial budget using a combination of targeted reductions in all General Fund supported departments and revenue increases; and

WHEREAS, RCW 35.21.870(1) limits the City's ability to tax electrical energy, natural gas, steam energy, or telephone businesses at a rate which exceeds six percent absent voter approval;

WHEREAS, a tax of general applicability to utilities to include cable operators or cable subscribers is authorized under the Cable Communications Policy Act of 1984 provided such tax is not unduly discriminatory against cable operators or cable subscribers;

WHEREAS, the City Council desires to consolidate its utility taxes into a single chapter to achieve uniformity, ease of reference, and applicability;

WHEREAS, as reflected in SR_____, Staff recommends that the City Council adopt this ordinance;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. The intent of this Ordinance is to consolidate chapters 5.68, 5.88, 5.92, 5.93, 5.94, and 5.96 of the Vancouver Municipal Code into a single chapter in the Vancouver Municipal Code to achieve uniformity in the taxation of utilities as well as including cable television in those general utilities that are taxed for conducting business within the City of Vancouver.

Section 2. A new chapter is created in Title 5 VMC, to be codified as chapter 5.10 VMC, which shall be entitled “Utility Licenses & Taxes.”

Section 3. A new section is enacted and added to chapter 5.10 VMC, to be codified at VMC 5.10.010, and shall read as follows:

5.10.010 Purpose

The provisions of this chapter shall be deemed an exercise of the power of the City of Vancouver to license for revenue purposes.

Section 4. A new section is enacted and added to chapter 5.10 VMC, to be codified at VMC 5.10.020, and shall read as follows:

5.10.020 Definitions

The definitions contained in VMC 5.04.020 are incorporated by reference into this Chapter unless otherwise expressly defined. For the purposes of this chapter, the following definitions shall apply:

- A. “Cable television system” means the business of transmitting voice, video, or data signals, either one-way or two-way.
- B. “City” means the City of Vancouver, Washington.
- C. “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 such person or firm collects and removes solid waste and/or recyclables.
- D. “Director” means the Chief Financial Officer of the City, or the Director of any successor department of the City, or any officer, agent, or employee of the City designated to act on the Director’s behalf.
- E. “Gross income” or “total gross income” means the value proceeding or accruing from the sale of tangible property or service, and receipts (including all sums earned or charged, whether received or not), by reason of the investment of capital in the business engaged in, including rentals, royalties, fees or other emoluments, however designated (excluding receipts or proceeds from the use or sale of real property or any interest therein, and proceeds from the sale of notes, bonds, mortgages or other evidences of indebtedness, or stocks and the like) and without any deduction on account of the cost of the property sold, the cost of materials used, labor costs, interest or discount paid, or any expense whatsoever, and without any deduction on account of losses, including the amount of credit losses actually sustained by the taxpayer whose regular books or accounts are kept upon an accrual basis, PROVIDED:
 - 1. For purposes of electricity, the term “gross income” does not include revenues derived from the sale of electricity for the purposes of resale and excluding revenues from any temporary surcharge imposed on sales in 1982 by Clark County PUD No. 1 for the purpose of mothballing or terminating certain WPPSS projects.
 - 2. For purposes of natural gas, the term “gross income” does not include revenues derived from the sale or the transportation of such gas for the purposes of resale and excluding revenues derived from the sale of such gas to the United States, the State of Washington, any school district, port district, City of Vancouver, County of Clark, and the Clark County Public Utility District.

3. For purposes of telephone business, the term “gross income” does not include charges which are passed on to the subscribers by a telephone company pursuant to tariffs required by regulatory order to compensate for the cost to the company of the tax imposed by the ordinance codified in this chapter.

F. “Gross subscriber revenue” means and includes those revenues derived from the supplying of a subscription service, that is, installation fees, disconnect and reconnect fees, fees for regular cable benefits including the transmission of broadcast signals, and access and origination channels and per-program or per-channel charges.

G. “Person” or “company” herein used interchangeably, means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, limited liability company, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, and the United States or any instrumentality thereof.

H. “Solid waste” means garbage, trash, rubbish, or other material discarded as worthless or not economically viable for further use and related services. The term does not include hazardous or toxic waste nor does it include material collected primarily for recycling or salvage – including organics and related services.

I. “Solid waste collection service” means receiving solid waste for transfer, processing, treatment, storage, or disposal, including, but not limited to, all collection services under contract with the City.

J. “Taxpayer” means that person upon whom tax is imposed under this chapter.

K. “Telephone business” means the business of providing access to a local telephone network, local telephone services, or providing telephonic, video, data, or similar communication or transmission for hire, via a local telephone network, toll line or channel, or similar communication or transmission system. It includes cooperative or farmer line telephone companies or associations operating an exchange. “Telephone business” does not include the providing of competitive telephone service, nor the providing of cable television service. “Competitive telephone service” means the providing by any person of telephone equipment, apparatus or service, other than toll service, which is of a type which can be provided by persons that are not subject to regulation as telephone companies under Title 80 RCW and for which a separate charge is made. Transmission of communication through cellular telephones is classified as “telephone business” rather than as “competitive telephone business.”

L. “VMC” means the Vancouver Municipal Code.

Section 5. A new section is enacted and added to chapter 5.10 VMC, to be codified at VMC 5.10.030, and shall read as follows:

5.10.030 License Required

No person, firm, corporation or municipal corporation shall engage in or carry on any business, occupation, act or privilege for which a tax is imposed by this chapter without first having obtained, and being the holder of, a license so to do. Each such person, firm, corporation or municipal corporation shall promptly apply to the City Clerk of Vancouver for such license upon such forms as the clerk shall prepare and provide, and the clerk, upon acceptance of such application, shall thereupon issue such license to the applicant. Such license shall be personal and nontransferable and shall be valid as long as the licensee continues in said business and complies with this chapter.

Section 6. A new section is enacted and added to chapter 5.10 VMC, to be codified at VMC 5.10.040, and shall read as follows:

5.10.040 Utility Tax Imposed

From and after January 1, 2025, there is levied upon, and there shall be collected from, everyone, including the City, on account of the following utilities in or carried on, taxes in the amount to be determined by the application of rates given against total gross income as follows:

- A. Upon every person engaged in or carrying on a telephone business, to include any telecommunications service, a fee or tax equal to six percent of the total gross income, to include including income from intrastate tolls, derived from the operation of such business within the City. In computing this tax for telephone business, the following shall be deducted from the gross income:
 - 1. The amount of credit losses and uncollectibles actually sustained by taxpayer;
 - 2. Amounts derived from transactions in interstate or foreign commerce or from any business which the City is prohibited from taxing under the Constitutions of the United States or the state of Washington;
 - 3. Amounts derived by the taxpayer from the City.
- B. Upon every person engaged in or carrying on the operation in the City works, plants or facilities for the transportation, distribution or sale of manufactured or

natural gas, six percent of the total gross income up to the first twenty-five thousand dollars in any monthly period, and at a rate of 1.25 percent for any total gross income in excess of twenty-five thousand dollars in any monthly period.

- C. Upon every person engaged in or carrying on the operation or business in the City for the generation, production or distribution of electrical energy for hire or sale and/or for the wheeling of electricity for others, six percent of the total gross income up to the first twenty-five thousand dollars from the sale of electricity to a single consumer in any monthly period; two percent of the total gross income in excess of twenty-five thousand dollars up to three hundred thousand dollars from the sale of electricity to a single consumer in any monthly period; zero percent of the total gross income in excess of three hundred thousand dollars from the sale of electricity to a single consumer in any monthly period.
- D. Upon every person engaged in or carrying on the operation or business in the City of a cable television system, a tax equal to the least generally applicable percentage applied to telephone business, natural gas, and/or electricity, and such tax shall be of the total gross income derived from gross subscriber revenue, PROVIDED:
 - 1. The tax liability imposed under this section shall not include leased channel revenue, advertising revenues, or any other income derived from the system,
 - 2. The business of operating or conducting a cable television system does not include the provision of interactive two-way communications over cable. Such activities shall be reported and taxed under the telecommunication service or telephone business classification.
- E. Upon the water-sewer department of the City a tax in the amount of 28.9 percent of total gross income; PROVIDED, the tax is not collected from income proceeding or accruing by the City from any public sewer district, and PROVIDED that there may be exempted from the total gross income upon which the tax levied by this section is imposed revenues received by the water-sewer department derived from an electronics user as defined in VMC 14.04.230, to the extent said revenues are derived from rates charged for sanitary sewer service for flows above 2.88 million gallons per day.
 - 1. 1.5 percent of the tax collected under this section shall be dedicated to funding transportation improvement projects contained in the transportation plans of the City, which are the City's capital facilities plan, transportation improvement plan, pavement management plan, and transportation element of the comprehensive plan.

2. 7.4 percent of the tax collected under this section shall be used only for the purpose of funding police staffing and associated services in a manner generally consistent with the community resource team recommendations dated December 12, 2016.
 3. For purposes of the tax imposed on the City's water-sewer utility by this subsection, there may be exempted from the total gross revenue upon which the gross receipts tax revenues received by the water-sewer department derived from an electronics user as defined in VMC 14.04.230, to the extent said revenues are derived from rates charged for sanitary sewer service for flows above 2.88 million gallons per day. In the event this provision is determined unenforceable for any reason, it shall not affect the validity of the tax or any other provision.
- F. Upon the stormwater utility of the City a tax in the amount of 28.9 percent of the total gross income proceeding or accruing from discharges into the City's surface water drainage system.
- a. 1.5 percent of the tax collected under this section shall be dedicated to funding transportation improvement projects contained in the transportation plans of the City, which are the City's capital facilities plan, transportation improvement plan, pavement management plan, and transportation element of the comprehensive plan.
 - b. 7.4 percent of the tax collected under this section shall be used only for the purpose of funding police staffing and associated services in a manner generally consistent with the community resource team recommendations dated December 12, 2016.
- G. Upon all persons engaging in or carrying on a business of providing solid waste collection services, a tax equal to 28.9 percent of the total gross income from such business in the City during the tax year as described in subsection G(1) of this section.
1. In computing the tax provided in this subsection G, the taxpayer may deduct from total gross income the following items:
 - a. The actual amount of credit losses and uncollectibles sustained by the taxpayer. #
 - ii. Any amount collected for services other than the collection of "solid waste" as defined in VMC 5.10.020, including, but not limited to, pass through disposal charges.

- iii. Any customer late fees authorized to be charged by the taxpayer.
 - iv. Income derived from transactions in interstate and foreign commerce which the City is prohibited from taxing under the laws and Constitution of the United States.
- 2. 1.5 percent of the tax collected under this section shall be dedicated to funding transportation improvement projects contained in the transportation plans of the City, which are the City's capital facilities plan, transportation improvement plan, pavement management plan, and transportation element of the comprehensive plan.
 - 3. 7.4 percent of the tax collected under this section shall be used only for the purpose of funding police staffing and associated services in a manner generally consistent with the community resource team recommendations dated December 12, 2016.

Section 7. A new section is enacted and added to chapter 5.10 VMC, to be codified at VMC 5.10.045, and shall read as follows:

5.10.045 Natural Gas Use Tax Imposed -- Exception

There is levied and imposed a use tax pursuant to RCW 82.14.230 upon the use in the City of any natural or manufactured gas, which tax is imposed upon the natural gas company by VMC 5.10.040; that is, gas sold and billed to any single customer in excess of twenty five thousand dollars in any monthly period shall be taxed at the rate of .0125 of such excess, and the first twenty five thousand dollars in such billings shall be taxed at six percent, PROVIDED the tax here imposed shall not apply to the use of natural or manufactured gas if the person who sold the gas to the consumer has paid or will pay a tax under RCW 35.21.870 and VMC 5.10.040 with respect to such gas. The City's Director of Financial & Management Services is authorized to enter into a contract for the City with the Washington State Department of Revenue providing for such department to collect the tax imposed under this subsection and to remit the same to the City and to retain a fee currently equal to two percent of the amount collected for its collection services.

Section 8. A new section is enacted and added to chapter 5.10 VMC, to be codified at VMC 5.10.050, and shall read as follows:

5.10.050 Distribution and Transportation of Natural Gas – Reporting Requirements

Any person, firm, corporation or municipal corporation which operates in the City any works, plants or facilities for the transportation or distribution of manufactured or natural gas, shall report to the Director the name and address of the seller and the buyer of all manufactured or natural gas which is distributed or transported on such lines but not owned or sold by the entity providing such transportation or distribution services.

Section 9. A new section is enacted and added to chapter 5.10 VMC, to be codified at VMC 5.10.060, and shall read as follows:

5.10.060 Payment date--Returns

The following provisions apply to following utilities: Telecommunications Service, Telephone Business, Natural Gas, Electricity, Cable Television, Solid Waste. For purposes of this section, these utilities shall be referred to as “Non-City Utilities.”

- A. Except for Water-Sewer and Stormwater, every utility taxed under VMC 5.10.040, to the extent not already done, shall immediately register with the Director on a form prescribed by the Director.
- B. Except for Water-Sewer and Stormwater, the taxes of every utility taxed under VMC 5.10.040 shall be due and payable as provided in chapter 5.01 VMC.
- C. The tax imposed on the Water-Sewer and Stormwater utilities shall be due and payable in monthly installments and remittance therefore shall be made on or before the close of the monthly financial records in which the tax accrued. On or before the close of the monthly financial records the water-sewer department, or its designee, shall make a calculation of the tax due and payable utilizing a process approved by the Director setting forth such information as may be required by the Director and showing the amount of the tax for which the water-sewer department is liable for the period, and shall transmit the same to the Director together with the remittance for the amount then due and owing.

Section 10. A new section is enacted and added to chapter 5.10 VMC, to be codified at VMC 5.10.070, and shall read as follows:

5.10.070 Tax in Addition to other license fees or taxes

The taxes levied under this chapter shall be in addition to any license fee or tax imposed or levied under any law, statute, or ordinance, whether imposed or levied by the City, State, or other governmental entity or political subdivision.

Section 11. A new section is enacted and added to chapter 5.10 VMC, to be codified at VMC 5.10.080, and shall read as follows:

5.10.080 Provision of annexation ordinances

Whenever the boundaries of the City are extended by annexation, all persons, firms and corporations subject to this chapter will be provided copies of all annexation ordinances by the City.

Section 12. A new section is enacted and added to chapter 5.10 VMC, to be codified at VMC 5.10.090, and shall read as follows:

5.10.090 Recordkeeping, Audits, Enforcement, and Appeals

Recordkeeping, audits, enforcement, and appeals not otherwise provided for under this chapter shall be as provided for under Chapter 5.01 VMC.

Section 13. A new section is enacted and added to chapter 5.10 VMC, to be codified at VMC 5.10.100, and shall read as follows:

5.10.100 Overpayment of tax

If, upon application by a taxpayer for a refund or for an audit of the taxpayer's records or upon an examination of the returns or records of any taxpayer, it is determined by the Director that within two years immediately preceding the receipt by the Director of the application by the taxpayer for a refund or for an audit, or, in the absence of such an application, within the two years immediately preceding the commencement by the

Director of such examination, a tax has been paid in excess of that properly due, the excess amount paid within such period of two years shall be credited to the taxpayer's account or shall be refunded to the taxpayer, at their option. No refund or credit shall be allowed with respect to any payment made to the Director more than two years before the date of such application or examination. Where a refund or credit may not be made because of the lapse of said two-year period, the amount of the refund or credit which would otherwise be allowable for the portion of the statutory assessment period preceding the two-year period may be offset against the amount of any tax deficiency which may be determined by the Director for such preceding period.

Section 14. Chapter 5.68 VMC, and specifically VMC 5.68.010, 5.68.020, 5.68.030, 5.68.040, 5.68.050, 5.68.055, 5.68.100, and 5.68.110, are hereby repealed in their entirety:

Chapter 5.68
TELEPHONE BUSINESS FOR HIRE

~~5.68.010 — Purpose.~~

~~The provisions of this chapter shall be deemed to be an exercise of the power of the city to license for revenue.~~

~~5.68.020 — License required — Transferability — Term.~~

~~After January 1, 1986, no person, firm or corporation shall engage in or carry on any business, occupation, act or privilege for which a tax is imposed by Section 5.68.030 without first having obtained, and being the holder of, a license so to do, to be known as an occupation license. Each such person, firm or corporation shall promptly apply to the city clerk for such license upon such forms as the clerk shall prescribe giving such information as the clerk deems reasonably necessary to enable said clerk's office to administer and enforce this chapter; and, upon acceptance of such application by the clerk, said clerk shall thereupon issue such license to the applicant. Such occupation license shall be personal and nontransferable and shall be valid as long as the licensee continues in the business and complies with this chapter. (Ord. M 2258 §1, 1981; Ord. M 1038 §2, 1968)~~

~~5.68.030 — Tax levied — Amount.~~

~~From and after January 1, 1994, there is levied upon, and there shall be collected from, every person, firm or corporation engaged in carrying on the following business within or partly within the corporate limits of the city, a tax for the privilege of so doing business as hereinafter defined:~~

~~A. Upon any telephone business there shall be levied a tax equal to 6.000% of the total gross operating revenues, including revenues from intrastate tolls, derived from the~~

~~operation of such business within the city of Vancouver. "Gross operating revenues" for this purpose shall not include charges which are passed on to the subscribers by a telephone company pursuant to tariffs required by regulatory order to compensate for the cost to the company of the tax imposed by the ordinance codified in this chapter.~~

~~B. "Telephone business" means the business of providing access to a local telephone network, local telephone services, or providing telephonic, video, data, or similar communication or transmission for hire, via a local telephone network, toll line or channel, or similar communication or transmission system. It includes cooperative or farmer line telephone companies or associations operating an exchange. "Telephone business" does not include the providing of competitive telephone service, nor the providing of cable television service. "Competitive telephone service" means the providing by any person of telephone equipment, apparatus or service, other than toll service, which is of a type which can be provided by persons that are not subject to regulation as telephone companies under RCW Title 80 and for which a separate charge is made. Transmission of communication through cellular telephones is classified as "telephone business" rather than as "competitive telephone business."~~

~~5.68.040 — Computation of tax.~~

~~In computing the tax there shall be deducted from the gross operating revenues the following items:~~

- ~~a. The amount of credit losses and uncollectibles actually sustained by taxpayer;~~
- ~~b. Amounts derived from transactions in interstate or foreign commerce or from any business which the city is prohibited from taxing under the Constitutions of the United States or the state of Washington;~~
- ~~c. Amounts derived by the taxpayer from the city of Vancouver.~~

~~5.68.050 — Due date and payment of tax.~~

~~The tax imposed by this chapter shall be due and payable in quarterly installments and remittance shall be made on or before the thirtieth day of the month next succeeding the end of the quarterly period in which the tax accrued. Such quarterly periods are as follows:~~

- ~~First quarter — January, February, March;~~
- ~~Second quarter — April, May, June;~~
- ~~Third quarter — July, August, September;~~
- ~~Fourth quarter — October, November, December.~~

~~The first payment made hereunder shall be made by April 30th, for the three month period ending March 31st. On or before said due date the taxpayer shall file with the city~~

clerk a written return, upon such form and setting forth such information as the clerk shall reasonably require, together with the payment of the amount of the tax.

~~5.68.055 — Provision of annexation ordinances.~~

~~Whenever the boundaries of the city of Vancouver are extended by annexation, all persons, firms and corporations subject to Sections 5.68.020 through 5.68.050 will be provided copies of all annexation ordinances by the city of Vancouver.~~

~~5.68.100 — Enforcement.~~

~~The city clerk is authorized to adopt, publish and enforce, from time to time, such rules and regulations for the proper administration of this chapter as shall be necessary, and it is a violation of this chapter to violate or to fail to comply with any such rule or regulation lawfully promulgated hereunder.~~

~~5.68.110 — Recordkeeping, Audits, Enforcement, and Appeals.~~

~~Recordkeeping, audits, enforcement, and appeals not otherwise provided for under this Chapter shall be as provided for under Chapter 5.87 VMC.~~

Section 15. Chapter 5.88 VMC, and specifically VMC 5.88.010, 5.88.020, 5.88.030, 5.88.035, 5.88.040, 5.88.050, 5.88.075, and 5.88.100, are hereby repealed in their entirety:

~~Chapter 5.88~~
~~NATURAL GAS COMPANIES~~

~~5.88.010 — Purpose.~~

~~The provisions of this chapter shall be deemed an exercise of the power of the City of Vancouver to license for revenue purposes.~~

~~5.88.020 — License required.~~

~~No person, firm, corporation or municipal corporation shall engage in or carry on any business, occupation, act or privilege for which a tax is imposed by Section 5.88.030 without first having obtained, and being the holder of, a license so to do. Each such person, firm, corporation or municipal corporation shall promptly apply to the City Clerk of Vancouver for such license upon such forms as the clerk shall prepare and provide, and the clerk, upon acceptance of such application, shall thereupon issue such license to the applicant. Such license shall be personal and nontransferable and shall be valid as long as the licensee continues in said business and complies with this chapter.~~

~~5.88.030 — Tax imposed.~~

~~There is levied and there shall be collected from every person, firm, corporation and municipal corporation which operates in the City of Vancouver works, plants or facilities for the transportation, distribution or sale of manufactured or natural gas and there is levied and there shall be collected from every person, firm, corporation and municipal corporation which sells manufactured or natural gas for use or consumption within the city a tax on the gross revenues derived from the sale and/or transportation of such gas within the city. The rate of such tax shall be as established in Section 5.88.040 of this chapter. This tax shall be additional to any and all payments made pursuant to franchises granted by the City of Vancouver.~~

~~5.88.035 — Use tax imposed—Exception.~~

- ~~a. There is imposed a use tax pursuant to RCW 82.14.230 upon the use in the City of Vancouver of any brokered natural or manufactured gas, which tax is imposed upon the natural gas company by Section 5.88.030; that is, gas sold and billed to any single customer in excess of twenty five thousand dollars in any monthly period shall be taxed at the rate of .0125 of such excess, and the first twenty five thousand dollars in such billings shall be taxed at six percent.~~
- ~~b. The tax here imposed shall not apply to the use of natural or manufactured gas if the person who sold the gas to the consumer has paid or will pay a tax under RCW 35.21.870 and Section 5.88.030 with respect to such gas.~~
- ~~c. The city's Director of Financial & Management Services is authorized to enter into a contract for the city with the State of Washington, Department of Revenue, providing for such department to collect such tax and to remit the same to the city and to retain a fee currently equal to two percent of the amount collected for its collection services.~~

~~5.88.040 — Gross revenues defined—Tax rate.~~

~~"Gross revenues" means all revenues derived from the sale or the transportation of such gas, but excluding revenues derived from the sale or the transportation of such gas for the purposes of resale and excluding revenues derived from the sale of such gas to the United States, the State of Washington, any school district, port district, City of Vancouver, County of Clark, and the Clark County Public Utility District.~~

~~Gas sold and billed to any single consumer in excess of twenty five thousand dollars in any monthly period shall be taxed at the rate of .0125 of such excess. The first twenty five thousand dollars in such billings shall be taxed at six percent.~~

~~5.88.050 — Payment date—Returns.~~

~~The tax imposed shall be due and payable in quarterly installments and remittance therefore shall be made on or before the fifteenth day of the month next succeeding the end of the quarterly period in which the tax accrued. On or before the fifteenth day of such month each person, firm, corporation and municipal corporation subject to this chapter shall make a return upon a form to be supplied by the city setting forth such information as may be required by the city council and showing the amount of the tax for which such taxpayer is liable for the preceding quarterly period, and shall sign and transmit the same to the City Clerk together with a remittance for the amount then due and owing.~~

~~5.88.075 — Distribution and transportation—Reporting requirements.~~

~~Any person, firm, corporation or municipal corporation which operates in the city any works, plants or facilities for the transportation or distribution of manufactured or natural gas, shall report to the City Clerk the name and address of the seller and the buyer of all manufactured or natural gas which is distributed or transported on such lines but not owned or sold by the entity providing such transportation or distribution services.~~

~~5.88.100 — Recordkeeping, Audits, Enforcement, and Appeals.~~

~~Recordkeeping, audits, enforcement, and appeals not otherwise provided for under this Chapter shall be as provided for under Chapter 5.87 VMC.~~

Section 16. Chapter 5.92 VMC, and specifically VMC 5.92.010, 5.92.020, 5.92.030, and 5.92.040, are hereby repealed in their entirety:

~~Chapter 5.92~~
~~WATER-SEWER DEPARTMENT GROSS RECEIPTS TAX~~

~~5.92.010 — Tax imposed.~~

~~There is levied and there shall be collected from the water sewer department of the city of Vancouver a tax in the amount of sixteen percent of revenue proceeding or accruing from the customer accounts in such department pursuant to VMC 14.04.210 and 14.04.230; provided, the tax is not collected from revenue proceeding or accruing by the city from any public sewer district.~~

~~1. The tax imposed under this section shall increase by four percent to twenty percent, effective January 1, 2009.~~

~~2. The tax imposed under this section shall increase by 1.5 percent to 21.5 percent, effective January 1, 2016. This additional 1.5 percent utility tax shall be dedicated to funding transportation improvement projects contained in the transportation plans of the city of Vancouver, which are the city of Vancouver's capital facilities plan, transportation improvement plan, pavement management plan, and transportation element of the comprehensive plan.~~

~~3. In addition to the increase provided for in subsection (2) of this section, the tax imposed under this section shall increase on April 1, 2017, to 24.9 percent. The tax imposed under this subsection shall be used only for the purpose of funding police staffing and associated services in a manner generally consistent with the community resource team recommendations dated December 12, 2016.~~

~~4. In addition to the increase provided for in subsection (3) of this section, the tax imposed under this section shall increase on January 1, 2019, by 2.4 percent to 27.3 percent. The tax imposed under this subsection shall be used only for the purpose of funding police staffing and associated services in a manner generally consistent with the community resource team recommendations dated December 12, 2016.~~

~~5. In addition to the increase provided for in subsection (4) of this section, the tax imposed under this section shall increase on January 1, 2020, by 1.6 percent to 28.9 percent. The tax imposed under this subsection shall be used only for the purpose of funding police staffing and associated services in a manner generally consistent with the community resource team recommendations dated December 12, 2016.~~

5.92.020 — Tax payment.

~~The tax imposed shall be due and payable in monthly installments and remittance therefore shall be made on or before the close of the monthly financial records in which the tax accrued. On or before the close of the monthly financial records the water sewer department, or its designee, shall make a calculation of the tax due and payable utilizing a process approved by the director of Financial and Management Services setting forth such information as may be required by him and showing the amount of the tax for which the water sewer department is liable for the period, and shall transmit the same to the director of Financial and Management Services together with the remittance for the amount then due and owing.~~

5.92.030 — Excess payments.

~~Any money paid to the current expense fund through error and in excess of such tax shall be credited against any tax due or to become due from the water sewer department.~~

~~5.92.040 — Exemption.~~

~~There may be exempted from the total gross income upon which the gross receipts tax is imposed under VMC 5.92.010 revenues received by the water sewer department derived from an electronics user as defined in VMC 14.04.230, to the extent said revenues are derived from rates charged for sanitary sewer service for flows above 2.88 million gallons per day. In the event this provision is determined unenforceable for any reason, it shall not affect the validity of the tax or any other provision.~~

Section 17. Chapter 5.93 VMC, and specifically VMC 5.93.010 and 5.92.030, are hereby repealed in their entirety:

**Chapter 5.93
STORMWATER UTILITY TAX**

~~5.93.010 — Tax imposed.~~

~~There is levied and there shall be collected from the storm water utility of the city of Vancouver a tax in the amount of twenty percent of the revenue proceeding or accruing from discharges into the city's surface water drainage system pursuant to VMC 14.09.060.~~

~~1. The tax imposed under this section shall increase by 1.5 percent to 21.5 percent, effective January 1, 2016. This additional 1.5 percent utility tax shall be dedicated to funding transportation improvement projects contained in the transportation plans of the city of Vancouver, which are the city of Vancouver's capital facilities plan, transportation improvement plan, pavement management plan, and transportation element of the comprehensive plan.~~

~~2. In addition to the increase provided for in subsection (1) of this section, the tax imposed under this section shall increase by 3.4 percent to 24.9 percent. The tax imposed under this subsection shall be used only for the purpose of funding police staffing and associated services in a manner generally consistent with the community resource team recommendations dated December 12, 2016.~~

~~3. In addition to the increase provided for in subsection (2) of this section, the tax imposed under this section shall increase on January 1, 2019, by an additional 2.4 percent to 27.3 percent. The tax imposed under this subsection shall be used only for the purpose of funding police staffing and associated services in a manner generally consistent with the community resource team recommendations dated December 12, 2016.~~

~~4. In addition to the increase provided for in subsection (3) of this section, the tax imposed under this section shall increase on January 1, 2020, by an additional 1.6 percent to 28.9 percent. The tax imposed under this subsection shall be used only for the purpose of funding police staffing and associated services in a manner generally consistent with the community resource team recommendations dated December 12, 2016.~~

~~5.93.030 — Tax Payment.~~

~~The tax imposed by this chapter shall be due and payable in monthly installments and remittance therefore shall be made on or before the close of the monthly financial records in which the tax accrued. On or before the close of the monthly financial records the storm water department, or its designee, shall make a calculation of the tax due and payable utilizing a process approved by the City Manager or his designee setting forth such information as may be required by him and showing the amount of the tax for which the storm water department is liable for the period, and shall transmit the same to the City Manager or his designee together with the remittance for the amount then due and owing.~~

Section 18. Chapter 5.94 VMC, and specifically VMC 5.94.010, 5.94.020, 5.94.030, 5.94.040, and 5.94.080, are hereby repealed in their entirety:

**~~Chapter 5.94
SOLID WASTE UTILITY TAX~~**

~~5.94.010 — Purpose.~~

~~The provisions of this chapter shall be deemed to be an exercise of the power of the city to license for revenue. (Ord. M 3896 §1, 2008)~~

~~5.94.020 — Definitions.~~

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~“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 such person or firm collects and removes solid waste and/or recyclables.~~

~~“Person” or “company,” herein used interchangeably, means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation,~~

~~political subdivision of the state of Washington, corporation, limited liability company, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise, and the United States or any instrumentality thereof.~~

~~“Solid waste” means garbage, trash, rubbish, or other material discarded as worthless or not economically viable for further use and related services. The term does not include hazardous or toxic waste nor does it include material collected primarily for recycling or salvage—including organics and related services.~~

~~“Solid waste collection service” means receiving solid waste for transfer, processing, treatment, storage, or disposal, including, but not limited to, all collection services under contract with the city.~~

~~“Taxpayer” means that person upon whom the solid waste utility tax is imposed.~~

~~5.94.030——Tax imposed.~~

~~A. In addition to the other business and license fees required by the ordinances of the city, there is levied upon all persons engaging in or carrying on a business of providing solid waste collection services, a tax equal to twenty percent of the gross income from such business in the city during the tax year as described in subsection B of this section.~~

~~1. The tax imposed under this section shall increase by 1.5 percent to 21.5 percent, effective January 1, 2016. This additional 1.5 percent utility tax shall be dedicated to funding transportation improvement projects contained in the transportation plans of the city of Vancouver, which are the city of Vancouver’s capital facilities plan, transportation improvement plan, pavement management plan, and transportation element of the comprehensive plan.~~

~~2. In addition to the increase provided for in subsection (A)(1) of this section the tax imposed under this section shall increase on April 1, 2017, to 24.9 percent. The tax imposed under this subsection (A)(2) shall be used only for the purpose of funding police staffing and associated services in a manner generally consistent with the community resource team recommendation dated December 12, 2016.~~

~~3. In addition to the increase provided for in subsection (A)(2) of this section, the tax imposed under this section shall increase on January 1, 2019, by 2.4 percent to 27.3 percent. The tax imposed under this subsection (A)(3) shall be used only for the purpose of funding police staffing and associated services in a manner generally consistent with the community resource team recommendations dated December 12, 2016.~~

~~4. In addition to the increase provided for in subsection (A)(3) of this section, the tax imposed under this section shall increase on January 1, 2020, by 1.6 percent to 28.9 percent. The tax imposed under this subsection (A)(4) shall be used only for the purpose~~

~~of funding police staffing and associated services in a manner generally consistent with the community resource team recommendations dated December 12, 2016.~~

~~B. In computing the tax provided in subsection A of this section, the taxpayer may deduct from total gross income the following items:~~

~~1. The actual amount of credit losses and uncollectibles sustained by the taxpayer.~~

~~2. Any amount collected for services other than the collection of "solid waste" as defined in VMC 5.94.020, including, but not limited to, pass through disposal charges.~~

~~3. Any customer late fees authorized to be charged by the taxpayer.~~

~~4. Income derived from transactions in interstate and foreign commerce which the city is prohibited from taxing under the laws and Constitution of the United States.~~

~~5.94.040 — Tax Payment.~~

~~The tax imposed shall be due and payable in monthly installments and remittance therefore shall be made on or before the fifteenth day of the month next succeeding the end of the month in which the tax accrued. On or before the fifteenth day of such month the taxpayer shall make a return upon a form to be supplied by the Director of Finance setting forth such information as may be required by him or her and showing the amount of the tax for which the tax payer is liable for the preceding month, and shall sign and transmit the same to the Director of Finance together with the remittance for the amount then due and owing.~~

~~5.94.080 — Recordkeeping, Audits, Enforcement and Appeals.~~

~~Recordkeeping, audits, enforcement, and appeals not otherwise provided for under this Chapter shall be as provided for under Chapter 5.87 VMC.~~

Section 19. Chapter 5.96 VMC, and specifically VMC 5.96.010, 5.96.020, 5.96.030, 5.96.040, and 5.96.090, are hereby repealed in their entirety:

~~Chapter 5.96 ELECTRICITY TAX~~

~~5.96.010 — Purpose.~~

~~The provisions of this chapter shall be deemed an exercise of the power of the City of Vancouver to license for revenue purposes.~~

~~5.96.020 — Tax imposed.~~

~~There is levied and shall be collected from every person, firm, corporation and municipal corporation, including any public utility district, which operates in the city a plant or system of facilities for the generation, production or distribution of electrical energy for hire or sale and/or for the wheeling of electricity for others, a tax in the amount of six percent of the gross revenue derived from the sale of electricity within the city limits; provided, however, that the tax is levied and shall be collected in the amount of two percent only of gross revenues in excess of twenty five thousand dollars from the sale of electricity to a single consumer in any monthly period; and provided further that commencing January 1, 2006, no tax shall be collected on gross revenues in excess of three hundred thousand dollars from the sale of electricity to a single consumer in any monthly period.~~

~~5.96.030 — Gross revenue defined.~~

~~“Gross revenue” means the gross value proceeding or accruing from the sale of electricity excluding revenues derived from the sale of electricity for the purposes of resale and excluding revenues from any temporary surcharge imposed on sales in 1982 by Clark County PUD No. 1 for the purpose of mothballing or terminating certain WPPSS projects.~~

~~5.96.040 — Registration required—Payment date.~~

~~Each person, firm, corporation and municipal corporation subject to the tax imposed by this chapter shall immediately register with the director of Financial and Management Services. The tax imposed by this chapter shall be due and payable in bimonthly installments and remittance therefore shall be made on or before the fifteenth day of the month next succeeding the end of the bimonthly period in which the tax accrued. On or before the fifteenth day of such month, each person, firm, corporation and municipal corporation subject to this chapter shall make a return upon a form to be supplied by the city setting forth such information as may be required by the city commission and showing the amount of the tax for which such taxpayer is liable for the preceding bimonthly period, and shall sign and transmit the same to the director of Financial and Management Services together with a remittance for the amount then due and owing.~~

~~5.96.090 — Recordkeeping, Audits, Enforcement and Appeals.~~

~~Recordkeeping, audits, enforcement, and appeals not otherwise provided for under this Chapter shall be as provided for under Chapter 5.87 VMC.~~

Section 20. Savings. Those ordinances or parts of ordinances which are amended or repealed by this ordinance shall remain in full force and effect until the effective date of this ordinance.

Section 21. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 22. Referendum. This ordinance is subject to the referendum procedure specified in RCW 35.21.706. A referendum petition may be filed within seven days of the passage of the ordinance with the filing officer of the City, which is hereby designated to be the City Clerk, 415 West 6th Street, Vancouver, Washington. Within ten days of filing the petition, the City Clerk shall confer with the petitioner concerning the form and style of the petition, issue the petition an identification number, and secure an accurate, concise, and positive ballot title from the City Attorney. The petitioner shall then have thirty days in which to secure the signatures of not less than fifteen percent of the registered voters of the City, as of the last municipal general election, upon petition forms which contain the ballot title and the full text of the measure to be referred. Signed petition forms that are timely submitted to the City Clerk shall be transmitted to the Clark County Auditor who shall verify the sufficiency of the signatures on the petition and report to the City Clerk. If sufficient valid signatures are properly submitted, the City Clerk shall so inform the City Council, which shall submit the referendum measure to the voters at a special election to be held on the next City election date, as provided in RCW 29A.04.330, that occurs not less than forty-five days after the County Auditor's report of sufficiency is received by the City Clerk, unless

a general election will occur within ninety days of receipt of that report, in which event the proposed ordinance will be submitted at the general election. Pursuant to RCW 35.21.706, the referendum procedure in this section is exclusive, and as such this ordinance is not subject to any other referendum or initiative process.

Section 23. Effective date. This ordinance shall become effective on January 1, 2025, unless a timely referendum petition is filed as provided for in the previous section, in which case the effective date of this ordinance shall be suspended until the referendum petition is found to be insufficient under the law or the ordinance is approved by the voters at the election.

DATE OF FINAL PASSAGE at a Regular Meeting of the Vancouver City Council:
_____, 2024.

SIGNED this _____ day of _____, 2024.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

ORDINANCE - 23

SUMMARY

ORDINANCE NO. M-_____

AN ORDINANCE relating to utility taxes; adding a new chapter 5.10 to the Vancouver Municipal Code; enacting new sections VMC 5.10.010, 5.10.020, 5.10.030, 5.10.040, 5.10.045, 5.10.050, 5.10.060, 5.10.070, 5.10.080, 5.10.090, 5.10.100; repealing VMC sections 5.68.010, 5.68.020, 5.68.030, 5.68.040, 5.68.050, 5.68.055, 5.68.100, 5.68.110, 5.88.010, 5.88.020, 5.88.030, 5.88.035, 5.88.040, 5.88.050, 5.88.075, 5.88.100, 5.92.010, 5.92.020, 5.92.030, 5.92.040, 5.93.010, 5.93.010, 5.94.010, 5.94.020, 5.94.030, 5.94.040, 5.94.080, 5.96.010, 5.96.020, 5.96.030, 5.96.040, 5.96.090; and providing for savings, severability, referendum, and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

CROSS-REFERENCE MATRIX
UTILITY TAXES ORDINANCE

<u>REPEALED VMC SECTION</u>	<u>NEW SECTION (5.10 VMC)</u>	<u>SUBJECT MATTER</u>	<u>EXPLANATION</u>
5.68.010	5.10.010	Telephone	Identical language
5.68.020	5.10.030	Telephone	The former section required telephone businesses to have a business license. The substantive provision now covers all utilities taxed by chapter 5.10 VMC
5.68.030	5.10.020(K) 5.10.040(A)	Telephone	Definition of “telephone business” moved from VMC 5.68.030(B) to the new definitional section, VMC 5.10.020(K)
5.68.040	5.10.040(A)(1)-(3)	Telephone	Whereas VMC 5.68.040 used the term “gross operating revenues,” new VMC 5.10.040(A) uses the term “gross income” to achieve consistency. The amounts to be deducted from gross revenues are now articulated in subsections to VMC 5.10.040(A) rather than a separate section
5.68.050	5.10.060	Telephone	Due date for tax moved into new section. Same requirement to pay in quarterly installments
5.68.055	5.10.080	Telephone	Identical language
5.68.100	N/A	Telephone	VMC 5.68.100 vested in the Finance Director the authority to make rules and regulations to implement the chapter governing telephone taxes. There is already broad authority delegated to the Director in chapter 5.87 VMC to “adopt rules for the implementation of this Chapter.” VMC 5.87.030. As such, VMC 5.68.100 is viewed as redundant and unnecessary
5.68.110	5.10.090	Telephone	Identical language
5.88.010	5.10.010	Natural Gas	Identical language
5.88.020	5.10.030	Natural Gas	The former section required natural case companies to have a business license. The substantive provision now covers all utilities taxed by chapter 5.10 VMC
5.88.030/ 5.88.040	5.10.020(E) 5.10.040(B)	Natural Gas	Both VMC 5.88.030 and 5.88.040 are now consolidated into one subsection in VMC 5.10.040(B). Tax rate remains unchanged, though taxation is on business’s “gross income” rather than “gross revenue.” “Gross income” defined in definitional section.
5.88.035	5.10.045	Natural Gas	All three subsections from VMC 5.88.035 now consolidated into new VMC 5.10.045. Substantive text is unchanged.
5.88.050	5.10.060	Natural Gas	Harmonizes due date schedule with other non-City utilities
5.88.075	5.10.050	Natural Gas	Identical language.
5.88.100	5.10.090	Natural Gas	Identical language
5.92.010	5.10.040(E)	Water/Sewer	Tax rate is the same as current percentage (28.9%), but rate now applied to “total gross income” of utility rather than “user charges.” Language referring to old tax rates existing prior to 01/01/2020 removed. Same restrictions on use of tax dollars collected.
5.92.020	5.10.065	Water/Sewer	New section addressing due date for taxes of city utilities. Substantively unchanged.
5.92.030	5.10.100	Water/Sewer	Incorporated into new provision addressing any overpayment of tax

<u>REPEALED VMC SECTION</u>	<u>NEW SECTION (5.10 VMC)</u>	<u>SUBJECT MATTER</u>	<u>EXPLANATION</u>
5.92.040	5.10.040(E)	Water/Sewer	Exemption from gross income now encompassed in section levying tax. No substantive change.
5.93.010	5.10.040(F)	Stormwater	Tax rate is the same as current percentage (28.9%), but rate now applied to “total gross income” of utility rather than “user charges.” Language referring to old tax rates existing prior to 01/01/2020 removed. Same restrictions on use of tax dollars collected.
5.93.030	5.10.065	Stormwater	New section addressing due date for taxes of city utilities. Substantively unchanged
5.94.010	5.10.010	Solid Waste	Identical language
5.94.020	5.10.020	Solid Waste	Definitions from former solid waste chapter (5.92 VMC) adopted and incorporated into definitional section of VMC 5.10.020. No substantive revisions
5.94.030	5.10.040(G)	Solid Waste	Tax rate is the same as current percentage (28.9%), but rate now applied to “total gross income” of utility rather than “user charges.” Language referring to old tax rates existing prior to 01/01/2020 removed. Same restrictions on use of tax dollars collected.
5.94.040	5.10.060	Solid Waste	Harmonizes due date schedule with other non-City utilities
5.94.080	5.10.090	Solid Waste	Identical language
5.96.010	5.10.010	Electricity	Identical language
5.96.020	5.10.040(C)	Electricity	Substantively identical. Removed reference to January 1, 2006 as no longer necessary
5.96.030	5.10.020(E)	Electricity	Definition, including exception, incorporated into VMC 5.10.020(E)’s definition of “gross income”
5.96.040	5.10.060	Electricity	The first sentence of VMC 5.96.040 required all electricity providers to register with the City. This requirement is kept and now applies to all non-City utilities. The sentence now appears in VMC 5.10.060(1). The remaining provisions from VMC 5.96.040 address the due date for electricity taxes, all of which is now incorporated into VMC 5.10.060 on a schedule harmonized with all other non-City utilities
5.96.090	5.10.090	Electricity	Identical language
N/A	5.10.040(D)	Cable	Includes cable television within those utilities generally taxed but at the lowest rate

AN ORDINANCE relating to admissions taxes; adding a new chapter 5.90 to the Vancouver Municipal Code; enacting new sections VMC 5.90.010, 5.90.020, 5.90.030, 5.90.040, 5.90.050, 5.90.060, 5.90.070, 5.90.080, 5.90.090, 5.90.100; providing for severability and an effective date.

Staff Report: 241-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Ordinance Implementing Admissions Tax

Key Points

- The proposed ordinance implements admissions tax as a 5% tax on movie theater tickets and dedicates it to supporting the capital costs of the Arts Hub redesign projects and the subsequent operating costs of the redesigned facility once it is open to city artisans and artists.
- The estimated annual revenue is estimated to be approximately \$400-500 thousand per year.

Strategic Plan Alignment

High Performing Government – a government that is reliable, fiscally responsible, equitable, and open to compromise

Present Situation

The City of Vancouver has been working to address a significant budget shortfall in the 2025-2026 Biennial Budget and is forecasting a deficit for the next biennium. It is unlikely that the city's base revenues would be sufficient to fund capital and operating costs of the Arts Hub project, currently in design, unless a new funding source is created to support these costs.

State law authorizes cities to "levy and fix a tax of not more than one cent on twenty cents or fraction thereof to be paid by the person who pays an admission charge to any place." RCW 35.21.280. The City of Vancouver does not currently impose this tax. The proposed ordinance implements a 5% admissions tax movie theater tickets, to include theater subscriptions (i.e., when a consumer pays a monthly fee to attend unlimited movies). The Ordinance dedicates the revenue to supporting the capital costs of the Arts Hub redesign projects and the subsequent operating costs of the redesigned facility, once it is open to city artisans and artists.

The proposed tax is estimated to yield annual revenue of approximately \$400,000-\$500,000. Movie theaters with fewer than two screens are excluded. The new tax is set to go into effect on January 1, 2025. The tax would be \$0.50 on a \$10 ticket.

Advantage(s)

Generates approximately \$400,000-\$500,000 in annual revenue dedicated to the Arts Hub redesign.

Challenge(s)

This tax will likely be passed on to customers.

Budget Impact

Staff estimates the ordinance will generate approximately \$0.4-0.5 million annually for the General Fund.

Prior Council Review

This proposed ordinance has been mentioned at the various budget workshops in 2024.

Action Requested

On Monday, November 18, 2024, advance the ordinance on first reading, setting the second reading and public hearing for December 2, 2024.

Staff Contact

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

Attachments:

1. Ordinance

11/18/2024 (Date of First Reading)
12/02/2024 (Date of Public Hearing)

ORDINANCE NO. M-_____

AN ORDINANCE relating to admissions taxes; adding a new chapter 5.90 to the Vancouver Municipal Code; enacting new sections VMC 5.90.010, 5.90.020, 5.90.030, 5.90.040, 5.90.050, 5.90.060, 5.90.070, 5.90.080, 5.90.090, 5.90.100; providing for severability and an effective date.

WHEREAS, the City Council is supportive of increasing cultural opportunities in the City of Vancouver and ensuring the redesigned Arts Hub is available to City artisans at a reasonable cost of membership; and

WHEREAS, the City is interested in implementing an admissions tax with tax receipts dedicated to supporting the capital cost of redesign and the subsequent operating costs of the City's Arts and Cultural facilities, such as the Arts Hub facility; and

WHEREAS, RCW 35.21.280 authorizes cities to impose a tax on admission charges of not more than one cent on twenty cents or fraction thereof;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. A new chapter is created in Title 5 of the Vancouver Municipal Code ("VMC"), to be codified as chapter 5.90 VMC, which shall be entitled "Admissions Tax."

Section 2. A new section is enacted and added to chapter 5.90 VMC, to be codified as

VMC 5.90.010, and shall read as follows:

5.90.010 Definitions

The definitions contained in VMC 5.04.020 are incorporated by reference into this Chapter unless otherwise expressly defined. For the purposes of this chapter, the following definitions shall also apply:

- A. “Admission charge” means the price required or paid for entering a premise or location to view a motion picture exhibition or showing. The term “admission charge” includes upon the total sum of the admission price plus any such surcharge, service charge, mailing fee, or any other ancillary amount paid for the privilege defined herein. The term “admission charge” includes the total sum paid, regardless of whether paid per motion picture exhibition or by way of a subscription service.
- B. “Admission ticket” means documentation, in any form, detailing a transaction in which a person pays an admission charge in exchange for the privilege to enter a motion picture exhibition or showing.
- C. “Department” means the City Department of Financial and Management Services.
- D. “Director” means the City’s Chief Financial Officer.
- E. “Market Price” means the price at which a seller is ready and willing to sell and a buyer is ready and willing to buy. Market price is a price that is acceptable to both buyer and seller and which might be different from the listed price.
- F. “Nonprofit Organization” means an organization in which no part of the income can be distributed to its members, director or officers and that holds a current tax exempt status as provided under Sec. 501(c)(3), (4) or (6) of the Internal Revenue Code of 1986, as amended, or is specifically exempted from the requirement to apply for tax exempt status under Sec. 501(c)(3).
- G. “Person” includes any private corporation, limited liability company, and individual.
- H. “Subscription service” means a fixed sum charged on a periodic basis by a business to a person for the privilege of viewing multiple motion picture exhibits in a given period.

Section 3. A new section is enacted and added to chapter 5.90 VMC, to be codified as VMC 5.90.020, and shall read as follows:

5.90.020 Tax imposed.

- A. An admissions tax in the amount of five percent of the admission charge is levied on every person paying an admission charge.
- B. The tax levied in this chapter shall be paid by the person paying the admission charge and shall be collected and remitted by the person to whom the same is paid in the manner provided for herein.
- C. Provisions of Chapter 5.01 VMC are applicable to this chapter, unless identified otherwise.
- D. It is unlawful for any person to request a donation or contribution that effectively represents an admission charge at any motion picture exhibition or showing unless the event is exempt from the admission tax pursuant to VMC 5.90.030.

Section 4. A new section is enacted and added to chapter 5.90 VMC, to be codified as VMC 5.90.030, and shall read as follows:

5.90.030 Exemptions.

The admissions tax imposed by this chapter shall not apply to:

- A. Any activities produced by an elementary or secondary school;
- B. Any activity or performance sponsored or produced by a non-profit organization furnishing evidence of tax-exempt status under the Internal Revenue Code;
- C. Any theater or venue showing motion pictures that has fewer than two screens.

Section 5. A new section is enacted and added to chapter 5.90 VMC, to be codified as VMC 5.90.040, and shall read as follows:

Section 5.90.040 Form of Admission Ticket.

- A. All admission tickets sold or offered to be sold to any person in the City shall display the name of the place of the ticketed event, the admission charge, and the admissions tax levied by this chapter.
- B. All persons showing motion picture exhibition and showings in the City shall maintain records detailing all admission charges every month. Such records shall be subject to audit as provided in VMC 5.90.050.

Section 6. A new section is enacted and added to chapter 5.90 VMC, to be codified as VMC 5.90.050, and shall read as follows:

Section 5.90.050 Collection and Remittance of Tax.

- A. Any person who receives any payment for any admission charge on which a tax is levied under this chapter shall collect the amount of the tax from the person making the admission payment at the time payment is made. The person receiving payment shall remit the same admission tax to the Director on a monthly basis.
- B. The tax collected under this chapter shall be deemed held in trust by the person required to collect the same until remitted to the Director. Persons failing to collect the admission tax, or who collects the tax but fails to remit the tax to the Director, shall be liable to the City for the amount of such tax plus interest as provided in VMC 5.90.070. Such person shall, unless the remittance is made as required in this section, be guilty of a violation of this chapter whether such failure is the result of his or its own act or the result of acts or conditions beyond his or its control.
- C. Anyone receiving any payment for admissions shall make out a return upon such forms and setting forth such information as the Director may require, showing the amount of the tax upon admissions for which the person is liable for the preceding monthly period, and shall sign and transmit the same to the Director with a remittance for said amount. Failure to comply with any requirement of the Director as to report and remittance of the tax as required shall be a violation of this chapter.
- D. Any person liable for the collection and payment of the tax imposed by this chapter shall keep and preserve for a period of five (5) years all records related to admission charges, to include but not be limited to sold and unsold tickets, books, and records reflecting admissions charges, shall be open for examination and audit at all reasonable

times by the Director or the Director's duly authorized agent. Only upon receipt of written permission granted by the Director, the person liable for the collection and payment of the tax imposed by this chapter may destroy unused tickets prior to the expiration of the five (5) year period.

Section 7. A new section is enacted and added to chapter 5.90 VMC, to be codified as VMC 5.90.060, and shall read as follows:

Section 5.90.060 City Business and Special Licenses.

Any person operating any premise or location showing a motion picture for which an admission charge is made shall, prior to the commencement of such activity, hold a valid City business license in accordance with Chapter 5.04 VMC and a valid City special license in accordance with Chapter 5.54 VMC, and provide to City proof of holding said valid licenses upon request by the City.

Section 8. A new section is enacted and added to chapter 5.90 VMC, to be codified as VMC 5.90.070, and shall read as follows:

Section 5.90.070 Interest and Penalty.

- A. Should a person fail to pay the tax due under this chapter in the time prescribed, said person shall become liable for interest on the tax due at the rate of one percent per month.
- B. Should a person fail to pay the tax due within thirty days after it is due, said person shall become liable for a penalty of ten percent of the amount of the tax due, in addition to the interest provided for in subsection (A) of this section.
- C. Should a person fail to pay a required admissions tax, the Director shall make a determination of the amount of tax due from such person based on the information that is available and notify such person of the amount of tax so determined, along with interest and penalties, and direct such person to remit such amount within ten days from the date of the notice.

Section 9. A new section is enacted and added to chapter 5.90 VMC, to be codified as VMC 5.90.080, and shall read as follows:

Section 5.90.080 Use of Proceeds

All funds collected from the admissions tax provided for in this chapter shall be used to fund the redesign project of the Arts Hub and the subsequent operating expenses therefor.

Section 10. A new section is enacted and added to chapter 5.90 VMC, to be codified as VMC 5.90.090, and shall read as follows:

Section 5.90.090 Rules and Regulations.

The Director or designee may adopt and promulgate rules to implement and enforce this chapter, which rules shall not be in conflict with this chapter; provided, however, that any rules enacted in accordance with this section shall not become effective until the close of a two-week public comment period. A copy of such proposed and final rules shall be placed on file for public examination in the Director's office and on the City's website.

Section 11. A new section is enacted and added to chapter 5.90 VMC, to be codified as VMC 5.90.100, and shall read as follows:

Section 5.90.100 Violations and Penalty.

Any person willfully violating or willfully failing to comply with any provision of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished as prescribed in VMC 7.00.010(M).

Section 12. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 13. This ordinance shall become effective January 1, 2025.

DATE OF FINAL PASSAGE at a Regular Meeting of the Vancouver City Council:
_____, 2024.

SIGNED this _____ day of _____, 2024.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE relating to admissions taxes; adding a new chapter 5.90 to the Vancouver Municipal Code; enacting new sections VMC 5.90.010, 5.90.020, 5.90.030, 5.90.040, 5.90.050, 5.90.060, 5.90.070, 5.90.080, 5.90.090, 5.90.100; providing for severability and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

AN ORDINANCE relating to parking taxes; adding a new chapter 5.07 to VMC; enacting new sections VMC 5.07.010, 5.07.020, 5.07.030, 5.07.040, 5.07.050, 5.07.060; and providing for severability and an effective date.

Staff Report: 242-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Ordinance Implementing Parking Tax

Key Points

- The City of Vancouver has been working to address a significant budget shortfall in the 2025-2026 Biennial Budget.
- The proposed ordinance includes a new commercial parking tax that would generate new revenue for the City's streets and transportation programs.
- The proposed ordinance will create a new chapter in the Vancouver Municipal Code, Chapter 5.07.

Strategic Plan Alignment

High Performing Government – a government that is reliable, fiscally responsible, equitable, and open to compromise

Present Situation

The City of Vancouver is a first class charter city authorized by RCW 82.80.030 to levy a commercial parking tax on all persons engaged in a commercial parking business. The revenue is restricted by state statute to "be used for transportation purposes only." The revenues generated from this new tax will be invested into the City's transportation program.

Many jurisdictions in the state of Washington levy the commercial parking tax. The City of Vancouver would like to impose a tax on commercial short-term parking for which the fee is charged. The rate will be \$0.15 per transaction for parking in lots and garages (i.e., off-street parking) and \$0.20 for parking on streets. The rate is to be effective in January of 2026. The tax shall increase by \$0.02 per transaction annually thereafter.

The ordinance excludes the following situations from the tax:

- A. Parking in a stall reserved exclusively for that person for 30 days or longer.
- B. Parking of a motor vehicle in a stall provided with that person's residence.
- C. Parking of vehicles under federal government contracts that are exempt from the retail sales tax.

Advantage(s)

The revenue is estimated at \$0.5 million annually. The revenue will be invested into the City's transportation program.

Challenge(s)

The commercial parking tax will likely be shifted to the users.

Budget Impact

Staff estimates the ordinance will generate approximately \$0.5 million annually for transportation.

Prior Council Review

This proposed ordinance has been mentioned at the various budget workshops in 2024.

Action Requested

On Monday, November 18, 2024, advance the ordinance on first reading, setting the second reading and public hearing for December 2, 2024.

Staff Contact

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

Attachments:

1. Ordinance

11/18/2024 (Date of First Reading)
12/02/2024 (Date of Public Hearing)

ORDINANCE NO. M-_____

AN ORDINANCE relating to parking taxes; adding a new chapter 5.07 to VMC; enacting new sections VMC 5.07.010, 5.07.020, 5.07.030, 5.07.040, 5.07.050, 5.07.060; and providing for severability and an effective date.

WHEREAS, the City of Vancouver is a first class charter city authorized by RCW 82.80.030 to fix and impose a parking tax on all persons engaged in a commercial parking business within its jurisdiction; and

WHEREAS, as reflected in SR_____, Staff recommends that the City Council adopt a commercial parking tax as provided in RCW 82.80.030 to fund the City’s transportation plan; and;

WHEREAS, as reflected in SR_____, Staff recommends that the City Council a similar tax on on-street parking to better promote equity in terms of on-street versus off-street parking;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. A new chapter is created in Title 5 VMC, to be codified as chapter 5.07 VMC, which shall be entitled “Parking Tax”.

Section 2. A new section is enacted and added to chapter 5.07 VMC, to be codified at VMC 5.07.010, and shall read as follows:

5.07.010 Definitions

For the purposes of this chapter, the following definitions shall apply:

- A. “City” shall mean City of Vancouver, Washington.
- B. “Commercial parking business” means the ownership, lease, operation, or management of a commercial parking lot in which fees are charged for the act or privilege of parking motor vehicles.
- C. “Commercial parking lot” means a covered or uncovered area located off street with a stall used for the purpose of parking motor vehicles for a fee. The term “commercial parking lot” includes all publicly owned parking lots.
- D. “Parking tax” means the commercial parking tax imposed by this chapter, except the term does not include the On Street Parking Tax.

Section 3. A new section is enacted and added to chapter 5.07 VMC, to be codified at VMC 5.07.020, and shall read as follows:

5.07.020 Parking tax imposed

- A. A parking tax of \$0.15 per transaction is imposed on every person for the act or privilege of parking a motor vehicle in a commercial parking lot within the City operated by a commercial parking business. The privilege of parking includes the right to park, whether or not the right is exercised.
- B. A parking tax of \$0.20 per transaction is imposed on every person for the act or privilege of parking a motor vehicle in an on-street parking spot within the City. The privilege of parking includes the right to park, whether or not the right is exercised.
- C. Beginning January 1, 2027, and every year after that, the parking tax provided for herein shall increase by \$0.02 annually.

Section 4. A new section is enacted and added to chapter 5.07 VMC, to be codified at VMC 5.07.030, and shall read as follows:

5.07.030 Tax in Addition to other license fees or taxes

The tax levied hereunder shall be in addition to any license fee or tax imposed or levied under any law, statute, or ordinance, whether imposed or levied by the City, State, or other governmental entity or political subdivision. The tax levied herein, when applicable to on street or City of Vancouver owned off street parking, shall be in addition to the parking fees provided in chapter 19.11 VMC.

Section 5. A new section is enacted and added to chapter 5.07 VMC, to be codified at VMC 5.07.040, and shall read as follows:

5.07.040 Fund created – Use of funds

All revenues, assessments, and other charges generated and collected as local option transportation taxes shall be placed into the Street Initiative Fund 103 and shall be used by the City for transportation projects within the City of Vancouver Comprehensive Transportation Plan, in accordance with RCW 82.80.070, and for administering the tax, including activities of the City in keeping and tracking records, financial reports and other documents, reviewing filings and compiling reports by commercial parking businesses, and other activities involved in collection and enforcement of the tax

Section 6. A new section is enacted and added to chapter 5.07 VMC, to be codified at VMC 5.07.050, and shall read as follows:

5.07.050 Taxes collected by business operators.

The operators of the commercial parking businesses shall collect taxes imposed herein. The operators of the commercial parking businesses shall remit to the City the local option transportation taxes collected on or before the last day of the month following the month during which the taxes were collected, accompanied by a report of all parking transactions. The City shall be authorized to review and inspect financial records involving activities of businesses that are taxable by this tax at least quarterly each year.

Section 7. A new section is enacted and added to chapter 5.07 VMC, to be codified at VMC 5.07.060, and shall read as follows:

5.07.060 Exempt Vehicles.

The following are exempt from the parking tax:

- A. Parking by a person in a stall reserved exclusively for that person for 30 days or longer.
- B. Parking of a motor vehicle owned or controlled by a natural person in a stall provided with that person's residence.
- C. Parking of vehicles under federal government contracts that are exempt from the retail sales tax.

Section 8. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

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Section 9. Effective date. This ordinance shall become effective January 1, 2026.

DATE OF FINAL PASSAGE at a Regular Meeting of the Vancouver City Council:

_____, 2024.

SIGNED this _____ day of _____, 2024.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE relating to parking taxes; adding a new chapter 5.07 to VMC; enacting new sections VMC 5.07.010, 5.07.020, 5.07.030, 5.07.040, 5.07.050, 5.07.060; and providing for severability and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

AN ORDINANCE relating to electronic payment fees; amending VMC 3.08.065; providing for severability and an effective date.

Staff Report: 243-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Ordinance for Assumption of Costs for Electronic Payments by Customers

Key Points

- The volume of credit and debit card transactions has grown substantially over the past several years and is expected to continue to increase in the future.
- The City of Vancouver incurs significant costs associated with accepting credit and debit cards as a method of payment.
- Implementing a service or convenience fee was identified during the 2025-2026 operating budget development process as a way of closing the budget gap.
- The City Manager is authorized to waive the imposition of the transaction processing cost for payments to customers of any department they deem necessary and in the best interests of the City.

Strategic Plan Alignment

High Performing Government – a government that is reliable, fiscally responsible, equitable, and open to compromise

Present Situation

Local governments are permitted, but not required, to accept credit and debit cards as a form of payment. Over time, acceptance of credit and debit card payments has expanded to include payment of taxes, fines, and charges for services of various types.

The City of Vancouver utilizes third-party payment processors to facilitate the acceptance of these electronic payment methods. The payment processors act as intermediaries between the credit/debit card issuers and the City for both online and on-site payments. Payment processors may charge a transaction fee directly to the card users, or to the City.

Historically, it has been the practice of the City to absorb all transaction fees associated with the acceptance of electronic payments, but as the volume of these transactions has increased over time, so has the cost incurred by the City. In 2023, the City absorbed transaction fees for electronic payments in excess of \$1.5 million.

Staff recommends the City discontinue the practice of absorbing transaction fees associated with electronic payments and move to a model where customers pay the transaction processing costs if they choose to utilize an electronic payment method. Discontinuance of the practice will require an amendment to VMC 3.08.065, specifically adding a category of fees that will be assumed by the

consumers. Automated clearinghouse system transactions (ACH) are excluded, and the City will continue to absorb those fees. The proposed ordinance also grants the City Manager the discretion to waive the imposition of the transaction processing cost for payments to customers of any department for any specified period of time if doing so is in the best interests of the City.

Advantage(s)

The City will experience cost savings by discontinuing the practice of absorbing fees related to the acceptance of electronic payments.

Challenge(s)

Customers will bear the transaction processing costs if they opt to utilize an electronic method of payment (other than ACH).

Budget Impact

The decrease in City subsidy of the transaction processing fees for electronic payments is included in the 2025-2026 Biennial Budget.

Prior Council Review

None

Action Requested

On Monday, November 18, 2024, advance the ordinance on first reading, setting the second reading and public hearing for December 2, 2024.

Staff Contact

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

Attachments:

1. Ordinance

11/18/2024 (Date of First Reading)
12/02/2024 (Date of Public Hearing)

ORDINANCE NO. M- [Ordinance Number]

AN ORDINANCE relating to electronic payment fees; amending VMC 3.08.065; providing for severability and an effective date.

WHEREAS, the volume of credit and debit card transactions has grown substantially over the past several years; and

WHEREAS, the trend towards increased use of credit and debit cards as a mode of payment is expected to continue; and

WHEREAS, the City of Vancouver incurs significant costs associated with processing credit and debit card transactions; and

WHEREAS, implementing a service or convenience fee was identified during the 2025-2026 Operating Budget development process as a means to reduce costs; and

WHEREAS, the City Council finds it is in the City's best interests to offset processing of electronic payments to the extent permitted by state and federal law;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. VMC 3.08.065, adopted by Section 2 of Ordinance M-3851 (2007), is amended as follows:

3.08.065 Additional fees assessed to the customer

A. *Incorrect account numbers.* For those customers who choose to utilize an electronic bill paying system, and who provide the city an incorrect routing transit number of the bank, incorrect bank account number or incorrect credit/debit card number, they may be a

fifteen (\$15) dollar fee assessed for each time the city utilizes such number until the customer provides the correct number.

B. *Declined credit/debit card.* For those customers who choose to utilize a credit/debit card to make any payment to the city and whose Financial Institution declines a payment by a credit/debit card, it will result in the customer's bill remaining unpaid. In the event of a "declined" credit/debit payment, there may be a fifteen (\$15) dollar fee assessed to the customer each time the city utilizes the credit/debit card, and it is declined until the customer provides a valid card number.

C. *Account updates.* It is the responsibility of the customer to maintain accurate billing information with the city. This may include updated credit card information, bank account information, email address, and mailing address.

D. *Electronic Payment Surcharges.* For those customers who choose to utilize an electronic payment method for payment of any kind, including but not limited to, payment for taxes, fines, interest, penalties, special assessments, rates, charges, fees, or money due the City, the customer must pay the transaction processing cost, except as otherwise prohibited by state and federal law, PROVIDED, that the City Manager is authorized to waive imposition of the transaction processing cost for payments to customers of any department for any specified period of time as he or she deems necessary and in the best interests of the City.

1. For purpose of this section, the following definitions apply:

a. "Electronic payment" means a payment made using the following: Credit cards, charge cards, debit cards, smart cards, stored value cards, federal wire, or other electronic communication, PROVIDED that automatic clearinghouse system transactions are excluded from this definition.

b. "Transaction processing cost" means the cost of processing an electronic payment as determined by the Director of Financial and Management Services. This cost is based on costs incurred by the City and may not exceed the additional direct costs incurred by the City to accept a specific form of electronic payment utilized by the payer.

2. The City Chief Financial Officer is authorized to adopt policies and implement procedures to apply any transaction processing cost to the customer.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 3. This ordinance shall become effective January 1, 2025.

DATE OF FINAL PASSAGE at a Regular Meeting of the Vancouver City Council:
_____, 2024.

SIGNED this _____ day of _____, 2024.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE relating to electronic payment fees; amending VMC 3.08.065; providing for severability and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

AN ORDINANCE relating to a Vancouver Cultural Access Program; adding a new chapter 3.45 to the Vancouver Municipal Code; enacting new sections 3.45.010, 3.45.020, 3.45.030, 3.45.040, and 3.45.050; providing for severability and an effective date.

Staff Report: 244-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Ordinance Creating Vancouver Cultural Access Program and Cultural Access Sales Tax

Key Points

- In 2018, the Vancouver City Council approved a Culture, Arts and Heritage Plan, the overarching vision of which was to integrate culture, arts and heritage into the daily life of the community by bringing together the diverse interests and talents in Vancouver. One of the visions of the Report was “Vancouver supports the creation of needed space for culture, arts and heritage
- The state Legislature made available a new revenue tool for cultural access that could be implemented in a councilmanic manner on 1/1/2025 assuming Clark County does not enact its own ordinance prior to that date. The new tool is a 1/10 of 1% Sales Tax to be invested in the City’s arts and culture.
- The tax will be effective for seven years and will provide an estimated \$7 million in annual funding.
- The proposed ordinance creates the program in the City of Vancouver and sets the criteria for program development over the next year to determine the desired outcomes, expectations, allocations and criteria for funding.

Strategic Plan Alignment

High Performing Government – a government that is reliable, fiscally responsible, equitable, and open to compromise

Present Situation

In 2018, the Vancouver City Council approved a Culture, Arts and Heritage Plan, the overarching vision of which was to integrate culture, arts and heritage into the daily life of the community by bringing together the diverse interests and talents in Vancouver. One of the visions of the Report was “Vancouver supports the creation of needed space for culture, arts and heritage”. Over the years since the approval of the plan, it has been difficult to set aside dedicated funding to make significant advances toward meeting the goals of the Plan.

The City performed a feasibility of the performing arts facility in 2019 that indicated a smaller size performing arts center is needed and would be supported by the residents. The economy has changed significantly since the pandemic. The City retained Webb Management to update the results of the earlier study and make a recommendation to the City on the next steps. They interviewed a large number of stakeholders, representing various art and culture organizations in Clark County. The

study highlighted some of the changing trends in arts participation, including interest in a broader variety of performances and interest in active arts participation and the need to collaborate with educators on advancing art education.

The study assessments were the following:

1. There is a potential audience for new facilities, both locally and regionally. Vancouver itself is growing and changing, with higher levels of educational attainment and growing diversity. And there are higher levels of likely participation in a range of passive and active arts programs.
2. There is demand for smaller affordable performance spaces on the part of a number of local arts organizations.
3. There are gaps in the local and regional facility inventory. There is the need for smaller affordable spaces that can support emerging local arts groups (150-300 seat), slightly larger and better spaces that can support a combination of local and touring programs (400-600 seats), and a regional gap for a mid—size hall (1,200 to 1,500 seats).
4. Finally, new arts facilities have been recognized as a critical building block for the City pursuing its ambition to become a national waterfront city. Critical to that effort is creating spaces that support unique cultural experiences that fuel connections to place and offer a unique experience relevant to Vancouver residents.

The state Legislature made available a new revenue tool for arts and culture that could be implemented in a councilmanic manner beginning on 1/1/2025. This tool becomes available if Clark County does not exercise its right to create a cultural access program and enact a tax on or before the end of 2024. Staff does not anticipate this occurring, meaning the option will be available to the City. The new tool is a 1/10 of 1% Sales Tax. New revenue generated as a result of the implementation of the tax is restricted in spending. The new dollars could only be spent on eligible investments in the arts and culture in the City of Vancouver. The tax will be effective for seven years, providing an estimated \$7 million in annual funding. At that point, the tax could be renewed for an additional 7 years by Council action.

The proposed ordinance creates the Vancouver Cultural Access Program and sets the criteria for program development over the next year to determine the desired outcomes, expectations, allocations and criteria for funding.

The Ordinance designates the existing Culture, Arts and Heritage Commission (CAHC) as a Designated Entity to work with city staff on developing a recommendation on the program benefits, defining program parameters, criteria and processes for Council review and approval. After the program specifics are approved by City Council, CAHC is anticipated to be the agency that allocates the funding to eligible cultural organizations and projects, consistent with the approved parameters of the program. CAHC is also asked to work with the Vancouver and Evergreen school districts to develop the School Cultural Access Program in the City of Vancouver.

The Ordinance sets aside 5% of the revenue for the School Access to Culture and Arts program and includes a provision for some eligible administrative and start-up expenses to be reimbursed from the new revenue.

The new sales tax will be effective 1/1/2025. The first revenue will become available in May of 2025. The first year will result in approximately \$4 million in revenue.

Advantage(s)

The revenue is estimated at \$7 million annually after the first year. The revenue will be invested in the City's arts and culture.

Challenge(s)

There will be an increase of 1/10 of 1% in sales tax for all sales within the Vancouver city boundaries.

Budget Impact

Staff estimates the ordinance will generate approximately \$7 million annually for arts and culture.

Prior Council Review

This proposed ordinance has been mentioned at the various budget workshops in 2024.

Action Requested

On Monday, November 18, 2024, advance the ordinance on first reading, setting the second reading and public hearing for December 2, 2024.

Staff Contact

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

Attachments:

1. Ordinance

11/18/2024 (Date of First Reading)
12/02/2024 (Date of Public Hearing)

ORDINANCE NO. M- [Ordinance Number]

AN ORDINANCE relating to a Vancouver Cultural Access Program; adding a new chapter 3.45 to the Vancouver Municipal Code; enacting new sections 3.45.010, 3.45.020, 3.45.030, 3.45.040, and 3.45.050; providing for severability and an effective date.

WHEREAS, in 2014 the City of Vancouver designated a section of downtown as the “Vancouver Arts District” in order to increase tourism and further the City’s economic development strategy; and

WHEREAS, in 2018, the Vancouver City Council approved a Culture, Arts and Heritage Plan, the overarching vision of which was to integrate culture, arts and heritage into the daily life of the community by bringing together the diverse interests and talents in Vancouver; and

WHEREAS, one of the visions of the Report was “Vancouver supports the creation of needed space for culture, arts and heritage;” and

WHEREAS, in 2015 the Washington State Legislature enacted Engrossed Substitute House Bill 2263, in which the Legislature expressed its intent to provide local governments and communities the fiscal tools needed “to provide public and educational benefits and economic support for cultural organizations [by] providing local support for the state’s cultural organizations;” and

WHEREAS, the Legislature further declared that “[p]roviding local support for the state’s cultural organizations is in the public interest and will serve multiple public purposes including, among others, enhancing and extending the education reach and offerings of cultural

organizations; ensuring continued and expanded access to the facilities and programs of cultural organizations by economically and geographically underserved populations; and providing financial stability to the organizations to continue and extend the numerous public benefits they provide;” and,

WHEREAS, the 2024 Webb Study suggested the City is lacking an affordable venue for local talent and a mid-size range facility for touring performing groups; and

WHEREAS, the City of Vancouver is currently in design of an Arts Hub to provide affordable performance venue for city performing arts groups and create studio space for City artisans; and

WHEREAS, the City of Vancouver aspires to support a construction of a mid-size Performing Arts Center in the Arts District of the City; and

WHEREAS, the City of Vancouver is also interested in securing funding to provide transportation for school-age children to access and attend arts, science, cultural, and heritage programs so as to overcome one of the recognized barriers to such participation; and

WHEREAS, the City of Vancouver created the Culture, Arts and Heritage Commission to assist with and facilitate the development and promotion of a thriving cultural, arts and heritage environment in the Vancouver; and,

WHEREAS, RCW 36.160.030(3) provides that “[a] city may create a cultural access program if the county legislative authority in which the city is located adopts a resolution stating that the county forfeits its option to create a

program or does not place a proposition before the people to create such a program by December 31, 2024,” and

WHEREAS, the Vancouver City Council finds that Clark County does not intend to exercise its option under RCW 36.160.030(3) to create a cultural access program by December 31, 2024, and

WHEREAS, the City of Vancouver, through the legislative discretion of the Vancouver City Council, wishes to create a cultural access program for the City; and

WHEREAS, consistent with chapter 36.160 RCW, the City Council affirms that any funding the City usually and customarily provides to cultural organizations similar to funding that would be available to those organizations “may not be replaced or materially diminished as a result of funding becoming available under” a Cultural Arts and Sales Tax established under chapter 36.160 RCW; and

WHEREAS, if Clark County has neither created a cultural access program under RCW 36.160 nor imposed a sales and use tax under RCW 82.14.525(1) on or before December 31, 2024, the City Council will be authorized to impose a sales and use tax of up to one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax, for the purposes authorized under chapter 36.160 RCW;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. A new chapter is created in Title 3 of the Vancouver Municipal Code (“VMC”), to be codified as chapter 3.45 VMC, which shall be entitled “Vancouver Cultural Access Program.”

Section 2. A new section is enacted and added to chapter 3.45 VMC, to be codified at VMC 3.45.010, and shall read as follows:

3.45.010 Definitions

In construing the provisions of this chapter, the following definitions shall be applied. The definitions provided in RCW 36.160.020 are incorporated herein by reference. Words in the singular number shall include the plural, and the plural shall include the singular:

- A. “City” means the City of Vancouver.
- B. “Director” means the Director of Financial and Management Services of the City, or the Director of any successor department of the City, or any officer, agent, or employee of the City designated to act on the Director’s behalf.
- C. “VCAP” means the Vancouver Cultural Access Program authorized by RCW 36.160.030, now and as amended, and created by VMC 3.45.020.

Section 3. A new section is enacted and added to chapter 3.45 VMC, to be codified at VMC 3.45.020, and shall read as follows:

3.45.020 Cultural Access Program -- Created

Pursuant to RCW 36.160.030, there is hereby created a cultural access program which shall be named the “Vancouver Cultural Access Program.” Pursuant to RCW 36.160.040, the City is authorized to advance funding to establish the VCAP with the expectation that the funding will be repaid by the revenues generated by the sales tax imposed by this chapter.

Section 4. A new section is enacted and added to chapter 3.45 VMC, to be codified as VMC 3.45.030, and shall read as follows:

3.45.030 Additional sales and use tax for cultural access

- A. There is hereby imposed an additional sales and use tax, separate and apart from any other sales and use tax imposed by this chapter, upon every taxable event occurring in the city, for cultural access as authorized by RCW 82.14.525.
- B. As used in this section, the term “taxable event” has the meaning set forth in RCW 82.14.020.
- C. The rate of the sales and use tax imposed by this section shall be one-tenth of one percent of the selling price, in the case of a sales tax, or the value of the article used, in the case of a use tax.
- D. The tax shall be imposed upon and collected from those persons from whom the state sales tax or use tax is collected pursuant to chapters 82.08 and 82.12 RCW.
- E. Unless reimposed by separate ordinance amending this section pursuant to RCW 82.14.525(4), the tax imposed by this section shall expire on January 1, 2032.

Section 5. A new section is enacted and added to chapter 3.45 VMC, to be codified as VMC 3.45.040, and shall read as follows:

3.45.040 Designated Entity

- A. Pursuant to RCW 36.160.060, the City designates the Culture, Arts, and Heritage Commission (CAHC) established under chapter 2.88 VMC as the designated entity under RCW 36.160.020(4).
- B. The CAHC shall collaborate with the school districts in the City to develop and provide a Public School Cultural Access Program (PSCAP) as provided in RCW 36.160.100 and RCW 36.160.110(4).

Section 6. A new section is enacted and added to chapter 3.45 VMC, to be codified at VMC 3.45.050, and shall read as follows:

3.45.050 Use of funds -- Allocation

- A. Moneys collected from the tax imposed under this chapter shall be used solely for the purposes authorized by RCW 36.160.110 as follows:
 - 1. Start-up program costs, including direct and indirect administrative costs, shall not exceed five (5) percent of the total annual collected revenue. Eligible costs, including repaying any start-up funding provided under RCW 36.160.040 and VMC 3.45.020 shall be reimbursed.
 - 2. A total of five (5) percent of the annual revenue collected under this chapter is to be reserved for the PSCAP as provided in RCW 36.160.100, RCW 36.160.110(4), and VMC 3.45.040. The PSCAP shall be established to increase access to cultural activities and programming for public school students, including transportation to off-site cultural experiences for all students at schools in the City that are located within a school district in which at least forty percent of the district's students are eligible for the federal free and reduced-price school meals program.
 - 3. All remaining funds shall be reserved until such time as provided in subsection (C) of this section.
- B. Not later than July 1, 2025, the CAHC, in collaboration with City staff, shall develop and deliver to the City Council a proposal containing the following:
 - 1. Identifiable discernable public benefits to be realized by the VCAP over the life of the program not to exceed 7 years. The term "public benefits" shall be interpreted consistently with RCW 36.160.090 as amended.
 - 2. Guidelines, consistent with the requirements of this chapter, deemed necessary or appropriate for determining the eligibility of cultural organizations to receive funding under this chapter;
 - 3. Criteria for the award of funds to eligible cultural organizations, including the public benefits to be derived from projects submitted for funding;
 - 4. The amount of funding to be allocated to support the City's and/or CAHC's administrative costs;

5. Criteria for the identification by the City or CAHC of any cultural organization or organizations that would receive annual distributions of funds in such amounts determined by the City or CAHC;
 6. Procedures to be used by the CAHC in awarding funding to other cultural organizations that may, but are not required to include a periodic competitive process for awarding funds for particular purposes or projects proposed by eligible cultural organizations.
 7. A set of guidelines establishing a baseline standard of continuous performance with respect to the provision of public benefits required under this chapter and for evaluating the eligibility of any cultural organization to receive funds under this chapter based on the continuous performance of the organization in the provision of the public benefits. The guidelines must include: (a) Procedures for notifying any organization at risk of losing its eligibility to receive funds under this chapter for failure to achieve the program's baseline standard of performance with respect to the continuous provision of public benefits; and (b) measures or procedures available to the organization for either retaining or recovering eligibility, as appropriate.
- C. Not later than October 1, 2025, the City Council shall by resolution adopt a policy implementing the components of the CAHC's proposal with such amendments as the Council deems appropriate to guide distribution of funds under subsection (A)(3) of this section.
- D. Funds distributed to cultural organizations may be used to support cultural and educational activities, programs, and initiatives; public benefits and communications; and basic operations. Funds may also be used for: (1) Capital expenditures or acquisitions including, but not limited to, the acquisition of or construction of improvements to real property; and (2) technology, equipment, and supplies reasonably related to or necessary for a project otherwise eligible for funding under this chapter.

Section 7. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 8. Effective Date. This ordinance shall become effective January 1, 2025,
PROVIDED that the Clark County Council does not create a county cultural access program
under RCW 36.160.030 and impose a sales and use tax under RCW 82.14.525 on or before
December 31, 2024. If the Clark County Council creates a county cultural access program under
RCW 36.160.030 and imposes a sales and use tax under RCW 82.14.525 on or before December
31, 2024, this ordinance shall be null and void in its entirety.

DATE OF FINAL PASSAGE at a Regular Meeting of the Vancouver City Council:
_____, 2024.

SIGNED this _____ day of _____, 2024.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

ORDINANCE - 8

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE relating to a Vancouver Cultural Access Program; adding a new chapter 3.45 to the Vancouver Municipal Code; enacting new sections 3.45.010, 3.45.020, 3.45.030, 3.45.040, and 3.45.050; providing for severability and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

AN ORDINANCE relating to special license fees for Carnivals and Traveling Shows (ch. 5.18 VMC), Food Vendors (ch. 5.34 VMC), Bill Posting and Distribution of Handbills (ch. 5.38 VMC), Secondhand Dealers (ch. 5.46 VMC), Pawnbrokers (ch. 5.48 VMC), Peddlers, Solicitors, and Canvassers (ch. 5.50 VMC), Motion Picture Shows and Theaters (ch. 5.54 VMC), Collection of Recyclable Materials (ch. 5.62 VMC), Taxi & Transportation Network Companies (ch. 5.76 VMC), Ambulances (ch. 5.85 VMC), and Tow Truck Operators (ch. 5.86 VMC); amending VMC 5.18.040, 5.34.040, 5.38.010, 5.46.070, 5.48.020, 5.50.040, 5.50.060, 5.54.010, 5.62.020, 5.76.225, 5.85.100, 5.86.100; providing for savings, severability and an effective date.

Staff Report: 245-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Ordinance Increasing Fees for Special Licensing

Key Points

- The Financial and Management Services department helps administer special licensing in accordance with Title 5 of the Vancouver Municipal Code.
- The fees charged to businesses to obtain a special license, when required by the Vancouver Municipal Code, have not been increased in many years, in some cases for an excess of 50 years.
- The cost to administer special licenses by now exceeds the revenue received by approximately 47 percent.
- Fees for special licenses should be increased to cover the cost of administering the program.

Strategic Plan Alignment

High Performing Government – a government that is reliable, fiscally responsible, equitable, and open to compromise

Present Situation

In accordance with Title 5 of the Vancouver Municipal Code, certain businesses are required to hold a city special license, in addition to a city business license. Special licenses are required for businesses that require additional oversight for public safety purposes, such as tow truck operators, secondhand dealers, pawnbrokers, and solicitor/peddlers.

The fees charged to businesses to obtain a special license have not been increased in many years. At this time, the revenue generated by issuing special licenses is not sufficient to cover the cost of administering the licensing program.

Staff is recommending that special licensing fees be doubled to cover the cost of administering the program. Additionally, staff recommends the fees related to special licensing be tied to the Consumer Price Index (CPI) and adjusted each year as generally provided in the current VMC. In 2025, this fee increase is estimated to generate approximately \$15,000.

Advantage(s)

Special licenses are required for businesses that require additional oversight for public safety purposes.

Challenge(s)

None

Budget Impact

The increase in revenue attributed to special licenses is included in the 2025-2026 Biennial Budget.

Prior Council Review

This item has been reviewed in multiple workshops on the 2025-26 Biennial Budget.

Action Requested

On Monday, November 18, 2024, advance the ordinance on first reading, setting the second reading and public hearing for December 2, 2024.

Staff Contact

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

Attachments:

1. Ordinance

11/18/2024 (Date of First Reading)
12/02/2024 (Date of Public Hearing)

ORDINANCE NO. M-_____

AN ORDINANCE relating to special license fees for Carnivals and Traveling Shows (ch. 5.18 VMC), Food Vendors (ch. 5.34 VMC), Bill Posting and Distribution of Handbills (ch. 5.38 VMC), Secondhand Dealers (ch. 5.46 VMC), Pawnbrokers (ch. 5.48 VMC), Peddlers, Solicitors, and Canvassers (ch. 5.50 VMC), Motion Picture Shows and Theaters (ch. 5.54 VMC), Collection of Recyclable Materials (ch. 5.62 VMC), Taxi & Transportation Network Companies (ch. 5.76 VMC), Ambulances (ch. 5.85 VMC), and Tow Truck Operators (ch. 5.86 VMC); amending VMC 5.18.040, 5.34.040, 5.38.010, 5.46.070, 5.48.020, 5.50.040, 5.50.060, 5.54.010, 5.62.020, 5.76.225, 5.85.100, 5.86.100; providing for savings, severability and an effective date.

WHEREAS, the City of Vancouver is a first class charter city authorized by RCW 35.22.280 to grant licenses for any lawful purpose, and to fix by ordinance the amount to be paid therefor, and

WHEREAS, the fees charged by the City of Vancouver to businesses to obtain a special license, when required by the Vancouver Municipal Code, have remained unchanged for decades, and

WHEREAS, at present, the cost to administer special licenses exceeds the revenue received by approximately 47 percent;

WHEREAS, the City Council finds that the fees for special licenses should be increased to cover the cost of administering the special licenses program;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. VMC 5.18.040, adopted by Section 4 of Ordinance M-1422 (1973), is amended as follows:

The application shall be accompanied by the following fees: For a carnival which is a tent show or midway type show, with side shows, skill games, games of chance, food vending booths, animal shows, trained animals or live entertainment by performers of various acts, or which includes a total of more than twenty units (counting each ride, stand or booth as a “unit”), the fee shall be ~~seventy-five~~ one hundred fifty dollars per day, or portion thereof allowed by such permit; for a carnival consisting of rides, stands or booths and including more than twelve units but fewer than twenty units and conducted as a promotion for certain businesses or groups of businesses, the fee shall be ~~thirty-five~~ seventy dollars for each day of operation, or portion thereof allowed by such permit; for such a carnival consisting of fewer than twelve units, the fee shall be ~~twenty~~ forty dollars for each day of operation or portion thereof allowed by such permit. The license fee provided for in this section shall be increased annually every January 1 pursuant to the methodology set forth in VMC 3.08.100.

Section 2. VMC 5.34.040, as last amended by Section 1 of Ordinance M-1544 (1974), is amended as follows:

A separate license shall be required for each vending vehicle licensed under this chapter, and separate reports shall be made and license fees paid pursuant to Chapter 5.04 of this code for each such vehicle. A license fee in addition to the business license fee required under Chapter 5.04 is also required and is established at ~~twenty-five~~ fifty dollars per machine per year. No license shall be issued until the vehicle has been inspected and approved by the health department, and the license may be revoked or suspended by the director of Financial and Management Services upon recommendation of the health department for violation of health department rules and regulations, subject to appeal to the city council by written notice within ten days of mailing to him or her of such suspension or revocation. The license fee provided for in this section shall be increased annually every January 1 pursuant to the methodology set forth in VMC 3.08.100.

Section 3. VMC 5.38.010, as last amended by Section 6 of Ordinance M-1140 (1969), is amended as follows:

It is unlawful for any person, firm or corporation to distribute or cause to be distributed advertising matter or samples, or to post bills in the limits of the city of Vancouver, without first having taken out a bill poster's license; said license to be secured in advance at a fee of ~~ten~~ twenty dollars per quarter; provided, that all regular theaters and places of amusements paying a regular license as such, and all entertainments or amusements given by churches or religious or charitable organizations, shall not be required to pay such license for the advertisement of such entertainment. The license fee provided for in this section shall be increased annually every January 1 pursuant to the methodology set forth in VMC 3.08.100.

Section 4. VMC 5.46.070, as last amended by Section 1 of Ordinance M-2996 (1992), is amended as follows:

The fee for dealing in miscellaneous secondhand goods shall be ~~one~~ two hundred dollars per year; provided, no fee shall be charged if the business is only dealing in secondhand books. The license fee provided for in this section shall be increased annually every January 1 pursuant to the methodology set forth in VMC 3.08.100.

Section 5. VMC 5.48.020, adopted by Section 1 of Ordinance M-3258 (1996), is amended as follows:

It is unlawful for any person to engage in the business of pawnbroking in the City of Vancouver without first obtaining a license pursuant to the provisions of this chapter. A separate license shall be required for each place of business at which a person engages in the business of pawnbroking in the city. The license shall be nontransferable except in accordance with VMC Section 5.48.100. Each license shall be for a two-year period to expire on December 31st of the second year from issuance. The license fee for a pawnbroking business shall be ~~four~~ eight hundred dollars. The license fee provided for in this ssection shall be increased annually every January 1 pursuant to the methodology set forth in VMC 3.08.100.

Section 6. VMC 5.50.040, adopted by Section 3 of Ordinance M-563 (1961), is amended as follows:

Applicants for permit and license under this chapter must file with the city clerk a sworn application in writing, in duplicate, on a form to be furnished by the city clerk, which shall give the following information:

- a. Name and description of applicant;
- b. Permanent home address and full local address of the applicant;
- c. A brief description of the nature of the business and the goods sold;
- d. If employed, the name and address of the employer together with credentials establishing the exact relationship;
- e. The length of time for which the right to do business is desired;
- f. The place where the goods or property proposed to be sold, or orders taken for the sale thereof, are manufactured or produced, where such goods or products are located at the time said application is filed, and the proposed method of delivery;
- g. A photograph of the applicant, taken within sixty days immediately prior to the date of filing of the application which picture shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner;
- h. The fingerprints of the applicant and the names of at least two reliable property owners of the state of Washington, who will certify as to the applicant's good character and business respectability, or in lieu of the names of references, such other available evidence as to the good character and business responsibility of the applicant as will enable an investigator to properly evaluate such character and business responsibility;
- i. A statement as to whether or not the applicant has been convicted of any crime, misdemeanor, or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore.

At the time of filing the application, a registration fee of ~~ten~~ twenty dollars shall be paid to the city clerk to cover the costs of investigation of the facts stated therein. The ~~ten~~twenty-dollar registration fee shall be considered as payment for the first year's license fee, if a license is granted. If a license is not granted pursuant to the reasons set forth herein, the ~~ten~~twenty-dollar registration fee shall not be refunded, but shall be applied to the costs of the investigation of the applicant. The license fee provided for in

this section shall be increased annually every January 1 pursuant to the methodology set forth in VMC 3.08.100.

Section 7. VMC 5.50.060, as last amended by Section 1 of Ordinance M-1545 (1974), is amended as follows:

The license fee which shall be charged for each such license shall be the sum of ~~twenty-five~~ seventy dollars per year and shall be assessed on a calendar year basis. The license fee provided for in this section shall be increased annually every January 1 pursuant to the methodology set forth in VMC 3.08.100. ~~The fee, however, from January 1st to July 1st, or any part of said period, shall be sixty percent of the annual license fee, and provided a quarterly license may be issued on payment of a fee of ten dollars.~~

Section 8. VMC 5.54.010, as last amended by Section 12 of Ordinance M-1140 (1969), is amended as follows:

It shall be unlawful for any person, firm or corporation within the limits of the city of Vancouver to open, conduct, manager, maintain or control, or in any manner be connected with the opening, conducting, managing, maintaining or controlling of any place of public amusement, entertainment or exhibition for which an admission is charged, without first taking out and procuring a license so to do. The license fees for such theaters or shows shall be as follows: All moving picture shows or theaters having a seating capacity of not to exceed five hundred persons shall pay a license fee of ~~one hundred fifty~~ three hundred dollars per year, payable annually; moving picture shows or theaters having a seating capacity of five hundred to one thousand persons shall pay an annual license fee of ~~two~~ four hundred dollars payable annually; moving picture shows or theaters having a seating capacity of one thousand to one thousand five hundred shall pay an annual license fee of ~~two-five hundred-fifty~~ dollars payable annually. The license fee provided for in this section shall be increased annually every January 1 pursuant to the methodology set forth in VMC 3.08.100.

Section 9. VMC 5.62.020, adopted by Section 5 of Ordinance M-3207, is amended as follows:

A. Collector of recyclable materials licenses shall be issued by the ~~d~~Director of ~~p~~Public ~~w~~Works or ~~his or her~~ their designee~~ate~~. Application for such license shall be on a form to be prepared by the ~~d~~Director of ~~p~~Public ~~w~~Works or ~~his or her~~ their designee~~ate~~. The initial and renewal applications shall include:

1. The name, street and mailing address, and business telephone number of the applicant;

2. Applicant business ownership information, responsible official and contact person;
3. City of Vancouver business license number and/or nonprofit identification number;
4. Motor vehicle registration and PUC number of all recycling collection vehicles and other transport vehicles to be operated under this permit;
5. Description of the type of recycling collection or transport equipment and a list of all licensed motor vehicles to be used for recycling within the city;
6. Address and city zoning classification of licensee-operated processing/storage sites;
7. Description of licensee's processing and storage activities within the city;
8. List of the types of recyclable materials to be collected by the licensee; and
9. Any other relevant nonproprietary information as deemed necessary by the ~~d~~Director of ~~p~~Public ~~w~~Works or ~~his or her~~ their ~~designee~~ate.

B. Accompanying each such application shall be proof of a current city of Vancouver business license plus ~~fifty~~ one hundred dollars for each vehicle to be used in the city under this chapter; provided, that applicants who own multiple vehicles shall be assessed the license fee based upon the total number of vehicles to be used in the city under this chapter rather than on a per-vehicle basis. Licenses issued shall be valid for the remainder of the calendar year in which issued unless earlier revoked pursuant to this chapter. ~~Licenses issued after July 1st shall be at one-half fee, and fees for licenses issued pursuant to this chapter for the remainder of 1995 shall be ten dollars per vehicle used in the city. The license fee provided for in this subsection shall be increased annually every January 1 pursuant to the methodology set forth in VMC 3.08.100.~~

C. Any nonprofit charitable or service organization wishing to collect recyclable materials within the city shall register with the ~~d~~Department of ~~p~~Public ~~w~~Works ~~s~~Solid ~~w~~Waste division on forms approved by the ~~d~~Director of Public Works or ~~his or her~~ their ~~designee~~ate and shall comply with the registration provisions of this section and with Sections 5.62.030 through 5.62.050 and 5.62.070 through 5.62.072, but shall not be required to obtain a license or to pay a fee.

D. No license shall be issued unless and until the applicant has filed with the city risk manager a certificate of insurance showing that the applicant has in effect liability insurance in the amount of one hundred thousand dollars combined single limits (CSL), for bodily injury or property damage, and providing that such insurance cannot be cancelled without fifteen days' written notice to the city risk manager. The applicant shall

furnish at the city risk manager's request a certified copy of each policy, including all endorsements.

Section 10. VMC 5.76.225, adopted by Section 2 of Ordinance M-4116 (2015), is amended as follows:

A. The City Manager or designee may issue a special license to a taxicab company or TNC provided that the taxicab company or TNC submits an affidavit sworn under penalty of perjury that the taxicab company or TNC is in compliance with standards for vehicle safety, driver training and background, and insurance established under the rules provided for at VMC 5.76.500. The special license shall be effective for one year. The City Manager may stagger the effective date of such permits by adoption of a rule as provided for under VMC 5.76.200 and 5.76.500.

B. Annual Application review fee shall be ~~two~~ four hundred dollars (~~\$200.00~~\$400.00). The application review fee prescribed by this section shall be paid at the time of submitting initial and renewal taxicab company and TNC special license application. The license fee provided for in this subsection shall be increased annually every January 1 pursuant to the methodology set forth in VMC 3.08.100.

C. Special License issuance fee. No taxicab company or TNC special license shall be issued or valid until the application or attestation provided for at VMC 5.76.530 has been reviewed and approved and the fee prescribed in this section has been paid.

D. Drivers who are independent contractors, affiliated with special licensed taxicab companies or TNC's shall obtain a City business license or a determination of exemption as allowed under VMC 5.04.075.

Section 11. VMC 5.85.100, adopted by Section 2 of Ordinance M-4092 (2014), is amended as follows:

At the time the ambulance service license application and any subsequent license renewal application is filed, the applicant shall pay a fee to the city to cover the cost of processing the application. The annual ambulance special license fee shall be four hundred dollars (\$400.00)~~\$200~~. The license fee provided for in this section shall be increased annually every January 1 pursuant to the methodology set forth in VMC 3.08.100.

Section 12. VMC 5.86.100, adopted by Section 11 of Ordinance M-2507 (1984), is amended as follows:

- a. There shall be a tow truck service operator's license fee of ~~twenty-five~~ fifty dollars.
- b. There shall be a tow truck operator license fee of ~~ten~~ twenty dollars.
- c. The fees shall be due and payable at the time of license application.

The license fees provided for in this section shall be increased annually every January 1 pursuant to the methodology set forth in VMC 3.08.100.

Section 13. Savings. Those ordinances or parts of ordinances which are amended or repealed by this ordinance shall remain in full force and effect until the effective date of this ordinance.

Section 14. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 15. This ordinance shall become effective January 1, 2025.

DATE OF FINAL PASSAGE at a Regular Meeting of the Vancouver City Council:
_____, 2024.

SIGNED this _____ day of _____, 2024.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. M-

AN ORDINANCE relating to special license fees for Carnivals and Traveling Shows (ch. 5.18 VMC), Food Vendors (ch. 5.34 VMC), Bill Posting and Distribution of Handbills (ch. 5.38 VMC), Secondhand Dealers (ch. 5.46 VMC), Pawnbrokers (ch. 5.48 VMC), Peddlers, Solicitors, and Canvassers (ch. 5.50 VMC), Motion Picture Shows and Theaters (ch. 5.54 VMC), Collection of Recyclable Materials (ch. 5.62 VMC), Taxi & Transportation Network Companies (ch. 5.76 VMC), Ambulances (ch. 5.85 VMC), and Tow Truck Operators (ch. 5.86 VMC); amending VMC 5.18.040, 5.34.040, 5.38.010, 5.46.070, 5.48.020, 5.50.040, 5.50.060, 5.54.010, 5.62.020, 5.76.225, 5.85.100, 5.86.100; providing for savings, severability and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

AN ORDINANCE relating to plan review fees adding several new fees and adjusting other existing fees to bring them closer in line with fees for services; providing for savings, severability and an effective date.

Staff Report: 246-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Ordinance Amending VMC 20.180.060, Planning Fees, to Add Certain Land Use Review Fees and Adjust Other Certain Existing Land Use Review Fees, Consistent with the Council's Direction to Appropriately Set and Collect Fees for Services, with Said Changes to be Effective January 1, 2025

Key Points

- Several fee adjustments are proposed based on an analysis of the cost of service for providing planning review services on several specific case types. In several instances, existing fees are recommended to be reduced while others are recommended to be consistent when similar categories of permits (e.g. critical areas permits) exist.
- A new fee for assigning a new address would be added in the amount of \$245 (Table 20.180.060, Section 1). Additionally, the fee for assigning new addresses is proposed to be decreased from \$547 to \$245 based on a recent analysis of time spent on such reviews.
- A new application fee for requests for Critical Areas Statements of Exemption would be added in the amount of between \$750 and \$3,000 (Table 20.180.060, Section 11, new line A, 1 and 2).
- A new application fee for Shoreline Statements of Exemption would be added in the amount of \$1,000 (Table 20.180.060, Section 30, line A).
- Critical Areas Permit fees for single-family and duplex lots would be revised to be \$1,500 for each category of critical area (e.g. frequently-flooded areas, wetlands, etc.). Currently these fees vary from \$361 to \$1,798 depending upon the critical area. (Table 20.180.060, Section 11, new line B,1-4)
- Critical Areas Permit fees for all other types of development would be revised to be \$3,000 for each category of critical area. Currently these fees vary from \$825 to \$3,596. (Table 20.180.060, Section 11, new line C1-4)
- Critical Areas Minor Exception request fees would be revised to be \$1,000 regardless of type of development. Currently these fees vary from \$825-861 depending on type of development. (Table 20.180.060, Section 11, new line D1-2)
- Land Use Permit fee for minor construction such as single family residences, sheds, decks, driveways, etc. would be revised from \$63 to \$126 (Table 20.180.060, Section 19)
- Fee for review of a Tenant Improvement, including Multifamily if exempt from site plan review would be revised from \$116 to \$225.

Strategic Plan Alignment

High Performing Government – a government that is reliable, fiscally responsible, equitable, and open to compromise

Present Situation

In preparation for the Biennial Budget, the Community Development Department (CDD) reviewed its Planning Fee Table to identify specific fee categories that should be adjusted, as well as types of planning reviews for which no fees are collected. City Council's stated policy is that the Planning Review function in CDD should be 75% fee supported.

The exercise by CDD management resulted in several types of reviews for which no fee is currently collected, including: assignment of new addresses, review of requests for a critical areas statement of exemption, and review of requests for a shoreline statement of exemption, all of which take one to a number of hours to process. Per Council policy, such reviews should have a fee to help offset costs to the public.

Additionally, several other categories of fees were found to be confusing or disproportionately low or high based on how long such reviews typically take, based on time-tracking data stored in the City's permit database.

The proposed fees would add several categories of new fees and would adjust several existing planning review fees (some up, some down) to better reflect the time it takes to process.

Advantage(s)

1. The proposed new fees further the public interest by allowing for review costs to be recovered by applicants who are receiving the review service;
2. The proposed revisions to existing fees further the public interest by more accurately calibrating based on an analysis of time spent in providing the review service to applicants.

Challenge(s)

None

Budget Impact

While some fees are proposed to be decreased, increases in other existing fees and the addition of new fees that will improve cost recovery for city time spent on certain applications. Estimated net positive revenue to the General Fund is \$76,000 per year.

Prior Council Review

City Council Workshops - October 7, November 4, 2024

Action Requested

On Monday, November 18, 2024, advance the ordinance and approve the attached Planning Fee Changes, to be effective January 1, 2025, setting second reading and a public hearing on December 2, 2024.

Staff Contact

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

Attachments:

1. Ordinance

11/18/2024 (Date of First Reading)
12/2/2024 (Date of Public Hearing)

ORDINANCE NO. M- [Ordinance Number]

AN ORDINANCE relating to plan review fees adding several new fees and adjusting other existing fees to bring them closer in line with fees for services; providing for savings, severability and an effective date.

WHEREAS, as reflected in SR - _____, this ordinance is intended to add certain land use review fees and adjust other certain existing land use review fees, consistent with the Council's direction to appropriately set and collect fees for services; and

WHEREAS, City Council's stated policy is that the Planning Review function in CDD should be 75% fee supported; and

WHEREAS, the proposed new fees further the public interest by allowing for review costs to be recovered by applicants who are receiving the review service; and

WHEREAS, the proposed revisions to existing fees further the public interest by more accurately calibrating based on an analysis of time spent in providing the review service to applicants.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. That part of Ordinance M-3643, last amended by that part of Section 3 of Ordinance M-4402, codified as VMC 20.180.060, is hereby amended to read as follows:

Required planning fees. Fees for planning-related applications, permits, and services are set forth in Table 20.180.060.

Table 20.180.060.

Section	Activity	2024 Fees
1.	Address – <u>New/Revised</u>Changes	\$597.00 <u>\$245.00</u>
2.	Airport Height Combining District	\$851.00
3.	Appeals (to Hearing Examiner, Planning Commission, or City Council)	
A.	Filed by a recognized city neighborhood association	\$181.00
B.	Involving an individual single-family or duplex lot	\$838.00
C.	All other (see SEPA fees for SEPA procedural appeal fee)	\$2,396.00
4.	Archaeological Review	
A.	Predeterminations	
1.	Base fee	\$780.00
2.	Plus fee per acre for each acre more than five	\$132.00

Section	Activity	2024 Fees
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 ½ comparable site plan review	See Site Plan Review
6.	Boundary Line Adjustments	
	Base fee	\$1,258.00
	Plus fee per lot for each additional lot more than two	\$408.00
7.	Comprehensive Plan Amendments	\$16,531.00

Section	Activity	2024 Fees
	(includes rezone in conjunction with plan amendment)	
8.	Conditional Use Permit	
A.	Initial (community centers, group meal service, shelters)	\$1,798.00
B.	Initial (all others)	\$10,126.00
C.	Major modification, Type III	\$1,798.00
D.	Minor modification, Type I	\$408.00
9.	Continuance of Public Hearing	
A.	Initiated by applicant after public notice is mailed	\$2,396.00
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.	\$2,396.00
C.	Hearing examiner reconsideration request	\$2,396.00
10.	Covenant Release – Full and Partial	\$10,661.00

Section	Activity	2024 Fees
11.	Critical Areas Permit	
<u>A.</u>	<u>Statement of Exemption Review</u>	
<u>1.</u>	<u>Single-Family and Duplex lots</u>	<u>\$750.00</u>
<u>2.</u>	<u>All Others</u>	<u>\$750.00</u>
A.B.	Single-family and duplex lots (fee per applicable critical area)	
1.	Fish and wildlife habitat areas	\$1,798.00 <u>\$1,500.00</u>
2.	Frequently flooded areas	\$361.00 <u>\$1,500.00</u>
3.	Geologic hazard areas	\$361.00 <u>\$1,500.00</u>
4.	Wetland areas	\$1,798.00 <u>\$1,500.00</u>
B.C.	All others (fee per applicable critical area)	
1.	Fish and wildlife habitat areas	\$3,596.00 <u>\$3,000.00</u>

Section	Activity	2024 Fees
2.	Frequently flooded areas	\$825.00 <u>\$3,000.00</u>
3.	Geologic hazard areas	\$825.00 <u>\$3,000.00</u>
4.	Wetland areas	\$3,596.00 <u>\$3,000.00</u>
<u>C</u> D.	Minor exception request	
1.	Single-family and duplex lots	\$825.00 <u>\$1,000.00</u>
2.	All others	\$861.00 <u>\$1,000.00</u>
<u>D</u> E.	Reasonable use request	
1.	Single-family and duplex lots	\$5,272.00
2.	All others	\$10,486.00
<u>E</u> F.	Digitizing critical areas geographic information	Cost recovery ²
12.	Design Review (Downtown)	
A.	Minor exterior reviews only	\$720.00

Section	Activity	2024 Fees
B.	All others, including new buildings	\$2,396.00
13.	Development Agreement	
A.	Initial	\$8,060.00
B.	Modification	\$3,694.00
C.	Extension	\$685.00
14.	Extension of Preliminary Approval	\$838.00
15.	Grading and Erosion Control Permit (includes plan check and inspection)	
A.	50 cubic yards or less and less than 1 foot in depth	No fee
B.	51 to 100 c.y. or greater than 1 foot in depth	\$156.00
C.	101 to 500 c.y.	
1.	Base fee	\$315.00
2.	Plus fee per 100 c.y. (or fraction thereof) above 500 c.y. (Note: Maximum total grading and erosion control fee shall be \$407.00)	\$22.00

Section	Activity	2024 Fees
D.	Fees resulting from work in progress without a permit	2 × regular fee
16.	Home Occupation	
A.	General	\$238.00
B.	Penalty – When application is received after code enforcement action has been initiated	2 × regular fee
17.	Impact Fee Deferral for Single-Family Housing (administrative fee per lot)	\$751.00
18.	Joint Use Parking Agreement	\$1,348.00
19.	Land Use Permit (single-family residential; sheds; decks; driveways; fences, etc.)	\$63.00 \$126.00
20.	Lot Determination	
A.	Base fee (one to two lots)	\$2,625.00
B.	Plus per-lot fee over two	\$838.00
21.	Master Plan²	

Section	Activity	2024 Fees
A.	Conceptual (requiring subsequent site plan review)	\$9,314.00
B.	Detailed (not requiring subsequent site plan review)	\$9,314.00 plus ½ applicable site plan review fee
C.	Hybrid (conceptual approval for overall site, plus partial detailed approval)	\$9,314.00 plus ½ applicable site plan review fee
22.	Planned Development	
A.	Residential	
1.	Base fee	\$2,912.00
2.	Plus fee per unit	\$132.00
3.	Minimum: Maximum: Subdivision fee reduced by ½ when filed simultaneously.	Min. – \$4,165.00 Max. – \$18,834.00
B.	Nonresidential	

Section	Activity	2024 Fees
1.	Base fee	\$2,875.00
2.	Plus fee per sq. ft. – Ground floor	\$0.73
3.	Plus fee per sq. ft. – Upper floors	\$0.34
4.	Minimum: Maximum:	Min. – \$4,278.00 Max. – \$28,155.00
C.	Mixed	
1.	Base fee	\$2,875.00
2.	Plus fee per sq. ft. – Ground floor	\$0.73
3.	Plus fee per sq. ft. – Upper floors	\$0.34
4.	Minimum: Maximum: No rezone fee. Subdivision reduced by ½ when filed simultaneously.	Min. – \$4,278.00 Max. – \$28,349.00
23.	Planning Official Review	

Section	Activity	2024 Fees
A.	Temporary use	
1.	Seasonal or special event	\$116.00
2.	Temporary sales office, model home, or unforeseen emergency	\$353.00
3.	Temporary use in a commercial or industrial district	\$1,654.00
B.	Similar use determination or other	\$1,654.00
24.	Plat Alteration	\$7,739.00
25.	Post-Decision Reviews	
A.	Post-decision review – Type I	\$408.00
B.	Post-decision review – Type II	\$1,147.00
C.	Post-decision review – Type III	\$1,798.00
26.	Preapplication Conference Process	
A.	Preapplication conference request – Single-family and duplex lots	\$361.00
B.	Preapplication conference request - All others	\$1,269.00

Section	Activity	2024 Fees
C.	Preapplication waiver request	\$181.00
27.	Zoning Verification Letter (authorizes replacement of destroyed structure)	\$274.00
28.	Reporting (misc. application and permit information)	Cost recovery ²
29.	SEPA Checklist (Environmental Review)	
A.	Grading permit	
1.	Single-family and duplex lots	\$158.00
2.	All other	
a.	Base fee	\$1,175.00
b.	Plus fee per acre of land disturbed by the project	\$22.00
B.	Subdivision or planned development	
a.	Base fee	\$959.00
b.	Plus fee per acre of land disturbed by the project	\$10.95

Section	Activity	2024 Fees
C.	Site plan review – Residential	
a.	Base fee per unit up to five units	\$238.00
b.	Plus fee per unit more than five	\$24.00
D.	Nonprojects (including rezone and annual review applications)	\$2,636.00
E.	All other reviews	
a.	Base fee	\$1,918.00
b.	Plus fee per acre of land disturbed by the project	\$64.00
F.	SEPA procedural appeal (See “Appeals – All others” for substantive SEPA appeal fee)	\$155.00
G.	Environmental impact statement (EIS) review	Cost recovery ²
30.	Shoreline Permits	
<u>A.</u>	<u>Statement of Exemption Review</u>	<u>\$1,000.00</u>
<u>AB.</u>	Shoreline substantial development permit	\$8,385.00
<u>BC.</u>	Shoreline conditional use permit	\$9,224.00

Section	Activity	2024 Fees
€D.	Shoreline variance request	\$9,224.00
31.	Short Subdivisions	
A.	Preliminary (nine lots or fewer) plats	\$8,146.00
B.	Final plat check	\$2,768.00
31A.	Short-Term Rental	\$250.00
32.	Signs – All Except Sandwich Board Signs	\$408.00
33.	Site Plan Review (Type I)	
A.	Residential	\$353.00
B.	Nonresidential	\$1,654.00
C.	Qualifying planned action	Same as Type II site plan review fees
34.	Site Plan Review (Type II) – Residential	
A.	Base fee	\$2,072.00
B.	Plus fee per unit	\$144.00

Section	Activity	2024 Fees
C.	Maximum fee	\$29,211.00
35.	Site Plan Review (Type II) – Nonresidential	
A.	General case	
1.	Base fee	\$5,630.00
2.	Plus fee per sq. ft. – Ground floor	\$0.23
3.	Plus fee per sq. ft. – Upper floors	\$0.10
B.	Commercial pad within a previously approved site plan that was not originally reviewed for the proposed specific use or structure	\$3,844.00
C.	Land-extensive uses such as a golf course	\$4,634.00
D.	Unoccupied commercial and utility structures	\$2,134.00
36.	Special Valuation – Historic Preservation	\$610.00
37.	Subdivisions – Preliminary	
A.	10 – 22 lots	\$12,455.00
B.	23+ lots	

Section	Activity	2024 Fees
1.	Base fee (for first 23 lots)	\$12,455.00
2.	Plus fee per lot (each lot more than 23)	\$310.00
C.	In conjunction with a planned development	½ regular fee
38.	Subdivisions – Final Plat Check	\$6,272.00
39.	Tenant Improvement, Including Multifamily (if exempt from site plan review)	\$116.00 <u>\$225.00</u>
40.	Tree Plan Review	
A.	Levels 1, 2, 4, 5	\$396.00
B.	Levels 3, 6, 7	\$132.00
41.	Variance (full fee for 1 variance; ½ cost for 2nd; \$0.00 for 3rd or more)	
A.	Type I	
1.	Single-family and duplex lots	\$825.00
2.	All other	\$861.00
B.	Type II	

Section	Activity	2024 Fees
1.	Single-family and duplex lots	\$2,603.00
2.	All other	\$6,270.00
42.	Zoning Certificates	\$898.00
43.	Zoning Map or Text Change (not involving comprehensive plan amendment)	\$10,800.00

1 Fees effective on January 1, 2023, shall be further adjusted as provided for under VMC 20.180.050.

2 Cost Recovery: 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.

3 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.

Section 2. Savings. Those ordinances or parts of ordinances which are amended or repealed by this ordinance shall remain in full force and effect until the effective date of this ordinance.

Section 3. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not effect or invalidate the remainder of any

parts thereof to any person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 4. Effective date. This ordinance shall become effective January 1, 2025, following the date of final adoption.

DATE OF FINAL PASSAGE at a Regular Meeting of the Vancouver City Council:
_____.

SIGNED this _____ day of _____, 20__.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE relating to, plan review fees adding several new fees and adjusting other existing fees to bring them closer in line with fees for services; providing for savings, severability and an effective date.

The full text of this ordinance will be mailed upon request. Contact public records staff at (360) 487-8480, citypdr@cityofvancouver.us, or via [Public Records Request -The City of Vancouver, WA](#).

AN ORDINANCE related to the water, sewer and surface water utility user rates, amending Vancouver Municipal Code sections 14.04.210, 14.04.230, and 14.09.060; and providing for savings, severability, and an effective date.

Staff Report: 247-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Ordinance Updating to the Vancouver Municipal Code Sections 14.04.210, 14.04.230, and 14.09.060 for Water, Sewer and Surface Water Proposed Utility Rate Changes for 2025 and 2026

Key Points

- In recent years, staff has shared with Council the concept of a Water Resiliency Strategy (WRS). Rate increases are one of the financial levers that are recommended to be adjusted annually to meet each utility's needs.
- Reducing the outside city customer multiplier from 1.5 to 1.25 over a 15 year period is another financial lever discussed as part of the WRS.
- The recommended rate increases follow and comply with Council-adopted financial and budget policies.
- Council has requested that staff implement a tiered rate structure for the water utility to encourage water conservation.

Strategic Plan Alignment

High Performing Government – a government that is reliable, fiscally responsible, equitable, and open to compromise

Present Situation

The Water Resiliency Strategy is a concept that each utility (water, wastewater, and surface water) is working towards a common goal of protecting Vancouver's water resources. In order to do that, each utility has additional capital needs over the next 15+ years. The capital projects will help address growth, aging infrastructure, climate change, public health, livability, safety, resiliency, and regulatory changes. To help pay for the increased capital needs, staff recommends adjusting financial levers (rates/bonding and reducing the outside city customer multiplier). These financial levers must be adjusted annually to keep future rate increases as low as possible, improve ratepayer equity, improve revenue stability, and reduce risks. This proposed ordinance adjusts the rates, including the multiplier for customers outside the city limits. The weighted rate increase for 2025 is 6% for all four utilities, including solid waste.

Proposed rate increases for 2025 and 2026 are as follows:

- Water: an annual 4.5% increase in 2025 and 2026
- Sewer: an annual 6% increase in 2025 and 2026

- Surface Water: an annual 8% increase in 2025 and 2026

Estimated 2025 new revenue generated by the rate increases are:

- Water utility = \$2,470,938
- Sewer utility = \$3,554,580
- Storm utility = \$2,104,816

In 2025, the anticipated impact to a typical single-family residence inside the city limits utilizing 16 CCF is an additional \$7.43 for the two-month billing cycle. 1 CCF = 100 Cubic Feet of water usage = 748 gallons.

This proposed ordinance also continues the reduction of the outside city multiplier pursuant to the Council's recommendation. If approved, the outside city multiplier would be reduced from 1.5 to 1.25 over a 15-year period. The multiplier goes down from 1.466 in 2024 to 1.45 in 2025 and to 1.433 in 2026.

Council also asked staff to implement a tiered rate structure for the water utility based upon the volume of water used in an effort to encourage water conservation. Therefore, staff is proposing a graduated, tiered rate structure for single-family customers starting January 1, 2025. The rate structure will look like this for 2025:

Tier 1 (0-11 CCF)	\$2.80/CCF (about 0.86 of normal rate)
Tier 2 (11-22 CCF)	\$3.25/CCF (normal rate)
Tier 3 (22+ CCF)	\$4.75/CCF (about 1.46 above normal rate)

CCF = 100 Cubic Feet of water usage = 748 gallons.

Customers are billed every two months and charged at the applicable rate within each tier on a graduated basis. For example, if a customer uses 15 CCF in a two-month period, they would be charged 11 CCF at tier 1 rates and 4 CCF at tier 2 rates. During typical summertime usage, approximately 30% of our single-family customers fall into tier 3. These are the customers we are trying to encourage to use less water. Hence, the higher rate for tier 3.

The goal as we implement tiered rates is for the change to be revenue-neutral. In other words, we don't want to lose or bring in extra revenue. Depending on how successful we are in encouraging conservation, we may need to adjust rates in the future to remain revenue-neutral.

Advantage(s)

- Maintains the long-term financial viability of Vancouver's water, sewer and surface water utilities, ensuring customer service and reliability.
- Provides sufficient revenues to keep pace with increasing operational costs; supports utility operations to remain in regulatory compliance; and provides needed capital funding for planned utility infrastructure investments.
- Follows Council's adopted financial and budget policies and direction for the utility to be self-supporting, fiscally sound and sustainable, and fulfills Council's preference for smaller incremental rate adjustments.
- Encourages water conservation by implementing tiered rates.

Challenge(s)

The proposal would result in a rate increase for all utility customers; however, even with the rate increase the typical combined utility bill would still compare very favorably with other local and regional jurisdictions – see attached graph the City's utility rates with other jurisdictions.

Budget Impact

The proposed rate increases are reflected in the revenue estimates supporting the water, sewer and surface water utility's 2025-26 budget as well as utility tax revenue to the City's 2025-26 General Fund budget.

Prior Council Review

- 2025-2026 Biennial Budget Council Workshop – October 7, 2024
- 2023-2024 Biennial Budget Council Workshop – October 14, 2024
- 2023-2024 Biennial Budget Council Workshop – October 28, 2024

Action Requested

On Monday, November 18, 2024, advance the proposed ordinance and amend the Vancouver Municipal Code sections 14.04.210, 14.04.230, and 14.09.060 on first reading, setting the second reading and public hearing on December 2, 2024.

Staff Contact

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

Attachments:

1. Ordinance
2. Utility Rate Comparisons

11/18/2024
12/2/2024

ORDINANCE NO. M-_____

AN ORDINANCE related to the water, sewer and surface water utility user rates, amending Vancouver Municipal Code sections 14.04.210, 14.04.230, and 14.09.060; and providing for savings, severability, and an effective date.

WHEREAS, utility revenue must be established at a level sufficient to properly maintain infrastructure, maintain customer service levels, and provide for necessary capital improvements; and

WHEREAS, utility rates must be established at a level sufficient to cover the costs of all operations, including maintenance, depreciation, capital, and debt service requirements, reserves, and any other necessary costs; and

WHEREAS, upon recommendation from City Utilities staff, the City Council has determined it is necessary to amend the user charge schedules for such systems to cover such costs; and

WHEREAS, the City Council has determined it is in the best interest of the City and the water and sewer utility rate payers to incrementally reduce the outside City multiplier from 1.5 to 1.25 over a 15 year period.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

SECTION 1. Vancouver Municipal Code Section 14.04.210 is hereby amended to read as follows:

14.04.210 Water service – User charges.

A. Base Charge, All Customer Classes.

1. For all water customers, each customer shall pay a monthly base charge as follows:

~~Effective January 1, 2022~~

<u>Meter Size</u>		<u>Base Charge</u>	<u>Base Charge</u>
		<u>Inside City Limits</u>	<u>Outside City Limits</u>
a. 5/8 x 3/4 inch and under	per month	10.09	15.14
b. 3/4 inch	per month	13.39	20.09
c. 1 inch	per month	20.45	30.68
d. 1 1/2 inch	per month	38.02	57.02
e. 2 inch	per month	58.92	88.38
f. 3 inch	per month	108.01	162.02
g. 4 inch	per month	177.96	266.94
h. 6 inch	per month	353.14	529.70
i. 8 inch	per month	563.28	844.93
j. 10 inch	per month	843.30	1,264.95
k. 12 inch	per month	1,638.61	2,457.92

~~Effective January 1, 2023~~

<u>Meter Size</u>		<u>Base Charge</u>	<u>Base Charge</u>
		Inside City Limits	Outside City Limits (1,483 x Inside)
a. 5/8 x 3/4 inch and under	per month	10.54	15.63
b. 3/4 inch	per month	13.99	20.75
e. 1 inch	per month	21.37	31.69
d. 1 1/2 inch	per month	39.73	58.92
e. 2 inch	per month	61.57	91.31
f. 3 inch	per month	112.87	167.39
g. 4 inch	per month	185.97	275.79
h. 6 inch	per month	369.03	547.27
i. 8 inch	per month	588.63	872.94
j. 10 inch	per month	881.25	1,306.89
k. 12 inch	per month	1,712.35	2,539.42

Effective January 1, 2024

<u>Meter Size</u>	<u>Base Charge</u>	<u>Base Charge</u>
	Inside City	Outside City

		Limits	Limits (1.466 x Inside)
a. 5/8 x 3/4 inch and under	per month	11.01	16.14
b. 3/4 inch	per month	14.62	21.43
c. 1 inch	per month	22.33	32.74
d. 1-1/2 inch	per month	41.52	60.87
e. 2 inch	per month	64.34	94.32
f. 3 inch	per month	117.95	172.93
g. 4 inch	per month	194.34	284.90
h. 6 inch	per month	385.64	565.35
i. 8 inch	per month	615.12	901.77
j. 10 inch	per month	920.91	1,350.05
k. 12 inch	per month	1,789.41	2,623.28

Effective January 1, 2025

Meter Size

Base Charge

Base Charge

Inside City
Limits

Outside City
Limits

			<u>(1.45 x Inside)</u>
<u>a. 5/8 x 3/4 inch and under</u>	<u>per month</u>	<u>11.51</u>	<u>16.69</u>
<u>b. 3/4 inch</u>	<u>per month</u>	<u>15.28</u>	<u>22.16</u>
<u>c. 1 inch</u>	<u>per month</u>	<u>23.33</u>	<u>33.83</u>
<u>d. 1-1/2 inch</u>	<u>per month</u>	<u>43.39</u>	<u>62.92</u>
<u>e. 2 inch</u>	<u>per month</u>	<u>67.24</u>	<u>97.50</u>
<u>f. 3 inch</u>	<u>per month</u>	<u>123.26</u>	<u>178.73</u>
<u>g. 4 inch</u>	<u>per month</u>	<u>203.09</u>	<u>294.48</u>
<u>h. 6 inch</u>	<u>per month</u>	<u>402.99</u>	<u>584.34</u>
<u>i. 8 inch</u>	<u>per month</u>	<u>642.80</u>	<u>932.06</u>
<u>j. 10 inch</u>	<u>per month</u>	<u>962.35</u>	<u>1,395.41</u>
<u>k. 12 inch</u>	<u>per month</u>	<u>1,869.93</u>	<u>2,711.40</u>

Effective January 1, 2026

Meter Size

Base Charge

Base Charge

Inside City
Limits

Outside City
Limits
(1.433 x Inside)

<u>a. 5/8 x 3/4 inch and under</u>	<u>per month</u>	<u>12.03</u>	<u>17.24</u>
<u>b. 3/4 inch</u>	<u>per month</u>	<u>15.97</u>	<u>22.89</u>
<u>c. 1 inch</u>	<u>per month</u>	<u>24.38</u>	<u>34.94</u>
<u>d. 1-1/2 inch</u>	<u>per month</u>	<u>45.34</u>	<u>64.97</u>
<u>e. 2 inch</u>	<u>per month</u>	<u>70.27</u>	<u>100.70</u>
<u>f. 3 inch</u>	<u>per month</u>	<u>128.81</u>	<u>184.58</u>
<u>g. 4 inch</u>	<u>per month</u>	<u>212.23</u>	<u>304.13</u>
<u>h. 6 inch</u>	<u>per month</u>	<u>421.12</u>	<u>603.46</u>
<u>i. 8 inch</u>	<u>per month</u>	<u>671.73</u>	<u>962.59</u>
<u>j. 10 inch</u>	<u>per month</u>	<u>1,005.66</u>	<u>1,441.11</u>
<u>k. 12 inch</u>	<u>per month</u>	<u>1,954.08</u>	<u>2,800.20</u>

2. The monthly base charge set in subsection [\(A\)\(1\)](#) of this section does not include any charge for consumption of water.

3. The monthly base charge for any single-family residential customer shall not exceed the charge set in (b) above.

B. *Volume Charge (Uniform Volume).*

1. In addition to the monthly base charge in subsection [\(A\)\(1\)](#) of this section, each customer shall pay the following additional charge on his/her bill, based upon the amount of water consumed per each billing period:

~~Effective January 1, 2022~~

Customer Class	Inside City Limits	Outside City Limits
Single Family:	2.85/CCF	4.28/CCF
Multifamily:	2.45/CCF	3.68/CCF
Nonprofit Shelters:	0.63/CCF	0.94/CCF
Commercial ¹ and Industrial ¹ :	2.45/CCF	3.68/CCF
Government ¹ :	2.18/CCF	3.27/CCF

Effective January 1, 2023

Customer Class	Inside City Limits	Outside City Limits (1.483 x Inside)
Single Family:	2.98/CCF	4.42/CCF
Multifamily:	2.56/CCF	3.80/CCF
Nonprofit Shelters:	0.66/CCF	0.98/CCF
Commercial ¹ and Industrial ¹ :	2.56/CCF	3.80/CCF
Government ¹ :	2.28/CCF	3.38/CCF

Effective January 1, 2024

Customer Class	Inside City Limits	Outside City Limits (1.466 x Inside)
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Single-Family:	3.11/CCF	4.56/CCF
Multifamily:	2.68/CCF	3.93/CCF
Nonprofit Shelters:	0.69/CCF	1.01/CCF
Commercial ¹ and Industrial ¹ :	2.68/CCF	3.93/CCF
Government ¹ :	2.38/CCF	3.49/CCF

Effective January 1, 2025

<u>Customer Class</u>	<u>Inside City Limits</u>	<u>Outside City Limits</u> <u>(1.45 x Inside)</u>
<u>Single-Family:</u>		
<u>Tier 1 (0-11 CCF)</u>	<u>2.80/CCF</u>	<u>4.06/CCF</u>
<u>Tier 2 (11-22 CCF)</u>	<u>3.25/CCF</u>	<u>4.71/CCF</u>
<u>Tier 3 (22+ CCF)</u>	<u>4.75/CCF</u>	<u>6.88/CCF</u>
<u>Multifamily:</u>	<u>2.80/CCF</u>	<u>4.06/CCF</u>
<u>Nonprofit Shelters:</u>	<u>0.72/CCF</u>	<u>1.04/CCF</u>
<u>Commercial¹ and Industrial¹:</u>	<u>2.80/CCF</u>	<u>4.06/CCF</u>
<u>Government¹:</u>	<u>2.49/CCF</u>	<u>3.61/CCF</u>

Effective January 1, 2026

<u>Customer Class</u>	<u>Inside City Limits</u>	<u>Outside City Limits</u> <u>(1.433 x Inside)</u>
<u>Single-Family:</u>		
<u>Tier 1 (0-11 CCF)</u>	<u>2.93/CCF</u>	<u>4.20/CCF</u>
<u>Tier 2 (11-22 CCF)</u>	<u>3.40/CCF</u>	<u>4.87/CCF</u>
<u>Tier 3 (22+ CCF)</u>	<u>4.96/CCF</u>	<u>7.11/CCF</u>
<u>Multifamily:</u>	<u>2.93/CCF</u>	<u>4.20/CCF</u>
<u>Nonprofit Shelters:</u>	<u>0.75/CCF</u>	<u>1.07/CCF</u>
<u>Commercial¹ and Industrial¹:</u>	<u>2.93/CCF</u>	<u>4.20/CCF</u>
<u>Government¹:</u>	<u>2.60/CCF</u>	<u>3.73/CCF</u>

1 Note: As this use is classified under VMC Title [20](#).

2. All volume charges are computed per 100 cubic feet (CCF).

3. “Single-family customer” class shall include single dwelling unit with one meter, mobile homes either on individual lots or in mobile home parks. This also includes ADUs that take water and sewer service from service connections separate from the primary residence. This definition is for utility billing purposes only.

4. “Multifamily customer” class shall apply to customers with two or more living units per meter. This also includes ADUs that share water or sewer service from service connections for the primary residence. This definition is for utility billing purposes only.

5. *Nonprofit Shelter*. For the purpose of applying the rates as set forth in subsection (B)(1) of this section, the term “nonprofit shelters” shall be defined to mean a facility operated by a nonprofit organization that provides clients with on-site food, beds or shelter for free or at significantly below market rates.

C. *Charges for Cutting Off and Restoring Service.*

1. *Service Cut-Off.*

a. *Cutting Off Service for Nonpayment*. There shall be a \$40.00 charge to cut off service for nonpayment. There shall be no additional charge for restoring service after such cut-off.

b. *Emergencies – Cut-Off*. No cut-off charge shall be made if service is cut off to meet an actual emergency.

c. *Customer Request*. No cut-off charge shall be made if service is cut off at customer’s request for the first such request. Each additional request shall be a \$25.00 charge during regular office hours and \$125.00 outside of regular office hours.

2. *Restoring Service.*

a. For starting or restoring service at the customer’s request, there shall be a charge of \$25.00 if requested during regular office hours, and a fee of \$125.00 for each such request outside of regular office hours or same day service starts.

b. *Altered Service*. If the meter or service has been altered without the written authorization of the director, the charge shall be \$15.00 additional to all other charges in this section.

c. *Multiple Cut-Off/Restoration Requests*. For customers who require more than one trip to the service address to cut off or restore service at their request, there shall be a fee of \$25.00 per each additional trip during regular office hours.

D. *Testing Meters – Customer’s Request*. The first meter test will be no charge to the customer, and additional meter tests requested by the customer within a 12-month period will be charged per schedule of meter test charges where meter is found not defective:

1 inch and under	\$50.00
1-1/2 inch	\$60.00
2 inch	\$60.00
3 inch	\$80.00
4 inches or more	At cost
Meter resets	\$50.00

Meters tested and found to be defective will be replaced at no cost to the customer for testing or for replacement.

E. *Testing Meters – Other Than at Customer’s Request.* The city reserves the right to test meters at any time. No charge will be made to the customer for meters tested pursuant to this subsection.

F. Temporary water use from hydrant fees shall be set by the director pursuant to VMC [14.04.100\(L\)](#).

SECTION 2. Vancouver Municipal Code Section 14.04.230 is hereby amended to read as follows:

14.04.230 Sanitary sewer service – User charges.

A. *Monthly User Charges.*

1. *Residential Customers.* Each residential customer shall pay a monthly user charge as follows:

~~Effective January 1, 2022~~

Customer Class	Inside City Limits	Outside City Limits
a. Single-Family Residential	\$49.28 per mo. or \$6.16 per CCF	\$73.92 per mo. or \$9.24 per CCF
b. Multifamily Residential	\$49.28 per mo. or \$6.16 per CCF	\$73.92 per mo. or \$9.24 per CCF
c. Nonprofit Shelter	\$1.66 per CCF	\$2.50 per CCF

Effective January 1, 2023

Customer Class	Inside City Limits	Outside City Limits (1.483 x Inside)
a. Single-Family Residential	\$52.24 per mo. or \$6.53 per CCF	\$77.47 per mo. or \$9.68 per CCF
b. Multifamily Residential	\$52.24 per mo. or \$6.53 per CCF	\$77.47 per mo. or \$9.68 per CCF
c. Nonprofit Shelter	\$1.76 per CCF	\$2.61 per CCF

Effective January 1, 2024

Customer Class	Inside City Limits	Outside City Limits (1.466 x Inside)
a. Single-Family Residential	\$55.36 per mo. or \$6.92 per CCF	\$81.16 per mo. or \$10.14 per CCF

Customer Class	Inside City Limits	Outside City Limits (1.466 x Inside)
b. Multifamily Residential	\$55.36 per mo. or \$6.92 per CCF	\$81.16 per mo. or \$10.14 per CCF
c. Nonprofit Shelter	\$1.87 per CCF	\$2.74 per CCF

Effective January 1, 2025

<u>Customer Class</u>	<u>Inside City Limits</u>	<u>Outside City Limits (1.45 x Inside)</u>
<u>a. Single-Family Residential</u>	<u>\$58.72 per mo. or \$7.34 per CCF</u>	<u>\$85.12 per mo. or \$10.64 per CCF</u>
<u>b. Multifamily Residential</u>	<u>\$58.72 per mo. or \$7.34 per CCF</u>	<u>\$85.12 per mo. or \$10.64 per CCF</u>
<u>c. Nonprofit Shelter</u>	<u>\$1.98 per CCF</u>	<u>\$2.87 per CCF</u>

Effective January 1, 2026

<u>Customer Class</u>	<u>Inside City Limits</u>	<u>Outside City Limits (1.433 x Inside)</u>
<u>a. Single-Family Residential</u>	<u>\$62.24 per mo. or \$7.78 per CCF</u>	<u>\$89.20 per mo. or \$11.15 per CCF</u>
<u>b. Multifamily Residential</u>	<u>\$62.24 per mo. or \$7.78 per CCF</u>	<u>\$89.20 per mo. or \$11.15 per CCF</u>

<u>Customer Class</u>	<u>Inside City Limits</u>	<u>Outside City Limits</u> <u>(1.433 x Inside)</u>
<u>c. Nonprofit Shelter</u>	<u>\$2.10 per CCF</u>	<u>\$3.01 per CCF</u>

2. Sewer charges for each single-family or multifamily residential customer shall be based upon that customer's average water usage, recorded when meters are normally read for billing purposes, within the previous January through March window. Each customer, other than qualifying low-income seniors as defined in subsection [\(A\)\(2\)\(e\)](#) of this section, is subject to a minimum volume charge of three CCF per month.

a. Single-family or multifamily residential customers shall be charged an average 60-day consumption of the billing periods specified above at the applicable inside city or outside city rate per CCF for sewer as set forth in subsection [\(A\)\(1\)](#) of this section. For new accounts in which the two-month water consumption history has not been established, the director may establish an interim rate in accordance with department policies. The director shall approve a written policy for the setting of this interim rate that will include, but not be limited to, how the interim rate is calculated.

b. The applicable inside city or outside city flat rate set forth in subsection [\(A\)\(1\)](#) of this section shall be used as the monthly sewer billing rate for any customer for whom for any reason the provisions of this subsection cannot be used.

c. The utilities division shall develop written rules consistent with this subsection and the ordinance codified in this section for the fair and efficient administration of such sewer rate.

d. For the purpose of applying the rates as set forth in subsection [\(A\)\(2\)\(c\)](#) of this section, the term "nonprofit shelter" shall be defined to mean a facility operated by a nonprofit organization that provides clients with on-site food, beds or shelter for free or at significantly below-market rates.

e. For the purpose of applying the low income senior minimum sewer flow waiver as set forth in subsection [\(A\)\(2\)](#) of this section, applicants shall meet the following:

- i. Applications shall be obtained from and filed with the director or their designee. The application shall be on a form prescribed by the director, and shall contain the

information necessary to evaluate the applicant's qualification for the low income senior minimum sewer flow waiver.

- A. Submission of an application for a utility discount shall constitute a verification by the applicant that all information provided in such application is true and correct to the best of the applicant's knowledge.
 - B. Once approved by the department, the application shall become effective the next billing cycle after approval of the application.
 - C. Each application is effective for 12 months commencing the first month the reduced rate becomes effective for the applicant. It shall be the sole responsibility of the applicant to reapply for successive 12-month periods of eligibility.
 - D. The rate reduction shall only apply to utility charges for service to a residence. The residence for which the rate reduction is requested must be the applicant's principal place of residence.
 - E. The applicant must be the head of the household for the residence for which the rate reduction is requested.
 - F. The utility account must be in the applicant's name or the name of the applicant's spouse.
- ii. For purposes of this section, the term "low-income senior" shall be defined as follows:
- A. Be 62 years of age or older at all times during any period for which a minimum sewer flow waiver is requested; and
 - B. Have been a sewer customer of the city at all times during any period for which a minimum sewer flow waiver is requested; and
 - C. Have an income during the calendar year or portion thereof for which a minimum sewer flow waiver is requested, from all sources whatsoever, either (1) not exceeding 200 percent of the federal poverty guidelines for a household of any size as published by the Secretary of Housing and Urban Development or (2) not exceeding the income qualification for low-income seniors set forth in RCW [84.36.381\(5\)\(a\)](#), whichever is greater.

3. *Commercial, Industrial, Electronics and Government Customers.* Each such customer shall pay a monthly user charge per hundred cubic feet (CCF) as follows; provided, each such customer is subject to a minimum user charge equal to the applicable inside or outside city flat monthly rate for one single-family service set forth in subsection [\(A\)\(1\)](#) of this section:

~~Effective January 1, 2022:~~

Customer Class	Inside City Limits	Outside City Limits
a. Commercial	\$7.22 per CCF	\$10.82 per CCF
b. Government	\$4.41 per CCF	\$6.62 per CCF
c. Industrial	\$7.47 per CCF	\$11.20 per CCF
d. Electronics	\$5.49 per CCF¹⁹	\$8.24 per CCF²⁰

~~Notes for Electronic Customer Class — Effective January 1, 2022 — December 31, 2022:~~

~~**19** For monthly average flows above 2.88 million gallons per day, the rate shall be \$4.39 per CCF.~~

~~**20** For monthly average flows above 2.88 million gallons per day, the rate shall be \$6.59 per CCF.~~

~~Effective January 1, 2023:~~

Customer Class	Inside City Limits	Outside City Limits (1.483 x Inside)
a. Commercial	\$7.65 per CCF	\$11.34 per CCF
b. Government	\$4.67 per CCF	\$6.93 per CCF

Customer Class	Inside City Limits	Outside City Limits (1.483 x Inside)
c. Industrial	\$7.92 per CCF	\$11.75 per CCF
d. Electronics	\$5.82 per CCF²¹	\$8.63 per CCF²²

~~Notes for Electronic Customer Class – Effective January 1, 2023 – December 31, 2023:~~

~~**21** For monthly average flows above 2.88 million gallons per day, the rate shall be \$4.65 per CCF.~~

~~**22** For monthly average flows above 2.88 million gallons per day, the rate shall be \$6.90 per CCF.~~

Effective January 1, 2024:

Customer Class	Inside City Limits	Outside City Limits (1.466 x Inside)
a. Commercial	\$8.11 per CCF	\$11.89 per CCF
b. Government	\$4.95 per CCF	\$7.26 per CCF
c. Industrial	\$8.40 per CCF	\$12.31 per CCF
d. Electronics	\$6.17 per CCF ²³	\$9.05 per CCF ²⁴

Notes for Electronic Customer Class – Effective January 1, 2024 – December 31, 2024:

23 For monthly average flows above 2.88 million gallons per day, the rate shall be \$4.93 per CCF.

24 For monthly average flows above 2.88 million gallons per day, the rate shall be \$7.23 per CCF.

Effective January 1, 2025:

<u>Customer Class</u>	<u>Inside City Limits</u>	<u>Outside City Limits</u> <u>(1.45 x Inside)</u>
<u>a. Commercial</u>	<u>\$8.60 per CCF</u>	<u>\$12.47 per CCF</u>
<u>b. Government</u>	<u>\$5.25 per CCF</u>	<u>\$7.61 per CCF</u>
<u>c. Industrial</u>	<u>\$8.90 per CCF</u>	<u>\$12.91 per CCF</u>
<u>d. Electronics</u>	<u>\$6.54 per CCF²⁵</u>	<u>\$9.48 per CCF²⁶</u>

Notes for Electronic Customer Class – Effective January 1, 2025 – December 31, 2025:

25 For monthly average flows above 2.88 million gallons per day, the rate shall be \$5.23 per CCF.

26 For monthly average flows above 2.88 million gallons per day, the rate shall be \$7.58 per CCF.

Effective January 1, 2026:

<u>Customer Class</u>	<u>Inside City Limits</u>	<u>Outside City Limits</u> <u>(1.433 x Inside)</u>
<u>a. Commercial</u>	<u>\$9.12 per CCF</u>	<u>\$13.07 per CCF</u>
<u>b. Government</u>	<u>\$5.57 per CCF</u>	<u>\$7.98 per CCF</u>
<u>c. Industrial</u>	<u>\$9.43 per CCF</u>	<u>\$13.51 per CCF</u>
<u>d. Electronics</u>	<u>\$6.93 per CCF²⁷</u>	<u>\$9.93 per CCF²⁸</u>

Notes for Electronic Customer Class – Effective January 1, 2026 – December 31, 2026:

27 For monthly average flows above 2.88 million gallons per day, the rate shall be \$5.54 per CCF.

28 For monthly average flows above 2.88 million gallons per day, the rate shall be \$7.94 per CCF.

4. The rate for discharging septage at the city's publicly owned treatment works (POTW) as provided for in Chapter [5.72](#) VMC effective January 1, 2021, shall be \$155.00 for each 1,000 gallons, or fraction thereof, discharged into the POTW. The rate for discharging septage at the city's POTW may be adjusted not more than once per calendar year by the director to address the unique operational and capital needs associated with providing this service.

5. "Industrial customer" is defined as an industrial user of the public sewer system who:

- a. Has a discharge flow of 10,000 gallons of processed wastewater or more per average workday; or
- b. Has a concentration of biochemical oxygen demand (BOD) and suspended solids (SS) in excess of 200 milligrams per liter per average work day; or
- c. Is found by the city, State Department of Ecology or U.S. Environmental Protection Agency to have potential for a significant impact on the wastewater treatment system.

6. "Electronics user" is defined as an industrial user of the public sewer system who:

- a. Has a discharge flow of 500,000 gallons or more per average work day; and
- b. Has a concentration of biochemical oxygen demand (BOD) and suspended solids (SS) less than 200 milligrams per liter per average work day.

B. *Liquids Not Originating From City Water System.* Any person discharging into the city sanitary sewerage system sewage which has in it liquids which did not originate from the city water system shall meter or measure by some method approved by the director all water used in the premises, whether the water is obtained from the municipal water supply system or from wells, private water systems or other sources.

C. *Used Water Not Flowing Into Sewer System.* Where the user of water is such that a portion of all of the water used does not flow into a city sewer but is lost by evaporation or is used in manufacture or processes such as ice, beverages, foods or the like and the person in control provides proof of this fact and installs a meter or other measuring device approved by the

director to measure the amount of water so used or lost, no charge shall be made for sewerage because of water so used or lost.

D. *Computation of Utility Rates.* For the purpose of computing water and sewer bills, all residences, regardless of number of units, shall be deemed residential, and each unit therein shall be deemed a residence. All other uses shall be deemed commercial, industrial or government.

SECTION 3. Vancouver Municipal Code Section 14.09.060 is hereby amended to read as follows:

14.09.060 Rates for storm and surface water management.

A. Because all real property in the city contributes stormwater runoff to and/or benefits from the city's stormwater system, the owners thereof shall pay monthly charges as set forth in this section. Monthly charges will have two components as follows:

1. *Operation and Maintenance.* To provide for administrative and field operations, billing, accounting, and for the maintenance, repair and upgrade of existing stormwater facilities.
2. *Capital Expenditures.* To provide for basin-wide and system master planning and subsequent capital improvement projects as identified in the stormwater capital plan.

B. The water and sewer utility is authorized to establish charges for the use and discharge to the city's stormwater system. Such charges shall be based on the cost of providing stormwater service to all properties within the city and may be different for properties receiving different classes of service. Monthly charges shall be established as follows:

~~Effective January 1, 2022~~

Single-Family	Multifamily	Commercial	Industrial
\$13.01 per month	\$13.01 per 2,500 sq. ft. hard surface per month (\$13.01 minimum)	\$13.01 per 2,500 sq. ft. hard surface per month (\$13.01 minimum)	\$13.01 per 2,500 sq. ft. hard surface per month (\$13.01 minimum)

~~Effective January 1, 2023~~

Single-Family	Multifamily	Commercial	Industrial
\$14.05 per month	\$14.05 per 2,500 sq. ft. hard surface per month (\$14.05 minimum)	\$14.05 per 2,500 sq. ft. hard surface per month (\$14.05 minimum)	\$14.05 per 2,500 sq. ft. hard surface per month (\$14.05 minimum)

Effective January 1, 2024

Single-Family	Multifamily	Commercial	Industrial
\$15.17 per month	\$15.17 per 2,500 sq. ft. hard surface per month (\$15.17 minimum)	\$15.17 per 2,500 sq. ft. hard surface per month (\$15.17 minimum)	\$15.17 per 2,500 sq. ft. hard surface per month (\$15.17 minimum)

Effective January 1, 2025

<u>Single-Family</u>	<u>Multifamily</u>	<u>Commercial</u>	<u>Industrial</u>
<u>\$16.38 per month</u>	<u>\$16.38 per 2,500 sq. ft. hard surface per month (\$16.38 minimum)</u>	<u>\$16.38 per 2,500 sq. ft. hard surface per month (\$16.38 minimum)</u>	<u>\$16.38 per 2,500 sq. ft. hard surface per month (\$16.38 minimum)</u>

Effective January 1, 2026

<u>Single-Family</u>	<u>Multifamily</u>	<u>Commercial</u>	<u>Industrial</u>
<u>\$17.69 per month</u>	<u>\$17.69 per 2,500 sq. ft. hard surface per month (\$17.69 minimum)</u>	<u>\$17.69 per 2,500 sq. ft. hard surface per month (\$17.69 minimum)</u>	<u>\$17.69 per 2,500 sq. ft. hard surface per month (\$17.69 minimum)</u>

C. “Multifamily customer” class shall apply to customers with living units that share a common wall.

1. Multifamily customers with two or more living units per meter will be charged the effective rate per 2,500 square feet of impervious surface.
2. Multifamily customers with one water meter per living unit will be charged the prevailing “single-family customer rate” per unit. “Single-family customer rate” shall apply to mobile homes either on individual lots or in a mobile home park.

D. *State Highway Charge.* Pursuant to RCW [90.03.525](#), the monthly charge for all state highway properties within the city shall be 30 percent of the charge provided in subsection [B](#) of this section, unless the city and state agree to a different rate or unless the court of competent jurisdiction holds otherwise.

E. *Application to Publicly Owned Properties.* Other publicly owned properties shall be charged at the industrial rate as set forth herein.

F. *Application to Active Gravel Mining Operations and Publicly Owned Streets, Alleys and Rights-of-Way.* Active gravel mining operations, publicly owned streets, alleys and rights-of-way shall be charged at the state highway charge rate provided in subsection [D](#) of this section.

G. *Application to Certain Qualifying Properties.* For qualifying properties meeting all of the following criteria, the monthly charge shall be 30 percent of the charge provided in subsection [B](#) of this section.

1. The qualifying property is subject to a stormwater management program regulated by and in compliance with the requirements for a Phase 1, Phase 2, or secondary permittee as defined by Special Condition S6 of the NPDES Western Washington Phase II Municipal Stormwater Permit, and as hereafter amended; and
2. The qualifying property does not discharge stormwater into the city of Vancouver surface water drainage system; and
3. If infiltrating on site, water quality treatment shall meet current city of Vancouver and Department of Ecology standards and requirements for the land use. (Ord. M-4391 § 4, 2022; Ord. M-4359 § 3, 2021; Ord. M-4327 § 3, 2021; Ord. M-4315 § 3, 2020; Ord. M-4257 § 8, 2018; Ord. M-4239 § 12, 2018; Ord. M-4193 § 6, 2017; Ord. M-4184 § 5, 2016; Ord. M-4179 § 20, 2016; Ord. M-4143 § 4, 2015; Ord. M-4099 § 3, 2014; Ord. M-4032 § 3, 2012; Ord. M-4022 § 42, 2012; Ord. M-4007 § 2, 2011; Ord. M-3899 § 4, 2008; Ord. M-

3677 § 1, 2004; Ord. M-3650 § 1, 2004; Ord. M-3514, 2000; Ord. M-3398, 1998; Ord. M-3337, 1997; Ord. M-3274, 1996; Ord. M-3145 § 1, 1994)

SECTION 4. Savings. Those sections of any ordinances amended or repealed by this ordinance shall remain in full force and effect until the effective date of this ordinance.

SECTION 5. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not effect or invalidate the remainder of any parts thereof to any person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

SECTION 6. Effective Date. This ordinance shall become effective as of January 1, 2025, following the date of final adoption.

SIGNED this _____ day of _____, 2024.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

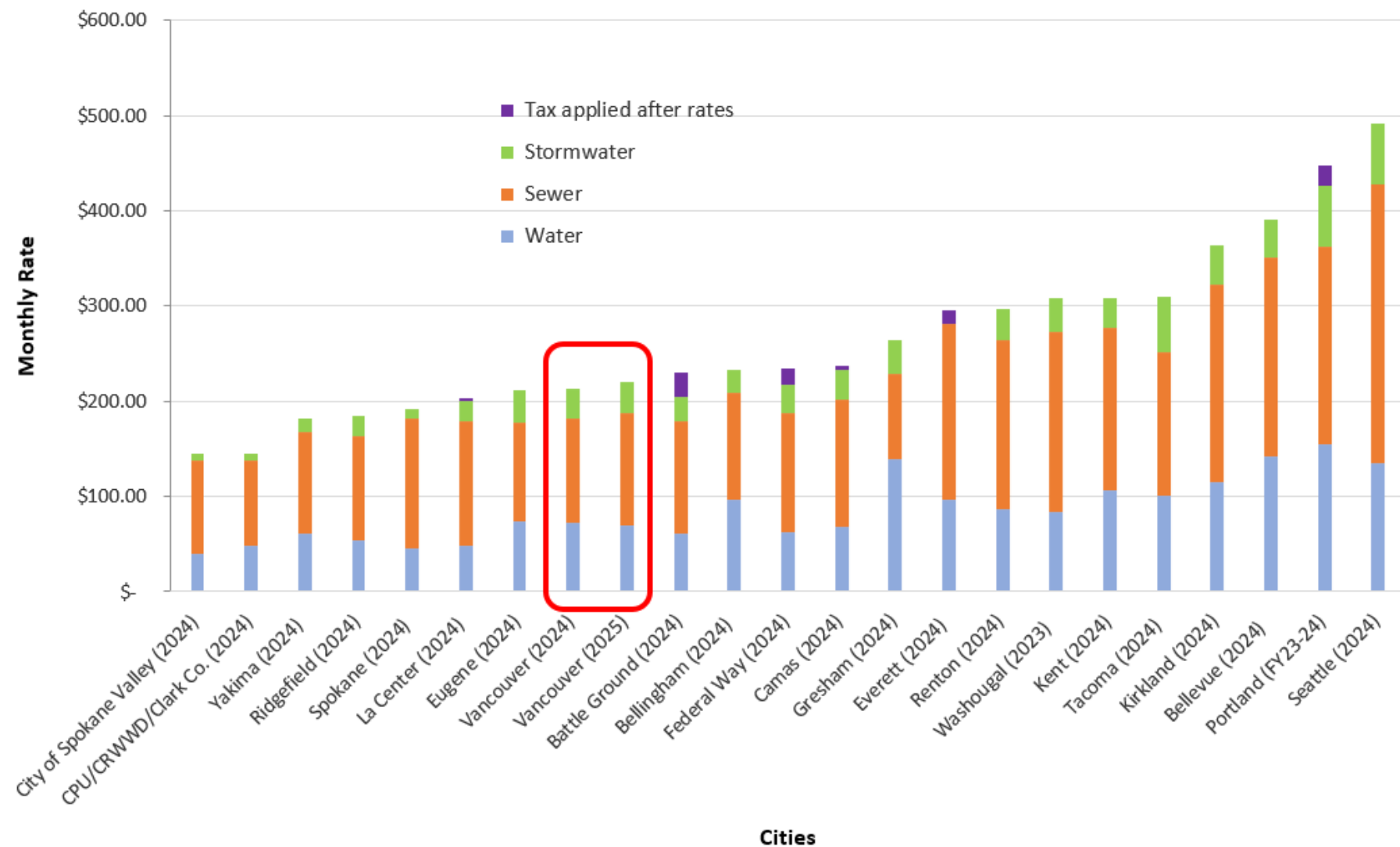
ORDINANCE NO. _____

AN ORDINANCE related to the water, sewer and surface water utility user rates, amending Vancouver Municipal Code Sections 14.04.210, 14.04.230, and 14.09.060; and providing for savings, severability, and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

Utility rate comparisons (inside City)

Single family bimonthly rate comparison (16 CCF)



AN ORDINANCE relating to amendments to the Fire Code to consolidate the development review standards and fire code requirements, to bring the ordinance more closely into alignment with the Washington State Fire Code, to clarify the reasonable right of entry process for non-responsive parties for commercial fire and life safety inspections, to provide for limited technical assistance fire review, to streamline and clearly outline the process for special hazards, and provide general code cleanup; providing for savings, severability and an effective date.

Staff Report: 248-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Ordinance Amending VMC Title 16, Pertaining to Fire-Related Construction Permits and Fire Code Operational Permits, Fire Protection System Reviews, Consistent with the Council's Direction to Appropriately Set and Collect Fees for Services, with Said Changes to be Effective January 1, 2025

Key Points

The City's Fire Code is codified as Title 16 of the Vancouver Municipal Code, which provides the rules and regulations for the administration and enforcement of the fire and life safety codes adopted by the City.

The Building Fire Code Commission voted unanimously to support the proposed VMC Title 16 amendments and has submitted a Letter of Recommendation signed by the Commission.

- The proposed modifications are as follows:
- The proposed amendments will streamline the fire-related permit process for end users.
- The proposed update will focus on restructuring VMC Title 16 for alignment with WA ST Fire Code appendices, capturing minor language clean-up, and introducing substantive items.

Proposed VMC Title 16 substantive modifications:

- Commercial Fire and Life Safety Inspections – Establish a reasonable right of entry process for property and business owners.
- Technical Assistance Fire Review - In unique circumstances regarding special hazards and/or engineering complexity, establish a streamlined process for the end user with required subject matter experts paid by the requestee/applicant.
- Consolidate VFD development review standards and VMC requirements.
- Special Hazard Review – Permits required in IFC 105.5 – 105.6 not specifically covered under a construction permit, add fire plans review permit fee.
- Technical Assistance Fire Review - In unique circumstances regarding special hazards and/or engineering complexity, establish a streamlined process for the end user with required subject matter experts paid by the requestee/applicant.
- Hazardous Materials – Streamline and clearly outline the process for special hazards.

Strategic Plan Alignment

Safe and Prepared Community – a safe place to live, work, learn and play

Present Situation

The City of Vancouver regulates fire and life safety building administration with VMC Title 16. The administrative provisions of these titles are based in part on adoptions of regularly updated Washington state law. The attached ordinances, in part, reflect items recommended by staff as they pertain to the WA ST State Fire Code and appendices.

Regularly reviewing Fire Department-related code provisions, permit fees, and potentially increasing fire permit and review fees is crucial as it directly impacts public safety, infrastructure resilience, and emergency response capabilities. The proposed amendments aim to streamline the process for end-users by consolidating Fire Department data sites and adding permit fees for fire plans review for fire code regulated construction and operational permits. These changes are necessary to address the evolving landscape of hazards driven by advancements in technology, changes in building materials, and emerging industries.

The proposed revision of VMC Title 16 will add and re-align fees for staffing costs associated with fire-related construction permits and fire code operational permits, fire protection system reviews, and external fire-related technical reviews.

Advantage(s)

1. The proposed amendments will alignment with Washington State Fire Code.
2. The proposed amendments will streamline the permit process for clients/end users.
3. The proposed new fees further the public interest by allowing for review costs to be recovered by applicants who are receiving the review service.
4. The proposed revisions to existing fees further the public interest by more accurately calibrating based on an analysis of time spent in providing the review service to applicants.

Challenge(s)

None identified.

Budget Impact

Minor increased revenue from new fire plan review fee adjustments on fire code operational permits and fire-related construction permits pertaining to unique special hazards. The new and updated fees will improve cost recovery for City time spent on certain reviews and permits. Estimated net positive revenue to the General Fund is approximately \$5,000 to \$10,000 per year based on specific special hazards use, processes and construction activity.

Prior Council Review

Council Budget Work Sessions: 10/28/2024 and 11/4/2024

Action Requested

On Monday, November 18, 2024, advance the ordinance and adopt the attached VMC Title 16 amendments, to be effective January 1, 2025, setting the second reading and public hearing for December 2, 2024.

Staff Contact

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

Attachments:

1. Ordinance
2. Memo
3. Letter

11/18/2024
12/2/2024

ORDINANCE NO. _____

AN ORDINANCE relating to amendments to the Fire Code to consolidate the development review standards and fire code requirements, to bring the ordinance more closely into alignment with the Washington State Fire Code, to clarify the reasonable right of entry process for non-responsive parties for commercial fire and life safety inspections, to provide for limited technical assistance fire review, to streamline and clearly outline the process for special hazards, and provide general code cleanup; providing for savings, severability and an effective date.

WHEREAS, ensuring fire and life safety in the City of Vancouver is more critical than ever due to the evolving technology and complexity of buildings and hazards; and

WHEREAS, as reflected in SR - _____, the Building and Fire Codes Commission and the Fire Code Official have recommended certain amendments be made to Title 16; and

WHEREAS, the proposed changes are necessary to address the evolving landscape of hazards driven by advancements in technology, changes in building materials, and emerging industries; and

WHEREAS, this ordinance is an exercise of the City of Vancouver's police and legislative authority derived from Wash. Const. art. XI, § 11 and is consistent with RCW 19.27 and WAC 51-54, and is to protect the public's health, safety, and welfare.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. That part of Section 1 of Ordinance M-3659, last amended by that part of Section 1 of Ordinance M-4164, codified as VMC 16.04.010, is hereby amended to read as follows:

16.04.010 Adoption of the (IFC) ~~international fire code~~.

As required by RCW Chapter 19.27, the City of Vancouver hereby adopts by reference the current version of the International Fire Code (IFC), including appendices B, E and HE, as amended by RCW Chapter 19.27, WAC Chapter 51-54A and the provisions of this chapter. Construction permits under IFC Section 105 shall be governed by VMC Chapter 17.08, Administrative Code.

Section 2. That part of Section 1 of Ordinance M-3659, last amended by that part of Section 2 of Ordinance M-4164, codified as VMC 16.04.030, is hereby repealed.

Section 3. That part of Section 1 of Ordinance M-3659, codified as VMC 16.04.050, is hereby amended to read as follows:

16.04.050 Local ~~a~~ Amendments to the (IFC) ~~international fire code~~.

If any amendment to the IFC contained in VMC ~~Title 16~~ Chapter 16.04 proves void or otherwise unenforceable, the ~~Fire Code~~ Official shall apply and enforce the IFC as adopted and amended by RCW 19.27 and WAC 51-54A.

Section 4. That part of Section 1 of Ordinance M-3659, last amended by that part of Section 3 of Ordinance M-4164, codified as VMC 16.04.060, is hereby amended to read as follows:

Unless otherwise provided in this chapter, definitions included within the IFC shall govern this chapter. Undefined terms shall be defined by their plain meaning and context.

~~“LID Best Management Practices” means 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, minimal excavation foundations, vegetated roofs, and water re-use.

~~“LID Principles” means land use management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.~~

~~“Low Impact Development (LID)” means a stormwater and land use 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.~~

The definition of Fire Department Master Key contained in the IFC is amended to read as follows:

FIRE DEPARTMENT KNOX KEY. A limited issue key of special or controlled design to be carried by the City of Vancouver fire department officials, which will open key boxes on specified properties.

EMS SUBKNOX KEY. A limited issue key of special or controlled design to be carried by ambulance service providers under contract with the City of Vancouver which will open keyed vehicle gates for access to specified properties.

The definition of Unreliable Emergency Access is added as follows:

UNRELIABLE EMERGENCY ACCESS. Unreliable emergency access has a potential for significant delay in effecting emergency response or in implementing fire suppression tactics from the public or private way. Unreliable emergency access conditions may include the potential requirement to breach multiple obstructions, building features, or dense vegetation. Unreliable emergency access also includes steep terrain, surfaces or conditions that could restrict access for large fire apparatus, inaccessible areas, and/or vehicle access lanes that are frequently obstructed such as railroad crossings.

Section 5. That part of Section 1 of Ordinance M-3659, last amended by that part of Section 2 of Ordinance M-4164, codified as VMC 16.04.010, is hereby amended to read as follows:

16.04.070 Office of the ~~F~~ire ~~M~~arshal. Amendment to IFC Section 103.

All references in the fire code to the “Department of Fire Prevention” shall refer to the “Office of the Fire Marshal.”

The Vancouver Fire Department, Office of the Fire Marshal is hereby created and the official in charge thereof shall be known as the Fire Code Official. The function of the

agency shall be the implementation, administration, and enforcement of the provisions of this code.

Appointment. The Fire Code Official shall be appointed by the chief appointing authority of the jurisdiction.

Designee. In accordance with the prescribed procedures of the City of Vancouver and with the concurrence of the appointing authority, the Fire Code Official shall have the authority to appoint a designee(s) within the Office of the Fire Marshal. Such employees shall have the powers as delegated by the Fire Code Official.

Section 6. That part of Section 1 of Ordinance M-3659, codified as VMC 16.04.075, is hereby amended to read as follows:

16.04.075 Legal ~~D~~efense.

~~IFC Sections 103.4 and 103.4.1 are not adopted.~~ Legal defense of the ~~F~~ire ~~C~~ode ~~O~~fficial and other city employees charged with the administration and enforcement of this code shall be governed by the provisions in VMC Chapter 2.46. If there is a conflict between VMC 2.46 and the provisions of VMC Title 16, VMC Chapter 2.46 shall control.

Section 7. That part of Section 1 of Ordinance M-3659, codified as VMC 16.04.080, is hereby amended to read as follows:

16.04.080 Minimum ~~P~~roperty ~~M~~aintenance ~~C~~ode.

All references in the fire code to the “International Property Maintenance Code” shall refer to the “Minimum Property Maintenance Code”, VMC Chapter 17.14.

Section 8. That part of Section 1 of Ordinance M-3659, last amended by that part of Section 3 of Ordinance M-4138, codified as VMC 16.04.090, is hereby amended to read as follows:

16.04.090 ~~Amendment to IFC Section 104.5 – Enforcement.~~ Amendment to IFC Section 104 – Duties and Powers of the Fire Code Official.

~~104.5 Enforcement.~~ The ~~F~~ire ~~C~~ode ~~O~~fficial is authorized to enforce the provisions of this code according to IFC, ~~Section 109~~ and VMC Titles 16, 17 and 22.

A. The responsible party (commercial property owner and/or commercial building owner or commercial business occupant) shall provide reasonable right of entry to the Fire Code Official or designee for the purpose of conducting an annual fire and life safety inspection at the premises. The responsible party shall provide a reasonable date and time to complete the routine fire inspection with the Fire Code Official or designee. If entry is refused to the premises, the Fire Code Official has recourse to every remedy provided by law to secure entry and/or may impose additional legal and enforcement action for refusal of entry.

B. Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish, or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

C. Enforcement. In addition to or as an alternative to any corrective actions or remedies included in the IFC, the Fire Code Official shall enforce the provisions of the fire code under VMC Title 22.

D. Unauthorized tampering. Signs, tags, or seals posted or affixed by the Fire Code Official shall not be mutilated or destroyed or tampered with or removed without authorization from the Fire Code Official.

E. Abatement of Violation. In addition to the imposition of the penalties herein described, the Fire Code Official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy or a structure on or about any premises.

Section 9. A new section is added, codified as VMC 16.04.093, to read as follows:

16.04.093 Amendment to IFC Section 104.8.2 - Technical Assistance Fee.

- A. Applicability. This section pertains to existing buildings, premises, occupancies, specific occupancy uses, other types of facilities and/or system use modifications and/or new construction, commercial remodel, and tenant improvement work.
- B. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premise

subject to inspection by the Fire Code Official, the Fire Code Official is authorized to require the owner or owner's authorized agent to provide, without charge to the City of Vancouver, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory, or fire safety specialty organization acceptable and approved by the Fire Code Official and shall analyze the fire safety properties of the design, operation or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The Fire Code Official is authorized to require design submittals to be prepared by and bear the stamp of a registered design professional.

1. In rare circumstances, a project encompasses a unique hazard or hazards, engineering complexity and/or innovative technology. The Fire Code Official may determine if outside technical expertise is required for fire and life safety review and/or fire and life safety code consultation. If so determined, the project applicant or their legal agent shall cover the associated fire review/consultation costs of the City of Vancouver's third-party fire protection engineering consultant and/or technical assistance who will work on behalf of the Fire Code Official prior to the commencement of fire permit review work.
 - ii. Payment process for Technical Assistance Fire Review
 - a. Prior to commencement of technical review, fees in accordance with VMC 16.04.280 must be paid.

Section 10. That part of Section 1 of Ordinance M-3819, last amended by that part of Section 4 of Ordinance M-4138, codified as VMC 16.04.095, is hereby amended to read as follows:

16.04.095 Additions to IFC Section 105 – Permits and Fire Protection System Service Endorsements.

~~105.8.~~ Fire Equipment Service Endorsements

Except as provided in VMC Title 16~~IFC Section 105.10~~, no person may design, inspect, install, alter, repair, maintain or test fire protection systems without first obtaining the appropriate fire protection system endorsement (endorsement), as required in this section. An endorsement shall also be required for the design, inspection, installation, alteration, repair, maintenance or testing of combination type systems which employ the use of fire protection equipment and other non-fire protection equipment such as security/burglar alarm systems (combination

systems) and combination fire alarm and carbon monoxide for occupancies other than R-3 occupancy types.

~~A105.8.1.~~ Unless an applicant is ineligible to obtain an endorsement under the provisions of VMC Title 16IFC Section 105.12, the Fire Code Official shall issue an endorsement after receiving a complete endorsement application. As part of the endorsement application, an applicant must prove that they have~~he or she has~~ obtained the necessary certification(s) as described in “Administrative Rule 9.01 – Qualification Requirements for Fire Protection System Contractors & Employees” from the National Institute for Certification in Engineering Technologies (NICET), or the State of Washington, as required in this section. In the event NICET certification or certification from the State of Washington is not available, the applicant must prove that they have~~he or she has~~ obtained certification from a nationally recognized organization or association in accordance with Administrative Rule 9.01, relevant to the specific fire protection system or combination system that they intend~~he or she intends~~ to design, inspect, install, alter, repair, maintain or test.

~~B105.8.2.~~ Endorsements are required for the following fire protection systems or combinations systems:

~~1.105.8.2.1.~~ Commercial Cooking Exhaust Cleaner (~~CCEC~~) Endorsement.

~~2.105.8.2.2.~~ Fire Alarm System Designer of Record (~~FASDR~~) Endorsement.

~~3.105.8.2.3.~~ Fire Alarm System Installation or Repair (~~FASIR~~) Endorsement.

~~4.105.8.2.4.~~ Fire Alarm System Testing (~~FAST~~) Endorsement.

~~5.105.8.2.5.~~ Fixed Suppression System Designer of Record (~~FSSDR~~) Endorsement.

~~6.105.8.2.6.~~ Fixed Suppression System Install, Repair, Testing (~~FSSIRT~~) Endorsement.

~~7.105.8.2.7.~~ ~~Pre-Engineered Commercial Kitchen Fire & Spray Booth~~ Suppression System (~~PEKSBS~~) Endorsement.

~~8.105.8.2.8.~~ Sprinkler System Designer of Record – Level 1 (~~SSDR1~~) Endorsement.

~~9.105.8.2.9.~~ Sprinkler System Designer of Record – Level 2 (SSDR2)
Endorsement.

~~10.105.8.2.10.~~ Sprinkler System Designer of Record – Level 3 (SSDR3)
Endorsement.

~~11.105.8.2.11.~~ Sprinkler System Designer of Record – Level U (SSDRU)
Endorsement.

~~12.105.8.2.12.~~ Sprinkler System Installation or Repair – Level 1 (SSIR1)
Endorsement.

~~13.105.8.2.13.~~ Sprinkler System Installation or Repair – Level 2 (SSIR2)
Endorsement.

~~14.105.8.2.14.~~ Sprinkler System Installation or Repair – Level 3 (SSIR3)
Endorsement.

~~15.105.8.2.15.~~ Sprinkler System Installation or Repair – Level U (SSIRU)
Endorsement.

~~16.105.8.2.16~~ Sprinkler System Testing Technician – Level 1 (SSTT1)
Endorsement.

~~105.8.2.17 Sprinkler System Testing Technician – Level 2 (SSTT2)
Endorsement.~~

C.105.9. Endorsement Expiration

~~Fire sprinkler system contractors and individuals regulated by the State of Washington Fire Marshal's Office will automatically be issued to do the same work in the City of Vancouver. Those endorsements will remain valid unless the State licensure is not maintained or unless revoked for cause by the fire code official in accordance with IFC Section 105.12. Other fire protection contractors who apply for and receive City of Vancouver endorsements are required to maintain their applicable qualifications, certifications and licenses. The fire code official may periodically conduct random audits for compliance.~~

Endorsements expire upon the earliest expiration date of the minimum required credential. It shall be the responsibility of the endorsed contractor and their

technicians to maintain their credentials within the FMO Contractor Portal endorsement management system contractor portal.

Those endorsements will remain valid unless the endorsement holder fails to maintain their qualifications or unless revoked for cause by the Fire Code Official in accordance with VMC 16.04.095 ~~IFC Section 105.12~~.

D.105.10 Exceptions to the Requirement for a Fire Protection System Service Endorsement

The following individuals shall not be required to obtain a fire equipment service endorsement:

- 1.105.10.1. Federal, state, and local government employees, or insurance inspectors when acting in their official capacities.
- 2.105.10.2. A person or organization acting under court order.
- 3.105.10.3. A registered professional engineer acting solely in a professional capacity.
- 4.105.10.4. When doing work regulated under chapter 19.28 RCW, certified master electricians, journeyman electricians, specialty electricians or properly supervised trainees allowed to perform electrical installation work under Chapter 19.28 RCW.
- 5.105.10.5. When work is being done that involves electrical work regulated under chapter 19.28 RCW and programming or acceptance testing, reacceptance testing, or inspection, testing and maintenance of fire alarm systems as required by the fire code official, the individual shall:
 - a.1. Be an appropriately licensed~~certified~~ electrician being supervised by an individual possessing the appropriate endorsement; or
 - b.2. Must possess an endorsement and be an appropriately licensed~~certified~~ electrician.
- 6.105.10.6. Be a manufacturer's technician working on their unique proprietary equipment.

E.105.11. Contractor Endorsement

No contractor may engage in the design, inspection, installation, alteration, repair, maintenance or testing of fire protection systems or combination systems, unless the contractor has obtained an applicable contractor endorsement, as required in this section. For the purposes of this subsection, “contractor” means any form or type of business that engages in the design, inspection, installation, alteration, repair, maintenance or testing of fire protection systems or combination systems.

~~1.105.11.1.~~ Unless an applicant for a contractor endorsement is ineligible to obtain an endorsement under the provisions of VMC Title 16IFC Section 105.12, the ~~Fire Code Official~~ shall issue an endorsement after receiving a complete endorsement application and qualifying credentials. An application requires a contractor to demonstrate that at least one currently employed individual has obtained any necessary individual endorsements, as required under VMC Title 16IFC Section 105.8.

~~2.105.11.2.~~ ~~All contractor endorsements shall be posted in a conspicuous area within the place of business and be made available to any person upon request.~~

~~2.105.11.3.~~ The ~~Fire Code Official~~ requires businesses or contractors to obtain the following endorsements:

~~a.105.11.3.1.~~ Commercial Cooking Exhaust Contractor (~~CCEC~~) Endorsement.

~~b.105.11.3.2.~~ Fire Alarm System Contractor (~~FASC~~) Endorsement.

~~c.105.11.3.3.~~ Fixed Suppression System Contractor (~~FSSC~~) Endorsement.

~~d.105.11.3.4.~~ Commercial Kitchen Fire & Spray Booth Suppression System Contractor (~~KSBSSC~~) Endorsement.

~~e.105.11.3.5.~~ Sprinkler System Contractor – Level 1 (~~SSC1~~) Endorsement.

~~f.105.11.3.6.~~ Sprinkler System Contractor – Level 2 (~~SSC2~~) Endorsement.

~~g.105.11.3.7.~~ Sprinkler System Contractor – Level 3 (~~SSC3~~) Endorsement.

~~h.105.11.3.8.~~ Sprinkler System Contractor – Level U (~~SSCU~~)
Endorsement.

~~i.105.11.3.9.~~ Sprinkler System Testing Contractor (~~SSTC~~) Endorsement.

~~F.105.12.~~ Enforcement of Endorsement Requirements

The endorsement requirements of ~~VMC Title 16~~~~IFC Sections 105.8 and 105.11~~ shall be enforced under the provisions of VMC Title 22, Uniform Enforcement Code, except that the penalty for violation(s) of this code shall be determined by the provisions of this code. ~~For the purposes of IFC Section 105, b~~Both an individual endorsement holder and the contractor endorsement holder may be subject to the enforcement penalties contained in this subsection. The city official and the city attorney or the city attorney's designee may negotiate settlement, compromise or otherwise dispose of an action when to do so would be in the best interest of the city.

~~1.105.12.1.~~ Working Without Required Endorsements. Any person or contractor that engages in work without an endorsement, as required in IFC Section 105, shall be subject to a \$1,000.00 penalty for a first violation; \$2,500.00 for a second violation; and \$5,000.00 for each subsequent violation.

~~a.105.12.1.2.~~ Working without a required endorsement, may result in ineligibility to obtain an endorsement for one month for a first violation; six months for a second violation; and twelve months for subsequent violations.

~~b.105.12.1.3.~~ It is a criminal misdemeanor for an individual or contractor to knowingly violate the endorsement requirements contained in ~~IFC Section 105~~ VMC Title 16.

~~2.105.12.2.~~ Inadequate Supervision of Regulated Work. The holder of any endorsement shall exercise reasonable supervisory control over the design, inspection, installation, alteration, repair, maintenance and testing of fire protection systems. "Reasonable supervisory control" means that the holder of any endorsement shall ensure that a qualified person is on the site for the duration of any inspection, installation, alteration, repair, maintenance or testing of fire protection systems, ~~as required in IFC Section 904.~~

~~a.105.12.2.1.~~ Any person or contractor that fails to exercise reasonable supervisory control shall be subject to a \$1,000.00 penalty for a first violation; \$2,500.00 for a second violation; and \$5,000.00 for each subsequent violation.

~~b.105.12.2.2.~~ The ~~F~~fire ~~C~~eode ~~O~~fficial may revoke the endorsement of any individual or contractor who fails to exercise reasonable supervisory control. A first violation may result in a one month revocation; six month revocation for a second violation; and a twelve month revocation for subsequent violations.

~~c.105.12.2.3.~~ It is a criminal misdemeanor for an individual or contractor to knowingly fail to exercise reasonable supervisory control.

~~3.105.12.3.~~ Gross Negligence or Fraud. The holder of any endorsement shall be subject to the most severe penalties for engaging in or allowing instances of gross negligence or fraud. “Gross negligence” means the holder of an endorsement fails to meet the most basic levels of competency, as determined by a reasonably prudent and competent industry practitioner. “Gross negligence” means the same thing as “gross incompetency,” and denotes an act or omission that is more than a mere oversight or mistake. “Fraud” means that the holder of an endorsement knowingly falsifies documents submitted to either the customer or ~~F~~fire ~~C~~eode ~~O~~fficial; or knowingly allows another person to hold ~~falsely him or herself~~ themselves out as the holder of the endorsement.

~~a.105.12.3.1.~~ Any person or contractor that commits an act of gross negligence or fraud shall be subject to a \$2,500.00 penalty for a first violation; \$5,000.00 for a second violation; and \$7,500.00 for each subsequent violation.

~~b.105.12.3.2.~~ The ~~F~~fire ~~C~~eode ~~O~~fficial may revoke the endorsement of any individual or contractor who commits an act of gross negligence or fraud.

~~c.105.12.3.3.~~ It is a criminal gross misdemeanor for an individual or contractor to knowingly commit an act of fraud or gross negligence.

Section 11. That part of Section 1 of Ordinance M-3659, last amended by that part of Section 5 of Ordinance M-4138, codified as VMC 16.04.100, is hereby amended to read as follows:

16.04.100 Amendment to IFC Section ~~111108~~ – Building and Fire Codes Commission.

~~Section 108 Building and Fire Codes Commission~~

A. In order to advise the city council regarding the technical codes and methods contained in VMC Title 16 and 17, and to provide for reasonable interpretations of the adopted technical codes, there shall be and is hereby created a Building and Fire Codes Commission consisting of members who are qualified by experience and training to rule upon matters pertaining to building construction, fire codes, building service equipment and related technical codes as adopted in VMC Title 16 and 17.

B. *Duties.* The Building and Fire Codes Commission shall:

1. Conduct public meetings to carry out the duties of the commission.
2. Investigate building code, fire code, and construction related issues.
3. Recommend construction and fire prevention regulations related to VMC Title 16 and 17.
4. Review and make recommendations to the council prior to its action on all proposed new codes and proposed changes to existing construction codes and regulations relating to building and fire.
5. Hear and resolve disputes concerning the building official's and the fire code official's interpretation and application related to permits, inspections, interpretation and application sought under the codes they administer, provided that the building official's or fire code official's interpretation or application of any code requirement may be reversed only if the Building and Fire Codes Commission finds that the interpretation of the building official or fire code official was arbitrary and capricious or clearly erroneous in the application or interpretation of the codes; and provided further that the Building and Fire Codes Commission shall not have jurisdiction to hear appeals of notice of civil violation and orders, orders to revoke permits,

summary abatements and stop work orders related to an enforcement action under VMC Title 22.

C. *Membership.* The Building and Fire Codes Commission shall consist of five (or more) members appointed by the mayor and council from the following list: licensed architect, professional structural engineer, professional mechanical engineer, professional electrical engineer, general building contractor, residential contractor, mechanical contractor, fire systems contractor, fire code specialist, plumbing contractor, electrical contractor, building material supplier, construction industry union representative, person with substantial experience or expertise in codes or construction, and public at large. Not more than one representative from a category may serve at any one time. A majority of the appointed membership shall constitute a quorum.

D. *Term of office.* Each member of the Building and Fire Codes Commission shall be appointed to a six-year term. The first appointments shall be staggered so that not more than 1/6th of the board will be eligible for reappointment in any one year. A member may be appointed to succeed ~~himself/herself~~ themselves in office.

E. *Removal from office.* A member can be removed from the Building and Fire Codes Commission by the mayor and council for malfeasance or neglect or, when so requested by the commission, for unexcused absences from three or more consecutive meetings.

F. *Officers.* The commission shall elect a chairperson and vice-chairperson who shall serve a term of one year. Officers may serve consecutive terms when elected by the commission.

G. *Ex officio members.* The building official and the fire code official shall be ex officio and non-voting members of the commission, with the building official acting as secretary to the commission.

H. *Meetings.* The commission shall meet at least once a year to elect officers. The chair, the Building Official or the Fire Code Official may call additional meetings as required to conduct the commission's business.

I. *Meeting notice.* All meetings shall be public with the time, place, and agenda published at least seven days prior to the meeting.

J. *Conduct of meeting.* The commission shall use Robert's Rules of Order in the conduct of its business.

Section 12. That part of Section 1 of Ordinance M-3659, last amended by that part of Section 6 of Ordinance M-4138, codified as VMC 16.04.110, is hereby repealed.

Section 13. That part of Section 1 of Ordinance M-3659, last amended by that part of Section 7 of Ordinance M-4138, codified as VMC 16.04.120, is hereby amended to read as follows:

16.04.120 ~~Amendment~~ Addition to IFC Section ~~114110~~ – Unsafe Structures or Equipmentbuildings.

IFC Section ~~114110.1~~ adopted in VMC 16.04.010 is not adopted and is amended to include a new section to read as follows:

~~110.5 Enforcement.~~ 114.8 The Fire Code Official shall enforce the provisions of this Title ~~section~~ under VMC Title 22.

Section 14. That part of Section 1 of Ordinance M-3659, last amended by that part of Section 8 of Ordinance M-4138, codified as VMC 16.04.130, is hereby amended to read as follows:

16.04.130 Amendment to IFC Section ~~113111~~ – Stop Work Oder.

~~A.111.1 Order Authority.~~ Whenever the Fire Code Official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the Fire Code Official is authorized to issue a stop work order according to the provisions of VMC 22.02.050.

~~B.111.2~~ Issuance. A stop work order shall be issued according to the provisions in VMC Section 22.02.050.

~~C.111.3~~ Emergencies. Where an emergency exists, the Fire Code Official shall not be required to give a written notice prior to stopping the work. Notice of summary abatement shall be given as soon as reasonably possible according to the provisions in VMC Section 22.02.050.

D.411.4 Enforcement. Violation of a stop work order shall be enforced according to the provisions in VMC 16.04.090 and VMC Title 22.

Section 15. That part of Section 3 of Ordinance M-3957, last amended by that part of Section 9 of Ordinance M-4138, codified as VMC 16.04.135, is hereby amended to read as follows:

16.04.135 Amendment to IFC Sections ~~413~~ – 105 – Permits and 107 - Fees.

~~113.1 Fees. Permit fees for permits regulated under IFC Section 105.6 shall be as established in VMC Section 16.04.280. Permit fees for permits required under IFC Section 105.7 shall be established in VMC Chapter 17.08, Fees Table V Fire Fees, and VMC Section 20.180.080, Fire Fees.~~

Fire code references to fees shall refer to the applicable fees established in VMC Titles 16, 17 & 20.

Section 16. That part of Section 1 of Ordinance M-4210, codified as VMC 16.04.136, is hereby repealed.

Section 17. That part of Section 4 of Ordinance M-3957, last amended by that part of Section 10 of Ordinance M-4138, codified as VMC 16.04.137, is hereby repealed.

Section 18. That part of Section 1 of Ordinance M-3659, last amended by that part of Section 4 of Ordinance M-4164, codified as VMC 16.04.140, is hereby amended to read as follows:

16.04.140 Amendment to IFC Section ~~401.5~~ – Making Ffalse Rreport.

A.401.5 Making false report. A person shall not give, signal or transmit a false alarm.

B.401.5.1 False alarm. For purposes of this subsection a "false alarm" means the activation of any device or equipment intended to activate audible, inaudible or visible alarms or signals in the event of a fire when no fire or emergency exists and signals are received by Clark Regional Emergency Services Agency. A "false alarm" includes:

1. Negligently or accidentally activated alarm signals; and
2. Alarm signals that are the result of faulty, malfunctioning, or improperly installed or maintained equipment.

C.401.5.2 False reporting. For purposes of this subsection, "false reporting" means the notification of Clark Regional Emergency Services Agency through electronic means of a fire or emergency which results in a response by the fire department where no fire or emergency exists.

D.401.5.3 Penalties. Monetary costs may be assessed according to VMC Section 22.02.070 (D) for each false alarm or false report received by Clark Regional Emergency Services Agency by the fire code official against the owner or lessee of a building possessing a fire alarm device or to an individual whenever the fire code official finds that more than two false alarms or false reports are received in a rolling twelve-month period. Such assessments shall be subject to appeal pursuant to VMC Chapter 22.03.

Section 19. That part of Section 6 of Ordinance M-3957, last amended by that part of Section 12 of Ordinance M-4138, codified as VMC 16.04.145, is hereby amended to read as follows:

16.04.145 Emergency Communications~~Amendment to IFC Section 401.~~

~~401.9~~ Access to 911 notifications. Customer provided telephone equipment installed within the city must access the 911 emergency telephone system terminating at the Clark Regional Emergency Services Agency. Alternate emergency communication methods are subject to the approval of the Fire Code Official.

Section 20. That part of Section 1 of Ordinance M-3659, last amended by that part of Section 13 of Ordinance M-4138, codified as VMC 16.04.150, is hereby amended to read as follows:

16.04.150 Adoption of Amended IFC Section 503 – Fire Apparatus Access Roads.

~~A. WAC 51-0500 is not adopted.~~

~~B. IFC Section 503, Fire Apparatus Access Roads, as published by the International Code Council, is adopted by reference. IFC Section 503, as amended in this section, shall govern fire apparatus access roads in the City of Vancouver.~~

~~BC. The fire code official is authorized to modify the requirements found in IFC Section 503.2 where:~~

- ~~1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with IFC Section 903.3.1.1, 903.1.1.2 or 903.3.1.3.~~
- ~~2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and approved alternative means of fire protection is provided.~~
- ~~3. There are not more than two Group 3 R-3 or Group U occupancies.~~

~~D. IFC Section 503.2.5, Dead Ends is amended to read as follows:~~

~~503.2.5 Dead Ends. Dead end fire apparatus access roads in excess of 200 feet (60,960 mm) in length shall be provided with an approved area for turning around fire apparatus.~~

~~E. Aerial Fire Apparatus Access. A new subsection, 503.1.4, is added to IFC Section 503.1 to read as follows:~~

~~Buildings four or more stories in height shall be provided with approved aerial fire apparatus access roads. Aerial fire apparatus access roads shall be provided within 25 feet of the building, but not less than 15 feet from the building, along the length of one side of the building.~~

A. Where required. Fire apparatus access roads shall be provided and maintained in accordance with IFC Sections 503.1.1 through 503.1.3.

1. Buildings and facilities. *Approved* fire apparatus access roads shall be provided for every facility, building, or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an *approved* route around the exterior of the building or facility.

Exceptions:

a. The *Fire Code Official* is authorized to increase the dimension of 150 feet (45 720 mm) where any of the following conditions occur:

i. The building is equipped throughout with an *approved automatic sprinkler system* installed in accordance with IFC Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.

ii. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an *approved* alternative means of fire protection is provided.

iii. There are not more than two Group R-3 or Group U occupancies.

b. Where *approved* by the *Fire Code Official*, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

2. Additional access. The *Fire Code Official* is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

a. Where required. Where two or more access roads are required, they shall be placed at locations approved by the *Fire Code Official*.

b. Buildings three stories or exceeding 35 feet in height. Buildings or facilities three stories, or exceeding 35 feet in height, may be required to have at least two separate and approved emergency apparatus access roads from two directions.

c. Buildings or places of assembly. Buildings or places of assembly having an occupant load capacity or potential assembly of 500 or more persons may be required by the *Fire Code Official* to have at least two

separate and approved emergency apparatus access roads from two directions.

d. Buildings exceeding 62,000 square feet. Buildings exceeding 62,000 square feet in gross building area may be required by the Fire Code Official to have at least two separate and approved emergency apparatus access roads from two directions.

e. Residential developments and subdivisions. Residential developments having one hundred or more dwelling units shall be provided with at least two separate and approved fire apparatus access routes or connections from adjacent public streets or private ways designated as fire lanes.

EXCEPTION: A single access lane may be approved where all of the structures within the development are equipped with approved automatic fire sprinkler systems provided. All structures include those not typically required to be sprinklered (offices, maintenance, clubhouses, etc.) and the total number of dwelling units does not exceed 200.

f. Emergency access only. Where approved, the second access lane may be designed and constructed as an “EMERGENCY ACCESS ONLY” lane provided that it is equipped with approved fire lane signage and Knox lock hardware. When opened by the fire department for public use due to an emergency, it should be secured open.

3. High-piled storage. Fire department vehicle access to buildings used for *high-piled combustible storage* shall comply with the applicable provisions of IFC Chapter 32.

B. Specifications. Fire apparatus access roads shall be installed and arranged in accordance with IFC Sections 503.2.1 through 503.2.8.

1. Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for *approved security gates* in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

a. Aerial fire apparatus access roads. Buildings or portions of buildings or facilities four or more stories, or 40 feet in height, above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway. Fire aerial apparatus access roads shall have a minimum unobstructed width of 26 feet in the immediate vicinity of the building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 25 feet from the building and shall be positioned

parallel to one entire side of the building. The location of a fire aerial apparatus access lane shall be approved by the Fire Code Official or designee and shall be placed so that the use of this lane by the Fire Department will not completely obstruct access to the building or site. Exception: Where aerial ladder access is required but is not possible due to topography or other restrictions, alternate safety features may be required by the Fire Code Official.

2. Authority. The Fire Code Official shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

3. Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.

4. Turning radius. The required turning radius of a fire apparatus access road shall be determined by the Fire Code Official. The Vancouver Fire Department has minimum turning radius dimensions published on the City of Vancouver Fire Department website.

5. Dead ends. Dead-end fire apparatus access roads in excess of 200 feet in length shall be provided with an approved area for turning around fire apparatus. The Fire Department has dead-end turn-around data published on the City of Vancouver Fire Department website.

6. Bridges and elevated surfaces. Where a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HB-17. Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges where required by the Fire Code Official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces that are not designed for such use, approved barriers, approved signs or both shall be installed and maintained where required by the Fire Code Official. Private bridges constructed as part of required Fire Department access lanes shall be engineered to support the City of Vancouver's heaviest fire apparatus.

a. Approach. Where lane changes in direction are adjacent to the bridge and are in sufficient proximity to impact required fire apparatus access turning radius, the width of the bridge width and/or the approach shall be modified to accommodate the apparatus approach. Plans shall demonstrate adequate dimensions to accommodate all fire apparatus.

b. Width. Minimum bridge widths shall meet the required clearances of Vancouver Fire Department's largest emergency response vehicle.

c. Fire lane exception. A privately owned bridge's width may be reduced to 12' as a brief interval to a required 20' wide fire lane subject to the approval of the Fire Code Official.

d. Proximity. Where the most remote exterior first floor exterior wall locations of all structures are within 150' of the beginning of the bridge, the bridge shall not be required to be considered part of the fire apparatus access lane.

e. Bridges that are required for fire lane access shall be equipped with approved guard rails or substantial curbing a minimum of 12 inches in height to prevent vehicle wheels from rolling off the side of the bridge. A stamp of an engineer shall be required for approval.

7. Grade. The grade of the fire apparatus access road shall be within the limits established by the Fire Code Official based on the fire department's apparatus. The following are the maximum grades allowed in a roadway used for fire department access where subject roadway is the primary or sole access.

- i. Local Service Streets (Direct access to residential lots) 15%
- ii. Neighborhood Collector Streets (Used for through traffic) 12%
- iii. Access lanes serving multifamily or commercial properties 12%

EXCEPTION: A maximum grade of up to 18% may be allowed where topographical conditions will not allow a lesser grade to be developed provided the structure(s) under consideration is provided with an approved automatic fire sprinkler system. Exception shall not be applied at fire hydrant locations, required fire apparatus turn-around locations and locations within 50 feet of a structure.

a. Length. The use of a continuous maximum grade is limited to 500 feet in length.

b. Approaches to grade changes. The longitudinal grade on stop-controlled approaches to intersections shall not exceed 8% for an approach distance of not less than 50 feet.

c. Fire lanes. Fire lane access roadways adjacent to and within 50 feet of a structure shall not exceed 6%.

d. Unpaved fire lanes. Unpaved private streets shall not exceed 8%. Unpaved private access roadways serving more than four residential units shall be engineered by an engineer licensed in the State of Washington to support Vancouver Fire Department's heaviest apparatus and shall be approved by the City of Vancouver's Transportation Department.

e. Cross slopes. The maximum allowable cross slope within 50' of a structure shall not exceed 6%.

f. Cul-de-sacs. The maximum allowable overall slope of cul-de-sacs and other turn-around provisions required by the Fire Department shall not exceed 6%.

g. Ladder trucks. For aerial ladder trucks, the gradient can be zero to less than 6% (3.5 degrees) without impeding aerial ladder operations. At these grades the aerial ladder can reach 100 feet at a 75 degree angle. With a gradient of 6% to 14% (3.5 degrees to 8 degrees) ladder truck operations are impeded by 50%. At these grades the aerial ladder can reach a height of 50 feet. At grades exceeding 14%, aerial ladder truck operations are not possible.

C. Marking. Where required by the Fire Code Official, approved signs or other approved notices or markings that include the words “NO PARKING—FIRE LANE” shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof. The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced or repaired when necessary to provide adequate visibility.

1. Fire lanes. The Fire Code Official may require NO PARKING signage, NO PARKING FIRE LANE signage or red curb paint with white stenciled lettering stating: NO PARKING FIRE LANE or a combination thereof. For new construction plan submittals, fire lane marking locations and details shall be clearly identified within the civil plans and site plans.

2. Fire lanes signs. Where required by the Fire Code Official, No Parking Fire Lane signage shall be consistent with the following:

a. The fire lane sign shall be .080 inch aluminum with red letters, symbols and frame on a highly reflective white background consistent with the standard of the MUTCD code R7-107 of Section 2B.34 for conventional roads per the DOT Standard Highway Signs.

b. To make the parking regulations more effective and to improve public relations by giving a definite warning, a sign reading TOW-AWAY ZONE (R7-201) may be appended to any parking prohibition sign. Mount directly below the NO PARKING FIRE LANE sign. The Fire Code Official may require this additional sign where illegal parking which obstructs fire lane access becomes a continuing problem.

c. INSTALLATION. Commercial and multi-family placement shall be at intervals not less than 75’ between signs along a fire access route. Placement along public or private streets shall be at intervals not less than 150’ between signs and at approximate 20’ intervals around cul-de-sacs less than 43’ in radius or as approved (The City of Vancouver Transportation Department may require more frequent intervals). For cul-de-sacs with rolled curb and thickened sidewalks approved as part of the

minimum fire apparatus turning radius, signage placement shall not interfere with the approved minimum turning radius.

d. Heights, angles and methods of sign mounting shall be as typically approved by the City of Vancouver Transportation Department. Where possible, fire lane signs should be mounted on light utility poles.

e. Where the Transportation Department requires “No Parking” signs, the Transportation Department’s placement standards and sign details shall apply. Where the Transportation Department does not require “No Parking” signs, but the Fire Department does, the “No Parking Fire Lane” placement standards and details shall apply. The City of Vancouver’s Transportation standard detail T29-09 is approved for use as an alternative to the graphic detail shown in in this policy.

f. Residential subdivisions and neighborhoods. Where required, permanent signage shall be installed by the developer when the construction of the new roadway allows passage by of vehicles. Construction of structures shall not commence, and no certificates of occupancy shall be granted prior to the installation and inspection approval of required fire lane signage.

3. Fire lane curb paint. Where required by the Fire Department, No Parking Fire Lane curb paint shall be consistent with the following:

a. Red fire lane curb paint is only allowed (or required) in commercial developments where there is a designated owner responsible for the maintenance of the curb paint.

b. Red painted curbing with white stenciled lettering is required where vehicle parking could obstruct the minimum fire apparatus access or turn-around dimensions. When required, the entire length of fire lane curbing shall be painted red with white stenciled 3.5” or larger block lettering on the vertical plane of the curb. NO PARKING FIRE LANE shall be stenciled at approximate 20’ intervals and at changes in direction on the vertical face.

c. Installation timing. Where required, permanent fire lane markings shall be installed as soon as practical, and certificates of occupancy shall not be issued prior to the installation and inspection approval of required fire lane markings.

4. Fire lane marking maintenance. In accordance with VMC Chapter 11, the City will not maintain streets, signs, or drainage improvements on private streets.

a. Plats. In accordance with VMC Title 11, a statement is required on the face of any plat or short plat containing a private street with the following language: “City of Vancouver has no responsibility to improve or maintain

the private street(s) contained within or private street(s) providing access to the property described in this plat. It is the responsibility of the property owners whose properties are accessed from the private street to maintain, repair, or replace “No Parking Fire Lane” signage, as required by the Fire Marshal.”

b. Maintenance agreement. For multiple dwellings accessed by a shared private fire lane, a maintenance agreement shall be filed with the Auditor’s office that includes reference to requirement for “No Parking Fire Lane” signage. It is the responsibility of a private property owner(s) to maintain fire lane markings.

5. Parking of vehicles. Parking in a fire lane shall be prohibited by approved markings meeting the standard of the Vancouver Fire Department and the City of Vancouver Transportation Department to the following public or private streets or lanes:

- a. Access roads less than 28’ in width, no parking is allowed on street.
- b. Access roads 28’ wide but less than 36’ in width, parking is allowed only on one (1) side.
- c. Access roads 36’ and greater in width, parking is allowed on both sides.
- d. Cul-de-sacs with a radius of less than 43’ or other approved turn around provision that are specifically required by the fire department. No parking is allowed on street or within the required turn around provision.
- e. Additional access width may be required where ladder truck access or other access issues are identified. In those cases, access roads in excess of 20’ in width may require no parking fire lane signage.

D. Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in IFC Sections 503.2.1 and 503.2.2 shall be maintained at all times.

1. Traffic calming devices. Traffic calming devices shall be prohibited unless approved by the Fire Code Official.

E. Security gates. The installation of security gates across a fire apparatus access road shall be approved by the Fire Code Official. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

1. Temporary vehicle gates during construction. Temporary lockable gates on required fire lane access roadways may be provided with a chain and lock. The chain link will be severed in the event of needed use by the Fire Department.

2. Vehicle gates with limited access.

a. Dimensions. The clear unobstructed minimum access width of automatic gates shall be 20'0" on a single gated roadway when fully opened; or 15'0" on each side of a divided entry gated roadway when fully opened. Gates shall be designed to remain fully open once activated by the Fire Department until closed by the Fire Department (unless staffed 24 hours/day, 365 days/year).

b. Swing. Swinging gates shall swing in the direction of travel and shall not interfere with minimum emergency vehicle turning radius.

c. Operation. Permanent automatic unattended gates on required fire lane access roadways shall be provided with a Knox key switch. Electrically operated gates shall be manually operable in the event of power failure unless supplied with backup emergency power.

Where four (4) or more single-family dwellings exist, and where an automatic gate is installed for emergency access, an approved Opticom strobe switch shall be installed to open the gate upon emergency vehicle's approach.

Where one hundred (100) or more apartment or condominium dwelling units are required to have a secondary automatic vehicle access gate, all gates shall be equipped with approved opticom strobe switches for emergency access. The photo eye assembly shall be installed per the product listing for emergency vehicles and shall be aimed to be activated from the approach side to the gated community.

3. Permit for installation. Plans and specifications of gate assembly and location shall be submitted to the Fire Code Official for review, approval, and inspection, prior to construction.

a. Open until approved. Prior to gate closure the gate switches shall be commissioned by the Fire Department. Any failures of required gate switches shall result in the requirement that the gate remain in the open position until repairs are completed. Final approval of gate is contingent on Fire Department testing and acceptance. The Fire Code Official will arrange for emergency apparatus testing prior to approval.

4. Emergency use only. Fire lanes that are designated for emergency vehicle access only shall be obstructed with removable bollards, a gate, chain or other approved method.

a. Knox locks. Gate or bollard locks shall be locked with a Knox padlock. Knox order forms are available through the Fire Marshal's Office and/or may be purchased online.

b. Width. Fire lane gate widths may be reduced to 15' when fully opened where the fire lane is dedicated to emergency use only.

c. Obstruction. Approved "No Parking Fire Lane" signage shall be installed to prevent the obstruction of the fire lane gate by the parking of vehicles.

F. Unreliable emergency access. In the context of construction permit review, where emergency fire apparatus access is required and where the location's access is not reliable, the Fire Code Official has the authority to require automatic fire sprinklers for properties that are potentially obstructed.

Section 21. That part of Section 4 of Ordinance M-4052, codified as VMC 16.04.155, is hereby amended to read as follows:

16.04.155 ~~Temporary address signage~~ Fire Protection Identification and Signage.

A. Temporary premise address signage shall be posted as soon as construction commences and shall be visible and legible from the street or road front of the property for emergency response.

B. Fire Department Connection (FDC) signage. For sprinklered buildings, four (4) or more stories or equipped with a fire pump or equipped with a standpipe system shall have an additional approved sign(s) installed at the inlets of each fire department connection and/or standpipe that indicates the system(s) demand pressure. The approved sign shall be made of durable all-weather, fade resistant material with letters that two (2) inches high, reflective white on a red background.

C. Biotech Agents and Toxins. The property owner and/or business owner shall notify the Fire Code Official of the presence of biosafety hazard levels three (3) or four (4) use or storage on site. The Fire Code Official shall have the authority to require additional warning signage for emergency personnel.

D. High-Voltage. Approved Danger – High Voltage signs shall be installed as required by the Fire Code Official.

Section 22. That part of Section 1 of Ordinance M-3659, last amended by that part of Section 14 of Ordinance M-4138, codified as VMC 16.04.160, is hereby amended to read as follows:

**16.04.160 Amendment to IFC Section 507 – Fire Protection Water
Supplies.**

~~507.1 Required water supply. An approved water supply capable of supplying the required fire flow for fire protection shall be provided to premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into or within the jurisdiction.~~

~~507.1.1 Timing. Building permits shall not be issued until plans required under IFC Section 507.2.4 have been approved. Construction cannot commence until water mains and fire hydrants have been approved and accepted.~~

~~507.2 Type of water supply. All fire hydrants shall be served by the City of Vancouver water system unless the fire code official approves some other system. A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow at twenty pounds per square inch residual pressure.~~

~~507.2.1 Private fire service mains. Private fire service mains and appurtenances shall be installed in accordance with the National Fire Protection Agency NFPA 24.~~

~~507.2.2 Water tanks. Water tanks for private fire protection shall be installed in accordance with NFPA 22.~~

~~507.2.3 Public fire service mains. Fire hydrant installations and attendant water system connections shall conform to the APWA Standards, as amended by the City of Vancouver.~~

~~507.2.4 Plans. Two copies of detailed plans or drawings accurately indicating the location of all valves and fire hydrants to be installed shall be submitted to the engineering department prior to the commencement of any construction.~~

~~507.2.5 Dead-end mains. Provisions shall be made wherever appropriate in any project for looping all dead-end mains. A minimum ten-foot easement shall be required.~~

~~507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method. (See Appendix B)~~

~~507.4 Water supply test. The fire code official shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system.~~

~~507.4.1 Notification of installation. The city engineer or their designee and the fire department shall be notified in writing of the date the fire hydrant installation and its attendant water connection system will be available for use and the fire department shall be notified when all newly installed hydrants or mains are placed in service.~~

~~507.5 Fire hydrant systems. Fire hydrant systems shall comply with IFC Sections 507.5.1 through 507.5.8.2~~

~~507.5.1 Where required. Fire hydrants shall be provided at 400-foot spacing along required fire apparatus access roads.~~

~~Exceptions:~~

- ~~1. For Group R-3 and Group U occupancies, the distance requirements shall be 600 feet (183 m).~~
- ~~2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with IFC Section 903.3.1.1, the distance requirement shall be 600 feet (183 m).~~

~~i. 507.5.1.1 Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.~~

~~Exceptions:~~

- ~~1. For Group R-3 and Group U occupancies, the distance requirements shall be 600 feet (183 m).~~

~~2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with IFC Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be 600 feet (183 m).~~

~~3. Where no more than two Group R-3 or Group U occupancies are being developed and the site is found to be remote by the fire code official, the distance shall be 1,000 feet.~~

~~507.5.2 Inspection, testing and maintenance. Fire hydrant systems shall be subject to periodic tests as required by the fire code official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards.~~

~~507.5.3 Private fire service mains and water tanks. Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with NFPA 25 at the following intervals:~~

~~1. Private fire hydrants (all types): Inspection annually and after each operation; flow test and maintenance annually.~~

~~2. Fire service main piping; Inspection of exposed piping annually; flow test every five years.~~

~~3. Fire service main piping strainers: Inspection and maintenance after each use.~~

~~507.5.4 Obstruction. Posts, fences, vehicles, vegetation, trash, storage and other materials or objects shall not be placed or kept near fire hydrants, fire department inlets connections or fire protection system control valves in a manner that would prevent such equipment or fire hydrants from being immediately discernable. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.~~

~~507.5.5 Clear space around hydrants. A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants except as otherwise required or approved.~~

~~507.5.6 Physical protection. Where fire hydrants are subject to impact by a motor vehicle, guard posts or other approved means shall comply with IFC Section 312.~~

~~507.5.7 Specifications. All fire hydrants must meet the following specifications:~~

- ~~1. An auxiliary valve shall be installed and connected to the hydrant by flanges to permit the repair and replacement of the hydrant without disruption of water service.~~
- ~~2. All hydrants shall be plumb, be set to the finished grade with the lowest outlet of the hydrant not less than eighteen inches or more than thirty-six inches above the grade and have no less than thirty-six inches in diameter of clear area about the hydrant for the clearance of hydrant wrenches on both outlets and on the control valve.~~
- ~~3. The pumper port shall face the street. Where the street cannot be clearly defined or recognized, the port shall face the most likely route of approach and location of the fire engine while pumping as determined by the fire department. The hydrant shall be installed within fifteen feet of the street or access roadway.~~
- ~~4. The hydrant lateral from the water main shall be no less than six inches in diameter.~~
- ~~5. The main valve opening of hydrants shall be a minimum of five inches.~~
- ~~6. The area of the hydrant barrel shall be a minimum of one hundred and twenty percent of the main valve opening.~~
- ~~7. A drip valve of noncorrosive material shall be provided for draining the hydrant.~~
- ~~8. Hydrants shall have not fewer than two two and one half inch outlets and one pumper connection of four and one half inches.~~
- ~~9. Threads for hydrants with two and one half inch outlets shall be national standard. The four and one half inch connection will be equipped with an approved quick connect coupling.~~

~~10. Flush type hydrants are prohibited unless approved by the fire and water sewer departments.~~

~~507.5.8 Fire Department connections. A fire hydrant shall be located within 150 feet of all required and approved fire department connections (See also IFC Section 912).~~

A. Required water supply. An approved water supply, capable of supplying the required fire flow for fire protection shall be provided to premises on which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdiction.

1. New construction. A water source capable of supplying the required fire flow, either temporary or permanent, shall be made available as soon as combustible material accumulates at the construction site.

2. Timing. Fire hydrants shall be placed into service prior to combustible construction. Fire hydrants shall be kept clear and accessible for fire protection during construction. Combustible construction shall not commence prior to the establishment of an approved water source capable of supplying the required fire flow.

3. Temporary water supply. All water service connections shall have the approval of City Water Engineering and the City of Vancouver.

4. Use. Water shall not be taken from hydrants for any purposes without the permission of City Water Engineering and the City of Vancouver Fire Marshal. A fire code permit is required to use water from existing public fire hydrants.

5. Attachments. Valves, wrenches, and other attachments used for operating hydrants shall be of a type approved by the water purveyor.

6. Damage. Any damaged or out of service fire hydrants shall be immediately reported to the Fire Code Official.

B. Type of water supply. A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow.

1. Private fire service mains. Private fire service mains and appurtenances shall be installed in accordance with NFPA 24. New private fire hydrants are not authorized in Vancouver unless specifically approved by the Fire Code Official and the City of Vancouver Water Engineering.

2. Water tanks. Water tanks for private fire protection shall be installed in accordance with NFPA 22.

C. Fire flow. Fire-flow requirements for buildings or portions of buildings and facilities shall be determined by an *approved* method. Minimum fire flow is determined by IFC Appendix B as adopted by the Vancouver Municipal Code. All required fire flow, either temporary or permanent, shall be made available at a minimum flow in gallons per minute with a residual pressure of not less than twenty pounds per square inch in the mains. For the purposes of determining the minimum fire flow, all attached and covered floor area shall be the basis of the square footage measurement.

EXCEPTIONS:

1. Fire flow is not required for structures under 500 square feet, are at least 30 feet from any other structure and are used only for recreation.
2. In rural and suburban areas in which adequate and reliable water supply systems do not exist, the Fire Code Official is authorized to utilize NFPA 1142 or the International Wildland-Urban Interface Code.

D. Water supply test. When required, the *Fire Code Official* shall be notified prior to the water supply test. Water supply tests shall be witnessed by the *Fire Code Official* or *approved* documentation of the test shall be provided to the *Fire Code Official* prior to final approval of the water supply system.

E. Fire hydrant system specifications. Fire hydrant systems shall comply with IFC Sections 507.5.1 through 507.5.6.12

Public water mains shall be installed in accordance with the engineering specifications of the City of Vancouver Water Engineering and subject to such testing as specified by the Public Works Department. Standard details are available on request.

All fire hydrants must meet the following specifications:

- a. An auxiliary valve shall be installed and connected to the hydrant by flanges to permit the repair and replacement of the hydrant without disruption of water service.
- b. All hydrants shall be plumb, be set to the finished grade with the lowest outlet of the hydrant not less than eighteen inches or more than thirty-six inches above the grade and have no less than thirty-six inches in diameter of clear area about the hydrant for the clearance of hydrant wrenches on both outlets and on the control valve.
- c. The pumper port shall face the street. Where the street cannot be clearly defined or recognized, the port shall face the most likely route of approach and location of the fire engine while pumping as determined by the fire department. The hydrant shall be installed within fifteen feet of the street or access roadway.
- d. The hydrant lateral from the water main shall be no less than six inches in diameter.
- e. The main valve opening of hydrants shall be a minimum of five inches.

- f. The area of the hydrant barrel shall be a minimum of one hundred and twenty percent of the main valve opening.
- g. A drip valve of noncorrosive material shall be provided for draining the hydrant.
- h. Hydrants shall have not fewer than two two-and-one-half-inch outlets and one pumper connection of four-and-one-half-inches.
- i. Threads for hydrants with two-and-one-half-inch outlets shall be national standard. The four-and-one-half-inch connection will be equipped with an approved quick connect coupling.
- j. Flush type hydrants are prohibited unless approved by the fire and water departments.

1. Residential one and two family. The maximum hydrant spacing in one- and two-family residential developments shall be 600 feet between hydrants measured along a fire apparatus access lane. The distance from the most remote exterior first floor wall of any structure shall not be more than 450 feet from a fire hydrant. Where structure placement is not yet proposed, measurement shall be taken from the most remote location on the lots. Fire hydrants on the opposite side of a principal arterial or larger street shall not be credited toward required fire flow and/or hydrant access. The first 1,500 gallons per minute of required fire flow may be taken from one fire hydrant. An additional fire hydrant shall be required for each additional 1,000 gallons per minute or fraction thereof.

2. Commercial and multi-family. The maximum hydrant spacing in commercial and multi-family residential developments shall be 400 feet between hydrants measured along a fire apparatus access lane. The distance from the most remote exterior first floor wall of any structure shall not be more than 350 feet from a fire hydrant. Where structure placement is not yet proposed, measurement shall be taken from the most remote location on the lot. Fire hydrants on the opposite side of principal arterial streets shall not be credited toward required fire flow and/or hydrant access. The first 1,500 gallons per minute of required fire flow may be taken from one fire hydrant. An additional fire hydrant shall be required for each additional 1,000 gallons per minute or fraction thereof.

3. Fire department connections. The maximum spacing between a Fire Department Connection (FDC) and the nearest accessible fire hydrant shall not exceed 150 feet. Hydrant and FDC placement shall be such that connection of the two will not obstruct Fire apparatus access to the site. The FDC location shall be approved by the Fire Code Official. FDCs may be mounted on the building where it meets the spacing standards, is visible, is accessible from an approved fire lane and it is not under a covered portion of the building or in a potential collapse zone for tilt-up construction.

Fire Department Connections (FDC) and controlling valves used in connection with fire protection shall be installed at locations and to specifications approved by the Fire Code Official. FDC connections shall be American Standard thread

with 2.5 inch connections. For smaller pipe systems such as NFPA 13-R, 2.5” adapters shall be installed regardless of the system demand.

All FDCs serving a standpipe and/or fire pump system shall require an approved sign (format provided by the Fire Code Official) indicating the pressure required at the inlets to deliver the system demand. The FDC sign location shall be approved by the Fire Code Official. The sign shall be made of durable all-weather, fade-resistant materials. Letters shall be at least 2 inches high and shall be reflective white on a red background. FDCs serving multiple structures and/or addresses shall be identified at the hose connection indicating the structure(s) and/or address(es) served.

All fire protection system control valves shall be visually signed or labeled to identify their function and exposed piping shall be labeled to indicate the direction of flow.

Fire protection system control valves in areas subject to public access shall be installed at a height of not less than 6 feet above the finished floor, or if less than 6 feet in height, then an approved method of securing the valve from tampering shall be required.

4. New or modified water supply systems. The City of Vancouver Water Engineering Department determines fire flow capabilities based on calculations and/or hydrant flow testing.

5. Building separation. For attached single family dwellings (R-3 occupancies) which cross multiple legal lots (townhomes), the entire building of units shall be the basis for determining minimum fire flow requirements.

EXCEPTION: As approved by the Fire Code Official, a reduction in minimum fire flow requirements may be achieved where all of the following requirements are achieved.

- a. Two one-hour or one two-hour fire barrier separation between dwellings.
- b. Approved fire resistive or non-combustible exterior walls.
- c. Class “A” roofing materials.

6. Other than buildings. The required fire flow for occupancies or facilities other than buildings shall be approved by the Fire Code Official. A design professional shall utilize; the adopted Fire Code, engineering principles and nationally recognized standards to address Fire Department access, water supply for the hazard, occupancy classification, fire protection features, and the special use. The Fire Code Official may require a report by a qualified and Washington State licensed engineer at the applicant’s expense.

7. Inspection, testing and maintenance. Fire hydrant systems shall be subject to periodic tests as required by the *Fire Code Official*. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations, and servicing shall comply with approved standards. Records of tests and required maintenance shall be maintained.

8. Private fire service mains and water tanks.

Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with NFPA 25 at the following intervals:

- a. Private fire hydrants of all types: Inspection annually and after each operation; flow test and maintenance annually.
- b. Fire service main piping: Inspection of exposed, annually; flow test every 5 years.
- c. Fire service main piping strainers: Inspection and maintenance after each use. Records of inspections, testing and maintenance shall be maintained.
- d. Private water supplies shall provide the minimum fire flow and duration as prescribed by the IFC Appendix B.

9. Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants. In accordance with the IFC and the Revised Code of Washington (RCW 46.61.570 1.b.(ii)) and the Washington Administrative Code (WAC 132N-156-550 (2)), parking shall be prohibited within fifteen (15) feet of a fire hydrants within the public right of way.

10. Clear space around hydrants. A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants.

11. Physical protection. Where fire hydrants are subject to impact by a motor vehicle, guard posts or other *approved* means shall comply with IFC Section 312 or shall meet the requirements of the public water purveyor.

12. Fire Hydrant Color. Public fire hydrants shall be factory painted with safety yellow high gloss equipment enamel (see Water Detail standard plan no. W-10). Public fire hydrants shall be maintained and repainted only by the City of Vancouver using approved paint. Private fire hydrants should be painted red with high gloss equipment enamel. Private fire hydrant maintenance is the responsibility of the owner of the private water system.

Section 23. That part of Section 8 of Ordinance M-3957, codified as VMC

16.04.161, is hereby amended to read as follows:

**16.04.161 Amendment to IFC Section ~~606~~609-Commerical Kitchen
HoodsCooking Equipment and Systems.**

~~A.609.3.3.1~~ Inspection. Hoods, grease-removal devices, fans, ducts and other appurtenances shall be inspected at intervals specified in ~~Table 609.3.3.1~~ or as approved by the fire code ~~and official. Inspection~~ shall be completed by individuals possessing a valid Commercial Cooking Exhaust Cleaner (~~CCEC~~) endorsement ~~and issued under 105.8.2~~ employed by a contractor meeting the requirements of VMC 16.04.095~~Section 105.11.~~

~~B.609.3.3.3~~ Records. Records for inspections shall state the individual and company performing the inspection, a description of the inspection and when the inspection took place. Records for cleanings shall state the individual and company performing the cleaning and when the cleaning took place. Such records shall be completed after each inspection or cleaning, maintained on the premises for a minimum of three years and shall be submitted to the ~~F~~fire ~~C~~ode ~~O~~fficial by the contractor inspecting/cleaning the hood within 30 days from the service date.

Section 24. That part of Section 3 of Ordinance M-3819, codified as VMC 16.04.163, is hereby amended to read as follows:

16.04.163 Addition of IFC Section 901.2.2, Record Drawings.

~~901.2.2~~ Record Drawings. If the permitted installation does not match the approved plans, Record Drawings shall also be provided with the written Statement of Compliance prior to scheduling the final acceptance test(s) or final inspections(s). The Record Drawings and applicable revised calculations shall be signed/stamped by the Designer of Record and the installing contractor. Record drawings may be in “red line” or “clouded” format for inspection, but final approval will not be issued until the receipt of approved record drawings ~~in final format~~.

Section 25. That part of Section 4 of Ordinance M-3819, last amended by that part of Section 15 of Ordinance M-4138, codified as VMC 16.04.164, is hereby amended to read as follows:

16.04.164 Additions to IFC Section 901.4, Installation.

In addition to the requirements of IFC Section 901, the following is required:

A.901.4.5 Compliance. All fire protection system contractors and persons installing, inspecting, maintaining, servicing or testing fire protection systems or any part of such a system shall comply with the provisions of VMC 16.04.095. ~~IFC Section 901.4. Endorsements are governed by IFC Section 105.~~

B.901.4.6 Sprinkler System Plan Submittals. Working plans and layout drawings and calculations submitted to the City of Vancouver for water-based fire protection systems shall be stamped and approved by a qualified person ~~to be~~ in compliance with the Vancouver Municipal Code. Any changes to the working plans shall be approved and stamped by a qualified person prior to review by the city. An Owner's Certificate shall be provided with the submitted sprinkler plans. A qualified person shall possess a current and appropriate level Sprinkler System Designer of Record (~~SSDR~~) Endorsement and the stamp shall be provided by the Washington State Fire Marshal's Office.

EXCEPTIONS:

1. Federal, state, and local government employees, or insurance inspectors when acting in their official capacities.
2. A person or organization acting under court order.
3. A registered professional engineer acting solely in a professional capacity.

C.901.4.7 Sprinkler System Installation, Maintenance or Repair. The installation, maintenance, or repair of water-based fire protection systems and associated appliances shall be performed by a qualified person. A qualified person for the purposes of this subsection is one who possesses a current Sprinkler System Install and Repair (~~SSIR~~) Endorsement at the appropriate level for the type of sprinkler system being worked on.

EXCEPTIONS:

1. Federal, state, and local government employees, or insurance inspectors when acting in their official capacities.
2. A person or organization acting under court order.
3. A registered professional engineer acting solely in a professional capacity.
4. An owner/occupier of a single-family residence performing their ~~his or her~~ own installation in that residence. This subsection shall not exempt builders or contractors who install their own sprinkler systems in single-family residences under their ownership which they plan to sell, lease, or rent.

~~901.4.7.1~~ A minimum of one ~~SSIR~~ Sprinkler System Install and Repair endorsement holder shall be on site during installation or while any repairs, maintenance or acceptance test is being performed. Work on electrically operated alarm attachments forming part of an auxiliary, central station, local protective, proprietary, or remote station signaling system shall be performed by persons meeting qualifications found in VMC 16.04.095 IFC Section 901.4.9.

~~D.901.4.8~~ Automatic Fire Alarm System Plan Submittals. Working plans submitted to the City of Vancouver for automatic fire alarm systems shall be prepared by a qualified person, and the working plans shall be in compliance with all code requirements. Any changes to the working plans shall be reviewed and resubmitted by the qualified person prior to review by the city. A qualified person shall possess a current Fire Alarm Designer of Record (~~FASDR~~) Endorsement.

~~E.901.4.9~~ Automatic Fire Alarm System Installation, Maintenance or Repair. The installation or repair of electrically operated alarm attachments forming part of an auxiliary, central station, local protective, proprietary, or remote station signaling fire alarm system shall be performed by or supervised by a qualified person. A qualified person making electrical connections for alarm attachments within the fire alarm control panel, shall work for a properly licensed electrical contractor; be an appropriately certified electrician, as identified by the Washington Department of Labor and Industries; and possess a current Fire Alarm System Installation or Repair (~~FASIR~~) Endorsement. A properly licensed electrical contractor may make connections within the fire alarm panel provided it is limited to the power supply line voltage or dedicated circuits back to the

breaker box without possessing a Fire Alarm System Installation or Repair (FASIR) Endorsement.

~~F.901.4.9.1~~ The ~~FASDR~~ Fire Alarm Designer of Record endorsement holder representing the licensed fire alarm contractor shall verify in writing that the installation complies with the submitted and approved plans. If the installation does not comply with the approved plans, Record Drawings shall be provided prior to final acceptance test(s). A Vancouver Fire Department Automatic Fire Alarm System Record of Completion Form shall be accurately completed and submitted to the City of Vancouver prior to scheduling of a final acceptance test.

~~G.901.4.9.2~~ A minimum of one Fire Alarm System Installation or Repair FASIR endorsement holder shall be onsite during installation or while any repairs, maintenance or acceptance test is being performed.

~~H.901.4.10~~ Gaseous Fire Protection System Plan Submittals. Submitted working plans for gaseous fire suppression systems (e.g., Halon, CO2, or Clean Agents) shall be approved and signed by a qualified person as required by this ordinance, and the working plans shall be in conformance with all code requirements. Any changes to the working plans shall be approved and signed by a qualified person prior to review by the city. A qualified person under this subsection is one who possesses a current Fixed Suppression System Designer of Record (~~FSSDR~~) Endorsement.

EXCEPTION:

1. Factory engineered systems do not require a designer endorsement.

~~I.901.4.11~~ Gaseous Fire Protection System Installation, Maintenance or Repair. The installation or repair of gaseous fire suppression systems (Halon, CO2, Clean Agents, etc.) shall be performed by or directly overseen by a qualified person. A qualified person under this subsection is one who possesses a current Fixed Suppression System Installer, Repair, Test (~~FSSIRT~~) Endorsement.

~~901.4.11.1~~ 1. Work on electrically operated alarm attachments forming part of an auxiliary, central station, local protective, proprietary, or remote station signaling system shall be performed by persons meeting qualifications found in VMC 16.04.095IFC Section 901.4.9.

~~901.4.11.2~~ 2. A qualified person meeting the requirements in VMC 16.04.095 IFC Section 901.4.10 shall verify in writing that the installation complies with the submitted and approved plans. If the installation does not comply with the approved plans, record drawings shall be provided prior to scheduling the final acceptance test(s).

~~901.4.11.3~~ 3. A minimum of one Fixed Suppression System Installer, Repair, Test FSSIRT endorsement holder shall be onsite during installation or while any repairs, maintenance or acceptance test is being performed.

~~J.901.4.12~~ Commercial Cooking & Spray Booth Fire Protection System Plan Submittals. Working plans submitted to the City of Vancouver for automatic fire suppression systems used to protect commercial cooking equipment shall be approved and signed by a qualified person to be in compliance with the Vancouver Municipal Code. Any changes to the working plans shall be approved and signed by a qualified person prior to review by the city.

~~901.4.12.1~~ 1. Chemical-Based Systems. A qualified person shall possess a current Pre-Engineered ~~Kitchen & Spray Booth~~ Suppression System (PEKSBS) Endorsement.

~~901.4.12.2~~ 2. Water-Based Systems. Water based extinguishing systems used to protect commercial cooking equipment shall meet the requirements of the IFC Section 901.4.6, Section 901.4.7 and Section 901.6.3.1 and VMC Title 16.

EXCEPTIONS:

Factory pre-engineered systems do not require a designer endorsement.

~~K.901.4.13~~ Commercial Cooking Fire Protection System Installation, Maintenance or Repair. The installation or repair of automatic fire suppression systems used to protect commercial cooking equipment shall be performed by or overseen by a qualified person. A qualified person under this subsection is one who possesses a current Commercial Cooking Fire Protection Pre-Engineered Kitchen & Spray Booth Suppression System (PEKFS) Endorsement.

~~901.4.13.1~~ 1. Work on electrically operated alarm attachments forming part of an auxiliary, central station, local protective, proprietary, or remote station

signaling system shall be performed by persons meeting qualifications found in VMC 16.04.095 Section 901.4.9.

~~901.4.13.2~~ 2. A qualified person meeting the requirements in VMC 16.04.095 IFC Section 901.4.12 shall verify in writing that the installation complies with the submitted and approved plans. If the installation does not comply with the approved plans, record drawings shall be provided prior to scheduling the final acceptance test(s).

~~901.4.13.3~~ 3. A minimum of one Commercial Cooking Fire Protection System ~~PEKFS~~ endorsement holder shall be onsite during installation or while any repairs, maintenance or acceptance test is being performed.

~~L.901.5.2~~ Requesting Acceptance Tests. Requests for acceptance tests on fire protection systems governed by this chapter, shall be made by an employee of a fire protection contractor meeting the requirements of VMC 16.04.095, IFC Section 105.11. ~~The fire code official can combine the final inspection on work performed under IFC Section 105.7 with the final inspection requested on the general construction permit.~~

Section 26. That part of Section 7 of Ordinance M-3819, codified as VMC 16.04.165, is hereby repealed.

Section 27. That part of Section 8 of Ordinance M-3819, last amended by that part of Section 5 of Ordinance M-4164, codified as VMC 16.04.166, is hereby amended to read as follows:

16.04.166 Additions to IFC 901.6, Inspection, Testing, and Maintenance.

~~A.901.6.2.2~~ Reports. Results of inspections, tests and maintenance shall be completed using an inspection form approved by the Vancouver Fire Department for the respective fire protection system. The approved fire protection contractor conducting the inspection, test or maintenance, shall complete the Vancouver Fire Department on-line submittal report electronically within thirty (30) days from the service date. If the initial inspection results in deficiencies that are

subsequently repaired within the first (30) days, the initial and follow up reports may be submitted as one report. Repairs and/or system corrections that were not abated in the initial ITM report shall be documented and uploaded to the FMO Contractor Portal within thirty (30) days of the completion of the repairs.

B.901.6.2.3 Unless an alternate location or storage method is approved, cCopies of test reports shall be maintained on the premises within a durable storage container mounted in the following locations:

1.A. Sprinkler test reports shall be mounted within close proximity to the fire alarm panel monitoring water flow alarms. Systems with no electronic supervision, the report shall be mounted within proximity to the riser or spare sprinkler head box.

2.B. Fire alarm test reports shall be mounted within close proximity to the main fire alarm control panel.

3.C. Test reports for fixed suppression systems in buildings protected by either a sprinkler system or fire alarm system may be mounted with the fire alarm system reports. Test reports for systems installed in a facility without a sprinkler or fire alarm system shall be mounted in close proximity to the system in clear view.

C.901.6.2.4 Inspection Tags. When performing installation, testing, or maintenance, the name of the servicing firm, firm address, firm phone number, date of work, signature and endorsement number of the technician performing the work shall be placed on the service label.

No person shall remove a service label from, or place a service label on a life safety system or item of life safety equipment except when installation, testing or maintenance is performed. A new label shall be attached whenever testing or maintenance is performed.

D.901.6.2.5 Documenting Changes. Any maintenance or repairs that result sections in changes, modification or additions to existing or non-functioning devices in a fire alarm or fire sprinkler system shall be updated on the Statement of Compliance (i.e. Record of Completion, Certificate of Completion, etc.) by the person(s) conducting the inspection. If these documents are not available for updating, new documents shall be issued and maintained by the property owner or building representative accordingly.

E.901.6.3 Qualifications of Testing Personnel. The provisions of this Section IFC 901.6.3 and its subsections apply only to persons inspecting and testing fire protection systems. Persons performing maintenance shall possess the qualifications required in VMC 16.04.095, IFC Section 901.4. Endorsements are governed by IFC Section 105.

1.901.6.3.1 Water-Based Systems. Inspection, testing and maintenance for water based fire protection systems shall be conducted by a qualified person. At least one qualified person shall be on-site actively participating in any inspection or testing.

a.901.6.3.1.1 Underground water mains. A qualified person under this section is one who possesses a current Sprinkler System Installation or Repair – Level U (~~SSIRU~~) Endorsement.

b.901.6.3.1.2 Wet and Dry Pipe Sprinkler Systems. A qualified person under this section is one who possesses a current Sprinkler System Testing Technician Endorsement.

c.901.6.3.1.3 Pre-Action, Deluge, Anti-Freeze, Fire Pumps, or Foam Systems, or other regulated water-based fire protection systems. A qualified person under this section is one who is employed by a Washington State Level III Fire Sprinkler Contractor working under the supervision of an individual possessing a current Sprinkler System Designer of Record (~~SSDR3~~) Endorsement. Inspection, testing and maintenance records shall be signed by the SSDR3 Sprinkler System Designer of Record endorsement holder.

2.901.6.3.2 Fire Alarm Systems. Inspection and testing of automatic fire alarm systems shall be conducted by a qualified person. A qualified person under this section is one who possesses a current Fire Alarm System Inspection and Testing (~~FASIT~~) Endorsement. At least one qualified person shall be on-site actively participating in any inspection or testing.

3.901.6.3.3 Gaseous Fire Protection Systems. Inspection, and testing of gaseous fire suppression systems (Halon, CO2, Clean Agents, etc.) shall be conducted by a qualified person. A qualified person under this section is one who possesses a Fixed Suppression System Installer, Repair, Test (~~FSSIRT~~) Endorsement. At least one qualified person shall be on-site actively participating in any inspection or testing.

~~4.901.6.3.4~~ Commercial Cooking Fire Protection System. Inspection and testing of automatic fire suppression systems used to protect commercial cooking equipment & spray booths shall be conducted by a qualified person. A qualified person under this section is one who possesses a ~~Pre-Engineered Commercial Kitchen & Spray Booth Fire Suppression System (PEKSBS)~~ Commercial Kitchen & Spray Booth Fire Suppression System (PEKSBS) Endorsement. At least one qualified person shall be on-site actively participating in any inspection or testing.

~~5.901.6.3.5~~ Commercial Cooking Hood Cleaning. Persons involved in cleaning commercial cooking hoods or exhaust systems shall follow the requirements of NFPA Standard 96, Removal of Smoke and Grease Laden Vapors deposits from Commercial Cooking Equipment. Persons cleaning or inspecting commercial hood and ducts ~~in accordance with IFC Section 904.11.6.3~~, shall ~~also~~ possess a current Commercial Cooking Exhaust Cleaner-~~(CCEC)~~ Endorsement.

Section 28. That part of Section 5 of Ordinance M-4052, codified as VMC 16.04.167, is hereby amended to read as follows:

16.04.167 Access to Fire Protection System Controls.

A. Controls for fire protection sprinkler systems serving more than one tenant in a multi-tenant building shall be accessible from the building exterior. Exceptions may be approved by the Fire Code Official.~~a common area without passing through a tenant space.~~

B. The location(s) of fire command centers, fire control rooms, fire alarm control panels, remote annunciator panels, and Knox box equipment shall be approved by the Fire Code Official.

C. Roof-access stairways. Fire protection control valves and or standpipes shall be located in the roof-access stairway.

Section 29. That part of Section 1 of Ordinance M-3659, last amended by that part of Section 6 of Ordinance M-4164, codified as VMC 16.04.170, is hereby amended to read as follows:

**16.04.170 ~~Amendment to IFC Section 903—Automatic sprinkler systems—~~
~~Automatic Ssprinkler Ssystems in Bbuildings Llarger than 12,000~~
~~Ssquare Ffeet.~~**

~~A.903.2.11.7 New bBuildings or proposed building additions resulting in larger~~
than 12,000 square feet in aggregate floor area. Automatic fire extinguishing
systems shall be installed throughout the building and maintained in operable
condition in all buildings containing a floor area of over 12,000 square feet, ~~or~~
~~which are more than 36 feet in height above grade.~~

Exceptions:

1. Each portion of a building separated by fire walls constructed as 4-hour
fire-resistant rated walls, without penetrations, and built in accordance with
the International Building Code ~~in accordance with International Building~~
~~Code Table 706.4~~ may be considered separate buildings for the purposes of
fire sprinkler requirements provided there are no openings in the fire walls
that could reduce the fire-resistance rating of the separation.
2. This amendatory ordinance shall not apply to a building or portions of a
building used only for open parking garages as these are defined and
regulated in Section 406.3 of the International Building Code and the IFC
~~Section 903.2.10.~~
3. Automatic fire extinguishing systems may be omitted from areas over
swimming pools, tennis courts and other such areas when authorized by the
Bbuilding Oofficial and the Ffire Ccode Oofficial consistent with this
chapter.
4. Group R-3 occupancies and townhomes built in accordance with the
International Residential Code.

Section 30. That part of Section 1 of Ordinance M-3659, last amended by that part
of Section 19 of Ordinance M-4138, codified as VMC 16.04.180, is hereby amended to
read as follows:

16.04.180 ~~Retroactive application of VMC 16.04.170—Automatic sprinkler systems in buildings larger than 12,000 square feet. Fire Sprinklers and Retroactive Application of VMC 16.04.170.~~

A. Where a fire sprinkler system is required per code for new and existing buildings, the entire building shall be sprinklered. Partially sprinklered buildings shall be prohibited.

EXCEPTIONS:

1. Group R-3 occupancies/one and two family dwellings where fire apparatus access and fire flow are code compliant.
2. Each portion of a building separated by fire walls constructed as 4-hour fire-resistant rated walls, without penetrations, and built in accordance with the International Building Code may be considered separate buildings for the purpose of fire sprinkler requirements provided there are no openings in the fire walls that could reduce the fire-resistance rating of the separation.

B. Fire sprinklers shall be equipped with electronic supervision that notifies an approved supervising central station.

EXCEPTION: Individual, non-commercial, one and two family dwelling structures, and townhomes built in accordance with the International Residential Code.

CA. It is not the intent of this section VMC Section 16.04.170, IFC Section 903.2.10.4, to require automatic fire-extinguishing equipment to be installed in buildings larger than 12,000 square feet, constructed pursuant to building permits issued on or before December 3, 1978, which are more than thirty-six feet in height above grade or which have a total floor area over twelve thousand square feet, unless the Bbuilding Oofficial, after consultation with the Ffire Ceode Oofficial, determines by use of the following criteria that the building constitutes a hazard to life.

DB. In making determinations under this section, the Bbuilding Oofficial and Ffire Ceode Oofficial shall consider the building and building contents and all the following factors:

1. Whether or not the building lacks adequate exits, including stairways, corridors, and sufficient doorways, based upon the standards therefore set out in the International Building Code and the International Fire Code.

2. Whether or not the building has an interior finish with a flame spread classification and/or smoke density greater than that permitted under Chapter 8 of the International Building Code and Chapter 8 of the International Fire Code.
3. Whether or not the building has unprotected vertical openings in excess of that permitted in the International Building Code.
4. Whether or not 50% or more of the aggregate building floor area has been modified/renovated under construction permits issued after December 3, 1978.
5. Whether or not the building meets the definition of a high-rise that is greater than 75 feet above the lowest level of fire apparatus access.
 - a. All high-rise buildings shall be equipped with an approved fire sprinkler system by 2035.

~~E~~C. It is provided, however, in the case of buildings constructed pursuant to building permits issued on or before December 3, 1978, without automatic fire-extinguishing systems and required under this section to install such systems, that the owner of such property, within thirty days of notice by the ~~B~~building ~~O~~fficial to comply with this section, may apply to the building department for a temporary permit of occupancy for the building without an automatic fire-extinguishing system for its present purposes for a period not to exceed one year from the date of the permit. Such temporary permit shall be issued and then prior to the end of such period such fire-extinguishing system must be lawfully installed; provided such temporary permit shall not be granted in any case in which an immediate and grave hazard of fire or explosion is found to exist by the ~~B~~building ~~O~~fficial.

~~F~~D. Orders or determinations under this section shall be subject to appeal by the property owner or tenant under the provisions of VMC Title 22.

~~G~~E. No occupancy permit shall be issued to a building covered by this section to permit its change of use unless its change is to a use for which an automatic fire extinguishing system is not required or unless the system is installed in the building.

Section 31. That part of Section 9 of Ordinance M-3819, last amended by that part of Section 13 of Ordinance M-3957, codified as VMC 16.04.185, is hereby amended to read as follows:

16.04.185 Amendments to IFC Section ~~904.11.6.4, Extinguishing system service.~~ 904.1.1 Certification of Service Personnel for Commercial Cooking Fire Extinguishing Equipment.

~~904.11.6.24 Extinguishing system service.~~ Automatic fire-extinguishing systems shall be inspected, tested and maintained ~~serviced~~ at least every 6 months, ~~and after activation of the system.~~ Alternate inspection schedules may be approved at a frequency determined ~~shall be~~ by qualified individuals possessing a proper endorsement from ~~VMC 16.04.095~~ Section 105, and a ~~certificate report~~ report of inspection and of repairs, if applicable, shall be ~~forwarded~~ documented and uploaded to the FMO Contractor Portal within thirty (30) days of the completion of the repairs.

Section 32. That part of Section 1 of Ordinance M-3659, last amended by that part of Section 20 of Ordinance M-4138, codified as VMC 16.04.190, is hereby amended to read as follows:

16.04.190 Amendment to IFC Section 907 – Fire Alarm and Detection Systems – Signs.

~~907.5.2.4~~ Signs. Where fire alarm systems are not monitored by a supervising station, an approved permanent sign shall be installed adjacent to each manual fire alarm box that reads: LOCAL ALARM ONLY – CALL 911.

Exception: Where the manufacturer has permanently provided this information on the manual fire alarm box.

Section 33. That part of Section 10 of Ordinance M-3819, last amended by that part of Section 15 of Ordinance M-3957, codified as VMC 16.04.195, is hereby amended to read as follows:

16.04.195 Amendments to IFC 907.8.2, Record of Completion.

~~907.8.2~~ Record of Completion. A record of completion in accordance with NFPA 72 verifying that the system has been installed in accordance with the approved plans and specifications shall be provided prior to scheduling the final acceptance test as required in Section 901.

Section 34. That part of Section 1 of Ordinance M-3659, last amended by that part of Section 21 of Ordinance M-4138, codified as VMC 16.04.200, is hereby amended to read as follows:

16.04.200 Amendment to IFC Section 907.9.5, ~~Maintenance, inspection and testing~~ Inspection, Testing and Maintenance.

~~907.9.5 Maintenance, inspection and testing.~~ The building owner and system owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. Service personnel shall meet the endorsement requirements of VMC Title 16IFC Section 105.8 for ~~maintaining, inspecting, and testing and~~ maintaining such systems. A written record shall be maintained on site for 6 years and shall be forwarded to the Fire Code Official by the contractor providing the service work.

Exception: In dwelling units, the maintenance of single-station smoke and carbon monoxide alarms shall be the responsibility of the occupant. Alarm devices shall be maintained in the manner specified by the manufacturer.

Section 35. That part of Section 1 of Ordinance M-3659, last amended by that part of Section 22 of Ordinance M-4138, codified as VMC 16.04.220, is hereby amended to read as follows:

**16.04.220 Amendments to IFC Section 5601.01 ~~3301.1~~ – Explosives and
Fireworks – Scope.**

~~3301.1~~ Scope. The provisions of this ~~chapter~~ Section and the Fire Code shall govern the possession, manufacture, storage, handling, sale and use of explosives, explosive materials, and small arms ammunition. The manufacture, storage, handling, sale, use, and possession of fireworks shall be governed by Chapter 70.77 RCW, and by Chapter 212-12 WAC and VMC Chapters 16.20 and 16.30.

Exceptions:

1. The Armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition when packaged in accordance with DOT packaging requirements.
4. The possession, storage and use of not more than 1 pound (0.454 kg) of commercially manufactured sporting black powder, 20 pounds (9 kg) of smokeless powder and 10,000 small arms primers for hand loading of small arms ammunition for personal consumption.
5. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
6. Special industrial explosive devices which in the aggregate contain less than 50 pounds (23 kg) of explosive materials.
7. The possession, storage and use of blank industrial-power load cartridges when packaged in accordance with DOT packaging regulations.
8. Transportation in accordance with DOT 49 CFR Parts 100-178.
9. Items preempted by federal regulations.

The most restrictive of all applicable regulations, including the Vancouver Municipal Code, Washington State International Fire Code, referenced standards, and Federal regulations shall control the manufacture, transportation, storage, sale, handling and

use of explosive materials. Reference Chapter 70.74 RCW and Chapter 296-52 WAC.

Section 36. That part of Section 1 of Ordinance M-3659, last amended by that part of Section 23 of Ordinance M-4138, codified as VMC 16.04.230, is hereby repealed.

Section 37. That part of Section 1 of Ordinance M-3659, codified as VMC 16.04.240, is hereby repealed.

Section 38. That part of Section 1 of Ordinance M-3659, last amended by that part of Section 24 of Ordinance M-4138, codified as VMC 16.04.250, is hereby repealed.

Section 39. That part of Section 1 of Ordinance M-3659, last amended by that part of Section 25 of Ordinance M-4138, codified as VMC 16.04.270, is hereby amended to read as follows:

**16.04.270 ~~The more restrictive code governs c~~Conflicts B~~etween Codes, the~~
~~International Building Code IBC and IFC.~~**

In the event a conflict exists between the International Building Code (IBC) and the International Fire Code (IFC), as adopted and amended in this chapter, the more restrictive code shall control.

Section 40. That part of Section 1 of Ordinance M-3659, last amended by that part of Section 7 of Ordinance M-4164, codified as VMC 16.04.280, is hereby amended to read as follows:

16.04.280 Permits and Inspection Fees.

A. Whenever any permit is required by the fire code, such permit shall be in addition to all other permits or licenses required by law or other ordinance.

B. Construction and land use ~~P~~permit fees for permits required under the IFC Section 105.7 shall be established in VMC Chapter 17.08 ~~VMC~~, Fees Table V Fire Fees, and VMC 20.180.080, Fire Fees.

C. January 1st of year, fire-related permit and inspection 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 next higher whole dollar. All fees contained in this section will automatically increase by five percent on January 1, 2021, and by an additional five percent on January 1, 2022. 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.

D. The owner or occupant of buildings that have any of the existing occupancy types listed in this section shall pay a periodic inspection fee, according to fee schedule listed in this section. For the purposes of this section, “periodic inspection” means an inspection of the existing occupancy types listed in this section, according to the Fire Code Official’s pre-set inspection schedule. A “periodic inspection” under this section is not related to any inspection associated with a construction permit, required under Chapter 17.08 VMC. For the purposes of this section, “special inspection” means any inspection of the existing occupancy types listed in this section to ensure compliance with newly adopted rules or regulations, compliance with a manufacturer’s recall, or any inspection related to a fire code enforcement investigation. There shall be no special inspection fee if a fire code complaint does not result in identifying a fire code violation.

Effective 01/01/2021:

First Code-Compliance Inspection	Occupancy Group Types B, M & R (Not Including R-3 Occupancies) & U	Occupancy Group Types A, E & LC	Occupancy Group Types F, H, I & S
0 – 500 sq. ft.	\$42 (limited to type B & M occupancies only)	\$107	\$133
501 – 3,000 sq. ft.	\$80	\$107	\$133
3,001 – 5,000 sq. ft.	\$126	\$153	\$180

First-Code- Compliance Inspection	Occupancy Group Types B, M & R (Not Including R-3 Occupancies) & U	Occupancy Group Types A, E & LC	Occupancy Group Types F, H, I & S
5,001 – 7,500 sq. ft.	\$167	\$221	\$286
7,501 – 10,000 sq. ft.	\$180	\$273	\$399
10,001 – 12,500 sq. ft.	\$201	\$313	\$425
12,501 – 15,000 sq. ft.	\$227	\$366	\$445
15,001 – 17,500 sq. ft.	\$239	\$393	\$466
17,501 – 20,000 sq. ft.	\$254	\$414	\$486
20,001 – 30,000 sq. ft.	\$273	\$434	\$506
30,001 – 40,000 sq. ft.	\$307	\$486	\$520
40,001 – 50,000 sq. ft.	\$327	\$520	\$539
50,001 – 60,000 sq. ft.	\$347	\$552	\$552
60,001 – 70,000 sq. ft.	\$366	\$586	\$586
70,001 – 100,000 sq. ft.	\$379	\$612	\$612
100,001 – 150,000 sq. ft.	\$406	\$646	\$646

First Code-Compliance Inspection	Occupancy Group Types B, M & R (Not Including R-3 Occupancies) & U	Occupancy Group Types A, E & LC	Occupancy Group Types F, H, I & S
150,001 – 200,000 sq. ft.	\$454	\$686	\$686
Over 200,000 sq. ft.	\$552	\$719	\$719
If the actual costs (including, but not limited to, preparation, administration and inspection time) exceed double the fee established in Section 1 of the fee table an additional hourly rate may apply.	\$87 per hour (actual costs, including, but not limited to, preparation, administrative, and inspection time)	\$87 per hour (actual costs, including, but not limited to, preparation, administrative, and inspection time)	\$87 per hour (actual costs, including, but not limited to, preparation, administrative, and inspection time)
Where the inspectable portions of the building is less than 50% of the total building square footage; then an hourly rate may be applied in lieu of the fee established in Section 1 of the fee table.	\$87 per hour (actual costs, including, but not limited to, preparation, administrative, and inspection time)	\$87 per hour (actual costs, including, but not limited to, preparation, administrative, and inspection time)	\$87 per hour (actual costs, including, but not limited to, preparation, administrative, and inspection time)

First Code- Compliance Inspection	Occupancy Group Types B, M & R (Not Including R-3 Occupancies) & U	Occupancy Group Types A, E & LC	Occupancy Group Types F, H, I & S
Second and subsequent reinspections	\$87 per hour (actual costs, including, but not limited to, preparation, administrative, and inspection time)	\$87 per hour (actual costs, including, but not limited to, preparation, administrative, and inspection time)	\$87 per hour (actual costs, including, but not limited to, preparation, administrative, and inspection time)
Special inspections or other fire code inspections or fire code related activities	\$87 per hour (actual costs, including, but not limited to, preparation, administrative, and inspection time)	\$87 per hour (actual costs, including, but not limited to, preparation, administrative, and inspection time)	\$87 per hour (actual costs, including, but not limited to, preparation, administrative, and inspection time)

~~E. Second inspections are at no cost; all subsequent compliance inspections shall be charged an hourly rate per the table above. Where authorized by the fire code official, the affidavit process shall constitute a second inspection at no cost.~~

~~F. Operational permits required by IFC Section 105.6. An applicant for an operational permit, required under IFC Section 105.6, shall pay a fee of \$51.00 for each operational permit, except that the following subcategories of operational permits are hereby created:~~

- ~~1. Special Event Master Permit. Event producers shall obtain such permit for amusement buildings (IFC Section 105.6.2), organized carnivals and fairs (including festivals and concerts), (IFC Section 105.6.4), exhibits and trade shows~~

(IFC Section 105.6.13), etc. The fee for a Special Event Master Permit shall be: \$92.00 for single use and \$188.00 for multi-use (includes fire permit and fire inspection).

Operational permits issued for the storage and use of LP gas in structures with an aggregate quantity less than 125 gallons (water capacity) shall not be charged a fee.

~~G. Inspection, Testing and Maintenance Report Processing Under IFC Section 901.6.~~
There shall be a review fee for reports submitted to the fire code official under IFC Section 901.6, according to the following schedule:

Effective 01/01/2022:

First Code-Compliance Inspection	Occupancy Group Types B, M & R (Not Including R-3 Occupancies) & U	Occupancy Group Types A, E & LC	Occupancy Group Types F, H, I & S
0 – 500 sq. ft.	\$44 (limited to type B & M occupancies only)	\$112	\$140
501 – 3,000 sq. ft.	\$84	\$112	\$140
3,001 – 5,000 sq. ft.	\$132	\$161	\$189
5,001 – 7,500 sq. ft.	\$175	\$232	\$300
7,501 – 10,000 sq. ft.	\$189	\$287	\$418
10,001 – 12,500 sq. ft.	\$211	\$329	\$446
12,501 – 15,000 sq. ft.	\$238	\$384	\$467

First Code- Compliance Inspection	Occupancy Group Types B, M & R (Not Including R-3 Occupancies) & U	Occupancy Group Types A, E & LC	Occupancy Group Types F, H, I & S
15,001 – 17,500 sq. ft.	\$251	\$413	\$489
17,501 – 20,000 sq. ft.	\$267	\$435	\$510
20,001 – 30,000 sq. ft.	\$287	\$456	\$531
30,001 – 40,000 sq. ft.	\$322	\$510	\$546
40,001 – 50,000 sq. ft.	\$343	\$546	\$565
50,001 – 60,000 sq. ft.	\$364	\$580	\$579
60,001 – 70,000 sq. ft.	\$384	\$615	\$615
70,001 – 100,000 sq. ft.	\$398	\$643	\$642
100,001 – 150,000 sq. ft.	\$426	\$678	\$678
150,001 – 200,000 sq. ft.	\$477	\$720	\$720
Over 200,000 sq. ft.	\$580	\$755	\$755
If the actual costs (including, but not limited to, preparation,	\$91 per hour (actual costs, including, but not	\$91 per hour (actual costs, including, but not	\$91 per hour (actual costs, including, but not

First Code-Compliance Inspection	Occupancy Group Types B, M & R (Not Including R-3 Occupancies) & U	Occupancy Group Types A, E & LC	Occupancy Group Types F, H, I & S
administration and inspection time) exceed double the fee established in Section 1 of the fee table an additional hourly rate may apply.	limited to, preparation, administrative, and inspection time)	limited to, preparation, administrative, and inspection time)	limited to, preparation, administrative, and inspection time)
Where the inspectable portions of the building is less than 50% of the total building square footage; then an hourly rate may be applied in lieu of the fee established in Section 1 of the fee table.	\$91 per hour (actual costs, including, but not limited to, preparation, administrative, and inspection time)	\$91 per hour (actual costs, including, but not limited to, preparation, administrative, and inspection time)	\$91 per hour (actual costs, including, but not limited to, preparation, administrative, and inspection time)
Second and subsequent reinspections	\$91 per hour (actual costs, including, but not limited to, preparation, administrative, and inspection time)	\$91 per hour (actual costs, including, but not limited to, preparation, administrative, and inspection time)	\$91 per hour (actual costs, including, but not limited to, preparation, administrative, and inspection time)

First Code-Compliance Inspection	Occupancy Group Types B, M & R (Not Including R-3 Occupancies) & U	Occupancy Group Types A, E & LC	Occupancy Group Types F, H, I & S
Special inspections or other fire code inspections or fire code related activities	\$91 per hour (actual costs, including, but not limited to, preparation, administrative, and inspection time)	\$91 per hour (actual costs, including, but not limited to, preparation, administrative, and inspection time)	\$91 per hour (actual costs, including, but not limited to, preparation, administrative, and inspection time)

E. Second inspections are at no cost; all subsequent compliance inspections shall be charged an hourly rate per the table above. Where authorized by the Fire Code Official, the affidavit process shall constitute a second inspection at no cost.

F. Inspection and Issuance of Operational permits required by IFC Section 105.56. An applicant for an operational permit, required under IFC Section 105.56, shall pay an inspection and issuance fee of \$54.00 for each operational permit, except that the following subcategories of operational permits are hereby created:

1. Special Event Master Permit. Event producers shall obtain such permit for amusement buildings (~~IFC Section 105.6.2~~), organized carnivals and fairs (including festivals and concerts), (~~IFC Section 105.6.4~~), exhibits and trade shows (~~IFC Section 105.6.13~~), etc. The fee for a Special Event Master Permit shall be: \$97.00 for single use and \$197.00 for multi-use (includes fire permit and fire inspection).

2. Operational permits issued for the storage and use of LP gas in structures with an aggregate quantity less than 125 gallons (water capacity) shall not be charged a fee.

G. Inspection, Testing and Maintenance Report Processing ~~Under IFC Section 901.6~~. There shall be a review fee for reports submitted to the Fire Code Official ~~under IFC Section 901.6~~, according to the following schedule below:

H. Payment process for Technical Assistance Fire Review. A deposit fee is required prior to commencement of technical assistance review. A \$900 deposit for senior fire protection engineer/technical consultation plans review and/or specialized consultation at \$450 per hour. If additional fire protection engineering review and/or technical consultation time is required, the applicant may request additional time in 2+ hour increments.

Effective 1/1/2021:

1.	Each Commercial Cooking Maintenance (Includes Suppression Systems and Hood Cleaning Reports)	\$53 per initial fire protection system type and \$5 per additional system of the same protection type
2.	Each Fixed Chemical System (Fixed Chemical Systems Include All Systems Defined in the IFC and Paint Booths and Clean Rooms)	\$53 per initial fire protection system type and \$5 per additional system of the same protection type
3.	Fire Sprinkler	\$53 per initial fire protection system type and \$5 per additional system of the same protection type
4.	Fire Alarm	\$53 per initial fire protection system type and \$5 per additional system of the same protection type

5.	Fire Pump	\$53 per initial fire protection system type and \$5 per additional system of the same protection type
6.	Emergency Generator	\$53 per initial fire protection system type and \$5 per additional system of the same protection type
7.	Standpipes	\$53 per initial fire protection system type and \$5 per additional system of the same protection type
8.	All Other Fire Protection Systems	\$53 per initial fire protection system type and \$5 per additional system of the same protection type

Effective 1/1/2022:

1.	Each Commercial Cooking Maintenance (Includes Suppression Systems and Hood Cleaning Reports)	\$57 per initial fire protection system type and \$6 per additional system of the same protection type
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2.	Each Fixed Chemical System (Fixed Chemical Systems Include All Systems Defined in the IFC and Paint Booths and Clean Rooms)	\$57 per initial fire protection system type and \$6 per additional system of the same protection type
3.	Fire Sprinkler	\$57 per initial fire protection system type and \$6 per additional system of the same protection type
4.	Fire Alarm	\$57 per initial fire protection system type and \$6 per additional system of the same protection type
5.	Fire Pump	\$57 per initial fire protection system type and \$6 per additional system of the same protection type
6.	Emergency Generator	\$57 per initial fire protection system type and \$6 per additional system of the same protection type
7.	Standpipes	\$57 per initial fire protection system type and \$6 per additional

		system of the same protection type
8.	All Other Fire Protection Systems	\$57 per initial fire protection system type and \$6 per additional system of the same protection type

Section 41. That part of Section 1 of Ordinance M-3659, last amended by that part of Section 27 of Ordinance M-4138, codified as VMC 16.04.290, is hereby repealed.

Section 42. A new Section codified as VMC 16.04.300, is hereby added to read as follows:

16.04.300 Amendment to IFC Section 5001.5.1 Hazardous Materials Management Plan.

5001.5.1 Hazardous Materials Management Plan. Where required by the Fire Code Official, a Hazardous Materials Management Plan (HMMP) shall be submitted. The HMMP shall be of the formats specified by the Fire Code Official and include a facility site plan designating at least the following:

1. Access to each storage and use area.
2. Location of emergency equipment.
3. Location where liaison will meet emergency responders.
4. Facility evacuation meeting point locations.
5. The general purpose of other areas within the building. For multi-tenant buildings, documentation, such as a lease agreement clause, specifying the allocation of control areas and/or MAQs within applicable portions of the building shall be provided.
6. Location of all above-ground and underground tanks and their appurtenance including, but not limited to, sumps, vaults, below-grade treatment systems and piping.
7. The hazard classes in each area.
8. Locations of all control areas and Group H occupancies.
9. Location of classified electrical areas.

10. Emergency exits.
11. Other occupancy classifications in the same building
12. Locations and details of fire rated occupancy separations.

5001.5.2 Hazardous Materials Inventory Statement (HMIS). Where required by the Fire Code Official, an approved Hazardous Materials Inventory Statement (HMIS) shall be submitted for each control area and each Group H Occupancy. The HMIS shall include at least the following information:

1. Material or product name.
2. Components and percentages by volume.
3. Chemical Abstract Service (CAS) number.
4. Location where stored or used.
5. Container size(s).
6. Hazard classification in accordance with Section 5001.2.
7. Maximum amount in storage.
8. Maximum amount in use closed systems.
9. Maximum amount in use-open systems
10. Amount in storage confined to approved storage cabinets, day boxes, gas cabinets, gas rooms, exhausted enclosures or in listed safety cans.
11. Amount in closed-use systems confined to approved storage cabinets, day boxes, gas cabinets, gas rooms, exhausted enclosures or in listed safety cans.
12. For indoor areas, specify on the HMIS whether the building is sprinklered throughout.

Section 43. A new Section codified as VMC 16.04.320, is hereby added to read as follows:

16.04.320 Addition of IFC Section 5001.5.3 Hazardous Materials Code Analysis

5001.5.3 Code analysis. Where required by the Fire Code Official, a code analysis shall be prepared by qualified persons and submitted indicating the location, nature and extent of work and activities proposed related to the storage, use and protection of hazardous materials. The analysis shall document in detail how the proposed work and activities will conform to the provisions of this code and relevant laws, ordinances, rules, and regulations, as determined by the Fire Official.

Section 44. A new Section codified as VMC 16.04.330, is hereby added to read as follows:

16.04.330 Addition of IFC Section 5001.5.4 Hazardous Materials Code Life Safety Matrix

5001.5.4 Where required by the Fire Code Official, for new life safety systems associated with the storage and use of hazardous materials, including but not limited to required liquid and gas detection systems, mechanical ventilation systems, temperature control, overfill prevention systems, the following documentation shall be provided:

- (1) Detailed narrative description of the system inputs, evacuation signaling, ancillary functions, annunciation, intended sequence of operations, application considerations, and limitations.
- (2) Written sequence of operation for the system including an operational input/output matrix.
- (3) Detailed description of routine maintenance and testing as required and recommended by the manufacturer, including testing and maintenance instructions for each type of device installed, which includes the following:
 - (a) Listing of each system's individual system components that require periodic testing and maintenance.
 - (b) Step-by-step instructions detailing the requisite testing and maintenance procedures, and the intervals at which those procedures shall be performed, for each type of device installed.
 - (c) Schedule that correlates the testing and maintenance procedures with those required by this code.
- (4) Product data sheets for all system equipment.

Section 45. Savings. Those ordinances or parts of ordinances which are amended or repealed by this ordinance shall remain in full force and effect until the effective date of this ordinance.

Section 46. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not effect or invalidate the remainder of any parts thereof to any person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 47. Effective date. This ordinance shall become effective thirty (30) days following the date of final adoption.

DATE OF FINAL PASSAGE by the Vancouver City Council:_____.

SIGNED this _____ day of _____, 2023.

Anne McEnerny-Ogle, Mayor

Attest:

Approved as to form:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. M-_____

AN ORDINANCE relating to amendments to the Fire Code to consolidate the development review standards and fire code requirements, to bring the ordinance more closely into alignment with the Washington State Fire Code, to clarify the reasonable right of entry process for non-responsive parties for commercial fire and life safety inspections, to provide for limited technical assistance fire review, to streamline and clearly outline the process for special hazards, and provide general code cleanup; providing for savings, severability and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

DRAFT

MEMORANDUM

DATE: June 5, 2024

TO: Eric Holmes, City Manager
CC: Brennan Blue, Fire Chief, Vancouver Fire Department

FROM: Heidi Scarpelli, Fire Marshal, Vancouver Fire Department

RE: Proposed VMC Title 16 and Title 17 Fire Code Ordinance Changes

INTRODUCTION:

Ensuring fire and life safety in the City of Vancouver is more critical than ever due to the evolving technology and complexity of buildings and hazards. As stewards of public safety, the Vancouver Fire Department is committed to adapting codes, practices, and resources to effectively mitigate emerging risks. Therefore, the proposition listed below to modify VMC Titles 16 & 17 and increase some fire and life safety permit fees is not merely a matter of financial adjustment, but a strategic investment in safeguarding lives, properties, and the community.

OVERVIEW:

The City of Vancouver regulates the administration of the fire and life safety code within VMC Title 16 and Title 17. The administrative provisions of these titles are based in part on adoptions of regularly updated Washington state law. The attached ordinances reflect items recommended by staff as they pertain to the Washington State adopted Fire Code while addressing permit cost recovery requirements and distinct plan review fees associated with special hazards.

Regularly reviewing Fire Department-related code provisions, permit fees, and potentially increasing fire permit and review fees is crucial as it directly impacts public safety, infrastructure resilience, and emergency response capabilities. The proposed amendments aim to streamline the process for end-users by consolidating Fire Department data sites and adding permit fees for fire plans review for fire code regulated construction and operational permits. These changes are necessary to address the evolving landscape of hazards driven by advancements in technology, changes in building materials, and emerging industries.

ACTION REQUESTED:

The proposed revision of VMC Title 16 and Title 17 will streamline and re-align fees for staffing costs associated with special hazards, fire-related construction permits and fire code operational permits, fire protection system reviews, and external fire-related technical reviews. Additionally, the modifications include reorganizing sections to better align with the WA State Fire Code Amendments,

Memo Title

Date

Page 2 of 3

adding the existing Vancouver Fire Department development review standards for water supply and emergency access, and general language cleanup.

SUMMARY BRIEF:

Proposed VMC Title 17 substantive modifications:

- Smoke Control Systems – Increase permit fee for fire plan review and system commissioning.
- Flammable and Combustible Tank Demolition/Decommission – Increase permit fee for inspection.
- Special Hazard Review – Permits required in IFC 105.5 – 105.6 not specifically covered under a construction permit, add fire plans review permit fee.
- Technical Assistance Fire Review - In unique circumstances regarding special hazards and/or engineering complexity, establish a streamlined process for the end user with required subject matter experts paid by the requestee/applicant.
- Expedited Fire Plan Review – Create an option for certain projects to receive expedited fire plan reviews. **Based on limited project scope and VFD personnel availability*

Proposed VMC Title 16 substantive modifications:

- Commercial Fire and Life Safety Inspections – Establish a reasonable right of entry process for non-responsive property and business owners.
- Technical Assistance Fire Review - In unique circumstances regarding special hazards and/or engineering complexity, establish a streamlined process for the end user with required subject matter experts paid by the requestee/applicant.
- Consolidate VFD development review standards and VMC requirements.
- Special Hazard Review – Permits required in IFC 105.5 – 105.6 not specifically covered under a construction permit, add fire plans review permit fee.
- Technical Assistance Fire Review - In unique circumstances regarding special hazards and/or engineering complexity, establish a streamlined process for the end user with required subject matter experts paid by the requestee/applicant.
- Hazardous Materials – Streamline and clearly outline the process for special hazards.

CLOSING:

In conclusion, increasing fire and life safety permit fees is a prudent financial decision for cost recovery and is crucial for maintaining the sustainability and efficacy of fire services amidst evolving challenges. The importance of adjusting VMC language ensures that our built environment remains one of the safest in the region.

ATTACHMENTS:

VMC Title 16 – Proposed Fire Code Amendments

VMC Title 17 - Proposed Fire Code Amendments

Building Fire Code Commission - Letter of Recommendation

Memo Title
Date
Page 3 of 3

STAFF CONTACT:
Heidi Scarpelli, Fire Marshal – Vancouver Fire Department

CITY OF VANCOUVER

BUILDING & FIRE CODE COMMISSION

August 30, 2024

Mayor and City Council
City of Vancouver
P.O. Box 1995
Vancouver, WA 98668-1995

RE: Recommendation on proposed changes to VMC Title 16 and 17

Dear Mayor and City Council Members:

The Building and Fire Code Commission (BFCC) of the City of Vancouver held duly noticed meetings on August 21, 2024. The BFCC and city staff discussed the following proposed building and fire code ordinance amendments:

SUMMARY BRIEF:

Proposed VMC Title 16 substantive modifications:

- Commercial Fire and Life Safety Inspections – Establish a reasonable right of entry process for non-responsive property and business owners.
- Technical Assistance Fire Review Fee - In unique circumstances regarding special hazards and/or engineering complexity, establish a streamlined process for the end user with required subject matter experts paid by the requestee/applicant.
- Consolidate VFD development review standards and VMC requirements.
- Special Hazard Review Fee – Permits required in International Fire Code (IFC) 105.5 – 105.6 not specifically covered under a construction permit, add fire plans review permit fee.
- Hazardous Materials – Streamline and clearly outline the process for special hazards.
- General language clean-up, reorganization and streamlining for the end user.

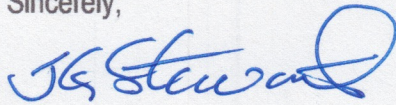
Proposed VMC Title 17 substantive modifications:

- Smoke Control Systems – Increase permit fee for fire plan review and system commissioning.
- Flammable and Combustible Tank Demolition/Decommission – Increase permit fee for inspection.
- Special Hazard Review Fee – Permits required in IFC 105.5 – 105.6 not specifically covered under a construction permit, add fire plans review permit fee.
- Emergency Responder Communication Review - Permits required in IFC 105.6 not specifically covered under a construction permit, add fire plans review permit fee.

- Technical Assistance Fire Review Fee - In unique circumstances regarding special hazards and/or engineering complexity, establish a streamlined process for the end user with required subject matter experts paid by the requestee/applicant.
- Expedited Fire Plan Review – Create an option for certain projects to receive expedited fire plan reviews. **Based on limited project scope and VFD personnel availability.*
- Technology Fee – A technology fee of 5.5% to be assessed on building fund permit fees. Fee to cover the cost of continued technology investments and planned remote inspections.

Following the discussion, motions were unanimously approved by the BFCC in favor of proposed code amendments and recommends the adoption of the ordinances by the City Council.

Sincerely,



Jimmy G. Stewart
Chair, Building and Fire Code Commission

C: Eric Holmes, City Manager
Natasha Ramras, Chief Financial Officer
Jonathon Young, City Attorney
Heidi Scarpelli, Fire Marshal
Sree Thirunagari, Building Official
Philip Gigler, Assistant City Attorney
Building and Fire Code Commission members

AN ORDINANCE relating to the adjustment of existing fees to more accurately align with the programs cost recovery goals, adding several new fees to reflect evolving technology and more accurately capture staff time for project related review, including technical assistance review and providing for limited expedited permit review; providing for savings, severability and an effective date.

Staff Report: 249-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Ordinance Amending VMC Title 17, Pertaining to Fire-Related Construction Permits and Fire Code Operational Permits, Fire Protection System Reviews, Consistent with the Council's Direction to Appropriately Set and Collect Fees for Services, with Said Changes to be Effective January 1, 2025

Key Points

The City's Fire Code is codified as Title 17 of the Vancouver Municipal Code, which provides the rules and regulations for the administration and enforcement of the fire and life safety codes adopted by the City.

The Building Fire Code Commission voted unanimously to support the proposed VMC Title 17 amendments and has submitted a Letter of Recommendation signed by the Commission.

- Proposed VMC Title 17 substantive modifications:
- Smoke Control Systems – Increase permit fee for fire plan review and system commissioning.
- Flammable and Combustible Tank Demolition/Decommission – Increase permit fee for inspection.
- Special Hazard Review – Permits required in IFC 105.5 – 105.6 not specifically covered under a construction permit, add fire plans review permit fee.
- Technical Assistance Fire Review - In unique circumstances regarding special hazards and/or engineering complexity, establish a streamlined process for the end user with required subject matter experts paid by the requestee/applicant.
- Expedited Fire Plan Review – Create an option for certain projects to receive expedited fire plan reviews. *Based on limited project scope and VFD personnel availability.

Strategic Plan Alignment

Safe and Prepared Community – a safe place to live, work, learn and play

Present Situation

The City of Vancouver regulates fire and life safety building administration with VMC Title 16 and Title 17. The administrative provisions of these titles are based in part on adoptions of regularly updated Washington state law. The attached ordinances in part reflect items recommended by staff as they pertain to the WA ST State Fire Code and appendices.

Regularly reviewing Fire Department-related code provisions, permit fees, and potentially increasing

fire permit and review fees is crucial as it directly impacts public safety, infrastructure resilience, and emergency response capabilities. The proposed amendments aim to streamline the process for end-users by consolidating Fire Department data sites and adding permit fees for fire plans review for fire code regulated construction and operational permits. These changes are necessary to address the evolving landscape of hazards driven by advancements in technology, changes in building materials, and emerging industries.

The proposed revision of VMC Title 16 and Title 17 will add and re-align fees for staffing costs associated with fire-related construction permits and fire code operational permits, fire protection system reviews, and external fire-related technical reviews.

Advantage(s)

1. The proposed amendments will alignment with Washington State Fire Code.
2. The proposed amendments will streamline the permit process for clients/end users.
3. The proposed new fees further the public interest by allowing for review costs to be recovered by applicants who are receiving the review service.
4. The proposed revisions to existing fees further the public interest by more accurately calibrating based on an analysis of time spent in providing the review service to applicants.

Challenge(s)

None identified.

Budget Impact

Minor increased revenue from new fire plan review fee adjustments on fire code operational permits and fire-related construction permits pertaining to unique special hazards. The new and updated fees will improve cost recovery for City time spent on certain reviews and permits. Estimated net positive revenue to the General Fund is approximately \$20,000 to \$30,000 per year based on specific construction and development activity.

Prior Council Review

Council Budget Work Sessions: 10/28/2024 and 11/4/2024

Action Requested

On Monday, November 18, 2024, advance the ordinance and adopt the attached VMC Title 17 amendments, to be effective January 1, 2025, setting the second reading and public hearing for December 2, 2024.

Staff Contact

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

Attachments:

1. Ordinance
2. Memo
3. Letter

11/18/2024
12/2/2024

ORDINANCE NO. _____

AN ORDINANCE relating to the adjustment of existing fees to more accurately align with the programs cost recovery goals, adding several new fees to reflect evolving technology and more accurately capture staff time for project related review, including technical assistance review and providing for limited expedited permit review; providing for savings, severability and an effective date.

WHEREAS, ensuring fire and life safety in the City of Vancouver is more critical than ever due to the evolving technology and complexity of buildings and hazards; and

WHEREAS, as reflected in SR - _____, the Building and Fire Codes Commission, the Fire Code Official, and the Building Official have recommended certain amendments be made to VMC Title 17; and

WHEREAS, the proposed revision of VMC Title 17 will re-align fees for staffing costs associated with fire-related construction permits and fire code operational permits, fire protection system reviews, and external fire-related technical reviews; and

WHEREAS, the proposed amendments would result in a minor increased revenue from new fire plan review fee adjustments on fire code operational permits and fire-related construction permits pertaining to unique special hazards; and

WHEREAS, the proposed amendments would more accurately capture increased cost associated with evolving technology and more closely capture staff time for related project review; and

WHEREAS, the proposed amendments would result in a more accurate alignment with program cost recovery goals; and

WHEREAS, an increase in some fire and life safety permit fees is not merely a matter of financial adjustment, but a strategic investment in safeguarding lives, properties, and the community; and

WHEREAS, this ordinance is an exercise of the city of Vancouver's police and legislative authority derived from Wash. Const. art. XI, § 11 and is consistent with RCW 19.27 and WAC 51-54, and is to protect the public's health, safety and welfare.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. That part of Section 4 of Ordinance M-3660, last amended by that part of Section 7 of Ordinance M-4376, codified as VMC 17.08.130, is hereby amended to read as follows:

17.08.130 Fees.

A. *Application/Plan review fee.* When submittal of documents is required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The fee shall be as specified in Table V.

B. *Permit fee.* A permit shall not be valid until the permit and construction documents have been approved and the fees prescribed in this section have been paid. Amendment to a permit shall not be released until the additional fee, where applicable, has been paid.

C. *Determination of valuation.* The valuation used to determine permit and plan review fees shall be generated from national statistical averages as found in "Building Standards" or similar source for the type of construction and the type of occupancy.

1. The determination of value or valuation under any of the provisions of this code shall be made by the building official and/or fire marshal.

D. Generally, fees should be adopted at a level sufficient to cover costs or a substantial portion of the costs, associated with conducting review and inspections, issuing permits,

and providing services, as set by city council. Consistent with the intent of this code section, the building official and fire marshal are authorized to make adjustments to categories of fees provided such adjusted fees do not exceed those adopted by this section.

E. *January 1st of each year.* Building- and fire-related permit and plan 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 next higher whole dollar.

F. Building- and fire-related permit and plan review fees shall be reviewed periodically to ensure that they accurately reflect the current cost of providing services.

G. The following tables contain all building- and fire-related fees, except that a technology fee of 5.5% shall be applied to the building fund fees listed in Tables I, II, III, IV, V and VI of this Chapter:

1. *Table I. Building permit fees.* When work for which a permit is required involves two or more codes, the permit holder shall pay a single permit fee of one and six-tenths times the fee set forth herein.

Table I. Building Permit Fees
2023 Fees N/C

Valuation	Permit Fees
\$1 to \$500	\$30.09
\$501 to \$2,000	\$30.09 for the first \$500 plus \$3.90 for each additional \$100.00 or fraction thereof up to and including \$2,000
\$2,001 to \$25,000	\$88.69 for the first \$2,000 plus \$17.93 for each additional \$1,000 or fraction thereof up to and including \$25,000
\$25,001 to \$50,000	\$501.51 for the first \$25,000 plus \$12.92 for each additional \$1,000 or fraction thereof up to and including \$50,000

Valuation	Permit Fees
\$50,001.00 to \$100,000.00	\$824.89 for the first \$50,000 plus \$8.96 for each additional \$1,000 or fraction thereof up to and including \$100,000
\$100,001 to \$500,000	\$1,272.73 for the first \$100,000 plus \$7.15 for each additional \$1,000 or fraction thereof up to and including \$500,000
\$500,001 to \$1,000,000	\$4,135.15 for the first \$500,000 plus \$6.08 for each additional \$1,000 or fraction thereof
\$1,000,001 and up	\$7,177.65 for the first \$1,000,000 plus \$4.03 for each additional \$1,000 or fraction thereof
Manufactured Structures Setup Fee	\$184.45 per section, with a minimum fee of \$368.90 per permit. (This fee is in addition to the valuation-based fee for the site improvements required in addition to the setup fee.)

Footnotes:

1 For commercial and multifamily residential permits, an additional fee per Table IV.1, Fire – Building Permit Fees, shall be added to the amounts listed in Table I, Building Permit Fees, to cover actual costs relating to fire department acceptance inspection work.

2. *Table II. Electrical Permit Fees.*

Table II. Electrical Permit Fees

Fees are per each item to be installed or altered.

	2023
Electrical Permit Items (1)	
Residential	
Placement or Altered Service (2)	
Electrical Service 0 – 200 Amps With Feeder	\$85.80
Electrical Service 201 – 600 Amps With Feeder	\$125.51
Electrical Service 601 Amps and Greater	\$188.94
Mobile Home Service or Feeder	\$61.46
Mobile Home Service and Feeder	\$101.17
Additional Feeders (2)	\$61.46
Branch Circuits (4)	
1 – 4 Circuits	\$61.46
Each Additional Circuit	\$7.05
Maintenance/Repair Mast or Meter (3)	\$46.74
Commercial Industrial	
New or Altered Service/Feeder (5, 6, 7)	

	2023
0 – 100 Amps	\$101.17
101 – 200 Amps	\$122.96
201 – 400 Amps	\$235.67
401 – 600 Amps	\$287.67
601 – 800 Amps	\$356.08
801 – 1000 Amps	\$434.20
1001 Amps and Over	\$473.91
Additional Feeders (6)	
0 – 200 Amps	\$101.17
201 – 600 Amps	\$235.67
601 – 1000 Amps	\$356.08
1001 Amps and Over	\$395.13
Maintenance Repair Mast or Meter 1	\$85.80
Branch Circuits Only (4)	
First 5 Circuits per Branch Circuit Panel	\$78.14

	2023
Each Additional Circuit per Branch Circuit Panel	\$7.05
Over 600 Volts Surcharge Per Permit	\$78.14
Temporary Service (8)	
0 – 200 Amps With Feeder	\$76.84
201 – 400 Amps With Feeder	\$93.51
401 – 600 Amps With Feeder	\$125.51
601 Amps and Over	\$142.18
Each Additional Feeder	\$27.53
Low Voltage/Telecommunications (9)	
First 2500 Square Feet or Less	\$54.28
Each Additional 2500 Square Feet or Portion Thereof	\$14.73
Signs and Outline Lighting (10, 11)	
First Sign (no service included)	\$46.74
Each Additional Sign Inspected at Same Time	\$22.41

	2023
Generators (12)	
Installed Transfer for Portable Generators	\$85.48
Electrical Annual Permit for Commercial Industrial Location (13)	
1 to 3 Plant Electricians (up to 6 Inspections)	\$1,130.69
1 to 3 Plant Electricians (up to 12 Inspections)	\$2,261.36
4 to 6 Plant Electricians (up to 24 Inspections)	\$4,526.48
7 to 12 Plant Electricians (up to 36 Inspections)	\$6,787.31
13 to 35 Plant Electricians (up to 52 Inspections)	\$9,050.60
25+ Plant Electricians (up to 75 Inspections)	\$11,314.53
Trip Fees – Rounded to Nearest Whole Dollar	
Inspection Requested but Not Ready	\$48.00
Each Additional Inspection Over 2 Per Permit	\$48.00
Inspection of Existing Installation	\$94.00
Progress Inspections Per 1/2 Hour (Minimum)	\$48.00

	2023
Plan Review	35% of permit fee plus submission fee
Plan Review Submission Fee	\$78.74
Permit of Record	\$31.00
Minimum Fee (14)	\$76.84

Footnotes:

- 1 A maximum of two inspections are provided per permit. Additional inspections will be subject to Trip Fee assessment.
- 2 Service and feed must be inspected together when using this fee. Inspections at different times requires a \$60.00 (N/C) fee for each inspection.
- 3 Scope of work is limited to wind, weather, vehicular or terminal failure damage to existing systems. May also include the repair or replacement of the mast, meter and conductors up to the first point of termination on the service or building disconnecting means. Relocated meters or masts and overhead-underground conversions shall be evaluated as altered services.
- 4 Altered or added circuits calculated per panelboard.
- 5 Service and feed must be inspected together when using this fee. Inspections at different times requires the Service Fee plus additional fee calculated Commercial Additional Feeders fee.
- 6 All field-installed power transformers that are the source of a separately derived system shall have both their primary and secondary feeds identified/fee-valued. All multi-section lighting and appliance branch circuit panelboards shall have each section evaluated/fee-valued. All feeder taps that terminate in an overcurrent device rated 30 amps or larger shall be identified/fee-valued.
- 7 Multiple section switch boards that have continuous, full ampacity bussing between sections shall be fee-valued as single feeders. Switchboard

subsections that have reduced ampacity bussing and individual overcurrent protection for the section shall be evaluated as additional feeders.

8 Service and feed must be inspected together when using this fee. Inspections at different times requires an additional fee per the Service and Fee schedule.

9 Low voltage and telecommunications systems includes all telecommunication systems, fire alarms, burglar alarms, nurse call, intercom, security systems, energy management controls, HVAC/refrigeration control, industrial and automation control systems, lighting controls, stand alone sound systems, public address and similar low-energy circuits and equipment in all occupancy except one- and two-family dwellings as regulated by the International Residential Code. Multiple low-voltage systems installed by a single contractor at a single address and ready for a single inspection may be fee-valued at one fee.

10 Service or feeder equipment installed exclusively to power a sign shall be fee-valued at the Commercial Industrial Service fee schedule.

11 Multiple sign faces and enclosures mounted on the same structure, each disconnecting means or set of disconnects to a separate enclosure shall be considered an individual sign. For outline lighting, neon channel letters and skeletal neon lighting, a sign will be defined as the sign transformer or power supply fed by a primary sign circuit.

12 Permanently installed generators shall be fee-valued under the appropriate residential or commercial service/feeder schedule.

13 For commercial and industrial location employing full-time electrical maintenance staff or having a yearly maintenance contract with a licensed electrical contractor. All yearly maintenance contracts must detail the number of contract electricians necessary to do the work required under the contract. This number will be used for calculating the fees. Each inspection is based on a two-hour maximum. Annual permits are valid for inspection at one facility (site) only.

14 The electrical permit fee shall be the calculated fee per the fee table or the minimum fee, whichever is greater, except Trip Fees which will be calculated from the fee schedule.

3. Table III. Mechanical Permit Fees.

Table III. Mechanical Permit Fees

Fees are per each item to be installed or altered.

	July 2022
Mechanical Permit Item (1)	
Heating and Cooling	
A/C or Heat Pump	\$14.07
Furnace < 100,000 BTU (ducts/vents)	\$14.07
Furnace > 100,000 BTU (ducts/vents)	\$18.57
Gas Heat Pump	\$14.07
Duct Work	\$14.07
Hydronic Hot Water System	\$14.07
Residential Boiler (Radiator or Hydronic)	\$14.07
Unit Heater (Recessed, Suspended, etc.)	\$14.07
Flue or Vent for Heating/Cooling	\$14.07
Other Fuel Appliances	
Water Heater	\$14.07
Gas Fireplace	\$14.07

	July 2022
Flue Vent for Water Heater or Gas Fireplace	\$14.07
Log Lighter (Gas)	\$14.07
Wood/Pellet Stove	\$14.07
Wood Fireplace/Insert	\$14.07
Chimney/Liner/Flue/Vent	\$14.07
Environmental Exhaust and Ventilation	
Range Hood or Kitchen Equipment	\$14.07
Clothes Dryer Exhaust	\$14.07
Single Duct Exhaust	\$14.07
Attic/Crawl Space Fan	\$14.07
Fuel Piping	
Fuel Piping: 1 – 4 Outlets	\$5.75
Fuel Piping: More Than 4 Outlets, Each	\$1.28
Mechanical Annual Permit for Commercial Industrial Locations (4)	

	July 2022
1 to 3 Plant Mechanical Technicians (up to 6 Inspections)	\$1,130.69
1 to 3 Plant Mechanical Technicians (up to 12 Inspections)	\$2,261.36
4 to 6 Plant Mechanical Technicians (up to 24 Inspections)	\$4,526.48
7 to 12 Plant Mechanical Technicians (up to 36 Inspections)	\$6,787.31
13 to 35 Plant Mechanical Technicians (up to 52 Inspections)	\$9,050.61
25+ Plant Mechanical Technicians (up to 75 Inspections)	\$11,314.52
Plan Review Fee	35% of permit fee plus submission fee
Plan Review Submission Fee	\$78.74
Other (2)	
Minimum Fee: Gas Water Heater (3)	\$65.95
Minimum Fee: All Others	\$76.84
Trip Fees - Rounded to Nearest Whole Dollar	

	July 2022
Inspection Requested but Not Ready	\$48.00
Each Additional Inspection Over 2 Per Permit	\$48.00
Inspection of Existing Installation	\$94.00
Progress Inspections Per 1/2 Hour (Minimum)	\$48.00
Minimum Fee (2)	\$76.84

Footnotes:

- 1** A maximum of two inspections are provided with each permit. Additional inspections will be assessed a trip fee.
- 2** The mechanical permit fee shall be the calculated fee per the fee table or the minimum fee, whichever is greater.
- 3** For replacement in like kind, requiring no new power/fuel source or venting system.
- 4** For commercial and industrial location employing full-time mechanical maintenance staff or having a yearly maintenance contract with a licensed mechanical contractor. All yearly maintenance contracts must detail the number of contract mechanical technicians necessary to do the work required under the contract. This number will be used for calculating the fees. Each inspection is based on a two-hour maximum. Annual permits are valid for inspection at one facility (site) only.

4. Table IV. Plumbing Permit Fees.

Table IV. Plumbing Permit Fees

Fees are per each item to be installed or altered.

	July 2022
Plumbing Item (1)	
Site Utilities	
Catch Basin	\$14.73
Drywell, Leach Line, Trench Drain	\$14.73
Manufactured Home Utilities	\$95.97
Manholes	\$14.73
Rain Drain Connector	\$14.73
Footing Drain (1st 100 feet)	\$48.00
Footing Drain (Each Additional 100 Feet)	\$40.33
Sanitary Service (1st 100 feet)	\$48.00
Sanitary Service (Each Additional 100 Feet)	\$40.33
Storm Service (1st 100 Feet)	\$48.00
Storm Service (Each Additional 100 Feet)	\$40.33
Water Service (1st 100 Feet)	\$48.00
Water Service (Each Additional 100 Feet)	\$40.33

	July 2022
Fixture or Item	
Absorption Value	\$14.73
Backflow Preventer: Commercial	\$40.33
Backflow Preventer: Residential	\$23.70
Backwater Valve	\$14.73
Clothes Washer	\$14.73
Dishwasher	\$14.73
Drinking Fountain	\$14.73
Ejectors/Sump Pump	\$14.73
Expansion Tank	\$14.73
Fixture/Sewer Cap	\$14.73
Floor Drain/Floor Sink/Hub	\$14.73
Garbage Disposal	\$14.73
Hose Bib	\$14.73
Ice Maker	\$14.73

	July 2022
Interceptor/Grease Trap	\$14.73
Primer	\$14.73
Rain Drain: Commercial	\$14.73
Rain Drain: Single-Family Residential	\$57.01
Sink/Basin/Lavatory	\$14.73
Tub/Shower/Shower Pan	\$14.73
Urinal	\$14.73
Water Closet	\$14.73
Water Heater	\$14.73
Medical Gas Systems (Valuation)	
\$1.00 – \$5,000 Valuation	\$65.21
\$5,001 – \$10,000 Valuation	\$65.21 plus \$1.28 for each \$1,000 or fraction thereof over \$5,000
\$10,001 and Over Valuation	\$71.62 plus \$1.28 for each \$1,000 or

	July 2022
	fraction thereof over \$10,000
Other (2)	
Minimum Fee: Electrical Water Heater	\$65.95
Minimum Fee: Residential Backflow	\$65.95
Minimum Fee: All Other	\$76.84
Plumbing Annual Permit for Commercial Industrial Locations (3)	
1 to 3 Plant Plumbers (up to 6 Inspections)	\$1,130.69
1 to 3 Plant Plumbers Technicians (up to 12 Inspections)	\$2,261.36
4 to 6 Plant Plumbers (up to 24 Inspections)	\$4,526.48
7 to 12 Plant Plumbers (up to 36 Inspections)	\$6,787.31
13 to 35 Plant Plumbers (up to 52 Inspections)	\$9,050.60
25+ Plant Plumbers (up to 75 Inspections)	\$11,314.53
Plan Review Fee	35% of permit fee plus submission fee

	July 2022
Plan Review Submission Fee	\$78.74
Trip Fees - Rounded to Nearest Whole Dollar	
Inspection Requested but Not Ready	\$48.00
Each Additional Inspection Over 2 per Permit	\$48.00
Inspection of Existing Installation	\$94.00
Progress Inspections Per 1/2 Hour (Minimum)	\$48.00
Minimum Fee (2)	\$76.84

Footnotes:

- 1** A maximum of two inspections are provided with the permit. Additional inspections will be assessed a Trip Fee.
- 2** The plumbing permit fee shall be the calculated fee per the fee table or the minimum fee, whichever is greater.
- 3** For commercial and industrial location employing full-time plumbing maintenance staff or having a yearly maintenance contract with a licensed plumbing contractor. All yearly maintenance contracts must detail the number of contract plumbers necessary to do the work required under the contract. This number will be used for calculating the fees. Each inspection is based on a two-hour maximum. Annual permits are valid for inspection at one facility (site) only.

4.1. *Table IV.1.* These fees apply to multifamily residential and commercial building permits for approval and acceptance by the Vancouver fire marshal's office.

2023 Fees

Valuation	Permit Fees
\$1.00 to \$500.00	\$15.13
\$501.00 to \$2,000	\$15.13 for the first \$500.00 plus \$0.39 for each additional \$100.00 or fraction thereof up to and including \$2,000
\$2,001 to \$25,000	\$20.96 for the first \$2,000 plus \$1.50 for each additional \$1,000 or fraction thereof up to and including \$25,000
\$25,001 to \$50,000	\$55.80 for the first \$25,000 plus \$1.13 for each additional \$1,000 or fraction thereof up to and including \$50,000
\$50,001 to \$100,000	\$83.94 for the first \$50,000 plus \$0.73 for each additional \$1,000 or fraction thereof up to and including \$100,000
\$100,001 to \$500,000	\$121.45 for the first \$100,000 plus \$0.66 for each additional \$1,000 or fraction thereof up to and including \$500,000
\$500,001 to \$1,000,000	\$388.15 for the first \$500,000 plus \$0.62 for each additional \$1,000 or fraction thereof up to and including \$1,000,000
\$1,000,001 and Up	\$693.78 for the first \$1,000,000 plus \$0.39 for each additional \$1,000 or fraction thereof
Manufactured Structures Setup Fee	\$15.13 per section, with a minimum fee of \$30.26 per permit

5. *Table V. Plan review fees.* When submittal documents are required by this code, a plan review fee pursuant to Table V shall be paid at the time of submitting the

submittal documents for plan review. The plan review fees specified in Table V are separate fees from the permit fees specified in this section and are in addition to the permit fees.

Table V. Plan Review Fees

Review	Fee
Building Plan Review	65% of building permit fee (100% for fast track review)
Single Permit Plan Review	50% of single permit fee (77% for fast track review)
Fire Plan Review (Commercial and Multifamily Permits Only)	65% of the fire building permit fee
Mechanical or Plumbing Plan Review	35% of permit fee
Electrical Plan Review	35% of permit fee plus submission fee

6. *Table VI. Grading and erosion control permit and plan review fees.*

Table VI. Grading and Erosion Control Permit and Plan Review Fees

Building – Grading and Erosion Control	2023 Fees	2023 Fees
	Plan Review Fee	Permit Fee
10 to 50 c.y.		\$30.09

Building – Grading and Erosion Control	2023 Fees	2023 Fees
	Plan Review Fee	Permit Fee
51 to 100 c.y.	\$30.09	\$47.38
101 to 1,000 c.y.		
Base Fee	\$47.38	\$47.38
Plus Fee per 100 c.y. (or Fraction Thereof)		\$22.41
1,001 to 10,000 c.y.		
Base Fee	\$63.09	\$249.12
Plus Fee per 1,000 c.y. (or Fraction Thereof)		\$18.57
10,001 to 100,000 c.y.		
Base Fee for First 10,000 c.y.	\$63.09	\$416.27
Plus Fee per 10,000 c.y. (or Fraction Thereof)	\$31.37	\$84.55
100,001 to 200,000 c.y.		
Base Fee for First 100,000 c.y.	\$345.51	\$1,177.09
Plus Fee per 10,000 c.y. (or Fraction Thereof)	\$16.96	\$46.74
200,001 c.y. or More		

Building – Grading and Erosion Control	2023 Fees	2023 Fees
	Plan Review Fee	Permit Fee
Base Fee for First 200,000 c.y.	\$515.23	Use 100,001 above
Plus Fee per 10,000 c.y. (or Fraction Thereof)	\$9.30	Use 100,001 above

7. Table VII. Fire Protection System Fees.

Table VII. Fire Fees

No.	Activity	2023 Fees	2023 Fees
		Base Fee	Per Head or Device
FIRE PROTECTION SYSTEMS AND COMPONENTS			
1.	Fire Pumps (each pump)		
	a) Review	\$325.47	
	b) Inspection	\$875.23	
2.	Stand Pipes (each stand pipe)		
	a) Review	\$121.90	
	b) Inspection	\$245.01	

No.	Activity	2023 Fees	2023 Fees
		Base Fee	Per Head or Device
3.	Underground Fire Service (each lateral)		
	a) Review	\$86.54	
	b) Inspection	\$245.01	
4.	Fire Sprinklers (each system)		
	a) Review	\$262.08	\$2.61
	b) Inspection	\$262.08	\$4.33
A.	Fire Sprinkler Tenant Improvements:		
	Category 1: Affidavit 1 to 10 heads: (Limited to arm-overs and drops with a head location diagram for inspection reference)		
	a) Review	—	
	b) Inspection	\$86.54	
	Category 2: Affidavit 11 to 20 heads: (Limited to arm-overs and drops in a light hazard occupancy with a head location diagram for inspection reference)		

No.	Activity	2023 Fees	2023 Fees
		Base Fee	Per Head or Device
	a) Review	—	
	b) Inspection	\$175.54	
	Category 3: Fire sprinkler system alterations that involve only changing heads of the same performance characteristics and minor adjustments to drop lengths:		
	a) Review	—	
	b) Inspections	\$175.54	\$2.61
	Category 4: Fire sprinkler system alterations or additions that don't fall under Category 1, 2, or 3: (With full plans)		
	a) Review	\$86.54	\$0.84
	b) Inspections	\$175.54	\$2.61
B.	Dry Pipe, Antifreeze, Preaction (each in addition to fire sprinkler system)		
	a) Review	\$121.90	
	b) Inspection	\$245.01	

No.	Activity	2023 Fees	2023 Fees
		Base Fee	Per Head or Device
5.	<u>Clean Agent Fixed Fire Protection Systems</u> (clean agents, explosion prevention, carbon dioxide, water mist, wet and dry chemical, etc. CO2, FM-200, Inergen, etc.)		
	a) Review	\$436.39	
	b) Inspection	\$613.15	
6.	Commercial Cooking Hood and Duct Protection (per new system)		
	a) Review	\$314.49	
	b) Inspection	\$210.87	
	Commercial Cooking Hood and Duct Protection Minor Revisions (Permit not required if modification is limited to normal maintenance, replacing or reconfiguring heads and no increase in flow points used.) Applicant to <u>shall</u> notify the Fire Marshal's Office of the location and extent of work, <u>and prior to the commencement of work.</u>		
	a) Review	—	
	b) Inspection	—	
7.	Fire Alarm Systems - Minor (additions, no new panel, up to 10 devices)		

No.	Activity	2023 Fees	2023 Fees
		Base Fee	Per Head or Device
	Category 1: Affidavit 1 to 4 devices (limited to spot smoke or heat detectors, horn/strobes, strobes, horns, mini-horns, manual pull stations or one communication device)		
	a) Review	No review fees for fire alarms – minor per ordinance	
	b) Inspections	\$152.37	
	Category 2: Modifications of up to 10 devices not qualifying for affidavit (e.g., additions, no new panel)		
	a) Review	\$86.54	\$3.50
	b) Inspections	\$175.54	\$8.78
8.	Fire Alarm Systems - Major (new panel or 11+ devices, central station)		
	a) Review	\$262.08	\$3.50
	b) Inspection	\$262.08	\$8.78
9.10.	Smoke Control Systems¹ (<u>Shaft and hoist way, atriums, malls, tunnels, etc.</u>)(up to 3 shafts)	(up to 3 shafts)	Each add'l shaft

No.	Activity	2023 Fees	2023 Fees
		Base Fee	Per Head or Device
	a) Review (Fire Review Fee Due at Submittal is a deposit for fire plans review and/or design consultation meetings at \$215 per hour.)	\$4,600.00 525.38	\$175.54
	b) Inspections <u>and Commissioning</u>	\$1,500.00 1,048.33	\$349.84
OTHER PERMITS			
<u>109.</u>	<u>Underground Flammable & Combustible Tank Demolition/Decommission</u> (each tank)		
	a) Review (<u>tank demolition</u>)	<u>N/A</u>	
	b) Inspection (<u>tank demolition/decommission</u>)	\$30.48 <u>\$148.00</u>	
<u>11.</u>	<u>Special Hazard Review</u> (each type). <u>Permits required in IFC 105.5-105.6, not specifically covered under a construction permit, shall be charged a special hazard review fee.</u>		
	a) <u>Special Hazard Review</u>		<u>\$107.50</u>
<u>12.</u>	<u>Emergency Responder Radio Communication System</u>		

No.	Activity	2023 Fees	2023 Fees
		Base Fee	Per Head or Device
	a) <u>Review</u>	<u>\$450.00</u>	
	b) <u>Inspection</u>	<u>\$750.00</u>	
13.	<u>Technical Assistance Fire Review¹</u> <u>A deposit fee is required prior to commencement of technical assistance review. A \$900 deposit for senior fire protection engineer/technical consultation plans review and/or specialized consultation at \$450 per hour. If additional fire protection engineering review and/or technical consultation time is required, the applicant may request additional time in 2+ hour increments.</u>	<u>Base Fee</u> <u>(includes two hours)</u>	<u>Per Additional Hour</u>
		<u>\$900.00</u>	<u>\$450.00</u>
	<u>Other Smoke Control</u> (atriums, malls, others)		
	a) <u>Review</u>	<u>\$525.38</u>	<u>\$175.54</u>
	b) <u>Inspections</u>	<u>\$1,048.33</u>	<u>\$349.84</u>

No.	Activity	2023 Fees	2023 Fees
		Base Fee	Per Head or Device
TRIP FEES ¹²			
<u>141.</u>	Trip Fee Assessment	\$64.61	
<u>EXPEDITED PLAN REVIEW³</u>			
<u>15.</u>	<u>Expedited Fire Plan Review</u> (Expedited reviews based on staffing availability)	<u>\$296.00</u> Base fee	<u>\$148.00 per hour beyond two.</u>

17.08.130 Fees Footnotes N/C 2023:

1. The Fire Department will charge hours for the consultation, review, and inspections against the deposit. If the deposit is exhausted and additional work is required, the building owner/legal agent will arrange payment for additional hours worked prior to the hours being worked. The Fire Code Official is authorized to issue refunds per VMC 17.08.130(8)h.

21 Trip fees are intended to recover actual costs and may be assessed where the requested inspections are for work that is not ready for inspection, the work is not accessible for inspection, or the appropriate personnel or documentation is not on site.

3. Where authorized by the Fire Code Official, and where staffing is available, fire plan reviews may be expedited on after-hours overtime. The fee shall be based on a minimum of two hours, but not less than the actual number of hours required to process the review. This service may not always be available and is based on staffing availability. After-hour fire plans review does not affect the regular plans review submission queues.

8. *Other inspection and service fees.*

- a. Other inspections, to take place at the City's discretion and staffing availability, outside of the normal business hours (8:00 a.m. to 5:00 p.m.) shall be a minimum fee of \$296.00 per inspector providing a maximum of two hours of inspection per trip. Additional consecutive hours of inspection are \$148.00 per hour per inspector. Inspector is defined as a building inspector, electrical inspector and/or a deputy fire marshal.
- b. Reinspection fees when required shall be \$148.00 per hour, with a minimum of \$74.00 per inspection.
- c. Inspections for which no fee is established shall be \$148.00 per hour, with a minimum of \$74.00 per inspection.
- d. Additional plan review time required due to changes or revisions to already approved construction documents and plans shall be calculated at \$148.00 per hour, but shall not exceed an amount equal to the original plan check fee. Major revisions to construction documents or plans after approval or during plan review shall require a new plan review fee.
- e. There shall be a \$31.00 issuance fee added for each permit identified in Tables I (Building Permit Fees), VI (Grading and Erosion Control Permit and Plan Review Fees), and VII (Fire Fees).
- f. Permit fees not clearly defined by this section, or fees that are found by the building official and/or fire code official to be inequitable using a valuation base, shall be determined by the building official and/or fire code official by using a rational cost-of-service analysis. Fee determinations in such cases shall be made available to the public and disseminated to the applicable segments of the construction industry for use in future such cases.
- g. *Expiration date extension fee.* A fee of \$40.00 shall be assessed to process a permit expiration date extension request for CMI and RES and FRI permits. A fee of \$26.00 shall be assessed to process expiration date extension requests for other permit types covered under this title.
- h. *Fee refunds.* Requests for fee refunds must be made in writing by the permittee. The building official and/or fire code official may authorize refund of a fee paid as follows:

- i. Refunding of not more than 80 percent of the permit fee paid when no work has commenced under a permit issued in accordance with this code.
- ii. Authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.
- iii. There shall be no refunding of any fee paid except upon written application filed by the original applicant not later than 180 days after the date of fee payment.

i. *Reinspection/Trip Fees.* A reinspection/trip fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called for is not complete or when corrections called for are not made.

- i. Reinspection/trip fees are designed to discourage the practice of calling for inspections before the job is ready for such inspection or reinspection.

- ii. Reinspection/trip fees may also be assessed under the following circumstances:

- A. When the inspection record card and permit are not posted or otherwise available on the work site.

- B. When approved plans are not readily available to the inspector for failure to provide access on the date the inspection is scheduled.

- C. When there is deviation from the approved plans.

- D. When required corrections have not been completed upon request for reinspection.

- E. When the cost per hour of inspection or reinspection has exceeded the permit fee paid. A minimum of three inspections per category are allowed for all “single permit fee” permits.

- iii. The permittee or their designated agent shall pay the required fee as set forth in the fee schedule and noted in the reinspection/trip fee notice.

iv. In instances where reinspection/trip fees have been assessed, additional inspection of the work will not be performed until the required fee has been paid.

v. Reinspection/trip fees will be assessed on electrical, plumbing and mechanical permits where the number of requested inspections exceeds two. Reinspection fees may be assessed on all other permits where the number of requested inspections in a required inspection category exceeds three. See VMC 17.08.090(G) for limited trade reinspection fee requirements.

j. *Work commencing before permit issuance.* Any person who commences any work on a building, structure, electrical, gas, mechanical, plumbing system, fire sprinkler, fire alarm system and/or other fire code permits before obtaining the necessary permits shall be subject to an investigation fee established by the building official and/or fire code official in addition to the required fees as set forth in this code.

i. The investigation fee for work commencing before permit issuance shall be the same as the required permit fees contained in the fee tables.

ii. The investigation fee shall be paid prior to or at the time of the permit issuance.

iii. The payment of the investigation fee shall not exempt an applicant from compliance with all provisions of this code or other applicable laws.

iv. Such investigation fees may be in addition to any other penalty assessed under VMC Title 22.

Section 2. Savings. Those ordinances or parts of ordinances which are amended or repealed by this ordinance shall remain in full force and effect until the effective date of this ordinance.

Section 3. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not effect or

invalidate the remainder of any parts thereof to any person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 4. Effective date. This ordinance shall become effective thirty (30) days following the date of final adoption.

DATE OF FINAL PASSAGE by the Vancouver City Council:_____.

SIGNED this _____ day of _____, 2023.

Anne McEnery-Ogle, Mayor

Attest:

Approved as to form:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. M-_____

AN ORDINANCE relating to the adjustment of existing fees to more accurately align with the programs cost recovery goals, adding several new fees to reflect evolving technology and more accurately capture staff time for project related review, including technical assistance review and providing for limited expedited permit review; providing for savings, severability and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

MEMORANDUM

DATE: June 5, 2024

TO: Eric Holmes, City Manager
CC: Brennan Blue, Fire Chief, Vancouver Fire Department

FROM: Heidi Scarpelli, Fire Marshal, Vancouver Fire Department

RE: Proposed VMC Title 16 and Title 17 Fire Code Ordinance Changes

INTRODUCTION:

Ensuring fire and life safety in the City of Vancouver is more critical than ever due to the evolving technology and complexity of buildings and hazards. As stewards of public safety, the Vancouver Fire Department is committed to adapting codes, practices, and resources to effectively mitigate emerging risks. Therefore, the proposition listed below to modify VMC Titles 16 & 17 and increase some fire and life safety permit fees is not merely a matter of financial adjustment, but a strategic investment in safeguarding lives, properties, and the community.

OVERVIEW:

The City of Vancouver regulates the administration of the fire and life safety code within VMC Title 16 and Title 17. The administrative provisions of these titles are based in part on adoptions of regularly updated Washington state law. The attached ordinances reflect items recommended by staff as they pertain to the Washington State adopted Fire Code while addressing permit cost recovery requirements and distinct plan review fees associated with special hazards.

Regularly reviewing Fire Department-related code provisions, permit fees, and potentially increasing fire permit and review fees is crucial as it directly impacts public safety, infrastructure resilience, and emergency response capabilities. The proposed amendments aim to streamline the process for end-users by consolidating Fire Department data sites and adding permit fees for fire plans review for fire code regulated construction and operational permits. These changes are necessary to address the evolving landscape of hazards driven by advancements in technology, changes in building materials, and emerging industries.

ACTION REQUESTED:

The proposed revision of VMC Title 16 and Title 17 will streamline and re-align fees for staffing costs associated with special hazards, fire-related construction permits and fire code operational permits, fire protection system reviews, and external fire-related technical reviews. Additionally, the modifications include reorganizing sections to better align with the WA State Fire Code Amendments,

Memo Title

Date

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adding the existing Vancouver Fire Department development review standards for water supply and emergency access, and general language cleanup.

SUMMARY BRIEF:

Proposed VMC Title 17 substantive modifications:

- Smoke Control Systems – Increase permit fee for fire plan review and system commissioning.
- Flammable and Combustible Tank Demolition/Decommission – Increase permit fee for inspection.
- Special Hazard Review – Permits required in IFC 105.5 – 105.6 not specifically covered under a construction permit, add fire plans review permit fee.
- Technical Assistance Fire Review - In unique circumstances regarding special hazards and/or engineering complexity, establish a streamlined process for the end user with required subject matter experts paid by the requestee/applicant.
- Expedited Fire Plan Review – Create an option for certain projects to receive expedited fire plan reviews. **Based on limited project scope and VFD personnel availability*

Proposed VMC Title 16 substantive modifications:

- Commercial Fire and Life Safety Inspections – Establish a reasonable right of entry process for non-responsive property and business owners.
- Technical Assistance Fire Review - In unique circumstances regarding special hazards and/or engineering complexity, establish a streamlined process for the end user with required subject matter experts paid by the requestee/applicant.
- Consolidate VFD development review standards and VMC requirements.
- Special Hazard Review – Permits required in IFC 105.5 – 105.6 not specifically covered under a construction permit, add fire plans review permit fee.
- Technical Assistance Fire Review - In unique circumstances regarding special hazards and/or engineering complexity, establish a streamlined process for the end user with required subject matter experts paid by the requestee/applicant.
- Hazardous Materials – Streamline and clearly outline the process for special hazards.

CLOSING:

In conclusion, increasing fire and life safety permit fees is a prudent financial decision for cost recovery and is crucial for maintaining the sustainability and efficacy of fire services amidst evolving challenges. The importance of adjusting VMC language ensures that our built environment remains one of the safest in the region.

ATTACHMENTS:

VMC Title 16 – Proposed Fire Code Amendments

VMC Title 17 - Proposed Fire Code Amendments

Building Fire Code Commission - Letter of Recommendation

Memo Title
Date
Page 3 of 3

STAFF CONTACT:
Heidi Scarpelli, Fire Marshal – Vancouver Fire Department

CITY OF VANCOUVER

BUILDING & FIRE CODE COMMISSION

August 30, 2024

Mayor and City Council
City of Vancouver
P.O. Box 1995
Vancouver, WA 98668-1995

RE: Recommendation on proposed changes to VMC Title 16 and 17

Dear Mayor and City Council Members:

The Building and Fire Code Commission (BFCC) of the City of Vancouver held duly noticed meetings on August 21, 2024. The BFCC and city staff discussed the following proposed building and fire code ordinance amendments:

SUMMARY BRIEF:

Proposed VMC Title 16 substantive modifications:

- Commercial Fire and Life Safety Inspections – Establish a reasonable right of entry process for non-responsive property and business owners.
- Technical Assistance Fire Review Fee - In unique circumstances regarding special hazards and/or engineering complexity, establish a streamlined process for the end user with required subject matter experts paid by the requestee/applicant.
- Consolidate VFD development review standards and VMC requirements.
- Special Hazard Review Fee – Permits required in International Fire Code (IFC) 105.5 – 105.6 not specifically covered under a construction permit, add fire plans review permit fee.
- Hazardous Materials – Streamline and clearly outline the process for special hazards.
- General language clean-up, reorganization and streamlining for the end user.

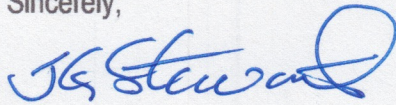
Proposed VMC Title 17 substantive modifications:

- Smoke Control Systems – Increase permit fee for fire plan review and system commissioning.
- Flammable and Combustible Tank Demolition/Decommission – Increase permit fee for inspection.
- Special Hazard Review Fee – Permits required in IFC 105.5 – 105.6 not specifically covered under a construction permit, add fire plans review permit fee.
- Emergency Responder Communication Review - Permits required in IFC 105.6 not specifically covered under a construction permit, add fire plans review permit fee.

- Technical Assistance Fire Review Fee - In unique circumstances regarding special hazards and/or engineering complexity, establish a streamlined process for the end user with required subject matter experts paid by the requestee/applicant.
- Expedited Fire Plan Review – Create an option for certain projects to receive expedited fire plan reviews. **Based on limited project scope and VFD personnel availability.*
- Technology Fee – A technology fee of 5.5% to be assessed on building fund permit fees. Fee to cover the cost of continued technology investments and planned remote inspections.

Following the discussion, motions were unanimously approved by the BFCC in favor of proposed code amendments and recommends the adoption of the ordinances by the City Council.

Sincerely,



Jimmy G. Stewart
Chair, Building and Fire Code Commission

C: Eric Holmes, City Manager
Natasha Ramras, Chief Financial Officer
Jonathon Young, City Attorney
Heidi Scarpelli, Fire Marshal
Sree Thirunagari, Building Official
Philip Gigler, Assistant City Attorney
Building and Fire Code Commission members

AN ORDINANCE relating to and adopting the budget for the City of Vancouver for the 2025-2026 fiscal biennium; providing for ratification and for an effective date.

Staff Report: 250-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

2025-2026 City of Vancouver Biennial Operating and Capital Budget

Key Points

- The revenue forecast that was utilized in preparation of the 2025-2026 Biennial Budget included a \$43 million two-year shortfall over the 2025-2026 biennium and a flattening of economic growth over the biennium locally. To address the shortfall, several new revenue sources and expenditure reductions were included to balance the budget.
- The 2025-2026 Biennial Budget appropriates \$2.1 billion for Operating and Capital Budgets.
- Net city-wide reduction of 9.05 full-time equivalent (FTE) positions, bringing the total City FTE balance to 1,355.70 by 2026, a 0.7% decrease over the FTE complement approved in the 2024 Budget.
- The budget is balanced by ongoing revenues and available cash resources and is consistent with the City of Vancouver's approved Financial Policies. The budget does not rely on new debt, except for utility-supported debt for the new public works operations campus in 2026.
- The budget forecast assumes a 1% property tax revenue increase; a blended 6% rate adjustment for water, sewer, surface water and solid waste utilities; updating the basis for utility tax calculation to "gross revenues", in line with other utility taxes; continued implementation of business license surcharge and parks impact fee increase; optimization of fee rates in fee-for-service enterprise areas. In 2026, the budget also includes tapping into the City's banked property tax capacity to fund a portion of Fire capital included in Proposition 2 (replacements of stations 3 and 6, and remodel of station 8).
- Several new sources of revenue were utilized to balance the budget. Those include implementing a 6% excise tax on Cable utility, a 5% admissions tax, a commercial parking tax, and an additional \$10 license fee implemented by TBD in mid-2025. Additionally, the budget assumes new revenue from passing to consumers the credit/debit card fee charged by credit card companies and adjusting a number of fees for inflationary pressures and amending recreation fees to eliminate subsidization of non-city residents in all parks and recreation activities.
- Two additional revenues will be implemented to fund specific activities include: Business and Occupation Tax on Retail only at \$0.001 effective in 2026 to fund operating and capital of a new 150-bed homeless shelter and a Cultural Access Sales Tax of 1/10 of 1% effective in 2025.
- A robust capital program is included in the Budget, funded by designated capital resources, specifically, the additional Sales Tax added by the Transportation Benefits District for complete streets program funding, increased business license surcharge revenue and increased parks impact fee revenues. Some of the highlights of funded projects include City Hall Plaza construction in concert with the Waterfront Gateway Development, the Heights Loop and Plaza

construction, Connector trail along the 18th St extension will be advanced, Stations 3, 6 will be designed and construction started, the Chkalov building remodel is anticipated to be completed in 2026 and the replacement operations campus will be in construction during the next biennium. The affordable housing property tax is anticipated to fund several new affordable housing projects within city limits as well.

Strategic Plan Alignment

High Performing Government – a government that is reliable, fiscally responsible, equitable, and open to compromise

Present Situation

The City of Vancouver 2025-2026 Biennial Budget has been prepared for approval. The Recommended Budget was published by the City Manager on October 1, 2024, and was presented to Council in workshops held on October 7, 14, 28 and November 4, 2024.

The 2025-2026 Biennial Budget appropriates \$2.1 billion for both operating and capital expenses, representing a 2.2% increase over the current 2023-2024 budget. It proposes using \$89.4 million in existing cash reserves citywide to fund both the capital program and one-time initiatives. A total of \$1.5 billion is appropriated for all City operating funds and \$0.6 billion for capital funds and related funding transfers. A net city-wide reduction of 9.05 full-time equivalent (FTE) positions, bringing the total to 1,355.70 FTEs by the end of 2026, representing a .66% decrease over the 2024 FTE complement.

Revenue

The revenue forecast that was utilized in preparation of the 2025-2026 Biennial Budget included a \$43 million two-year shortfall over the 2025-2026 biennium and a flattening of economic growth over the biennium locally. To bridge the gap, several new revenue sources are included to balance the budget:

- Implementing a 6% excise tax on Cable utility, aligning the definition of revenue base for determination of the utility tax on city-owned utilities to “gross revenues”, consistent with other utilities, a commercial parking tax for short-term parking of \$0.15 per transaction in lots and \$0.20 for street transactions, as well as recommends to the TBD the request to implement an additional \$10 license fee in mid-2025 for transportation projects. The budget also includes new revenues from passing to consumers the credit/debit card fee charged by credit card companies and adjusting a number of fees for inflationary pressures (e.g. special license fees, fire marshal’s and land use fees) and adjusting recreation fees to eliminate subsidization of non-city residents in all parks and recreation activities.
- Additionally, the budget incorporates revenues and includes an appropriation from two new revenues will be implemented to fund specific activities: Business and Occupation Tax on Retail only at \$0.001 effective in 2026 to support the construction and operations of a bridge shelter, Admissions Tax of 5% on movie theater tickets to support the re-design of the Arts Hub and a Cultural Access Sales Tax of 1/10 of 1% effective in 2025 to support school student access to cultural events as well as an investment into the Vancouver Culture and Arts Program (VCAP).

Operating Budget

The total 2025-2026 Operating budget in all city funds is \$2.1 billion. Of that amount, General, Street and Fire Budget appropriation for the two-year period is \$769.6 million. The 2025-2026 Budget continues to fully fund City reserves and depreciation accounts to the levels dictated in the Council-approved financial policies, while maintaining adequate operating capital throughout the biennium.

Baseline expenditures within the budget include modest personnel cost increases; significant increases in the City's cost of health insurance, liability and workers compensation insurance coverages, and claims activity; as well as considerable increases across the board for items such as supplies and services, resulting from historically high inflation experienced over the last three years. A zero-based budgeting approach was utilized for one-time professional services, interfund charges, and transfers.

To ensure a balanced budget, budget reductions in all Departments were made while still trying to minimize impacts to Public Safety departments. In addition to reductions in operating costs, there is a net citywide reduction of 9.05 FTEs compared to 2024. The budget includes a total reduction of 36.05 FTEs (27.55 regular and 8.50 limited duration) and adds 27.00 FTEs (21.00 regular and 6.00 limited duration). Most of the FTE additions are revenue or utility fund supported or capital projects budget.

The Budget also moves forward many high priority initiatives that have revenue support to align with the City's priorities: Climate Action, Community Safety, and Equity & Inclusion, as well as the focus areas identified in the City's Strategic Plan. Those focus areas are: Climate & Natural Systems, Culture & Heritage, Economic Opportunity, High Performing Government, Housing & Human Needs, Safe & Prepared Community, Transportation & Mobility, and Vibrant & District Neighborhoods. Some of the operating highlights are outlined below:

Safe & Prepared Community:

- One (1.0) FTE support staff position in Police records was eliminated. Five (5.0) FTE corporal positions are being reclassified and shifted to patrol. Two (2.0) FTE sergeant positions are also shifted to patrol.
- Three (3.0) FTE non-uniformed support positions are eliminated in Fire. Inflationary increases in Fire operating costs have eroded the capacity originally included in Proposition 2 that was dedicated to capital. The budget anticipates tapping into the City's banked capacity to start funding capital investments.
- The City is absorbing the costs of two FTEs that historically were paid by the franchise fee from the Emergency Medical Contract. With the renewal of the contract, the City will be subsidizing the contract.
- Reduction in Criminal and Civil Legal Services by 2.0 Assistant City Attorney FTEs.
- Elimination of 1.0 Human Resources Specialist FTE that provided Police recruitment support and a 0.50 Support Specialist FTE in Code Compliance.
- Reduction of 2.0 FTE Vehicle Service Technicians within the Fleet division.
- The 2025-2026 Budget continues funding for coordination of the City's efforts to respond to homelessness. A total of one Safe Park and four Supported Campsite Programs will continue to be funded. The budget also includes implementing B&O on Retail in 2026 to fund operating and capital costs of the new bridge shelter that will house 150 individuals and provide additional services.
- Funding has been included to replace radios that are nearing the end of their useful life within the Police and Fire Departments. Funding has also been included for increased costs for Clark

Regional Emergency Services Agency (CRESA), as well as transition of Emergency Management Coordination to CRESA.

- Due to changes in State Law, additional funding has been dedicated for Public Defence Services. Additional increases occurred in the Humane Society Contract, as well as the employer rate for Law Enforcement Officers' and Fire Fighters' (LEOFF) Retirement Plan 2, both increases have been appropriated in the budget.

Climate & Natural Systems

- A dedicated position in the City Manager's Office (CMO) is continued to be funded to further community engagement around the City's Climate Action Plan initiatives.
- Project funding appropriated in 2024 is being carried forward to complete solar panel installations and LED light replacements at City facilities. The study of the best locations for creating a citywide net of electric charges for city vehicles is underway. A pilot project in Parking is included, converting parking enforcement vehicles to electric in the 2025-26 biennium.
- The Budget includes \$400 thousand in seed funding to leverage potential federal and state grant funds in support of a Firstenburg solar panel project, furthering its Climate Action goals.
- The Citywide trail program includes building a trail segment connecting Burnt Bridge Creek to the existing trail along 18th Street to allow for citywide movement of pedestrians and bikes, and facilitating moving residents from vehicles to alternate modes of transportation.

Culture & Heritage and Equity & Inclusion

- Within Recreation, the budget eliminated 1.0 Recreation Services Manager FTE, 2.0 Senior Recreation Specialist FTEs (1.0 FTE and two 0.50 FTEs), and two 0.50 Customer Service Representative FTEs.
- Funding for the Senior Hike Program and Camp Field Trips was eliminated and the Volunteer Management Nature Spaces Program was reduced.
- The Budget extends funding for the Vancouver Arts Festival (in partnership with Vancouver Symphony Orchestra) through 2025 and supports a number of concerts in city parks that remain free for city residents.
- The Budget appropriates funding to complete the design of the Arts Hub and replace it's roof.
- The Budget includes the implementation a 1/10 of 1% cultural access sales tax. A portion of the revenue (5%) is dedicated to fund school children access to arts program, the balance will be set aside until the Vancouver Culture and Arts Program is defined during 2025. To capture this revenue, a new special revenue fund will be established and titled, "Cultural Arts Tax – Local Sales Tax Fund 120".
- Within Office of Equity and Inclusion, an ongoing budget was established to provide language services and a limited duration (1.0) FTE was extended for two years to finalize and the Americans with Disabilities Act Transition Plan.
- The budget includes funding to start a proactive outreach program to small and historically disadvantaged businesses, including those owned by minority, women residents in the City designed to help them navigate state certification and become more successful in bidding on city projects.

Vibrant & District Neighborhoods and Economic Opportunity

- The budget eliminated 1.0 FTE Assistant Planner position in land use support, 2.0 Building Inspector FTEs and 0.5 Plans Examiner FTE.
- Within Economic Prosperity and Housing, 1.0 Associate Planner FTE and 0.5 Parking Officer FTE were eliminated.
- Almost \$25 million in ARPA federal funds is being appropriated to construct an array of projects in the Fourth Plain Corridor in the next two-year period.
- Several new/updated parks will provide new resources for areas of the City with economically disadvantaged residents. New parks are expected to include amenities for older children and teens. Parks investments are creating new unique experiences for children and parents alike.
- A significant portion of the City Utility program will be investing in replacement and repair of infrastructure in the areas of the City with lower residential incomes.
- Four major scale economic development projects continue through the next biennium to modernize different parts of the City, including the Heights, Section 30, Fourth Plain and Waterfront Gateway.
- Funding is included to implement a Small Business Support Program and to extend the Small Business Project Manager limited duration FTE to continue downtown small business outreach through 2027 using a combination of Main Street Promise funding and Interstate Bridge Replacement funding.
- Consultant services to complete a planned action ordinance for the Vancouver City Center Vision (VCCV) is included for 2025, as well as continued funding toward regional partners, such as CREDC, VDA, and GPI. These partnerships support economic marketing and promotion, and retention and attraction of businesses within the City.

High Performing Government

The 2025-2026 Budget rebuilds City reserves and depreciation accounts to the levels dictated in the Council's adopted financial policies while maintaining adequate operating capital throughout the biennium.

- Within the Finance and Management Services, 2.5 FTE positions were eliminated: Business Intelligence Analyst (1.0 FTE), Principal Procurement Specialist (1.0 FTE), and Senior Accounting Clerk (0.5 FTE).
- A Human Resources Analyst (1.0 FTE) providing classification and compensation support was eliminated.
- Utility funds added 17 new FTE addressing mostly the capital program needs in the next biennium. Utility positions are funded through restricted utility revenue and capital positions are also able to charge a portion of their salary and benefits to capital projects.
- The budget assures the competitiveness needed to retain and recruit workers by maintaining compensation market relevance. A current market study was just completed in anticipation of the 2025-2026 Budget. Additionally, the Budget will fund 90% of employee and 80% of dependent's coverage for employees not covered by labor agreements.

Attachment B to the Ordinance outlines all changes in staffing included in the 2025-2026 Biennial Budget. Attachment B updates position classifications consistent with the updated Pay Plan as presented in attachment D to the ordinance. These and all other changes in staffing are outlined in Attachment B. The pay range structure and positions per pay range for non-union positions as shown

on Attachment D to the Ordinances has been updated based on the results of the recent compensation study.

2025-2026 Capital Budget

Vancouver has more than \$2 billion in total capital assets (buildings, streets, land, utility lines, etc.). Stewardship of these capital assets is crucial to efficient, effective, and sustainable service delivery. While the true cost of managing these assets throughout their lifetime is daunting, the City is in a position to begin making meaningful, strategic investments in our assets without needing new debt.

Attachment C to the Budget Ordinance displays a list of all projects included in the City of Vancouver's 2025-2026 Capital Budget. The \$583 million capital program includes \$440 million for projects in multiple functional areas; additional appropriation of \$143 million is related to funding transfers. Below are some highlights:

- A total of \$116.8 million is included in the Budget for investment in fire stations, police facilities, and general capital. Some of the major projects in these areas are as follows:
 - A total of \$20 million for design and construction of a new Police Headquarters facility and another \$15 million for the remodel at 521 Chkalov Drive property.
 - Completing the design of the new City of Vancouver Arts Facility.
 - Finishing the design and starting construction of the new Operations Center. The project will likely go into construction in 2026.
 - Fire Station 8 remodel and design of Fire Stations 3 and 6 are included in the 2025-2026 Biennial Budget, relying on the City's property tax banked capacity.
 - \$5.2 million is included for the Waterfront Gateway modification project.
 - A total of \$10 million is set aside for asset management of City and Fire facilities. A number of asset management projects are recommended, including roof replacements, major maintenance, sealing, painting, and HVAC repair.
- The Budget includes a \$109.9 million investment in City streets. Major projects include:
 - Within the Heights, \$21.8 million has been dedicated for ROW purchases and design of road infrastructure.
 - Utilizing a combination of ARPA and General Capital local match to ARPA, the Main Street Project is funded at \$15.9 million.
 - Additional funded Transportation projects included: \$2 million for SE 1st from 177th to \$192nd St, \$7.6 million for Multi-Modal Safety and Accessibility Program, \$6.5 million for Mill Plain/ MacArthur intersection improvements, and \$5.8 million for Safe Routes for All Projects.
- Parks capital includes a total of \$40 million in funding. The Parks Capital program includes:
 - Development of Bagley Community Park and several playground replacements in the Fourth Plain corridor which includes estimated \$7 million in ARPA funds.
 - Purchase of land for new parks in PIF district 4, including Fishers Quarry and Vancouver Innovation Center Park
 - The development of the new connector trail between the Burnt Bridge Creek Trail and the trail along 18th Street has \$4 million in funding.
 - Two new urban plazas – the Heights Plaza (\$5.3 million) and the Waterfront Gateway

Plaza (\$5.5 million).

- The Utilities projects totaling \$173.3 million include:
 - Water Capital program (\$95.3 million) highlights:
 - \$54.2 for Operations Center Redevelopment
 - \$10 million for Water Station 14 Polyfluoroalkyl Substances (PFAS) Treatment System
 - \$5.4 million for Ellsworth Well 1 Replacement
 - \$3.9 million for Burton Road Transmission Main (T-34) improvements.
 - Wastewater Capital program (\$62.5 million) highlights:
 - \$9.7 million for Capital Preservation, Compliance, and Collection Improvements
 - \$5.5 million for Marine Park Phase 2A
 - \$5.2 million E-Interceptor Rehab Phase 3
 - \$4.0 million for Interceptor Rehabilitation
 - Surface Water Capital program (\$15.5 million) highlights:
 - \$3.6 million for Fruit Valley Neighborhood Storm Retrofit
 - \$3.2 million for Columbia Slope Culvert – Mill Creek
 - \$2.3 million for West 22nd Street and Thompson
 - \$1.4 million for Columbia Way to Columbia River Retrofits
 - \$900 thousand for Downtown Capacity Analysis and Upgrade

Council Changes

Minor changes have been made to the budget per Council direction. The changes made include the following:

- Funding for the Children's Justice Center Victim Advocate grant funded positions will be included in 2025 at \$283 thousand for a one-time appropriation.
- Fireworks Enforcement by the Fire Marshal's Office will continue in 2025 (\$20 thousand).
- Reinstate Fire overtime budget by \$80 thousand in 2025 to allow the Training Division to deliver additional Fire Suppression training for a one-time appropriation.
- To help support some of the General Fund priorities above, Grounds Cemetery Maintenance will be reduced by \$100 thousand in total over the biennium.
- The Cultural Access Sales Tax will be implemented January 1, 2025.
- Funding for the Vancouver Watershed Alliance at \$100 thousand will be included in 2025 as a one-time appropriation.
- Funding for Columbia Springs at \$30 thousand will be included in 2025 as a one-time appropriation.

The 2025-2026 Budget addresses the top priorities of the community, utilizing both ongoing and one-time City resources, to further the aspirational vision for the City of Vancouver. The budget is balanced by using ongoing revenues, and one-time expenses are funded by existing cash or one-time revenues. The budget sets initiatives in place that will bear financial savings in future biennial and will temper the growth in City expenditures.

Advantage(s)

1. The proposed budget will ensure that the City remains in compliance with state statutes that require all City expenditures to have an appropriation approved by ordinance.
2. The proposed budget will allow the City to provide valuable services to city residents in a variety of high-priority areas.

Challenge(s)

1. New ongoing expenses are included.
2. Proposes using \$89.4 million in existing cash reserves to fund one-time initiatives.

Budget Impact

The total 2025-2026 Operating budget in all city funds is \$2.1 billion. Of that amount, General, Street and Fire Budget appropriation for the two-year period is \$769.6 million. The 2025-2026 Budget continues to fully fund City reserves and depreciation accounts to the levels dictated in the Council-approved financial policies, while maintaining adequate operating capital throughout the biennium.

Prior Council Review

- 2025-2026 Biennial Budget Council Workshop – October 7, 2024
- 2023-2024 Biennial Budget Council Workshop – October 14, 2024
- 2023-2024 Biennial Budget Council Workshop – October 28, 2024
- 2023-2024 Biennial Budget Council Workshop – November 4, 2024

Action Requested

On Monday, November 18, approve ordinance on first reading, setting date of second reading and public hearing for Monday, December 2.

Staff Contact

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

Attachments:

1. Ordinance
2. Attachment A - Expenditures by Fund
3. Attachment B - Full-Time Equivalent Employees by Fund, Department and Classification
4. Attachment C - Capital Projects by Group and Funding Sources
5. Attachment D - 2025 Non Union Exempt & Nonexempt Salary Schedule

ORDINANCE M-_____

AN ORDINANCE relating to and adopting the budget for the City of Vancouver for the 2025-2026 fiscal biennium; providing for ratification and for an effective date.

WHEREAS, as set forth in Staff Report _____, following presentations of the City Manager's Recommended Budget on October 7th, 14th, 28th and November 4th, the proposed 2025-2026 Biennial Budget has been prepared for approval; and

WHEREAS, upon due and proper legal notice, Vancouver City Council held a public hearing to consider the City's 2025-2026 Biennial Budget.

NOW THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. The City Council of the City of Vancouver in due time received and placed on file a preliminary budget for the 2025-2026 fiscal biennium, prepared in compliance with Ch.35.34 RCW and with Ch. 3.24 VMC. The recommended budget includes all estimates of receipts and expenditures for the next fiscal biennium fully detailed in accordance with Ch.35.34.060. Council advertised and properly held all required public hearings thereon. The City Council pursuant to RCW 35.34.120 has, by this ordinance, made such adjustments and changes to the preliminary 2025-2026 budget as it deems necessary or proper at this time. Said Budget for the 2025-2026 fiscal biennium for the City of Vancouver, as revised, which is now on file in the Office of the City Clerk, is by reference incorporated herein, approved and by this ordinance adopted, and shall be prepared in publication form.

Section 2. Each and every separate item on the operating and capital budget as finally determined is hereby fixed and determined in the amount set forth in the 2025-2026 Adopted

Budget, and as required by RCW 35.34.120, there is hereby set forth in summary form the totals of appropriations for each separate fund and the aggregate totals for all such funds combined, as set forth in Attachment "A" of this ordinance. Attachment "C" outlines specific capital projects included in the 2025-2026 City of Vancouver Capital Budget.

Section 3. A net total of 9.05 full-time equivalent positions citywide are reduced in 2025-2026 biennium, as identified in Attachment "B" of this ordinance. The position adjustments shall be made consistent with applicable civil service rules and personnel regulations. Attachment "B" has been adjusted to reflect classification changes that were recommended by the recently completed market study.

Section 4. Attachment "D" of this ordinance contains salary schedule for positions not covered by labor agreements. The schedule is effective on January 1, 2025 and includes changes to both, pay ranges and classifications, consistent with the recently completed market study and the City's Financial Policy framework.

Section 5. The present budget accordingly includes estimates of the scheduled salary step increases and allocates funds in accordance with settled union contracts. When further bargaining and negotiations are completed, the budget may be amended to adjust salaries in accordance therewith.

Section 6. A separate special revenue fund is created to account for revenues and expenses associated with Cultural Arts Tax. The new fund shall be named "Cultural Arts Tax – Local Sales Tax" (Fund number 120).

Section 7. Those acts taken pursuant to this ordinance, but prior to its effective date are hereby ratified and confirmed.

Section 8. Effective Date. This ordinance shall go into effect immediately upon final passage and publication.

DATE OF FINAL PASSAGE at a Regular Meeting of the Vancouver City Council:
_____, 2024.

SIGNED this _____ day of _____, 2024

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE M-_____

AN ORDINANCE relating to and adopting the budget for the City of Vancouver for the 2025-2026 fiscal biennium; providing for ratification and for an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

City of Vancouver Expenditures by Fund

Attachment A

Fund	2025 Baseline + Adopted Decision Packages	2026 Baseline + Adopted Decision Packages	Total Adopted 2025-26 Budget
Operating Budget			
General, Street, and Fire Funds			
General Fund	\$ 263,328,007	\$ 264,312,355	\$ 527,640,362
Street Fund	\$ 19,466,730	\$ 19,176,714	\$ 38,643,444
Street Funding Initiative - Operating Fund	\$ 17,572,855	\$ 17,742,393	\$ 35,315,249
Fire Fund	\$ 83,415,455	\$ 84,616,593	\$ 168,032,049
Total General, Street, and Fire Funds	\$ 383,783,048	\$ 385,848,055	\$ 769,631,103
Special Revenue Funds			
Investigative Fund	\$ 18,138	\$ 18,097	\$ 36,235
Drug Enforcement Fund	\$ 16,467	\$ 16,382	\$ 32,850
CED Grants	\$ 3,498,402	\$ 3,573,854	\$ 7,072,256
Tourism Fund	\$ 3,748,013	\$ 3,907,316	\$ 7,655,329
Affordable Housing	\$ 10,856,102	\$ 10,977,660	\$ 21,833,762
National Opioid Settlements Fund	\$ 449,473	\$ 450,494	\$ 899,967
American Rescue Plan Act 2 Fund	\$ 14,875,715	\$ 292,991	\$ 15,168,706
Parkhill Cemetery Improvement Fund	\$ 255,549	\$ 5,442	\$ 260,991
Cultural Arts Tax - Local Sales Tax Fund	\$ -	\$ 325,000	\$ 325,000
Criminal Justice Fund	\$ 933,138	\$ 1,256,837	\$ 2,189,975
Affordable Housing Local Sales Tax Fund	\$ 9,910,736	\$ 6,910,736	\$ 16,821,472
Affordable Housing State Sales Tax Credit Fund	\$ 707,122	\$ 737,049	\$ 1,444,171
Transportation Special Revenue Fund	\$ 2,291,630	\$ 1,532,630	\$ 3,824,260
REET 1 (2002 Special Revenue Fund)	\$ 2,051,170	\$ 1,604,958	\$ 3,656,128
Economic Development Fund	\$ 460,089	\$ 580,695	\$ 1,040,785
VNHR Properties	\$ 634,897	\$ 635,071	\$ 1,269,968
Fire Equipment Fund	\$ 5,271,245	\$ 5,225,819	\$ 10,497,064
Emergency Ambulance Services Contract Admin Fund	\$ 604,454	\$ 962,715	\$ 1,567,169
Impact Fees - School Districts	\$ 4,400,055	\$ 4,620,058	\$ 9,020,112
PIF District 6	\$ 144,000	\$ -	\$ 144,000
Debt Service Funds			
G O Debt Service Fund	\$ 7,316,099	\$ 6,101,031	\$ 13,417,130
Capital Funds			
Transportation Capital Fund	\$ 298,848	\$ 296,325	\$ 595,173
Street Funding Initiative - Capital Fund	\$ 4,250,000	\$ -	\$ 4,250,000
Fire Acquisition Fund	\$ 94,394	\$ 92,098	\$ 186,492
Capital Improvement Fund	\$ 182,503	\$ 179,279	\$ 361,782
Parks Construction Fund (Capital Projects only)	\$ 223,099	\$ 221,666	\$ 444,765
Enterprise Funds			
Water Revenue Bond - Operations Center	\$ -	\$ 586,275	\$ 586,275
City Tree Reserve Fund	\$ 123,566	\$ 123,489	\$ 247,055
Surface Water Construction Fund	\$ 31,069	\$ 30,426	\$ 61,495
Surface Water Management Fund	\$ 27,689,303	\$ 27,402,408	\$ 55,091,710
Water Utility Fund	\$ 68,899,232	\$ 67,417,876	\$ 136,317,107
Systems Development Reserves	\$ 3,556,300	\$ 4,206,300	\$ 7,762,600
Water Construction Fund	\$ 528,585	\$ 736,966	\$ 1,265,551
SCIP Fund	\$ 1,005,708	\$ 1,003,162	\$ 2,008,870
Utility Customer Assistance	\$ 30,000	\$ 30,000	\$ 60,000
Water Revenue Bond Debt Service Fund	\$ -	\$ 2,976,979	\$ 2,976,979
Sewer Utility Fund	\$ 65,635,409	\$ 65,880,958	\$ 131,516,367

City of Vancouver Expenditures by Fund

Attachment A

Fund	2025 Baseline + Adopted Decision Packages	2026 Baseline + Adopted Decision Packages	Total Adopted 2025-26 Budget
Sewer System Development	\$ 4,056,300	\$ 4,056,300	\$ 8,112,600
Sewer Construction Fund	\$ 495,250	\$ 494,650	\$ 989,900
Airport Fund	\$ 1,397,704	\$ 1,660,567	\$ 3,058,270
Building Inspection Fund	\$ 9,390,759	\$ 9,297,086	\$ 18,687,846
Solid Waste Fund	\$ 3,591,412	\$ 3,589,681	\$ 7,181,093
Parking Services Fund	\$ 5,213,544	\$ 3,908,869	\$ 9,122,413
Tennis Center Fund	\$ 17,324	\$ 17,324	\$ 34,648
Internal Service Funds			
Facilities Asset Management and Replacement Reserve	\$ 19,677	\$ 19,198	\$ 38,875
Equipment Services Operations Fund	\$ 9,921,409	\$ 9,975,641	\$ 19,897,050
Equipment Services Capital Fund	\$ 7,246,072	\$ 6,614,211	\$ 13,860,283
Computer Repair & Replacement	\$ 4,304,598	\$ 2,938,021	\$ 7,242,619
Facilities Maintenance Services Fund	\$ 10,602,392	\$ 10,248,510	\$ 20,850,902
Grounds Services Fund	\$ 7,388,208	\$ 7,183,380	\$ 14,571,588
Self-Insured Worker's Comp & Liability Fund	\$ 15,459,792	\$ 14,671,909	\$ 30,131,700
Internal Administrative Services Fund	\$ 32,246,425	\$ 32,491,802	\$ 64,738,227
Benefits Fund	\$ 16,823,784	\$ 16,816,501	\$ 33,640,284
Self-Insured Health Insurance Fund	\$ 18,343,871	\$ 19,251,214	\$ 37,595,085
Fiduciary Funds			
SW Washington Regional SWAT Team Fund	\$ 357,165	\$ 357,165	\$ 714,330
Police Pension Trust Fund	\$ 1,555,359	\$ 1,554,888	\$ 3,110,247
Fire Pension Trust Fund	\$ 1,461,650	\$ 1,460,966	\$ 2,922,616
City/County Cable TV Fund	\$ 1,518,717	\$ 1,485,700	\$ 3,004,417
PEG Capital Support Fund	\$ 789,495	\$ 789,495	\$ 1,578,989
Total Other Funds Expense Budget	\$ 393,191,414	\$ 369,802,119	\$ 762,993,533
Total Operating Expense Budget	\$ 776,974,462	\$ 755,650,174	\$ 1,532,624,636

Capital Budget

Capital Project Funds

General Fund Capital	69,000	-	69,000
Transportation Capital Fund	29,550,000	6,300,000	35,850,000
Street Funding Initiative - Capital Fund	43,468,408	22,559,810	66,028,218
Fire Acquisition Fund	5,424,315	12,221,950	17,646,265
Capital Improvement Fund	47,147,978	52,565,220	99,713,198
Parks Construction Fund (Capital Projects only)	25,878,312	18,883,410	44,761,722
Water Revenue Bond - Operations Center	-	20,744,944	20,744,944
Drainage Construction Fund	6,854,495	8,693,665	15,548,160
Water Construction Fund	42,269,000	33,869,761	76,138,761
Sewer Construction Fund	35,850,000	27,601,741	63,451,741
Total Capital Project Funds	\$ 236,511,508	\$ 203,440,501	\$ 439,952,009

Capital Funding Transfers Supporting COV Capital Projects Budget

General Fund	\$ 6,401,532	\$ 9,550,224	\$ 15,951,756
Street Fund	\$ 730,000	\$ 480,000	\$ 1,210,000
American Rescue Plan Act Fund	\$ 8,969,149	\$ -	\$ 8,969,149
American Rescue Plan Act 2 Fund	\$ 8,202,385	\$ -	\$ 8,202,385
Affordable Housing Local Sales Tax Fund	\$ 9,500,000	\$ -	\$ 9,500,000
Transportation Special Revenue Fund	\$ 200,000	\$ 200,000	\$ 400,000
REET 1 (2002 Special Revenue Fund)	\$ 450,000	\$ 3,650,000	\$ 4,100,000

City of Vancouver Expenditures by Fund

Attachment A

Fund	2025 Baseline + Adopted Decision Packages	2026 Baseline + Adopted Decision Packages	Total Adopted 2025-26 Budget
Downtown Initiatives Fund	\$ 169,000	\$ 8,180,531	\$ 8,349,531
Columbia TIF District	\$ 4,550,000	\$ -	\$ 4,550,000
Cascade TIF District	\$ 1,800,000	\$ 200,000	\$ 2,000,000
Pacific TIF District	\$ 5,000,000	\$ -	\$ 5,000,000
Fire Fund	\$ -	\$ 5,971,200	\$ 5,971,200
PIF - District A	\$ 101,890	\$ -	\$ 101,890
PIF - District B	\$ 5,125,989	\$ -	\$ 5,125,989
PIF - District C	\$ 5,878,775	\$ -	\$ 5,878,775
Water Utility Fund	\$ 9,962,868	\$ 6,064,741	\$ 16,027,609
Facilities Asset Mgmt and Replacement Reserve Fund	\$ 17,822,302	\$ 23,798,251	\$ 41,620,553
Total Transfers for Capital	\$ 84,863,890	\$ 58,094,947	\$ 142,958,837
Total Capital Expense Budget	\$ 321,375,398	\$ 261,535,448	\$ 582,910,846
Total Operating and Capital Expense Budget	\$ 1,098,349,860	\$ 1,017,185,622	\$ 2,115,535,482

Full-Time Equivalent Employees by Fund, Department and Classification
City of Vancouver 2025-26 Adopted Budget

		2025 Baseline		2025 Adopted Budget		2025 Adopted	2026 Adopted Budget	2026 Adopted	Limited Term End	Position Reduction
Fund - Department	2025 Classification	2024 Budget	Adj. from 2024	2025 Baseline	Adjustments	Budget	Adjustments	Budget	Date	End Date
001 General Fund										
City Attorney's Office	Assistant City Attorney 2	9.00	-	9.00	(1.00)	8.00	-	8.00		(0.50) 02/03/2025
	City Prosecutor	1.00	-	1.00	-	1.00	-	1.00		
	Legal Assistant	2.00	-	2.00	2.00	4.00	-	4.00		
	Legal Investigator	1.00	-	1.00	(1.00)	-	-	-		
	Legal Secretary	3.50	-	3.50	-	3.50	-	3.50		
	Legal Supervisor	1.00	-	1.00	-	1.00	-	1.00		
	Program Coordinator (Law)	2.00	-	2.00	(1.00)	1.00	-	1.00		
City Attorney's Office Total		19.50	-	19.50	(1.00)	18.50	-	18.50		
City Council	Councilmember	5.00	-	5.00	-	5.00	-	5.00		
	Mayor	1.00	-	1.00	-	1.00	-	1.00		
	Mayor Pro-Tempore	1.00	-	1.00	-	1.00	-	1.00		
City Council Total		7.00	-	7.00	-	7.00	-	7.00		
City Manager's Office	Administrative Assistant 2	1.00	-	1.00	-	1.00	-	1.00		
	Administrative Assistant 3	3.00	(1.00)	2.00	1.00	3.00	-	3.00	(1.00) 12/31/2026	
	City Manager	1.00	-	1.00	-	1.00	-	1.00		
	Deputy City Manager	2.00	-	2.00	-	2.00	-	2.00		
	Executive Assistant	1.00	-	1.00	-	1.00	-	1.00		
	Executive Assistant to the City Manager and Administrative Supervisor	1.00	-	1.00	-	1.00	-	1.00		
	Financial Analyst 3	1.00	-	1.00	-	1.00	-	1.00		
	Grants Analyst 2	2.00	(1.00)	1.00	1.00	2.00	-	2.00		
	Homeless Outreach Coordinator 1	2.00	-	2.00	-	2.00	-	2.00		
	Homeless Response Manager	1.00	-	1.00	-	1.00	-	1.00		
	Homeless Response Program Manager	1.00	-	1.00	-	1.00	-	1.00		
	Planner 3	1.00	(1.00)	-	-	-	-	-		
	Policy Advisor 3	1.00	-	1.00	-	1.00	-	1.00		
	Program and Policy Development Manager	1.00	-	1.00	-	1.00	-	1.00		
	Program Coordinator 2	1.00	-	1.00	-	1.00	-	1.00		
City Manager's Office Total		20.00	(3.00)	17.00	2.00	19.00	-	19.00		
Communications & Outreach	Program Coordinator 2	1.00	-	1.00	-	1.00	-	1.00		
Communications & Outreach Total		1.00	-	1.00	-	1.00	-	1.00		
Community Development	Code Enforcement Officer	4.00	-	4.00	-	4.00	-	4.00		
	Community Development Director	1.00	-	1.00	-	1.00	-	1.00		
	Deputy Community Development Director	1.00	-	1.00	-	1.00	-	1.00		
	Engineering Technician	4.00	-	4.00	-	4.00	-	4.00		
	Land Use Manager	1.00	-	1.00	-	1.00	-	1.00		
	Planner 1	2.00	-	2.00	-	2.00	(1.00)	1.00		(1.00) 06/30/2026
	Planner 2	7.00	(3.00)	4.00	3.00	7.00	-	7.00	(3.00) 12/31/2026	
	Planner 3	9.00	(2.00)	7.00	2.00	9.00	-	9.00	(1.00) 12/31/2026	
	Planner 4	2.00	-	2.00	-	2.00	-	2.00	(1.00) 12/31/2028	
	Policy Advisor 3	1.00	-	1.00	-	1.00	-	1.00		
	Senior Support Specialist	1.00	-	1.00	-	1.00	-	1.00		
	Support Specialist	1.50	-	1.50	(0.50)	1.00	-	1.00		
	Transportation Planning Manager	1.00	-	1.00	-	1.00	-	1.00		
Community Development Total		35.50	(5.00)	30.50	4.50	35.00	(1.00)	34.00		

Fund - Department	2025 Classification	2025 Baseline		2025 Adopted Budget		2025 Adopted	2026 Adopted Budget	2026 Adopted	Limited Term End	Position Reduction	
		2024 Budget	Adj. from 2024	2025 Baseline	Adjustments	Budget	Adjustments	Budget		Date	End Date
Economic Prosperity & Housing	Deputy Economic Development Director	1.00	-	1.00	-	1.00	-	1.00			
	Economic Development Director	1.00	-	1.00	-	1.00	-	1.00			
	Management Analyst 2	1.00	-	1.00	-	1.00	-	1.00			
	Planner 2	3.00	-	3.00	(1.00)	2.00	-	2.00			
	Planner 3	1.00	(1.00)	-	1.00	1.00	-	1.00	(1.00)	12/31/2027	
	Planner 4	3.00	-	3.00	-	3.00	-	3.00			
	Senior Support Specialist	1.00	-	1.00	-	1.00	-	1.00			
Economic Prosperity & Housing Total		11.00	(1.00)	10.00	-	10.00	-	10.00			
General Governmental	Overhire	8.00	(8.00)	-	8.00	8.00	-	8.00			
General Governmental Total		8.00	(8.00)	-	8.00	8.00	-	8.00			
General Services	Emergency Preparedness Program Manager	1.00	-	1.00	(0.50)	0.50	-	0.50		(0.50)	02/03/2025
General Services Total		1.00	-	1.00	(0.50)	0.50	-	0.50			
Parks, Recreation & Cultural Services	Administrative Assistant	2.00	-	2.00	-	2.00	-	2.00			
	Administrative Assistant 3	1.00	-	1.00	-	1.00	-	1.00			
	Communications Specialist 3	1.00	-	1.00	-	1.00	-	1.00			
	Cultural Services Manager	1.00	-	1.00	-	1.00	-	1.00			
	Customer Service Representative	9.00	-	9.00	(1.00)	8.00	-	8.00		(1.00)	02/03/2025
	Department Aide	0.50	-	0.50	(0.50)	-	-	-			
	Department Computer Technician 2	1.00	-	1.00	-	1.00	-	1.00			
	Dual Certified Lifeguard	4.50	-	4.50	(0.50)	4.00	-	4.00			
	Facilities Assistant - P&R	2.00	-	2.00	-	2.00	-	2.00			
	Fitness Attendant	-	-	-	0.50	0.50	-	0.50			
	Management Analyst 2	1.00	-	1.00	-	1.00	-	1.00			
	Park Developer 2	3.00	-	3.00	1.00	4.00	-	4.00			
	Park Developer 3	2.00	-	2.00	-	2.00	-	2.00			
	Parks, Recreation and Cultural Services Director	1.00	-	1.00	-	1.00	-	1.00			
	Permits Specialist	-	-	-	1.00	1.00	-	1.00			
	Planner 2	-	-	-	1.00	1.00	-	1.00			
	Planner 3	1.00	-	1.00	-	1.00	-	1.00			
	Recreation Coordinator	3.00	-	3.00	-	3.00	-	3.00			
	Recreation Program and Facility Manager	2.00	-	2.00	-	2.00	-	2.00			
	Recreation Services Manager	1.00	-	1.00	(1.00)	-	-	-			
	Recreation Specialist	5.00	-	5.00	-	5.00	-	5.00			
	Senior Recreation Coordinator	1.00	-	1.00	-	1.00	-	1.00			
	Senior Recreation Specialist	13.00	-	13.00	(2.00)	11.00	-	11.00		(1.00)	02/03/2025
	Senior Support Specialist	1.00	-	1.00	-	1.00	-	1.00			
	Special Events Permitting Manager	1.00	-	1.00	-	1.00	-	1.00			
	Volunteer Coordinator 1	1.00	-	1.00	-	1.00	-	1.00			
	Volunteer Coordinator 2	1.00	-	1.00	-	1.00	-	1.00			
Parks, Recreation & Cultural Services Total		59.00	-	59.00	(1.50)	57.50	-	57.50			
Police	Administrative Assistant 2	1.00	-	1.00	-	1.00	-	1.00			
	Administrative Assistant 3	1.00	-	1.00	-	1.00	-	1.00			
	Assistant Police Chief	3.00	-	3.00	-	3.00	-	3.00			
	Business Intelligence Analyst 2	1.00	-	1.00	-	1.00	-	1.00			
	Communications Specialist 3	1.00	-	1.00	-	1.00	-	1.00			
	Crime Analyst	3.00	-	3.00	-	3.00	-	3.00			
	Department Aide	0.50	-	0.50	-	0.50	-	0.50			
	Deputy Police Chief	1.00	-	1.00	-	1.00	-	1.00			
	Digital Forensics Investigator 2	2.00	-	2.00	(1.00)	1.00	1.00	2.00			
	Digital Forensics Investigator 3	1.00	-	1.00	-	1.00	-	1.00			
	Evidence Supervisor	1.00	-	1.00	-	1.00	-	1.00			
	Executive Assistant	1.00	-	1.00	-	1.00	-	1.00			
	Financial Analyst 2	1.00	-	1.00	-	1.00	-	1.00			
	Inventory Coordinator 1	3.00	-	3.00	-	3.00	-	3.00			
	Lead Police Records Specialist	3.00	-	3.00	(1.00)	2.00	-	2.00			

Fund - Department	2025 Classification	2025 Baseline		2025 Adopted Budget		2025 Adopted	2026 Adopted Budget	2026 Adopted	Limited Term End	Position Reduction	
		2024 Budget	Adj. from 2024	2025 Baseline	Adjustments	Budget	Adjustments	Budget		Date	End Date
Police	Material Control Coordinator	1.00	-	1.00	-	1.00	-	1.00			
	Police Business Services Manager	1.00	-	1.00	-	1.00	-	1.00			
	Police Chief	1.00	-	1.00	-	1.00	-	1.00			
	Police Commander	4.00	-	4.00	-	4.00	-	4.00			
	Police Corporal	18.00	-	18.00	(5.00)	13.00	-	13.00			
	Police Lieutenant	11.00	-	11.00	-	11.00	-	11.00			
	Police Officer	166.00	-	166.00	7.00	173.00	-	173.00			
	Police Public Affairs Program Manager	1.00	-	1.00	-	1.00	-	1.00			
	Police Records Manager	1.00	-	1.00	-	1.00	-	1.00			
	Police Records Specialist	18.00	-	18.00	-	18.00	-	18.00			
	Police Records Supervisor	3.00	-	3.00	-	3.00	-	3.00			
	Police Sergeant	37.00	-	37.00	(2.00)	35.00	-	35.00			
	Police Service Technician	9.00	-	9.00	-	9.00	-	9.00			
	Property/Evidence Technician	3.00	-	3.00	-	3.00	-	3.00			
	Senior Support Specialist	1.00	-	1.00	-	1.00	-	1.00			
	Volunteer Coordinator 1	1.00	-	1.00	-	1.00	-	1.00			
Police Total		299.50	-	299.50	(2.00)	297.50	1.00	298.50			
001 General Fund Total		461.50	(17.00)	444.50	9.50	454.00	-	454.00			
102 Street Fund											
Public Works - Business Services	Engineering Technician	1.00	-	1.00	-	1.00	-	1.00			
	Senior Engineering Technician	1.00	-	1.00	-	1.00	-	1.00			
Public Works - Business Services Total		2.00	-	2.00	-	2.00	-	2.00			
Public Works - Operations & Maintenance	Facilities Manager	-	-	-	1.00	1.00	-	1.00			
	Lead Maintenance Worker	3.00	-	3.00	-	3.00	-	3.00			
	Lead Traffic Signal & Street Light Technician	1.00	-	1.00	-	1.00	-	1.00			
	Public Works Engineering Manager	1.00	-	1.00	-	1.00	-	1.00			
	Public Works Supervisor	3.00	-	3.00	-	3.00	-	3.00			
	Senior Maintenance Worker	15.00	-	15.00	-	15.00	-	15.00			
	Senior Street Light Technician	2.00	-	2.00	-	2.00	-	2.00			
	Traffic Signal Specialist	1.00	-	1.00	-	1.00	-	1.00			
	Traffic Signal Technician	4.00	-	4.00	-	4.00	-	4.00			
Public Works - Operations & Maintenance Total		30.00	-	30.00	1.00	31.00	-	31.00			
Public Works - Transportation Engineering	Civil Engineer 1	-	-	-	1.00	1.00	-	1.00			
	Civil Engineer 2	2.00	-	2.00	1.00	3.00	-	3.00			
	Civil Engineer 3	3.00	-	3.00	1.00	4.00	-	4.00			
	Civil Engineer Supervisor	1.00	-	1.00	-	1.00	-	1.00			
	Engineering Specialist	3.00	-	3.00	-	3.00	-	3.00			
	Engineering Technician	-	-	-	1.00	1.00	-	1.00			
	Public Works Division Manager	1.00	-	1.00	-	1.00	-	1.00			
	Public Works Engineering Manager	2.00	-	2.00	-	2.00	-	2.00			
	Senior Engineering Technician	2.00	-	2.00	-	2.00	-	2.00			
Public Works - Transportation Engineering Total		14.00	-	14.00	4.00	18.00	-	18.00			
102 Street Fund Total		46.00	-	46.00	5.00	51.00	-	51.00			
103 Street Funding Initiative - Operating Fund											
Public Works - Operations & Maintenance	Senior Grounds Maintenance Specialist	2.00	-	2.00	-	2.00	-	2.00			
	Senior Maintenance Worker	5.00	-	5.00	-	5.00	-	5.00			
Public Works - Operations & Maintenance Total		7.00	-	7.00	-	7.00	-	7.00			
Public Works - Transportation Engineering	Administrative Assistant 3	1.00	-	1.00	-	1.00	-	1.00			
	Civil Engineer 1	1.00	-	1.00	-	1.00	-	1.00			
	Civil Engineer 3	2.00	-	2.00	-	2.00	-	2.00			
	Civil Engineer Supervisor	1.00	-	1.00	-	1.00	-	1.00			
	Engineering Specialist	2.00	-	2.00	-	2.00	-	2.00			
	Senior Construction Inspector	4.00	-	4.00	-	4.00	-	4.00			
	Senior Engineering Technician	1.00	-	1.00	-	1.00	-	1.00			
Public Works - Transportation Engineering Total		12.00	-	12.00	-	12.00	-	12.00			

Fund - Department	2025 Classification	2025 Baseline		2025 Adopted Budget		2025 Adopted	2026 Adopted Budget	2026 Adopted	Limited Term End	Position Reduction
		2024 Budget	Adj. from 2024	2025 Baseline	Adjustments	Budget	Adjustments	Budget	Date	End Date
103 Street Funding Initiative - Operating Fund Total		19.00	-	19.00	-	19.00	-	19.00		
108 CED Grants Fund										
Economic Prosperity & Housing	Housing Manager	1.00	-	1.00	-	1.00	-	1.00		
	Housing Rehabilitation Specialist	1.00	-	1.00	-	1.00	-	1.00		
	Planner 1	1.00	(1.00)	-	-	-	-	-		
	Planner 2	1.00	-	1.00	-	1.00	-	1.00		
Economic Prosperity & Housing Total		4.00	(1.00)	3.00	-	3.00	-	3.00		
108 CED Grants Fund Total		4.00	(1.00)	3.00	-	3.00	-	3.00		
111 Affordable Housing Fund										
Economic Prosperity & Housing	Planner 2	2.00	-	2.00	-	2.00	-	2.00		
Economic Prosperity & Housing Total		2.00	-	2.00	-	2.00	-	2.00		
111 Affordable Housing Fund Total		2.00	-	2.00	-	2.00	-	2.00		
151 Fire Fund										
Fire	Administrative Assistant 2	1.00	-	1.00	-	1.00	-	1.00		
	Assistant Fire Marshal	1.00	-	1.00	-	1.00	-	1.00		
	Business Intelligence Analyst 2	1.00	-	1.00	-	1.00	-	1.00		
	Department Human Resources Generalist 2	1.00	-	1.00	-	1.00	-	1.00		
	Deputy Fire Chief	3.00	-	3.00	-	3.00	-	3.00		
	Deputy Fire Marshal 1	1.00	-	1.00	-	1.00	-	1.00		
	Deputy Fire Marshal 2	4.00	-	4.00	-	4.00	-	4.00		
	Division Fire Chief	4.00	-	4.00	-	4.00	-	4.00		
	Executive Assistant	1.00	-	1.00	-	1.00	-	1.00		
	Financial Analyst 3	1.00	-	1.00	-	1.00	-	1.00		
	Fire Battalion Chief	8.00	-	8.00	-	8.00	-	8.00		
	Fire Captain	64.00	-	64.00	-	64.00	-	64.00		
	Fire Chief	1.00	-	1.00	-	1.00	-	1.00		
	Fire Code Officer	10.00	-	10.00	-	10.00	-	10.00		
	Fire Marshal	1.00	-	1.00	-	1.00	-	1.00		
	Fire Protection Engineer	1.00	-	1.00	-	1.00	-	1.00		
	Firefighter	109.00	-	109.00	-	109.00	-	109.00		
	Firefighter Engineer	56.00	-	56.00	-	56.00	-	56.00		
	Inventory Coordinator 1	1.00	-	1.00	-	1.00	-	1.00		
	Lead Deputy Fire Marshal	2.00	-	2.00	-	2.00	-	2.00		
	Management Analyst 2	1.00	-	1.00	-	1.00	-	1.00		
	Material Control Coordinator	1.00	-	1.00	(1.00)	-	-	-		
	Senior Engineering Technician	1.00	-	1.00	-	1.00	-	1.00		
	Senior Support Specialist	3.00	-	3.00	(2.00)	1.00	-	1.00		(2.00) 02/03/2025
	Support Specialist	0.50	(0.50)	-	-	-	-	-	(0.50) 02/03/2025	
Fire Total		277.50	(0.50)	277.00	(3.00)	274.00	-	274.00		
151 Fire Fund Total		277.50	(0.50)	277.00	(3.00)	274.00	-	274.00		
444 Surface Water Management Fund										
Public Works - Business Services	Senior Engineering Technician	1.00	-	1.00	-	1.00	-	1.00		
Public Works - Business Services Total		1.00	-	1.00	-	1.00	-	1.00		
Public Works - Environmental Services	Program Coordinator 2	5.00	-	5.00	-	5.00	-	5.00		
	Public Works Supervisor	1.00	-	1.00	-	1.00	-	1.00		
Public Works - Environmental Services Total		6.00	-	6.00	-	6.00	-	6.00		
Public Works - Operations & Maintenance	Lead Maintenance Worker	7.00	-	7.00	-	7.00	-	7.00		
	Maintenance Specialist	2.00	-	2.00	-	2.00	-	2.00		
	Public Works Operations Manager	1.00	-	1.00	-	1.00	-	1.00		
	Public Works Supervisor	3.00	-	3.00	-	3.00	-	3.00		
	Senior Grounds Maintenance Specialist	2.00	-	2.00	-	2.00	-	2.00		
	Senior Maintenance Worker	21.00	-	21.00	-	21.00	-	21.00		
Public Works - Operations & Maintenance Total		36.00	-	36.00	-	36.00	-	36.00		

Fund - Department	2025 Classification	2025 Baseline		2025 Adopted Budget		2025 Adopted	2026 Adopted Budget	2026 Adopted	Limited Term End Date	Position Reduction	
		2024 Budget	Adj. from 2024	2025 Baseline	Adjustments	Budget	Adjustments	Budget		Date	End Date
Public Works - Utilities Engineering	Civil Engineer 2	4.00	-	4.00	-	4.00	-	4.00			
	Civil Engineer Supervisor	1.00	-	1.00	-	1.00	-	1.00			
	Engineering Specialist	2.00	-	2.00	-	2.00	-	2.00			
	Environmental Specialist 3	2.00	-	2.00	-	2.00	-	2.00			
	Public Works Engineering Manager	1.00	-	1.00	-	1.00	-	1.00			
	Senior Engineering Technician	5.00	-	5.00	-	5.00	-	5.00			
	Technical Engineering Supervisor	1.00	-	1.00	-	1.00	-	1.00			
Public Works - Utilities Engineering Total		16.00	-	16.00	-	16.00	-	16.00			
444 Surface Water Management Fund Total		59.00	-	59.00	-	59.00	-	59.00			
445 Water Utility Fund											
Public Works - Business Services	Civil Engineer 2	1.00	-	1.00	-	1.00	-	1.00			
	Customer Service Supervisor	1.00	-	1.00	-	1.00	-	1.00			
	Department Computer Technician 2	1.00	-	1.00	-	1.00	-	1.00			
	Deputy Public Works Director	1.00	-	1.00	-	1.00	-	1.00			
	Engineering Specialist	1.00	-	1.00	(1.00)	-	-	-			
	Financial Analyst 3	1.00	-	1.00	-	1.00	-	1.00			
	GIS Supervisor	1.00	-	1.00	-	1.00	-	1.00			
	Lead Senior Accounting Clerk	-	-	-	1.00	1.00	-	1.00			
	Lead Utility Inspector	1.00	-	1.00	-	1.00	-	1.00			
	Public Works Director	1.00	-	1.00	-	1.00	-	1.00			
	Public Works Finance and Asset Division Manager	1.00	-	1.00	-	1.00	-	1.00			
	Public Works Supervisor	1.00	-	1.00	-	1.00	-	1.00			
	Senior Accounting Clerk	5.00	-	5.00	-	5.00	-	5.00			
	Senior Engineering Technician	1.00	-	1.00	-	1.00	-	1.00			
	Senior Support Specialist	1.00	-	1.00	-	1.00	-	1.00			
	Senior Utility Customer Service Representative	1.00	-	1.00	-	1.00	-	1.00			
	Utilities Administration Manager	1.00	-	1.00	-	1.00	-	1.00			
	Utility Accounting Clerk	1.00	-	1.00	(1.00)	-	-	-			
	Utility Customer Service Representative	10.50	-	10.50	1.00	11.50	-	11.50	(1.00)	12/31/2026	
	Utility Service Inspector	6.00	-	6.00	-	6.00	-	6.00			
Public Works - Business Services Total		37.50	-	37.50	-	37.50	-	37.50			
Public Works - Construction Management Services	City Survey Manager	1.00	-	1.00	-	1.00	-	1.00			
	Civil Engineer 2	3.00	-	3.00	-	3.00	-	3.00			
	Civil Engineer 3	1.00	(1.00)	-	2.00	2.00	-	2.00	(1.00)	12/31/2028	
	Civil Engineer Supervisor	3.00	-	3.00	-	3.00	-	3.00			
	Construction Inspection Specialist	3.00	-	3.00	2.00	5.00	1.00	6.00	(1.00)	12/31/2028	
	Construction Inspector	3.00	-	3.00	-	3.00	-	3.00			
	Construction Project Coordinator 2	2.00	-	2.00	1.00	3.00	-	3.00	(1.00)	12/31/2028	
	Professional Land Surveyor	1.00	-	1.00	-	1.00	-	1.00			
	Public Works Division Manager	2.00	-	2.00	-	2.00	-	2.00			
	Senior Construction Inspector	9.00	(1.00)	8.00	3.00	11.00	-	11.00	(2.00)	12/31/2028	
	Senior Support Specialist	1.00	-	1.00	-	1.00	-	1.00			
	Senior Surveyor	2.00	-	2.00	-	2.00	-	2.00			
	Support Specialist	1.00	-	1.00	-	1.00	-	1.00			
	Survey Specialist	3.00	-	3.00	-	3.00	-	3.00			
	Surveyor	2.00	-	2.00	1.00	3.00	-	3.00			
Public Works - Construction Management Services Total		37.00	(2.00)	35.00	9.00	44.00	1.00	45.00			
Public Works - Environmental Services	Facilities Assistant - WREC	-	-	-	1.00	1.00	-	1.00			
	Public Works Supervisor	1.00	-	1.00	-	1.00	-	1.00			
	Support Specialist	1.00	-	1.00	-	1.00	-	1.00			
	Water Resources Educator 2	3.00	-	3.00	-	3.00	-	3.00			
Public Works - Environmental Services Total		5.00	-	5.00	1.00	6.00	-	6.00			

Fund - Department	2025 Classification	2025 Baseline		2025 Adopted Budget		2025 Adopted	2026 Adopted Budget	2026 Adopted	Limited Term End	Position Reduction
		2024 Budget	Adj. from 2024	2025 Baseline	Adjustments	Budget	Adjustments	Budget		
Public Works - Operations & Maintenance	Department Aide	0.75	-	0.75	(0.75)	-	-	-		
	Finance and Logistics Supervisor	1.00	-	1.00	-	1.00	-	1.00		
	Lead Maintenance Worker	6.00	-	6.00	-	6.00	-	6.00		
	Lead Water Production Operator	1.00	-	1.00	-	1.00	-	1.00		
	Management Analyst 2	1.00	-	1.00	-	1.00	-	1.00		
	Public Works Division Manager	1.00	-	1.00	-	1.00	-	1.00		
	Public Works Operations Manager	1.00	-	1.00	-	1.00	-	1.00		
	Public Works Supervisor	2.00	-	2.00	-	2.00	-	2.00		
	Safety Specialist 2	1.00	-	1.00	-	1.00	-	1.00		
	SCADA Technician	2.00	-	2.00	-	2.00	-	2.00		
	Senior Maintenance Worker	15.00	-	15.00	-	15.00	-	15.00		
	Support Specialist	3.00	-	3.00	-	3.00	-	3.00		
	Utility Electrician	3.00	-	3.00	-	3.00	-	3.00		
	Utility Locate Coordinator	1.00	-	1.00	-	1.00	-	1.00		
	Utility Locator	4.00	-	4.00	-	4.00	-	4.00		
	Utility Specialist	2.00	-	2.00	-	2.00	-	2.00		
	Warehouse Specialist	1.00	-	1.00	-	1.00	-	1.00		
	Warehouse Supervisor	1.00	-	1.00	-	1.00	-	1.00		
	Warehouse Technician	1.00	-	1.00	-	1.00	-	1.00		
	Warehouse Worker	2.00	-	2.00	-	2.00	-	2.00		
	Water Production Supervisor	1.00	-	1.00	-	1.00	-	1.00		
	Water Quality Coordinator	1.00	-	1.00	-	1.00	-	1.00		
	Water Quality Technician	4.00	-	4.00	-	4.00	-	4.00		
	Water Treatment Plant Operator	4.00	-	4.00	-	4.00	-	4.00		
Public Works - Operations & Maintenance Total		59.75	-	59.75	(0.75)	59.00	-	59.00		
Public Works - Utilities Engineering	Civil Engineer 1	1.00	-	1.00	-	1.00	-	1.00		
	Civil Engineer 2	3.00	-	3.00	(1.00)	2.00	-	2.00		
	Civil Engineer 3	-	-	-	1.00	1.00	-	1.00		
	Civil Engineer Supervisor	1.00	-	1.00	-	1.00	-	1.00		
	Engineering Specialist	1.00	-	1.00	-	1.00	-	1.00		
	Public Works Engineering Manager	1.00	-	1.00	-	1.00	-	1.00		
	Senior Engineering Technician	2.00	-	2.00	-	2.00	-	2.00		
Public Works - Utilities Engineering Total		9.00	-	9.00	-	9.00	-	9.00		
445 Water Utility Fund Total		148.25	(2.00)	146.25	9.25	155.50	1.00	156.50		
475 Sewer Utility Fund										
Public Works - Business Services	Senior Engineering Technician	1.00	-	1.00	-	1.00	-	1.00		
Public Works - Business Services Total		1.00	-	1.00	-	1.00	-	1.00		
Public Works - Operations & Maintenance	Chemical Specialist	1.00	-	1.00	-	1.00	-	1.00		
	Environmental Inspector	2.00	-	2.00	-	2.00	-	2.00		
	Lead Maintenance Worker	4.00	-	4.00	-	4.00	-	4.00		
	Maintenance Specialist	3.00	-	3.00	-	3.00	-	3.00		
	Public Works Engineering Manager	1.00	-	1.00	-	1.00	-	1.00		
	Public Works Operations Manager	1.00	-	1.00	-	1.00	-	1.00		
	Public Works Supervisor	2.00	-	2.00	-	2.00	-	2.00		
	Senior Maintenance Worker	17.00	-	17.00	-	17.00	-	17.00		
	Utility Maintenance Mechanic	3.00	-	3.00	-	3.00	-	3.00		
Public Works - Operations & Maintenance Total		34.00	-	34.00	-	34.00	-	34.00		
Public Works - Utilities Engineering	Civil Engineer 1	1.00	-	1.00	-	1.00	-	1.00		
	Civil Engineer 2	5.00	-	5.00	-	5.00	-	5.00		
	Engineering Specialist	2.00	-	2.00	1.00	3.00	-	3.00		
	Environmental Specialist 3	1.00	-	1.00	-	1.00	-	1.00		
	Public Works Engineering Manager	1.00	-	1.00	-	1.00	-	1.00		
	Senior Engineering Technician	4.00	-	4.00	-	4.00	-	4.00		
Public Works - Utilities Engineering Total		14.00	-	14.00	1.00	15.00	-	15.00		
475 Sewer Utility Fund Total		49.00	-	49.00	1.00	50.00	-	50.00		

Fund - Department		2025 Classification	2024 Budget	2025 Baseline Adj. from 2024	2025 Baseline	2025 Adopted Budget Adjustments	2025 Adopted Budget	2026 Adopted Budget Adjustments	2026 Adopted Budget	Limited Term End Date	Position Reduction End Date
481 Airport Fund											
Public Works - Pearson Airport	Airport Program Manager		1.00	-	1.00	-	1.00	-	1.00		
	Program Coordinator 2		1.00	-	1.00	-	1.00	-	1.00		
Public Works - Pearson Airport Total			2.00	-	2.00	-	2.00	-	2.00		
481 Airport Fund Total			2.00	-	2.00	-	2.00	-	2.00		
483 Building Inspection Fund											
Community Development	Assistant Building Official		1.00	-	1.00	-	1.00	-	1.00		
	Assistant Plans Examiner		1.00	-	1.00	-	1.00	-	1.00		
	Associate Plans Examiner		1.00	-	1.00	-	1.00	-	1.00		
	Building Inspector II		2.00	-	2.00	(1.00)	1.00	-	1.00		
	Building Inspector III		16.00	-	16.00	(1.00)	15.00	-	15.00		
	Building Official		1.00	-	1.00	-	1.00	-	1.00		
	Department Computer Technician 2		2.00	-	2.00	-	2.00	-	2.00		
	Development Review Manager		1.00	-	1.00	-	1.00	-	1.00		
	Financial Analyst 2		1.00	-	1.00	-	1.00	-	1.00		
	Lead Permits Specialist		1.00	-	1.00	-	1.00	-	1.00		
	Lead Plans Examiner		1.00	-	1.00	(1.00)	-	-	-		
	Management Analyst 2		1.00	-	1.00	-	1.00	-	1.00		
	Permit Center Supervisor		1.00	-	1.00	-	1.00	-	1.00		
	Plan Review Supervisor		1.00	-	1.00	-	1.00	-	1.00		
	Senior Permit Specialist		8.00	-	8.00	-	8.00	-	8.00		
	Senior Plans Examiner		5.00	-	5.00	1.00	6.00	(0.50)	5.50		
	Support Specialist		1.00	-	1.00	-	1.00	-	1.00		
Community Development Total			45.00	-	45.00	(2.00)	43.00	(0.50)	42.50		
483 Building Inspection Fund Total			45.00	-	45.00	(2.00)	43.00	(0.50)	42.50		
490 Solid Waste Fund											
Public Works - Environmental Services	Environmental Services Manager		1.00	-	1.00	-	1.00	-	1.00		
	Management Analyst 2		2.00	-	2.00	1.00	3.00	-	3.00		
	Public Works Supervisor		1.00	-	1.00	-	1.00	-	1.00		
	Senior Support Specialist		1.00	-	1.00	-	1.00	-	1.00		
Public Works - Environmental Services Total			5.00	-	5.00	1.00	6.00	-	6.00		
490 Solid Waste Fund Total			5.00	-	5.00	1.00	6.00	-	6.00		
491 Parking Services Fund											
Economic Prosperity & Housing	Administrative Assistant 2		1.00	-	1.00	-	1.00	-	1.00		
	Parking Demand Program Manager		1.00	-	1.00	-	1.00	-	1.00		
	Parking District Manager		1.00	-	1.00	-	1.00	-	1.00		
	Parking Enforcement Officer		2.00	-	2.00	-	2.00	-	2.00		
	Parking Maintenance Worker		1.00	-	1.00	-	1.00	-	1.00		
	Parking Officer		5.50	-	5.50	(0.50)	5.00	-	5.00		
	Parking Supervisor		1.00	-	1.00	-	1.00	-	1.00		
	Senior Support Specialist		0.50	-	0.50	-	0.50	-	0.50		
Economic Prosperity & Housing Total			13.00	-	13.00	(0.50)	12.50	-	12.50		
491 Parking Services Fund Total			13.00	-	13.00	(0.50)	12.50	-	12.50		

Fund - Department		2025 Classification	2024 Budget	2025 Baseline Adj. from 2024	2025 Baseline	2025 Adopted Budget Adjustments	2025 Adopted Budget	2026 Adopted Budget Adjustments	2026 Adopted Budget	Limited Term End Date	Position Reduction End Date
504 Fleet Services Operation Fund											
Public Works - Operations & Maintenance	Emergency Fleet Services Supervisor		1.00	-	1.00	-	1.00	-	1.00		
	Fleet Services Emergency Technician		4.00	-	4.00	-	4.00	-	4.00		
	Fleet Services Supervisor		2.00	-	2.00	-	2.00	-	2.00		
	Fleet Services Technician		10.00	-	10.00	(2.00)	8.00	-	8.00		
	Management Analyst 2		1.00	-	1.00	-	1.00	-	1.00		
	Public Works Operations Manager		1.00	-	1.00	-	1.00	-	1.00		
	Senior Fleet Services Emergency Technician		1.00	-	1.00	-	1.00	-	1.00		
	Senior Fleet Services Technician		2.00	-	2.00	-	2.00	-	2.00		
	Senior Vehicle Parts Specialist		1.00	-	1.00	-	1.00	-	1.00		
	Senior Vehicle Service Worker		1.00	-	1.00	-	1.00	-	1.00		
	Support Specialist		1.00	-	1.00	-	1.00	-	1.00		
	Vehicle Parts Specialist		1.00	-	1.00	-	1.00	-	1.00		
Vehicle Parts Specialist Fire		1.00	-	1.00	-	1.00	-	1.00			
Public Works - Operations & Maintenance Total			27.00	-	27.00	(2.00)	25.00	-	25.00		
504 Fleet Services Operation Fund Total			27.00	-	27.00	(2.00)	25.00	-	25.00		
507 Facilities Maintenance Services Fund											
General Services	Capital Projects Manager		1.00	-	1.00	-	1.00	-	1.00		
	Capital Projects Project Manager 3		4.00	-	4.00	-	4.00	-	4.00		
	Construction Project Coordinator 2		1.00	-	1.00	-	1.00	-	1.00		
	Electrician		2.00	-	2.00	-	2.00	-	2.00		
	Facilities Maintenance Specialist		1.00	-	1.00	-	1.00	-	1.00		
	Facilities Manager		1.00	-	1.00	-	1.00	-	1.00		
	Financial Analyst 3		1.00	-	1.00	-	1.00	-	1.00		
	General Services Director		1.00	-	1.00	-	1.00	-	1.00		
	HVAC Technician		3.00	-	3.00	-	3.00	-	3.00		
	Lead Facilities Maintenance Specialist		1.00	-	1.00	-	1.00	-	1.00		
	Property Management Program Manager		1.00	-	1.00	-	1.00	-	1.00		
	Public Works Supervisor		3.00	-	3.00	-	3.00	-	3.00		
	Senior Facilities Maintenance Specialist		6.00	-	6.00	-	6.00	-	6.00		
	Support Specialist		1.00	-	1.00	-	1.00	-	1.00		
General Services Total			27.00	-	27.00	-	27.00	-	27.00		
507 Facilities Maintenance Services Fund Total			27.00	-	27.00	-	27.00	-	27.00		
508 Grounds Services Fund											
City Manager's Office	Homeless Encampment Response Coordinator 1		1.00	-	1.00	-	1.00	-	1.00		
City Manager's Office Total			1.00	-	1.00	-	1.00	-	1.00		
Public Works - Operations & Maintenance	Lead Maintenance Worker		5.00	(1.00)	4.00	-	4.00	-	4.00	(1.00) 02/03/2025	
	Public Works Operations Manager		1.00	-	1.00	-	1.00	-	1.00		
	Public Works Supervisor		2.00	-	2.00	-	2.00	-	2.00		
	Senior Grounds Maintenance Specialist		6.00	-	6.00	-	6.00	-	6.00		
	Senior Maintenance Worker		10.00	(1.00)	9.00	-	9.00	-	9.00		
Public Works - Operations & Maintenance Total			24.00	(2.00)	22.00	-	22.00	-	22.00		
508 Grounds Services Fund Total			25.00	(2.00)	23.00	-	23.00	-	23.00		
509 Self-Insured Worker's Comp & Liability Fund											
Risk & Safety	Management Analyst 2		2.00	-	2.00	-	2.00	-	2.00		
	Risk and Safety Manager		1.00	-	1.00	-	1.00	-	1.00		
	Safety Program Manager		1.00	-	1.00	-	1.00	-	1.00		
	Worker's Compensation Analyst 3		1.00	-	1.00	-	1.00	-	1.00		
Risk & Safety Total			5.00	-	5.00	-	5.00	-	5.00		
509 Self-Insured Worker's Comp & Liability Fund Total			5.00	-	5.00	-	5.00	-	5.00		

Fund - Department	2025 Classification	2025 Baseline		2025 Adopted Budget		2025 Adopted		2026 Adopted Budget		2026 Adopted		Limited Term End	Position Reduction
		2024 Budget	Adj. from 2024	2025 Baseline	Adjustments	Budget	Adjustments	Budget	Adjustments	Date	End Date		
510 Internal Administrative Services Fund													
City Attorney's Office	Assistant City Attorney 3	8.00	-	8.00	(0.50)	7.50	(0.50)	7.00					
	City Attorney	1.00	-	1.00	-	1.00	-	1.00					
	Deputy City Attorney	1.00	-	1.00	-	1.00	-	1.00					
	Legal Assistant	3.00	-	3.00	-	3.00	-	3.00					
	Legal Supervisor	1.00	-	1.00	-	1.00	-	1.00					
City Attorney's Office Total		14.00	-	14.00	(0.50)	13.50	(0.50)	13.00					
Communications & Outreach	Communications Director	1.00	-	1.00	-	1.00	-	1.00					
	Communications Specialist 1	1.00	-	1.00	-	1.00	-	1.00					
	Communications Specialist 2	2.00	-	2.00	-	2.00	-	2.00					
	Communications Specialist 3	2.00	-	2.00	-	2.00	-	2.00					
	Community Engagement Manager	1.00	-	1.00	-	1.00	-	1.00					
	Community Liaison 2	1.00	-	1.00	-	1.00	-	1.00					
	Program Coordinator 2	1.00	-	1.00	-	1.00	-	1.00					
	Strategic Communications Manager	2.00	-	2.00	-	2.00	-	2.00					
	Web Content Specialist 2	1.00	-	1.00	-	1.00	-	1.00					
Communications & Outreach Total		12.00	-	12.00	-	12.00	-	12.00					
Financial & Management Services	Accountant 1	1.00	-	1.00	-	1.00	-	1.00					
	Accountant 2	3.00	-	3.00	2.00	5.00	-	5.00					
	Accountant 3	3.00	-	3.00	-	3.00	-	3.00					
	Accounting Manager	1.00	-	1.00	-	1.00	-	1.00					
	Accounting Supervisor	0.60	-	0.60	-	0.60	-	0.60					
	Budget Analyst 2	2.00	-	2.00	-	2.00	-	2.00					
	Budget Analyst 3	2.00	-	2.00	-	2.00	-	2.00					
	Business Intelligence Analyst 3	2.00	-	2.00	(1.00)	1.00	-	1.00				(1.00) 02/03/2025	
	Chief Financial Officer	1.00	-	1.00	-	1.00	-	1.00					
	Customer Service Representative	3.00	-	3.00	-	3.00	-	3.00					
	Customer Service Supervisor	0.50	-	0.50	-	0.50	-	0.50					
	Deputy Finance Director	1.00	-	1.00	-	1.00	-	1.00					
	Financial Analyst 2	1.00	-	1.00	-	1.00	-	1.00					
	Internal Auditor 3	1.00	-	1.00	-	1.00	-	1.00					
	Lead Accounting Clerk	1.00	-	1.00	-	1.00	-	1.00					
	Payroll Analyst	2.00	-	2.00	-	2.00	-	2.00					
	Payroll Manager	1.00	-	1.00	-	1.00	-	1.00					
	Performance Analyst 3	1.00	-	1.00	-	1.00	-	1.00					
	Procurement Manager	1.00	-	1.00	-	1.00	-	1.00					
	Procurement Specialist 2	4.00	-	4.00	-	4.00	-	4.00					
	Procurement Specialist 3	3.00	-	3.00	(1.00)	2.00	-	2.00					
	Senior Accounting Clerk	7.50	-	7.50	(0.50)	7.00	-	7.00				(0.50) 02/03/2025	
	Senior Support Specialist	1.60	-	1.60	-	1.60	-	1.60					
	Treasurer	1.00	-	1.00	-	1.00	-	1.00					
	Treasury Analyst 2	1.00	-	1.00	-	1.00	-	1.00					
Financial & Management Services Total		46.20	-	46.20	(0.50)	45.70	-	45.70					
General Services	City Records Manager	1.00	-	1.00	-	1.00	-	1.00					
	Mail Room Assistant	1.00	-	1.00	-	1.00	-	1.00					
	Public Records Officer	1.00	-	1.00	-	1.00	-	1.00					
	Records Specialist	1.00	-	1.00	-	1.00	-	1.00					
General Services Total		4.00	-	4.00	-	4.00	-	4.00					

Fund - Department	2025 Classification	2025 Baseline		2025 Adopted Budget		2025 Adopted	2026 Adopted Budget	2026 Adopted	Limited Term End	Position Reduction	
		2024 Budget	Adj. from 2024	2025 Baseline	Adjustments	Budget	Adjustments	Budget		Date	End Date
Human Resources	Administrative Assistant 2	1.00	-	1.00	-	1.00	-	1.00			
	Administrative Assistant 3	1.00	-	1.00	-	1.00	-	1.00			
	Applications Engineer 2	1.00	-	1.00	(1.00)	-	-	-			
	Benefits Analyst 3	1.00	-	1.00	-	1.00	-	1.00			
	Benefits Specialist 2	3.00	-	3.00	-	3.00	-	3.00			
	Compensation Analyst 2	2.00	-	2.00	(1.00)	1.00	-	1.00			
	Department Aide	0.80	-	0.80	(0.80)	-	-	-			
	Deputy Human Resources Director	1.00	-	1.00	-	1.00	-	1.00			
	Employee Engagement Specialist 2	2.00	-	2.00	-	2.00	-	2.00			
	Human Resources Business Partner 3	3.00	-	3.00	-	3.00	-	3.00			
	Human Resources Director	1.00	-	1.00	-	1.00	-	1.00			
	Learning and Development Specialist 2	1.00	-	1.00	-	1.00	-	1.00			
	Leave Specialist 2	1.00	(1.00)	-	1.00	1.00	(1.00)	-	(1.00)	12/31/2025	
	Recruiting Specialist 2	4.00	-	4.00	(1.00)	3.00	-	3.00			(1.00) 02/03/2025
Human Resources Total		22.80	(1.00)	21.80	(2.80)	19.00	(1.00)	18.00			
Information Technology	Applications Engineer 2	3.00	(1.00)	2.00	1.00	3.00	-	3.00			
	Applications Engineer 3	4.00	-	4.00	1.00	5.00	-	5.00			
	Computer Services Manager	1.00	-	1.00	-	1.00	-	1.00			
	Computer Technician 2	6.00	-	6.00	-	6.00	-	6.00			
	Computer Technician 3	3.00	-	3.00	-	3.00	-	3.00			
	Cybersecurity Analyst 3	1.00	-	1.00	-	1.00	-	1.00			
	Deputy Information Technology Director	1.00	-	1.00	-	1.00	-	1.00			
	GIS and Data Manager	1.00	-	1.00	-	1.00	-	1.00			
	Help Desk Technician 2	1.00	-	1.00	-	1.00	-	1.00			
	Information Technology Applications Manager	1.00	-	1.00	-	1.00	-	1.00			
	Information Technology Director	1.00	-	1.00	-	1.00	-	1.00			
	Information Technology Infrastructure Manager	1.00	-	1.00	-	1.00	-	1.00			
	Network Engineer 3	4.00	-	4.00	-	4.00	-	4.00			
	Public Safety Technology Manager	1.00	-	1.00	-	1.00	-	1.00			
	Senior Support Specialist	1.00	-	1.00	-	1.00	-	1.00			
	Software Engineer 2	5.00	-	5.00	-	5.00	-	5.00			
	System Administrator 3	4.00	-	4.00	-	4.00	-	4.00			
	Telecommunications Analyst 2	1.00	-	1.00	-	1.00	-	1.00			
Information Technology Total		40.00	(1.00)	39.00	2.00	41.00	-	41.00			
Office of Equity & Inclusion (OEI)	ADA Specialist 2	1.00	(1.00)	-	1.00	1.00	-	1.00			
	DEI Business Partner 2	1.00	-	1.00	-	1.00	-	1.00			
	DEI Project Coordinator 2	1.00	-	1.00	-	1.00	-	1.00			
	Diversity, Equity and Inclusion Director	1.00	-	1.00	-	1.00	-	1.00			
Office of Equity & Inclusion (OEI) Total		4.00	(1.00)	3.00	1.00	4.00	-	4.00			
510 Internal Administrative Services Fund Total		143.00	(3.00)	140.00	(0.80)	139.20	(1.50)	137.70			
655 City/County Cable TV Fund											
Communications & Outreach	Senior Support Specialist	1.00	-	1.00	-	1.00	-	1.00			
	TV/Video Director and Editor	1.00	-	1.00	-	1.00	-				
	Video Multimedia Producer 1	0.50	-	0.50	-	0.50	-	0.50			
	Video Services Manager	1.00	-	1.00	-	1.00	-	1.00			
	Video Services Supervisor	1.00	-	1.00	-	1.00	-	1.00			
	Video-Multimedia Producer	2.00	-	2.00	-	2.00	-	2.00			
Communications & Outreach Total		6.50	-	6.50	-	6.50	-	6.50			
655 City/County Cable TV Fund Total		6.50	-	6.50	-	6.50	-	6.50			
Grand Total		1,364.75	(25.50)	1,339.25	17.45	1,356.70	(1.00)	1,355.70			

Note: Unless otherwise recorded in the Limited Term End Date or Position Reduction End Date columns, position reductions shown in 2025 have an end date of 12/31/2024, and position reductions in 2026 have an end date of 12/31/2025.

City of Vancouver
Capital Projects by Group and Funding Sources

Attachment C

Capital Group	Project Name	FY 2025	FY 2026	Total 2025-26 Biennium Budget
General	Heights Development Phase 1 Design/Planning	69,000	-	69,000
	Bridge Shelter Design, Construction and Operating Costs	9,500,000	-	9,500,000
General Total		9,569,000	-	9,569,000
General - Asset Management	521 Chkalov Drive Property Remodel	7,000,000	7,983,618	14,983,618
	Amtrak Gutter Repairs	-	13,650	13,650
	Amtrak Security Upgrade	52,500	-	52,500
	City Hall Building Envelope Repairs	27,300	-	27,300
	City Hall Interior Lighting Upgrade	1,000,000	-	1,000,000
	Citywide Fire Panel Upgrades	263,120	-	263,120
	Clark County Historic Museum Building Envelope Repairs	133,410	-	133,410
	Clark County Historic Museum Electrical Upgrades	275,000	-	275,000
	Clark County Historic Museum Plumbing Upgrades	18,900	-	18,900
	Electric Vehicle Charging Stations	241,664	-	241,664
	Esther Short Park Bell Tower Remodel	1,000,000	-	1,000,000
	Firstenburg Community Center Roof Repairs	64,050	-	64,050
	Firstenburg HVAC Repairs	110,250	-	110,250
	Firstenburg Replace AMAG Technologies Building Access Control Panels	100,000	-	100,000
	Fruit Valley Roof/Gutters Replacement	350,000	-	350,000
	HVAC Controls	530,128	-	530,128
	Luepke Center - Replace Air Handlers and Exhaust Fan Systems	500,000	-	500,000
	Luepke Replace AMAG Technologies Building Access Control Panels	100,000	-	100,000
	Marine Park HVAC Repairs	177,450	-	177,450
	Marshall Center Fire Panel Upgrade	139,120	-	139,120
	Marshall Center HVAC Chiller Repairs	250,000	-	250,000
	Marshall HVAC Upgrades	-	56,700	56,700
	Marshall Replace AMAG Technologies Building Access Control Panels	100,000	-	100,000
	Marshall Site HVAC Repairs	309,690	78,810	388,500
	Operations Center Fleet Door Replacement	25,000	-	25,000
	Operations Center Redevelopment	14,122,000	21,988,000	36,110,000
	Slocum House Building Envelope Repairs	-	101,850	101,850
	Slocum House Electrical/Plumbing Repairs	-	121,800	121,800
	Slocum House Lighting Upgrade	11,550	-	11,550
	VPD East Precinct HVAC/Electrical Repairs	-	520,800	520,800
	VPD Evidence Fence Upgrades	97,650	-	97,650
	VPD HQ HVAC Repairs	-	464,100	464,100
	VPD HQ Interior Repairs	16,800	-	16,800
	VPD West Precinct Exterior Repairs	43,050	-	43,050
	Waterfront Gateway Modification	5,173,146	-	5,173,146
	Police HQ Chkalov	1,000,000	18,963,092	19,963,092
	Fort Vancouver Regional Library Roof Replacement	1,500,000	1,827,800	3,327,800
	Water Resources Education Center Roof Repairs	-	45,000	45,000
	Water Resources Education Center ADA Bathroom Improvements	25,000	-	25,000
	Water Resources Education Center Lighting Upgrade	587,000	-	587,000
	Water Resources Education Center HVAC Repairs	214,200	-	214,200
	Solar + Battery	2,000,000	-	2,000,000
General - Asset Management Total		37,557,978	52,165,220	89,723,198
General - Fire Construction	2023 State Department of Commerce	825,000	-	825,000
	Access Control Security Upgrade	150,000	-	150,000
	Citywide Apparatus Bay Overhead Doors	84,445	-	84,445
	Fire Contingency	50,000	50,000	100,000
	Fire Station 3 Relocation	1,000,000	1,000,000	2,000,000
	Fire Station 6 Relocation	1,000,000	1,000,000	2,000,000
	Fire Stations Fire Panels	232,867	-	232,867
	Fire Station 6 Door Opener Replacement	15,000	-	15,000
	Fire Station 1 Overhead Door Repair	-	10,500	10,500
	Fire Station 5 Electrical Repairs	129,150	261,450	390,600
	Fire Station 5 Interior Repairs	203,700	-	203,700
	Fire Station 5 HVAC Repairs	54,600	-	54,600
	Fire Station 8 Seismic Upgrade	1,504,853	9,900,000	11,404,853
	Fire Station 8 Overhead Door Repairs	14,700	-	14,700
General - Fire Construction Total		5,264,315	12,221,950	17,486,265

City of Vancouver
Capital Projects by Group and Funding Sources

Attachment C

Capital Group	Project Name	FY 2025	FY 2026	Total 2025-26
				Biennium Budget
Parks	Bagley Community Park Development	5,280,126	-	5,280,126
	Burnt Bridge Creek Trail Bridge Repair Near Alki Road	100,000	100,000	200,000
	Connector Trail BPA Easement	100,000	100,000	200,000
	Cultural Arts Building	2,750,000	400,000	3,150,000
	District 4 Park Acquisition	3,999,998	-	3,999,998
	Evergreen School Park Improvements	193,364	-	193,364
	Fisher's Quarry Neighborhood Park Development	(709,419)	-	(709,419)
	Fourth Plain for All	2,000,000	-	2,000,000
	Fruit Valley Park Play Equipment Replacement	907,108	-	907,108
	Heights Park	1,166,275	4,100,000	5,266,275
	Lieser School Park	600,000	-	600,000
	Naturescaping Vancouver Test Pilot Site	(41,465)	(41,465)	(82,930)
	Oakbrook Park Development	2,714,216	-	2,714,216
	Park Impact Fee (PIF) District A Land Acquisition and Development	56,890	-	56,890
	Raymond E Shaffer Park Development	1,811,773	-	1,811,773
	Section 30 Land Acquisition	709,419	-	709,419
	Trails Program	400,000	3,600,000	4,000,000
	Vancouver Innovation Center (VIC)	2,090,027	-	2,090,027
	Waterfront Gateway Development Construction Services	900,000	4,622,220	5,522,220
	Waterfront Gateway Development Environmental and Archaeological Work	100,000	-	100,000
	Playground Equipment Replacement	1,000,000	1,000,000	2,000,000
Parks Total		26,128,312	13,880,755	40,009,067
Surfacewater	2023-2025 Stormwater Capacity Grant	29,350	-	29,350
	Ambient Water Quality Monitoring	235,000	235,000	470,000
	Burnt Bridge Creek Property Acquisition	25,000	635,000	660,000
	Columbia Slope Culvert - Mill Creek	200,000	3,000,000	3,200,000
	Columbia Way to Columbia River Retrofits	1,386,740	-	1,386,740
	Downtown Capacity Analysis and Upgrade	850,000	-	850,000
	Evergreen High School Retrofit Design	280,000	75,000	355,000
	Fruit Valley Neighborhood Storm Retrofit	100,000	3,500,000	3,600,000
	Garrison Heights Design	40,000	275,000	315,000
	Linda Lane Vault Retrofit Design	150,000	300,000	450,000
	Middle Burnt Bridge Creek Basin Stormwater Management Action Plan (SMAP)	348,610	150,000	498,610
	Primrose Court Swale Retrofit	400,000	-	400,000
	W 22nd St & Thompson	2,263,810	-	2,263,810
	Washington State Department of Transportation (WSDOT) Fees 2020	498,730	523,665	1,022,395
	2023-2025 Pollution Prevention Assistance	47,255	-	47,255
Surfacewater Total		6,854,495	8,693,665	15,548,160
Transportation/Streets - Transportation	137th Ave Corridor - 49th to Fourth Plain	16,000,000	-	16,000,000
	192nd Avenue On-Ramp to SR-14 Signal	300,000	-	300,000
	2025 Complete Street Project Evaluations	200,000	-	200,000
	2025 Neighborhood Traffic Management Program	365,000	-	365,000
	2026 Complete Street Project Evaluations	-	200,000	200,000
	2026 Neighborhood Traffic Management Program	-	365,000	365,000
	Andresen - Fourth Plain Right Turn Lane Extension	350,000	-	350,000
	Andresen & 78th Intersection Improvements	300,000	300,000	600,000
	Burton Road Safety and Mobility Complete Street	200,000	200,000	400,000
	Columbia House Blvd and Grove St Signal Improvements	22,000	-	22,000
	Evergreen Trail - Chelsea to Image	2,750,000	-	2,750,000
	Fourth Plain - 62nd - Andresen Multiuse Path	250,000	1,500,000	1,750,000
	Fruit Valley and Lakeshore Avenue Roundabout	300,000	-	300,000
	Garrison Road Sidewalk Infill - Mill Plain to NE 12th St	700,000	350,000	1,050,000
	Grand Loop Infrastructure Improvements	-	21,828,911	21,828,911
	Hazel Dell Avenue and Burnt Bridge Creek Trail Crossing Improvements	750,000	-	750,000
	Jefferson St - Evergreen to Mill Plain	5,500,000	-	5,500,000
	Main Street - 5th to 15th (ARPA)	15,891,408	-	15,891,408
	McGillivray Boulevard - Chkalov Drive to Village Loop Complete Street	1,300,000	-	1,300,000
	Mill Plain/MacArthur Intersection Improvements	6,500,000	-	6,500,000
	NE 112th Avenue Complete Street Project - Chkalov Dr to Fourth Plain Blvd	250,000	500,000	750,000
	NE 122nd Safety and Mobility Complete Street	200,000	200,000	400,000
	NE 184th Avenue - SE 1st Street to NE 4th Street	3,500,000	-	3,500,000
	NE 18th St - 141st Ave to 162nd Ave	800,000	200,000	1,000,000
	NE 18th St - 97th Ave to 107th Ave	5,000,000	6,000,000	11,000,000
	NE 192nd Avenue - NE 18th Street to SE 1st Street	1,000,000	800,000	1,800,000
	NE 29th Street - Kauffman Avenue to Neals Lane Complete Street Project	500,000	-	500,000
	NE 33rd Street - Main Street to P Street Complete Street Project	500,000	-	500,000
	NE 72nd Avenue Safety and Mobility Complete Street	200,000	200,000	400,000
	NE 86th/NE 87th Avenues Safety and Mobility Complete Street	200,000	200,000	400,000
	NE 97th/98th Avenues Safety and Mobility Complete Street	200,000	200,000	400,000
	NE Fourth Plain Blvd - Enhanced Pedestrian Crossings	500,000	-	500,000
	Safe Routes For All Projects	2,900,000	2,900,000	5,800,000

City of Vancouver
Capital Projects by Group and Funding Sources

Attachment C

Capital Group	Project Name	Total 2025-26		
		FY 2025	FY 2026	Biennium Budget
Transportation/Streets - Transportation	SE 1st Street - 177th Ave to 192nd Ave	2,000,000	-	2,000,000
	SE 34th Street Complete Street Project	600,000	-	600,000
	St. Johns/St. James - 4th Plain Boulevard to City Limits	100,000	-	100,000
	Traffic Signal Sustainability2	365,000	365,000	730,000
	Upper Main Street (37th to City Limits) Complete Street	1,500,000	-	1,500,000
	Vancouver Plaza Drive Pedestrian Crossing	400,000	-	400,000
	Vancouver Waterfront Access Project	300,000	300,000	600,000
	Neighborhood Traffic Safety Alliance (NTSA) & Real Estate Excise Tax (REET) Administration	25,000	25,000	50,000
	Non-Programmed Safety	200,000	200,000	400,000
	NE 115th Avenue Extension - 16th St to 18th St	100,000	-	100,000
Transportation/Streets - Transportation Total		73,018,408	36,833,911	109,852,319
Wastewater	Section 30 South Pump Station	3,000,000	-	3,000,000
Wastewater Total		3,000,000	-	3,000,000
Wastewater - Collection & Treatment	18th Street Trunk Rehabilitation Project	2,000,000	-	2,000,000
	Burnt Bridge Creek Pump Station Upgrade	-	500,000	500,000
	Capital Preservation - Collection System "PROGRAM FUNDS"	2,700,000	2,000,000	4,700,000
	Capital Preservation and Compliance "PROGRAM FUNDS"	2,000,000	3,000,000	5,000,000
	E-Interceptor Rehab Phase 4	-	200,000	200,000
	G2 Sewer Basin/Trunk Interceptor Realignment	1,200,000	-	1,200,000
	Heights District Redevelopment	1,550,000	-	1,550,000
	Industrial Coating Projects	250,000	-	250,000
	IR - Interceptor Rehabilitation "PROGRAM FUND"	2,000,000	2,000,000	4,000,000
	Jefferson-Kauffman Sewer Improvements	600,000	-	600,000
	Main Street - 5th to 15th (ARPA)	900,000	-	900,000
	Maplecrest Pump Station Reconstruct & Growth Management Act Force Main Extension	1,000,000	-	1,000,000
	Marine Park Bar Screens Upgrade	2,600,000	-	2,600,000
	Marine Park Forcemain	500,000	-	500,000
	Marine Park Medium Voltage Upgrade	200,000	400,000	600,000
	Marine Park Phase 2A	2,250,000	3,250,000	5,500,000
	Marine Park Process Piping Repair & Replacement	200,000	200,000	400,000
	NE 137th Avenue, 49th to Fourth Plain	300,000	-	300,000
	NE 152nd Avenue Sewer Extension	100,000	-	100,000
	NE 65th Avenue Sewer Upsize	800,000	800,000	1,600,000
	Pearson Pump Station Upgrade	800,000	-	800,000
	Process Controls Electronics	200,000	200,000	400,000
	SEH Industrial Pump Station	1,400,000	-	1,400,000
	Springbrook Pump Station Upgrades	200,000	-	200,000
	West 16th Pump Station Pump Replacement	1,300,000	-	1,300,000
	Westside Centrifuge Replacement	800,000	-	800,000
	Westside Electrical Upgrade Design	200,000	200,000	400,000
	Westside Equipment and Parts Storage Building	-	2,000,000	2,000,000
	Westside Odor Control Planning	500,000	1,000,000	1,500,000
	Westside Process Piping Repair & Replacement	300,000	300,000	600,000
	Westside Sodium Hypochlorite Delivery	100,000	-	100,000
	Westside Solids Planning	1,000,000	-	1,000,000
	Westside WWTF Buildings Coatings Project No. 3 (Inactive)	100,000	100,000	200,000
	Westside/Marine Park Chemical Tanks Rehab	100,000	100,000	200,000
	East Interceptor Rehab Phase 1 & Phase 2	500,000	-	500,000
	Burnt Bridge Creek Interceptor Phase 1	200,000	1,000,000	1,200,000
	E-Interceptor Rehab Phase 3	200,000	5,000,000	5,200,000
Wastewater - Collection & Treatment Total		29,050,000	22,250,000	51,300,000
Wastewater - SCIP	Demand Response - SCIP "PROGRAM FUNDS"	-	3,400,000	3,400,000
	NE 122nd Ave (Sewer Connection Incentive Program (SCIP))	600,000	-	600,000
	NE 51st Street Sewer Improvements - Sewer Connection Incentive Program (SCIP)	700,000	1,000,000	1,700,000
	NE 60th Street Sewer Improvements (SCIP)	1,000,000	-	1,000,000
	West Vancouver Phase 1 (Sewer Connection Incentive Program (SCIP))	1,500,000	-	1,500,000
Wastewater - SCIP Total		3,800,000	4,400,000	8,200,000

City of Vancouver
Capital Projects by Group and Funding Sources

Attachment C

Capital Group	Project Name	FY 2025	FY 2026	Total 2025-26
				Biennium Budget
Water	99th Street to 152nd Avenue and Padden to Ward Road Transmission Main (T-33)	25,000	2,400,000	2,425,000
	BNSF 4th Plain Crossing (T-3)	200,000	2,500,000	2,700,000
	Burton Road Transmission Main (T-34)	200,000	3,700,000	3,900,000
	Ellsworth Well 1 Replacement	5,400,000	-	5,400,000
	Emergency Mobile Water Treatment Trailer	150,000	-	150,000
	Heights District Redevelopment	1,000,000	1,000,000	2,000,000
	Leak Abatement	600,000	1,000,000	1,600,000
	Mill Plain and Chkalov Drive Transmission Main (T-45)	915,000	-	915,000
	Operations Center Redevelopment	21,183,000	32,982,000	54,165,000
	Phoenix Way to California Street Water Main Replacement	500,000	1,500,000	2,000,000
	Polyfluoroalkyl Substances (PFAS) Studies	200,000	200,000	400,000
	Pressure Reducing Valves (PRV) Flowmeters/SCADA System Connections	60,000	-	60,000
	Study to Add 4th Pump to the St. Johns Pump Station	-	10,000	10,000
	Supervisory Control and Data Acquisition (SCADA) Hardware Upgrade	216,000	23,000	239,000
	Water Demand Response	300,000	300,000	600,000
	Water Station 1 Polyfluoroalkyl Substances (PFAS) Treatment System	20,000	1,400,000	1,420,000
	Water Station 1 Replace Wells 3, 4, 5	1,500,000	-	1,500,000
	Water Station 14 Polyfluoroalkyl Substances (PFAS) Treatment System	7,500,000	2,500,000	10,000,000
	Water Station 15 Polyfluoroalkyl Substances (PFAS) Mitigation	420,000	880,000	1,300,000
	Water Station 3 Reservoir/Tower/Booster Replace/Hypo	550,000	1,950,000	2,500,000
	Water Station 5 Tower Internal Coating	400,000	-	400,000
	Water Station 8 Hypo Generation System	580,000	-	580,000
	Water Station Greensand Replacement	-	300,000	300,000
	Water System Plan	300,000	300,000	600,000
	Sewer Connection Incentive Program (SCIP) Coordination Projects	50,000	50,000	100,000
Water Total		42,269,000	52,995,000	95,264,000
Grand Total		236,511,508	203,440,501	439,952,009

City of Vancouver
2025 Non Union Exempt & Nonexempt Salary Schedule

Attachment D

Salary Grade	Job Profiles	Annual Minimum	Annual Midpoint	Annual Maximum	Monthly Minimum	Monthly Midpoint	Monthly Maximum
100	Non Union Nonexempt Department Aide	\$34,653	\$41,583	\$48,514	\$2,888	\$3,465	\$4,043
101		\$35,333	\$42,400	\$49,467	\$2,944	\$3,533	\$4,122
102		\$37,100	\$44,520	\$51,940	\$3,092	\$3,710	\$4,328
103		\$38,957	\$46,748	\$54,539	\$3,246	\$3,896	\$4,545
104		\$40,904	\$49,085	\$57,266	\$3,409	\$4,090	\$4,772
105	Non Union Nonexempt Dual Certified Lifeguard Fitness Attendant	\$42,950	\$51,540	\$60,130	\$3,579	\$4,295	\$5,011
106		\$45,098	\$54,117	\$63,137	\$3,758	\$4,510	\$5,261
107		\$47,352	\$56,823	\$66,293	\$3,946	\$4,735	\$5,524
108		\$49,720	\$59,664	\$69,608	\$4,143	\$4,972	\$5,801
109	Non Union Nonexempt Administrative Assistant 2 Inventory Coordinator 1	\$50,118	\$62,647	\$75,177	\$4,177	\$5,221	\$6,265
110		\$52,624	\$65,780	\$78,936	\$4,385	\$5,482	\$6,578
111	Non Union Nonexempt Administrative Assistant 3 TV/Video Director and Editor Volunteer Coordinator 1	\$55,255	\$69,069	\$82,883	\$4,605	\$5,756	\$6,907
112	Non Union Nonexempt Accountant 1 Video Multimedia Producer 1	\$58,018	\$72,522	\$87,027	\$4,835	\$6,044	\$7,252
113		\$60,918	\$76,148	\$91,378	\$5,077	\$6,346	\$7,615
114	Non Union Exempt Customer Service Supervisor Volunteer Coordinator 2 Non Union Nonexempt Benefits Specialist 2 Communications Specialist 1 Homeless Encampment Response Coordinator 1 Homeless Outreach Coordinator 1 Planner 1 Procurement Specialist 2	\$63,965	\$79,956	\$95,948	\$5,330	\$6,663	\$7,996
115	Non Union Exempt Construction Project Coordinator 2 Parking Supervisor Non Union Nonexempt Accountant 2 DEI Project Coordinator 2 Executive Assistant Help Desk Technician 2 Program Coordinator 2 Recruiting Specialist 2 Video-Multimedia Producer 2	\$67,163	\$83,954	\$100,745	\$5,597	\$6,996	\$8,395

Salary Grade	Job Profiles	Annual Minimum	Annual Midpoint	Annual Maximum	Monthly Minimum	Monthly Midpoint	Monthly Maximum
116	Non Union Exempt Department Human Resources Generalist 2 Employee Engagement Specialist 2 Learning and Development Specialist 2 Non Union Nonexempt Communications Specialist 2 Community Liaison 2 Department Computer Technician 2 Video Services Supervisor Water Resources Educator 2	\$70,521	\$88,152	\$105,782	\$5,877	\$7,346	\$8,815
117	Non Union Exempt Compensation Analyst 2 DEI Business Partner 2 Human Resources Generalist 2 Park Developer 2 Planner 2 Non Union Nonexempt Computer Technician 2	\$74,047	\$92,559	\$111,070	\$6,171	\$7,713	\$9,256
118	Non Union Exempt Accountant 3 Civil Engineer 1 Environmental Specialist 3 Evidence Supervisor Financial Analyst 2 Grants Analyst 2 Leave Specialist 2 Legal Supervisor Procurement Specialist 3 Treasury Analyst 2 Non Union Nonexempt Digital Forensics Investigator 2 Management Analyst 2 Web Content Specialist 2	\$77,750	\$97,187	\$116,624	\$6,479	\$8,099	\$9,719
119	Non Union Exempt ADA Specialist 2 Budget Analyst 2 Executive Assistant to the City Manager and Administrative Supervisor Fleet Services Supervisor Police Records Supervisor Public Works Supervisor Technical Engineering Supervisor Worker's Compensation Analyst 3 Non Union Nonexempt Telecommunications Analyst 2	\$81,637	\$102,046	\$122,456	\$6,803	\$8,504	\$10,205

Salary Grade	Job Profiles	Annual Minimum	Annual Midpoint	Annual Maximum	Monthly Minimum	Monthly Midpoint	Monthly Maximum
120	Non Union Exempt Benefits Analyst 3 Business Intelligence Analyst 2 Communications Specialist 3 Finance and Logistics Supervisor Human Resources Business Partner 3 Reporting Analyst 2 Safety Specialist 2	\$85,719	\$107,148	\$128,578	\$7,143	\$8,929	\$10,715
121	Non Union Exempt Applications Engineer 2 Communications Project Manager Emergency Fleet Services Supervisor Emergency Preparedness Program Manager Homeless Response Program Manager Parking Demand Program Manager Safety Program Manager Software Engineer 2 Non Union Nonexempt Computer Technician 3 Digital Forensics Investigator 3	\$90,005	\$112,506	\$135,008	\$7,500	\$9,376	\$11,251
122	Non Union Exempt Accounting Supervisor Community Engagement Manager Compensation Analyst 3 Cultural Services Manager Internal Auditor 3 Planner 3 Police Public Affairs Program Manager Police Records Manager Property Management Program Manager Strategic Communications Manager Video Services Manager	\$94,505	\$118,131	\$141,758	\$7,875	\$9,844	\$11,813
123	Non Union Exempt City Records Manager Civil Engineer 2 Financial Analyst 3 GIS Supervisor Park Developer 3 Payroll Manager Permit Center Supervisor Plan Review Supervisor Police Business Services Manager Professional Land Surveyor Public Safety Technology Manager	\$99,238	\$124,047	\$148,856	\$8,270	\$10,337	\$12,405

Salary Grade	Job Profiles	Annual Minimum	Annual Midpoint	Annual Maximum	Monthly Minimum	Monthly Midpoint	Monthly Maximum
124	Non Union Exempt Applications Engineer 3 Assistant Building Official Assistant City Attorney 2 Assistant Fire Marshal Budget Analyst 3 Capital Projects Project Manager 3 Cybersecurity Analyst 3 Planner 4 Policy Advisor 3 Public Works Operations Manager Recreation Program and Facility Manager	\$104,192	\$130,240	\$156,288	\$8,683	\$10,853	\$13,024
125	Non Union Exempt Accounting Manager Airport Program Manager Business Intelligence Analyst 3 City Survey Manager Computer Services Manager Facilities Manager Homeless Response Manager Housing Manager Land Use Manager Long Range Planning Manager Network Engineer 3 Parking District Manager Performance Analyst 3 Procurement Manager Risk and Safety Manager Transportation Planning Manager Utilities Administration Manager	\$109,408	\$136,760	\$164,112	\$9,117	\$11,397	\$13,676
126	Non Union Exempt Building Official Civil Engineer 3 Environmental Services Manager System Administrator 3	\$114,872	\$143,590	\$172,308	\$9,573	\$11,966	\$14,359
127	Non Union Exempt Civil Engineer Supervisor	\$120,615	\$150,768	\$180,922	\$10,051	\$12,564	\$15,077
128	Non Union Exempt Budget Manager Development Review Manager Park Development Manager Public Works Engineering Manager Recreation Services Manager	\$126,646	\$158,307	\$189,969	\$10,554	\$13,192	\$15,831
129	Non Union Exempt Capital Projects Manager GIS and Data Manager Information Technology Applications Manager Information Technology Infrastructure Manager Public Works Finance and Asset Division Manager Treasurer	\$132,978	\$166,222	\$199,467	\$11,082	\$13,852	\$16,622

Salary Grade	Job Profiles	Annual Minimum	Annual Midpoint	Annual Maximum	Monthly Minimum	Monthly Midpoint	Monthly Maximum
130	Non Union Exempt Human Resources Manager Program and Policy Development Manager	\$139,627	\$174,534	\$209,441	\$11,636	\$14,545	\$17,453
131	Non Union Exempt Deputy Community Development Director Deputy Economic Development Director Deputy Finance Director Deputy Human Resources Director Public Works Division Manager	\$146,614	\$183,267	\$219,920	\$12,218	\$15,272	\$18,327
132	Non Union Exempt Assistant City Attorney 3 Assistant City Manager Deputy Information Technology Director Fire Marshal	\$153,938	\$192,423	\$230,908	\$12,828	\$16,035	\$19,242
133	Non Union Exempt Assistant Police Chief Deputy Fire Chief Deputy Public Works Director	\$161,635	\$202,044	\$242,453	\$13,470	\$16,837	\$20,204
134	Non Union Exempt Chief Financial Officer City Prosecutor Communications Director Community Development Director Deputy Police Chief Diversity, Equity and Inclusion Director Economic Development Director General Services Director Human Resources Director Information Technology Director Parks, Recreation and Cultural Services Director	\$154,289	\$212,147	\$270,006	\$12,857	\$17,679	\$22,501
135	Non Union Exempt Deputy City Attorney Public Works Director	\$162,003	\$222,754	\$283,506	\$13,500	\$18,563	\$23,626
136	Non Union Exempt City Attorney Fire Chief Police Chief	\$170,103	\$233,892	\$297,680	\$14,175	\$19,491	\$24,807
137		\$178,608	\$245,587	\$312,565	\$14,884	\$20,466	\$26,047
138		\$187,539	\$257,866	\$328,194	\$15,628	\$21,489	\$27,350
139	Non Union Exempt Deputy City Manager	\$196,917	\$270,761	\$344,605	\$16,410	\$22,563	\$28,717

AN ORDINANCE rendering findings and issuing a decision on a proposed mixed use master plan and a Phase 1 site plan with zone change, located at 4906 NE 72nd Avenue, Vancouver, Washington; and providing for severability and an effective date.

Staff Report: 251-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Vancouver Food Carts Mixed Use Master Plan

Key Points

- Proposal includes a request for Council approval of a mixed use master plan for a Food Cart Pod, Taproom and Residential Care Facility.
- Additionally, the proposal would change the property's zoning from (CN) Neighborhood Commercial to (MX) Mixed Use.
- Staff recommended approval of the mixed use master plan to the City Hearing Examiner, as conditioned in staff report LUP-83447 dated 9/3/2024.
- On 9/17/24, the City Hearing Examiner held a public hearing on the proposal. On 10/11/24, the Hearings Examiner issued findings and conclusions with a recommendation that City Council approve the mixed use master plan, zone change, and site plan for the first phase of two proposed phases.

Strategic Plan Alignment

Housing and Human Needs – meeting basic needs and partnering with organizations to support the community

Present Situation

- The master plan is to be constructed in two phases. The first phase consists of a 4,323-square-foot taproom, food cart pod for 41 food carts, and associated surface parking spaces.
- The second phase will add a 3-story, 32,502 square-foot (gross) retirement care facility with 49 beds and commercial uses on the first floor. Phase two will be reviewed under a separate site plan application at a future date to be determined.
- Additionally, the second phase will reduce the number of food carts from 41 to 14.
- During the review of the proposal, the site plan was changed to add access to the property from Vancouver Mall Drive to the south.
- No public comments were received during the public comment period. No testimony was provided during the 9/17/24 public hearing before the Hearing Examiner.

Advantage(s)

- Approval of the proposed mixed use master plan will provide options for the City of Vancouver elderly population and associated families to receive care.

- The proposed food cart pod will create new food and business options for the surrounding neighborhood.

Challenge(s)

There will be additional traffic generated by the development. However, the City has reviewed the traffic impacts that the proposal will generate and determined there is adequate capacity on city streets to accommodate the anticipated increased traffic.

Budget Impact

No budget impact.

Prior Council Review

None

Action Requested

On Monday, November 18, 2024, advance the ordinance on first reading, setting date of second reading and quasi-judicial public hearing for December 2, 2024.

Staff Contact

Kristian Corbin, Senior Planner, kristian.corbin@cityofvancouver.us

Attachments:

1. Presentation
2. Ordinance
3. LUP-83447 Vancouver Food Carts Staff Report-Exhibits
4. PRJ-165518 Vancouver Mixed Use Development HE Recommendation



Vancouver Food Carts Mixed Use Master Plan

Kristian Corbin
Senior Planner
Community Development
September 17, 2024

Vancouver Food Carts Mixed Use Master Plan

PRJ-165518/LUP-83447

Proposal

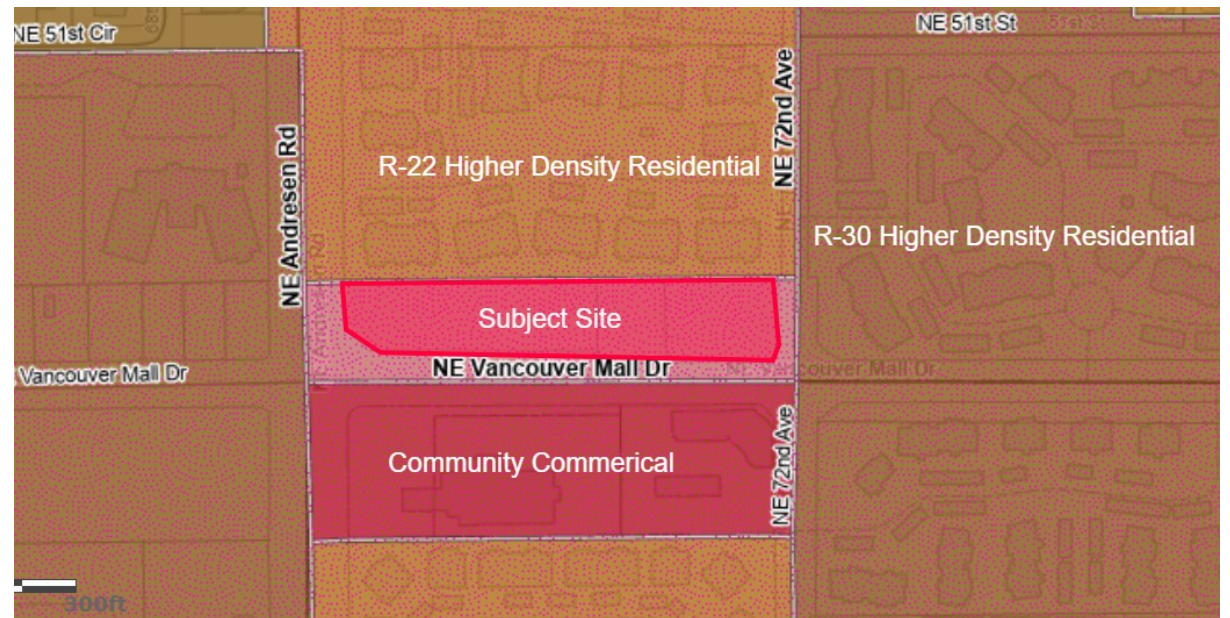
- A proposed Mixed Use Master Plan for multiple uses.
- Two phased development.



Vancouver Food Carts Mixed Use Master Plan

Current Zoning Map

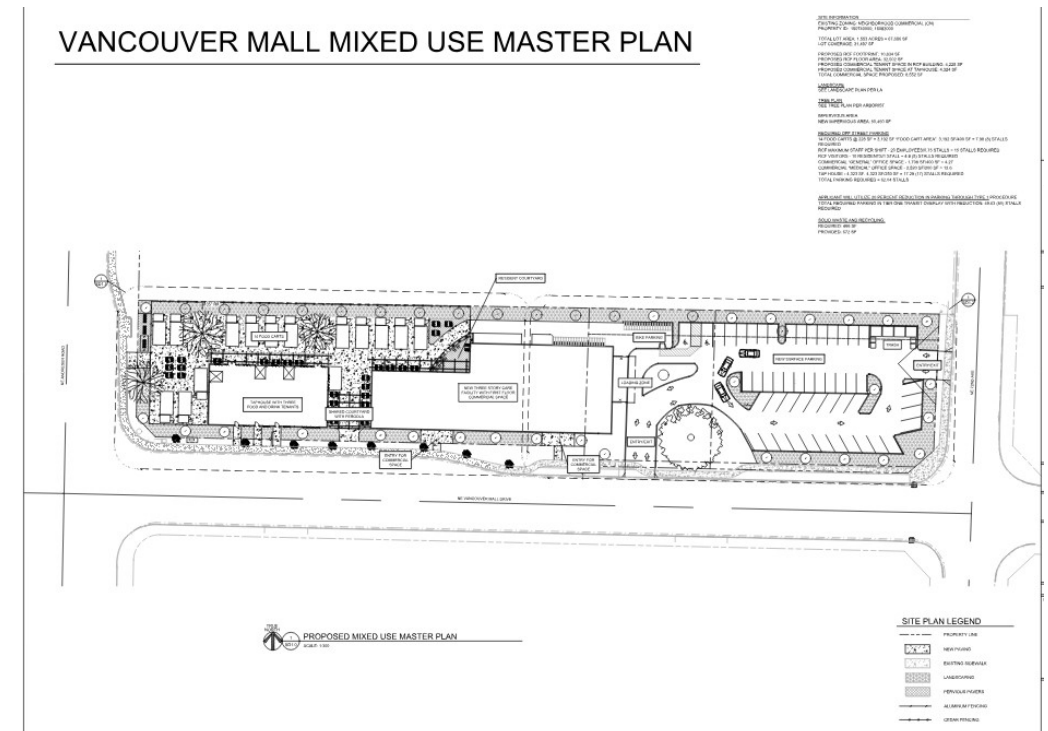
- Currently zoned Neighborhood Commercial.
- Approval of a Mixed-Use Master Plan changes the zoning to Mixed Use.



Vancouver Food Carts Mixed Use Master Plan

Mixed Use District Standards and Approval Criteria

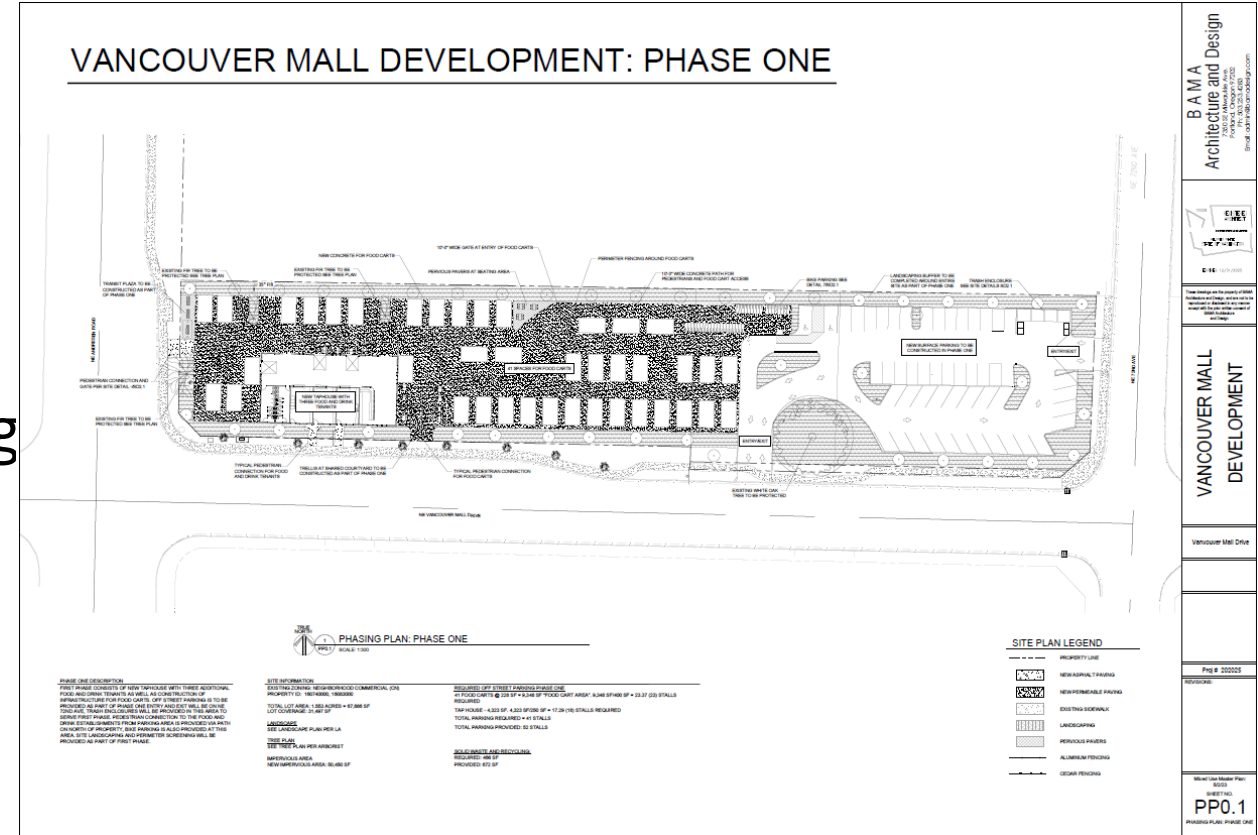
- Reviewed against VMC 20.430.060(C) Multiple Building Mixed Use Sites
- Three uses include: Food Truck Pod, Eating and Drinking Establishment, Office and Residential Care Facility.



Vancouver Food Carts Mixed Use Master Plan

Phase 1 Site Plan

- Reviewed against VMC 20.270 Site Plan Review & Phased Development VMC 20.270.030(E)
- Includes Food Truck Pod & Eating and Drinking Establishment.
- Part of the current application under review.



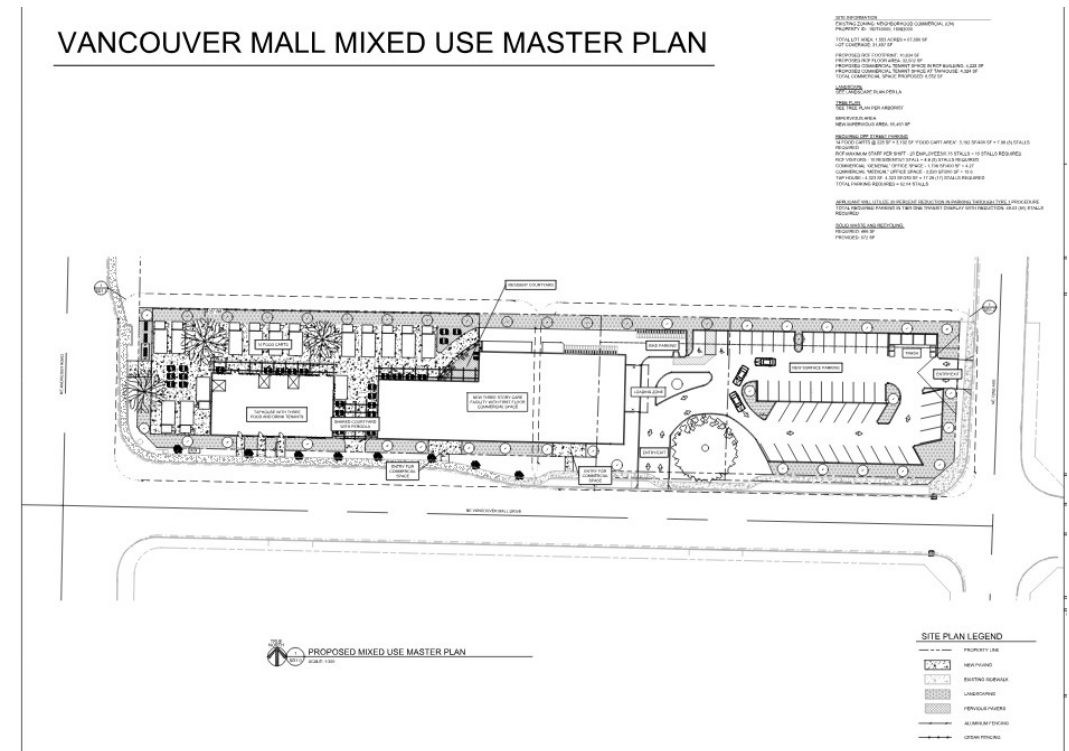
Vancouver Food Carts Mixed Use Master Plan

Public Comment

No public comments were received.

Summary

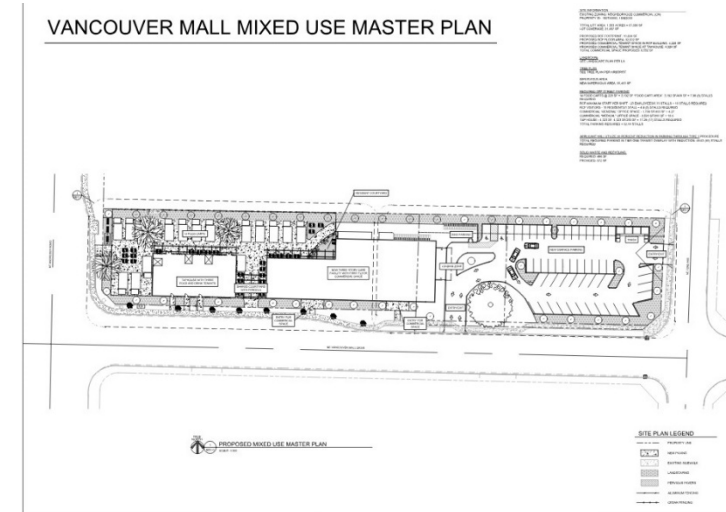
- Mixed Use Master Plan for Food Truck Pod, Taproom, Office and Residential Care Facility.
- Two phase development.
- Phase 1 site plan.



Vancouver Food Carts Mixed Use Master Plan

Hearings Examiner's Recommendation

Hearing Examiner recommends approval of the Mixed-Use Master Plan (zoning change to MX included) and, approval of the Phase 1 Site Plan.



Vancouver Food Carts Mixed Use Master Plan



Kristian.corbin@cityofvancouver.us



11/18/2024 (Date of First Reading)
12/2/2024 (Date of Public Hearing)

ORDINANCE NO. M- [Ordinance Number]

AN ORDINANCE rendering findings and issuing a decision on a proposed mixed use master plan and a Phase 1 site plan with zone change, located at 4906 NE 72nd Avenue, Vancouver, Washington; and providing for severability and an effective date.

WHEREAS, on September 17, 2024, a hearing was held before the Vancouver Hearings Examiner regarding the approval of Vancouver Mall Properties LLC requested approval of a mixed use master plan for a two-phase development – including (at full build out) a multi-tenant eating and drinking establishment, food cart spaces, outdoor seating, a senior assisted living facility, office space, parking, and landscaping - and site plan approval for the first phase of development.

WHEREAS, on October 11, 2024, the Vancouver Hearing Examiner recommended approval of the mixed use master plan and a Phase 1 site plan subject to conditions under File PRJ-165518, LUP-83447; and

WHEREAS, The subject property is zoned Neighborhood Commercial and has a comprehensive plan designation of Commercial, and mixed use developments consisting of separate structures are allowed in the Neighborhood Commercial zone; and

WHEREAS, The applicant has requested approval of a mixed-use master plan to allow for all proposed uses. Mixed-use developments consisting of separate structures within a site or contiguous sites are allowed in the R-18, R-22, R-30, R-35, CN, CC, CG, and MX zoning districts; and

WHEREAS, Pursuant to VMC 20.430.060C.1., upon approval of a multiple building mixed-use master plan, the zoning designation shall be changed to MX. Separate application and review for a zone change shall not be required.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Findings.

A. The Vancouver Hearing Examiner has found that The master plan and associated conditions of approval meets all the following critiea in VMC 20.430.060.C(3)(a)(2):

- a. The Master Plan and associated conditions of approval ensure future development will meet all applicable criteria of this chapter; and
- b. The proposal complies with applicable rezone criteria of VMC 20.285.080; and
- c. There is or will be sufficient capacity within the transportation system and public sewer, water, police, fire, and stormwater services to adequately serve all portions of the site at the time of development; and
- d. A change in circumstances has occurred since existing zoning designations at the site were originally adopted. For the purposes of a multiple building mixed use plan only, compliance with the development standards of VMC 20.430.060.C(2) and the applicable Comprehensive Plan policies shall be sufficient to demonstrate that a change in circumstances has occurred.

B. Additionally, the Vancouver Hearing Examiner found that the applicant met the provisions of VMC 20.270.050 for site plan approval by demonstrating the following:

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.

C. City Council hereby adopts the foregoing findings and the findings of the Vancouver Hearings Examiner contained in the Findings, Conclusions, and Recommendation, which are hereby incorporated by reference, as its own.

Section 2. Legal Description.

The legal description of the lands referred to in this ordinance is as follows:

Tax Lots 160740000 and 160830000, located in the NE Quarter of Section 18, Township 2N, Range 2E of the Willamette Meridian, and Clark County, Washington.

Section 3. Approval Granted.

Based upon the foregoing findings, as well as the findings contained in Staff Report No. PRJ-165518/LUP-83447, which are hereby incorporated by reference, approval of the preliminary zoning change and site plan for the Vancouver Mall Properties LLC's mixed-use mater plan is hereby granted, with the conditions outlined in the Hearing Examiner's Findings, Conclusions, and Recommendaition, encorporated above by reference and the additional conditions, if any, outlined above.

Section 4. Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, the remainder or the application of the provision to other persons or circumstances is not affected.

Section 5. Effective Date.

This ordinance shall take effect fifteen (15) days after passage and publication.

DATE OF FINAL PASSAGE at a Regular Meeting of the Vancouver City Council:

_____.

SIGNED this _____ day of _____, 2024.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE rendering findings and issuing a decision on a proposed mixed use master plan and a Phase 1 site plan and Zone Change located at 4906 NE 72nd Avenue, Vancouver, Washington; and providing for severability and an effective date. The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).



STAFF REPORT

Project	Vancouver Food Carts - PRJ-165518/LUP-83447
Report Date	September 3, 2024
Hearing Date	September 17, 2024
Proposal	A mixed-use master plan for a two-phased development that consists of a 4,323-square-foot taphouse, food cart pod and surface parking spaces in phase one. The second phase consist of a 3-story, 32,502-square-foot (gross) retirement care facility with 49 beds and first floor commercial store fronts. The application was reviewed via a Type IV process.
Location	4906 NE 72nd Avenue Vancouver, Washington; Tax Lots 160740000 and 160830000, located in the NE Quarter of Section 18, Township 2N, Range 2E of the Willamette Meridian
Applicant/Contact	Sam Hehr, BAMA Architecture and Design;7350 SE Milwaukie Ave. Portland, Oregon 97202
Property Owner	Vancouver Mall Properties LLC, 13960 SE Kind Road, Happy Valley, Oregon 97086
Staff	Kristian Corbin, Senior Planner Eric Hahn, Transportation Cale Baker, Fire Giff Hancock, Water Catherine Morey, Sewer Mark Hazuka, Stormwater Ryan McTague, Building
Approval Criteria	VMC 20.430.060 Mixed-use Standards and Districts
SEPA Determination	Final Determination of Nonsignificance
Staff Recommendation	Preliminary zoning change and site plan approval with conditions. Project conditions and/or required revisions are identified in the conclusion of this report.

RECOMMENDATION

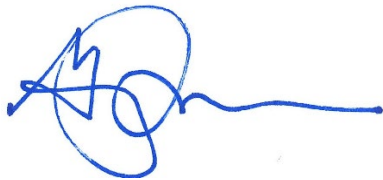
This report to the hearing examiner is a recommendation from Community Development Department. The examiner may adopt, modify or reject this recommendation. The hearing examiner recommendation will be forwarded to City Council for a final decision.

For questions or additional information, you may contact the case manager by telephone at 360-487-7818, or by e-mail at Kristian.corbin@cityofvancouver.us.



Report Prepared by
Kristian Corbin, Senior Planner/Case Manager

Sept. 3, 2024
Date



Greg Turner, Manager
Land Use Planning

Sept. 3, 2024
Date

BACKGROUND

Project Summary

The applicant proposes a two phased development. The first phase (Exhibit C) will consist of the 4,323-square-foot tenant space for the taphouse, 41 spaces for food cart tenants and associated parking spaces. The second phase will add a 3-story 32,502-square-foot retirement care facility with 49 beds and commercial storefronts on the ground floor. Additionally, the second phase will reduce the number of food carts from 41 to 14.

Many of the proposed uses are prohibited in the current Neighborhood Commercial District. The applicant has requested approval of a mixed-use master plan to allow for all proposed uses. Mixed-use developments consisting of separate structures within a site or contiguous sites are allowed in the R-18, R-22, R-30, R-35, CN, CC, CG, and MX zoning districts, Upon approval of a multiple building mixed-use master plan under this chapter, the zoning designation shall be changed to MX. Separate application and review for a zone change shall not be required.

Per VMC 20.430.060(C)(3)(a)(2), proposals less than 25 acres shall be reviewed as Type IV applications by the hearing examiner.

The applicant is proposing a phased development which is subject to the terms and conditions listed in VMC 20.270.030(E) which is discussed later in this report.

The subject site is 1.55 acres in size.

During the review of the proposal, the site plan was changed to add access to the subject site from Vancouver Mall Drive to the south.

General Site Information

Zoning District	Neighborhood Commercial
Adjacent Zoning Designation	North: R-22 Higher Density Residential East, South, West: Community Commercial
Comprehensive Plan Designation	Commercial (COM)
Parcel Size	1.55 acres (67,686 square-foot)
Adjacent Land Uses	East, North, West: Multi-Dwelling Units South: Personal Service (Bank) & Vehicle Fuel Services
Access Roads	NE 72 nd Ave. to the east
Existing Vegetation	Trees and grasses
Existing Structures	None
Topography	Relatively flat
Geologic Hazards	No mapping indicators
Seismic Hazard	NEHRP Class: D
Habitat and Species Impacts	Oregon White Oak

Flood Plains	Outside flood area
Wetlands	No mapping indicators
Archaeology	Moderate to High (buffer detected)
Drainage Basin	Burnt Bridge Creek
Wellhead Protection	No mapping indicators
Soils	H1B – Non Hydric
Park Impact Fee District	B
School Impact Fee District	Vancouver
Impacted Schools	Walnut Elementary; Gaiser Middle School; Fort Vancouver High School
Traffic Impact Fee District	Pacific
Transportation Analysis Zone	I-205/Mill Plain Blvd
Sewer District	Vancouver
Water District	Vancouver
Fire Service	Vancouver
Neighborhood Association	Van Mall

Procedural History

Activity	Case #	Date
Pre-application conference	PIR-79057	8/13/2020
	PIR-82144	2/24/2022
	PIR-82544	7/7/2022
	PIR-83788 (waiver)	11/6/2023
Application submitted	LUP-83447	7/3/2023
Application determined fully complete		4/24/2024
Notice of application and notice of public hearing		5/1/2024
SEPA determination: DNS		6/4/2024
Hearing Date		9/17/2024

APPLICABLE REGULATIONS

Vancouver Municipal Code

VMC Chapters 11.80 Street Standards; 11.90 Transportation; 11.95 Transportation Concurrency; 14.04 Water and Sewer Use Regulations; 14.16 Water and Sewer Service Connections; 14.24 Erosion Control; 14.25 Stormwater Control; 14.26 Water Resource Protection; 16.04.160 Water Supply and Fire Hydrants; 16.04.150 Fire Apparatus Access; 16.04.170 through 16.04.210 Fire Protection Systems; 16.04.010 Premises Identification; 20.210 Decision Making Procedures; 20.270 Site Plan Review; 20.915 Impact Fees; 20.770 Tree Conservation; 20.430 Commercial and Mixed-use Districts; 20.925 Land/scaping and Open Storage; 20.945 Parking and Loading; and 20.790 State Environmental Policy Act Regulations.

Comprehensive Plan
Public Works Publications

General Requirements & Details for Water Main Construction
General Requirements & Details for Sewer Main Construction

Other

RCW 58.17
Manual on Uniform Traffic Control Devices

ANALYSIS

Staff reviewed the proposal for compliance with applicable regulations, code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

AGENCY AND PUBLIC COMMENTS

Agency and public comments are listed below. The proposed project has been reviewed and recommendations made in light of these comments.

Clark County Public Health

CCPH issued a Development Review Evaluation for the project dated Oct. 19, 2018 (Exhibit J).

On-Site Sewage Treatment Systems (CCC 24.17, WAC 246-272A, CCC 40.370, RCW 58.17)

Finding: A municipal sewage system is proposed for this development. County records currently document existing operational on-site sewage system for both parcels.

All on-site sewage systems located during development of this plat must be properly abandoned with documentation submitted to CCPH prior to final plat approval. Proper abandonment of the systems requires tank pumping by a licensed pumper, breaking in the tank lids, and filling the cavities with compacted soil. Any cesspools, drywells, or pump chambers discovered on the site must also be abandoned in this manner.

The proposed development must be served by public sewer. A copy of the final acceptance letter (or equivalent) from the purveyor shall be submitted with the Mylar (final plat).

Water Systems (WAC 173-160, WAC 246-290, CCC 40.370, RCW 58.17)

A municipal water supply is proposed for this development. No existing water well is noted in the application or observed in the field by CCPH.

Water wells may exist at the site. Any well discovered during development must be legally decommissioned by a licensed well driller per WAC 173-160-381. Decommissioned wells must be shown on the final plat.

Conclusion: The proposal will comply with Public Health requirements as conditioned.

Department of Ecology

The Notice of Application and Determination of Nonsignificance (DNS) along with the SEPA checklist submitted by the application was received by the Department of Ecology March 1, 2024. The Department of Ecology had no comments on the proposal.

Public Comment

Per VMC 20.210.060(F), a period of 30 calendar days after the Notice of Application is required, for public comment. The Notice of Application and Public Hearing (Exhibit E) was sent May 1, 2024, and the comment period closed May 31, 2024, at 4:00 p.m. During that time, no public comments were received.

FINDINGS

VMC Title 20 Land Use and Development Code

20.210 Decision Making Procedures

Finding: Per VMC 20.430.060(C)(3)(a)(1)(2) proposals less than 25 acres shall be reviewed as Type IV applications by the hearings Examiner.

20.270 Site Plan Review

20.270.030(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 six 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;

Staff Response: Public facilities that are necessary to the development shall be 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

Staff Response: The applicant is not proposing any temporary public facilities with the phase.

- 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.

Staff Response: The applicant is not proposing to utilize any city, other property owners or latecomers to construct public facilities that are required.

20.270.050 Approval Criteria

To approve site plan application, the applicant must demonstrate the following:

- 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.*

Finding: As conditioned, the proposed submittal meets the applicable design and development standards as shown in this project.

- 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.

Finding: As conditioned, the proposal meets the requirements of this section.

20.310 Boundary Adjustments

Finding: The site is currently made up of two lots and the narrative indicates a proposed boundary line adjustment through a lot combination. Combining lots by eliminating interior lot lines is done through a boundary line adjustment process. This process may be done with or without review by the City of Vancouver.

Prior to civil plan approval, submit a recorded copy of the lot consolidation.

Conclusion: As conditioned, the proposal meets the requirements of this section.

20.430.040-1 Mixed-use Districts - Uses

Finding: Per VMC 20.430.060(C)(1), mixed-use sites (developments consisting of separate structures) are allowed in the R-18, R-22, R-30, R-35, CN, CC, CG, and MX zoning districts, Upon approval of a multiple building mixed-use master plan under this chapter, the zoning designation shall be changed to MX. The current zoning of the subject site is Neighborhood Commercial and is eligible for a mixed-use master plan under this section.

20.430.060(C)(2) Standards- Mixed-use Sites

- a. *Overall uses.* Uses shall be allowed as indicated in the MX column of Table 20.430.030-1, except that automobile service stations and drive-through facilities shall be prohibited.

Staff Response: The applicant proposes the following uses which are permitted outright in the MX Mixed-Use Districts; Eating and Drinking Establishment, Group Living, General Office and Medical Office. No drive-through facility is proposed with the eating and drinking establishment.

- b. *Site Mix.* At least 20 percent of the combined gross floor area of the buildings proposed on the site shall be devoted to residential uses, and at least 20 percent 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.

Staff Response: The proposed gross floor area of the development is 40,017 square feet. By use, the applicant is proposing 21,668 square feet of residential use (residential care facility minus the ground floor) and 18,349 square feet of non-residential uses (4,228 square foot medical/general office, 6,606 square feet of office specific to the residential care facility, 4,323 square foot taphouse and 3,192 square feet for food carts). 45.8 percent of the total gross floor area is dedicated to nonresidential use. This mix of uses meet the requirements of this section.

- c. *Functional integration of uses.* Land uses in Mixed-use sites shall be selected and designed to encourage interaction among uses. Examples include but are not limited to commercial developments which are significantly used for shopping by on-site or adjacent residents or office workers.

Staff Response: Staff finds the selection of uses and their proximity to one another as compatible. The target demographic of the residential aspect will have access to appropriate care and eating options within the same development. As mentioned in the applicant's narrative, the development will provide a shared pedestrian path connecting the commercial space and eating and drinking establishment with the residents of the care facility. In addition, a shared courtyard area is proposed between the taphouse and residential care facility. The allocation of uses and connectivity meets the requirements of this section.

- d. *Physical integration of uses.*

1. All buildings and improvements on the site shall be located and designed to look and function as an integrated development and to encourage pedestrian travel between buildings and uses. Complete segregation of use types, such as placement of multiple commercial structures all on one side of a mixed-use site and multiple residential structures all on the other, shall be prohibited.

Staff Response: The proposal allocated the uses to the western portion of the site. The residential care facility, commercial space and eating and drinking establishment will be connected by pedestrian paths. The appearance the site encourage pedestrian travel and provides an adequate buffer from vehicle circulation and parking. The location of these uses meets the requirement of this section.

2. 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.

Staff Response: As previously mentioned, the uses of the site are connected by a pedestrian along the north side of the property and, a shared courtyard.

Prior to civil plan approval, indicate a different type of material, color scheme or textural difference to clearly delineate the pedestrian path from the parking lot on site plan.

Prior to civil plan approval, add traffic prevention measures that can be removed only when food trucks elect to enter and leave the development to separate the parking lot from the food truck pod for phase II.

3. 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.

Staff Response: Prior to civil plan approval, provide color drawings of the development to indicate complimentary colors schemes between the proposed buildings.

4. 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 must comprise at least 5 percent of the total site area and be centrally located within the site to fullest extent possible.

Staff Response: The applicant proposes a courtyard and seating areas that integrate the food cart pod with the residential care facility at full buildout. There are delineated gathering spaces indicated on the site plan. This meets the criteria of this section.

e. Development and building density/intensity standards.

1. Residential buildings shall achieve a minimum density of at least 12 units per net acre, as measured by the total number of residential units divided by the portion of the site devoted to residential use, not including public or private streets, or critical areas and associated buffers on that portion.

Staff Response: The proposed residential care facility is a shared residential use as opposed to individual dwelling units and is not subject

to density requirements. This development standard does not apply to the proposed use.

2. Non-residential buildings shall achieve a floor area ratio (FAR) of at least .5, as measured by the gross square footage of the nonresidential buildings divided by the site area or areas devoted to nonresidential use. Individual nonresidential buildings and associated attached structures shall be counted as floor space. The site or portion of the site devoted to those buildings, not including public right of way, parks or pedestrian trails, shall be counted as site area. Parking garages may be counted towards the FAR requirement provided that 60 percent of the ground floor is devoted to an office or commercial use.

Staff Response: The total site area devoted to non-residential buildings is 40,017 square feet. The FAR is .59 which meets this requirement.

3. Development standards shall be as indicated in the MX column of Table 20.430.040-1.

Staff Response: The development plans were reviewed against the standards listed in VMC 20.430.040-1. Staff finds the proposal to be in compliance with these standards.

4. Screening. Non-residential uses, including off-street parking, which directly abut off-site single-family residential zones without an intervening public or private street shall provide screening as per 20.440.030(C)(3).

Staff Response: The subject site does not abut single-family residential zones.

f. Frontage standards.

1. Buildings shall be placed to encourage pedestrian activity within and along the site. No more than 50 percent 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 columns so as to maintain visual continuity of the street and sidewalk to the fullest extent possible.

Staff Response: The proposal limited the amount of off-street parking frontage along NE Vancouver Mall Drive to no more than 37 percent. Standard frontage improvements listed later in this report in the "Street Standards" section will be required.

2. At least one fully functional and visibly identifiable public entrance shall be provided along the frontage of each building adjacent to an arterial or collector street.

Staff Response: The applicant proposes pedestrian entrances along SE Vancouver Mall Drive for both the taphouse and commercial units as shown on the submitted plans.

3. Blank walls longer than 30 feet without windows or an unbroken series of garage doors are not permitted on any street frontage, including frontage to controlled access highways and freeways.

Staff Response: The proposed elevation for the taphouse and residential care facility meet this requirement.

- g. *Multiple parcel sites.* Mixed-use sites may be developed pursuant to this chapter on sites which consist of multiple parcels and internal public or private roads, provided that all applicable standards herein are met. Pedestrian connections required by [20.430.060](#) (C)(2)(d)(2) crossing internal arterial streets shall not require differentiated surface materials if striping is provided.

Staff Response: The subject site will be consolidated into one parcel.

- h. *Parking-* The following shall apply in addition to the standards of VMC 20.945.
 1. The maximum number of spaces provided shall be no more than 125 percent of applicable minimum requirement for sites 10 acres or less, and no more than 115 percent of the minimum for sites larger than 10 acres.

Staff Response: The parking requirements for the development (as discussed in the parking section later in this report) is 66 parking spaces.

2. The Planning Official may authorize shared or joint use parking among uses which are likely to be visited with a single driving trip and are adequately linked to their parking, provided an adequate legal agreement for the joint parking usage for the duration of the arrangement is recorded.

Staff Response: A joint parking agreement is not required for the proposal to meet minimum requirements.

3. The Planning Official may authorize shared or joint use parking among uses which have differing hours of operation or usage, such as residences and offices, provided an adequate legal agreement for the joint parking usage for the duration of the arrangement is recorded.

Staff Response: A joint parking agreement is not required for the proposal to meet minimum requirements.

4. The Planning Official may authorize up to a 25 percent reduction in required parking if transit service is available to the site.

Staff Response: The applicant requested 20 percent reduction in required parking. C-Tran Routes 32 and 78 both serve the site along Andresen Road and NE Van Mall Drive therefore, the planning official authorizes the 20 percent reduction.

VMC 20.430.060(C)(a)(1)(2) Approval Criteria and Zoning

- a. The Master Plan and associated conditions of approval ensure future development will meet all applicable criteria of this chapter; and

Staff Response: The proposal was reviewed against all applicable code requirements and is discussed later in this report.

- b. The proposal complies with applicable rezone criteria of VMC [20.285.080](#); and

Staff Response: All applicable notice procedures were followed.

- c. There is or will be sufficient capacity within the transportation system and public sewer, water, police, fire, and stormwater services to adequately serve all portions of the site at the time of development; and

Staff Response: The proposal was reviewed against the corresponding code sections of the Vancouver Municipal Code and other requirements and is discussed later in this report.

- d. A change in circumstances has occurred since existing zoning designations at the site were originally adopted. For the purposes of a multiple building Mixed-use plan only, compliance with the development standards of VMC [20.430.060C2](#) and the applicable Comprehensive Plan policies shall be sufficient to demonstrate that a change in circumstances has occurred.

Staff Response: The proposal is for a multiple building mixed-use plan and was subsequently reviewed against VMC 20.430.060(C)(2). The compliance analysis for this section is listed above.

20.430.040 Development Standards

Finding: Development standards for the proposed MX district are identified in this chapter. As proposed, the development is in compliance with these standards.

Standards	Required	Proposed
Minimum/Maximum lot size	None	1.55 acres (68,686 - square-foot)
Maximum lot coverage	100%	46%
Minimum lot width	None	359'
Minimum lot depth	None	90' max
Minimum setbacks		
Front Yard (South)	10' L2- Landscape Buffer	10'
Rear Yard (North)	10' L4- Landscape Buffer	26'
Side Yard (East and West)	10' L2- Landscape Buffer 10' L2- Landscape Buffer	200' 50'
Maximum height	35' to 75' *see below	38' 10"
Minimum landscaping requirements (percentage of total net area).	15%	23.7%

**In the MX District, maximum building height shall be the same as that of the abutting zone within a distance of the same number of feet from the property line. Farther from the property line, height may increase by two feet for every additional foot that a structure is set back from the property line to a maximum height of 75 feet.*

20.710 Archaeological Resource Protection

Finding: An archaeological predetermination was conducted on the site by Archaeological Investigations Northwest, Inc. dated Aug. 8, 2018. The predetermination found no evidence of archaeological materials on the site. The report was reviewed by the city's contract archaeologist who found the report still valid and concurred with the findings.

Place the following on the final plat: **If any cultural resources are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and the City of Vancouver Community Development Dept. shall be notified. Failure to comply with these State requirements may constitute a Class C felony, subject to imprisonment and/or fines.**

Conclusion: As conditioned, the proposal meets the requirements of this section.

20.770 Tree, Vegetation, and Soil Conservation

Finding: Per VMC 20.770.080(A), a minimum of 30 tree units per acre for new development. The subject site is **1.55 acres** which requires a minimum of 47 tree units to be planted. The applicant has submitted a tree plan in accordance with VMC 20.770.050(B)(5) that depicts a total of **52 new tree units** to be planted. Additionally, four existing Douglas Firs trees and on Oregon White Oak will remain. This meets the minimum requirements of this section.

Comments from the Urban Forester

Prior to civil approval, show tree protection on Grading Plan. Erosion control shall go around, not through tree protection along property lines.

Prior to civil plan approval, update the landscape plan to match the revised site plan.
Include the south engross/ingress and modified building footprint.

Conclusion: As conditioned, the proposal meets the requirements of this section.

20.790 SEPA

Finding: The applicant submitted an environmental checklist for a review (Exhibit D). Staff issued a Notice of Application and Optional SEPA Determination of Nonsignificance (DNS) May 1, 2024. A Final Notice of Determination of Nonsignificance (DNS) was issued June 4, 2024.

During the notice of application and SEPA appeal period, no comments were received.

Conclusion: The application meets the requirements of this section.

20.915 Impact Fees

Finding: Per VMC 20.915.070(A), school impact fees do not apply to housing which by restrictive covenant is exclusively for persons 62 years of age or older.

This project is subject to transportation and park impact fees.

Fee Type	Fee per unit
Park District B	\$2,575 per unit
Evergreen School District	See above
Cascade Subarea	\$291.00 per trip

Prior to issuance of building permits, pay all impact fees.

Prior to issuance of building permit, submit a restrictive covenant exclusively for persons 62 years of age or older.

Conclusion: As conditioned, the proposal meets the requirements of this section.

20.925 Landscaping

Finding: Street trees are required for all projects fronting on a public street or private street. All street trees must be at least two inches in size or greater and have high heads which means no lower branches. Any deviation shall be approved by the city's urban forester.

The submitted landscape plan depicts street trees along all three street frontages that include NE Andresen, NE Vancouver Mall Drive and NE 72nd Avenue.

Ten percent of the net lot area of each lot shall be landscaped. Compliance with these requirements will be verified at the time of building permit review for each of the lots.

Landscape Buffer Requirements (VMC 20.925.030-2)

North: 10-foot L4 Buffer - Four high shrubs required per 30 lineal feet of wall, one tree per 30 lineal foot of landscaped area or as needed to provide a tree canopy over the landscaped area and, 6-foot F2 high wall required.

South: 1-foot' L2 Buffer - Continuous screen 3-foot high, 95 percent opaque year-round. 3+-gallon containers or equivalent with spread 18+ inches, one tree per 30 lineal foot of landscaped area or as needed to provide a tree canopy over the landscaped area and, 3-foot-high masonry wall or F2 fence or a berm may substitute for shrubs.

East: 10-foot L2 Buffer - Continuous screen three feet high, 95 percent opaque year-round. 3+-gallon containers or equivalent with spread 18+ inches, one tree per 30 lineal foot of landscaped area or as needed to provide a tree canopy over the landscaped area and, 3-foot-high masonry wall or F2 fence or a berm may substitute for shrubs.

West: 10-foot L2 Buffer - Continuous screen three feet high, 95 percent opaque year-round. 3+-gallon containers or equivalent with spread 18+ inches, one tree per 30 lineal ft. of landscaped area or as needed to provide a tree canopy over the landscaped area and, 3-foot-high masonry wall or F2 fence or a berm may substitute for shrubs.

Prior to civil plan approval, provide a 6-foot tall sight obscuring wall per the L4 Buffer requirements listed in VMC 20.925.030-2 along the north property line.

Prior to civil approval, street trees shall be 25-30 feet on center. Add additional street trees to meet requirements.

Prior to civil approval, change the buffer trees adjacent to the existing fir trees to Douglas firs or Ponderosa pine trees at least 20 feet from the existing fir trees.

Prior to civil approval for attached sidewalks, remove the Persian Ironwoods and relocate the Tupelo trees, four feet behind the sidewalk.

Prior to civil approval, include usable scale on landscape plan for ePlans use.

Prior to civil plan approval, update the landscape plan to match the revised site plan.

Conclusion: As conditioned, the proposal meets the requirements of this section.

20.945 Parking and Loading

Finding: Parking requirements and incentives for mixed-use proposals are governed by VMC 20.945 Parking and Loading and VMC 20.430.060(C)(2)(h) Mixed-use Standards Parking.

Phase 1

Per VMC 20.945.070-2, the proposed taphouse (eating and drinking establishment) is parked at a rate of one parking space per 250 square feet. Based on 4,323 square feet, 17 parking spaces are required.

Per VMC 20.945.070(A)(1), the planning official may rule that a use not specifically listed in Table 20.945.070-2 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;

Food truck pods are not a specified use within the parking code thus does not have a stated ratio. It has been determined by staff and agreed on by the applicant the "Eating and Drinking Establishment" use is similar to the activity of food trucks. The rate of one parking space per every 250 square feet of area dedicated to the dining area for the food truck pod was used to determine compliance.

Based on the proposed 9,348 square feet of food truck area, 23 parking spaces are required.

Forty parking spaces are required for Phase 1 of the development. The plan depicts 52 parking spaces for Phase 1 which meets the requirements of this section.

Phase 2

Per VMC 20.945.070-2, the proposed residential care facility (housing type classified as senior housing facilities and people with disabilities) is parked at a rate of zero parking spaces for residents, .75 parking spaces per employee and one visitor parking space per 10 residents. The proposed residential care facility will have 20 employees and a maximum of 49 residents. Based on this, the residential care facility will require 20 parking spaces.

Per VMC 20.945.070-2, the proposed office (Medical) is parked at a rate of one parking space per 200 square feet Based on the 2,520 square feet of office provided, 13 parking spaces are required.

Per VMC 20.945.070-2, the proposed office (General) is parked at a rate of one parking space per 400 square feet Based on the 1,708 square feet of office provided, four parking spaces are required.

Per VMC 20.945.070-2, the existing taphouse (eating and drinking establishment) from Phase 1 mentioned above will require 17 parking spaces.

The food truck area will be reduced in Phase 2 to from 9,348 square feet to 3,192 square feet which requires eight parking spaces.

A total of 62 parking spaces are required for this proposal prior to any reductions. For applied reductions, please see below:

Per VMC 20.430.060(C)(2)(h)(4) the planning official may authorize up to a 25 percent reduction in required parking if transit service is available to the site. C-Tran Routes 32 and 78 both serve the site along Andresen Road and NE Van Mall Drive.

The applicant is requesting a 20 percent reduction in parking. Based on the proposed uses, direct proximity to transit stops, a 20 percent reduction in parking has been approved.

With the 20 percent reduction applied, 50 parking spaces are required for the total development.

The applicant provided 50 parking spaces which meets this requirement.

Per VMC 20.945.080(B)(2), office buildings; hotels; restaurants; auditoriums and medical centers, colleges, residential care centers or other institutions that contain a structure or structures with a total area of 30,000 gsf or greater shall provide one off-street loading space as indicated in Table 20.945.080-2. Additionally, the planning official may 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.

Prior to civil plan approval, add one off-street loading space for the residential care facility or, demonstrate a loading berth is not needed based on the criteria in VMC 20.945.080.

Conclusion: As conditioned, the proposal meets the requirements of this section.

20.970 Solid Waste Disposal and Recycling

Finding: The applicant proposes one approximately 612-square-foot exterior trash and recycling enclosure as shown on plans. The enclosure is sized to contain four wheeled dumpsters and four carts.

Phase 1 (food carts, taphouse, dining areas) is approximately 10,000 square feet and is required to have a minimum solid waste storage area of 200 square feet.

VMC 20.970.030(C)(2)(b) Retail - Nonresidential buildings shall provide a minimum storage area of 100 square feet plus 10 sq. ft. / 1,000 sq. ft. of gross floor area (GFA).

Phase 2 (retirement care facility with first floor commercial space) is approximately 38,472 square feet and is required to have a minimum solid waste storage area of 353 square feet. (estimated at 2/3 “institutional” and 1/3 “retail”)

VMC 20.970.030(C)(2)(c) Educational/Institutional - Nonresidential buildings shall provide a minimum storage area of 100 square feet plus 4 sq. ft. / 1,000 sq. ft. of gross floor area (GFA).

VMC 20.970.030(C)(2)(b) Retail - Nonresidential buildings shall provide a minimum storage area of 100 square feet plus 10 sq. ft. / 1,000 sq. ft. of gross floor area (GFA).

Per **VMC 20.970.040(B)(1)** plans shall show footprints of all intended receptacles using dimensions from city provided solid waste receptacle standards.

Per **VMC 20.970.040(B)(3)** exterior storage areas shall be enclosed by a screen comprised of a sight-obscuring wall, fence and/or vegetation. Gate(s) through the fence shall allow access to users and haulers. The gate(s) for haulers shall be capable of being secured in closed and open positions.

Conclusion: The proposal satisfies solid waste storage requirements.

Advisory notes

- 1) Food carts are high waste generators. Similar food cart areas require the following service levels:

Garbage: 1 cubic yard per food cart per week

(staff recommend two 4-yd wheeled containers collected twice per week)

Mixed Recycling: 1.5 cubic yards per food cart per week

(staff recommend two 4-yard wheeled containers and two 95-gallon carts collected twice per week)

Glass: 4-5 gallons per food cart per week (collected in 64 gallon carts)

(staff recommend two 64-gallon carts collected once per week)

Food Waste: optional (collected in 64 gallon carts)

- 2) Solid waste area designs should account for the food cart pod's other storage needs, separate from the area where trash and recycle receptacles are contained. A common additional waste for restaurants and food carts is used fry oil/ grease. Several containment system options for preventing spills, messes, slip hazards and stormwater concerns are available. Keep in mind that any collection system cannot include storing containers in the right of way or in a manner that causes concerns for storm drains. These containers should also be screened from view and not stored in or near the solid waste enclosure or area to limit slip/trip hazards.

Concerning Solid Waste Collector Access

Finding: The proposed development appears serviceable by collection vehicles allowing for direct access and ease of circulation through the site with limited backing. Truck turning (Side Loader) movements are not provided.

Per [VMC 20.970.040\(C\)\(3\)](#) all circulation and turnaround designs must be feasible using city-provided solid waste truck turning modelling templates and truck specifications. Collection vehicles shall be able to circulate the development and service receptacles with minimal backing required.

Per [VMC 20.970040\(A\)\(4\)](#), outdoor enclosures shall not be located in a side or rear yard setback that abuts a property not within the same development.

Condition: Prior to civil plan approval, provide truck turning movements for the Side Loader solid waste truck (the longest of the trucks that will service this development). Templates for garbage/recycling trucks are available for users to model truck turning using either AutoTurn software or Autodesk Vehicle Tracking software, they can be downloaded from the city's website; <https://www.cityofvancouver.us/publicworks/page/truck-turning-radius>.

Conclusion: The proposal shall be modified to satisfy solid waste collector access requirements, as conditioned.

11.70 Transportation – Concurrency

Finding: The applicant is proposing a two-phased mixed-use development. The first phase consists of a 4,323-square-foot taphouse, food cart pod and parking. The second phase consists of a 3-story, 32,500-square-foot retirement care facility and first floor commercial store fronts. The project is located at 4906 NE 72nd Avenue (tax parcels 160740000 and 160830000). The site is currently vacant. Access to the site will be by way of new driveway accesses on NE Vancouver Mall Drive and NE 72nd Avenue.

The applicant submitted a Transportation Impact Analysis (TIA) with a revision date of Dec. 19, 2023, from Clemow Associates. This TIA is based on an outdated site plan design. Some of the elements of the current project have changed since the TIA was written, including building sizes, number of food carts, and access configuration. It is unlikely that these site changes will alter the conclusions of the study, but the study should be amended to accurately document the traffic issues related to the current proposal. **The comments below are based on the current TIA, these comments will be updated as necessary once the amended study is submitted and reviewed.**

The TIA included trip generation, trip distribution, intersection operations analysis, intersection queuing analysis, and crash history review. The TIA developed trip generation rates based on the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition, utilizing Land Use Codes 930 (Fast Casual Restaurant), 926 (Food Cart Pod), 720 (Medical Office), 932 (High-Turnover Restaurant), and 253

(Congregate Care Facility). Current policy of the City of Vancouver allows internal capture and pass-by reductions to apply to daily trips as well as peak hour trips. Staff has adjusted the trip generation numbers accordingly. Based on this information, the proposed project will generate 1,881 new Average Daily Trips, including 25 new a.m. peak hour trips and 134 new p.m. peak hour trips.

The TIA identifies intersections within the study area that are projected to exceed the city's standards for level-of-service (LOS) and/or volume-to-capacity ratio (V/C ratio) with addition of the project-generated trips. The report also identified locations where existing lane lengths may be exceeded by the expected vehicle queue lengths. The TIA also identifies mitigation strategies. The following is a list of the locations that are projected to exceed standards, along with the recommended mitigation efforts and the city's requirements:

- NE Andresen Road / NE Vancouver Mall Drive
 - The intersection is shown to exceed operating standards during the p.m. peak hour in 2030 with site development (LOS F with a delay time of 94 seconds). It should be noted that this intersection is projected to exceed operating standards with or without the proposed development, and that this intersection is fully built-out. The TIA recommends that the signal timing be optimized by the city as the intersection operations become degraded. Once the signal is optimized, the level-of-service at the intersection will improve to LOS D and the delay will decrease to 40 seconds.
 - The northbound right-turn and left-turn queues are expected to occasionally exceed the existing turn-lane capacities during the p.m. peak hour under current conditions. The study indicates that the proposed project will add very little length to the queues at these turning movements and points out that these queues have no impact on any property accesses or other intersections. Therefore, no mitigation is recommended.

Pursuant to VMC 11.70.090, the segment of Andresen Road between SR-500 and NE 78th Street is designated as a Category 1 Concurrency corridor, which stipulates that the corridor is operating at or above the city's adopted level of service standards. Based on the traffic report, the proposed development will generate 33 new p.m. peak hour trips to this corridor. This is not anticipated to cause the corridor to drop below the adopted level of service standard.

The proposed use is located within the 202 Transportation Analysis Zone. The proposed project contributes p.m. peak hour trips to the following Transportation Management Zones:

Corridor Name	Corridor Limit	PM Peak Trips
Mill Plain Blvd.	Fourth Plain Blvd to I-5	1
Mill Plain Blvd.	I-205 to 136 th Ave.	3
Mill Plain Blvd.	136 th Ave. to 164 th Ave.	2
Mill Plain Blvd.	164 th Ave. to 192 nd Ave.	1
Fourth Plain Blvd	Mill Plain Blvd. to I-5	2
Fourth Plain Blvd	I-5 to Andresen Road	6
Fourth Plain Blvd	I-205 to 162 nd Ave.	4
Andresen Road	Mill Plain Blvd. to SR-500	6
Andresen Road	SR-500 to 78 th Street	33
112 th Avenue	Mill Plain Blvd. to 28 th Street	2
112 th Avenue	28 th Street to 51 st Street	7
NE 18 th Street	112 th Avenue to 138 th Avenue	1

Based on the above table, prior to the issuance of civil plan approval, the applicant shall pay concurrency modeling fees totaling \$1,500. Pursuant to the applicant's information, the project will not distribute trips to any other Transportation Management Zones.

The applicant's traffic analysis provides distribution of trips used to establish the proportionate share contribution towards off-site traffic mitigation projects pursuant to VMC 11.80.080(C). A list of the intersection(s) slated for proportionate share contributions is as follows:

Proportionate Share Project Name	Fee Rate	Number of Trips	Proportionate Share Cost
Fourth Plain Blvd & NE 152 nd Ave	\$333 per PM peak hour trip	2	\$666
Total Proportionate Share Cost			\$666

Based on the above table, prior to the issuance of civil plan approval, the applicant shall pay proportionate share fees totaling \$666.

Transportation Impact Fees (TIF) are imposed per VMC 20.915. See the section of this staff report addressing VMC 20.915 for calculation of TIF. The submitted documentation fulfills the city's requirements for concurrency analysis.

Conclusion: The proposed development meets the requirements of VMC 11.70 as conditioned.

11.80 Transportation – Street & Development Standards

Finding: The applicant is proposing a two-phased mixed-use development. The first phase consists of a 4,324-square-foot taphouse, food cart pod and parking. The second

phase consists of a 3-story, 32,500-square-foot retirement care facility and first floor commercial store fronts. The project is located at 4906 NE 72nd Avenue (tax parcels 160740000 and 160830000). The site is currently vacant. Access to the site will be by way of new driveway accesses on NE Vancouver Mall Drive and NE 72nd Avenue.

Northeast Andresen Road is designated a principal arterial with center turn lane and bike lanes, which requires a minimum 50 feet half-width right of way and 35 feet paved street half-width per city standard plan T10-06. The existing road along the property frontage of NE Andresen Road includes asphalt roadway, curb, gutter and curb-tight attached sidewalks. No additional right of way width or additional street width is required for NE Andresen Road. **Prior to issuance of occupancy approval, the following improvements to NE Andresen Road must be provided, per the appropriate City of Vancouver standards:**

- **Repair any sidewalk deficiencies along the project frontage to ensure ADA compliance. For questions regarding repairs that are required, contact the Operations Department at sidewalks@cityofvancouver.us.**
- **Utility trenching shall be restored per T05-04A&B and T05-06A&B (CDF). Asphalt restoration shall meet T05-01B and T05-07. A single continuous width restoration is required.**

Northeast Vancouver Mall Drive is designated a 4-lane minor arterial which requires a minimum 35 feet half-width right of way and 23 feet paved street half-width per city standard plan T10-12. The existing road along the property frontage of NE Vancouver Mall Drive includes asphalt roadway, curb, gutter, ADA ramps, streetlights, and curb-tight attached sidewalks.

Per the requirements of VMC 11.80.110, when a corner parcel has frontage on two arterial streets, access must be limited to the lowest-order arterial. In this case, that would mean that all access to this property would be limited to only a single right-in-right-out driveway on NE 72nd Avenue. City staff determined that such limited access would create significant negative impacts to the overall traffic patterns in the immediate vicinity. After extensive conversations with staff, the applicant now proposes a mid-block full-motion access on NE Vancouver Mall Drive, in addition to the restricted access on NE 72nd Avenue. Staff fully supports and agrees to this access configuration, but it must be documented with a road modification, per VMC 11.80.160. **Prior to civil plan approval, the applicant must submit a road modification request for the proposed additional full-motion access onto NE Vancouver Mall Drive.**

Northeast Vancouver Mall Drive received a pavement overlay in November 2023. Pursuant to VMC 11.80.100 B., a street cut prohibition is in effect through November 2028. The applicant proposes to cut the street to install utilities and/or construct the required frontage improvements. To deviate from the 5-year street-cut moratorium, this proposed work requires a minor road modification pursuant to VMC 11.80.160. The applicant has submitted a minor road modification request for the proposed work and

Transportation staff has reviewed and approved the request. **Prior to civil plan approval, the applicant must include the City of Vancouver standard advanced pavement restoration requirements on the civil drawings. Prior to the issuance of occupancy approval, the applicant shall comply with all requirements set forth on the civil drawings pursuant to the minor road modification approval.**

Prior to issuance of occupancy approval, the following improvements to NE Vancouver Mall Drive must be provided, per the appropriate City of Vancouver standards:

- **Dedicate additional right of way as necessary to accommodate the required minimum half-width right of way, per T10-12.**
- **From the corner of NE 72nd Avenue to the beginning of the westbound right-turn lane at Andresen Road, remove the existing curb-tight sidewalk and construct a 6-foot detached sidewalk and planting strip, per T10-12. The existing curb-tight attached sidewalk may remain in place adjacent to the large white oak, to protect the tree. The existing curb and gutter must not be disturbed.**
- **Remove all existing driveway accesses and construct a new driveway access, per the appropriate city standard.**

Northeast 72nd Avenue is designated a collector arterial which requires a minimum 30 feet half-width right of way and 19 feet paved street half-width per city standard plan T10-13. The existing road along the property frontage of NE 72nd Avenue includes asphalt roadway, curb, gutter, curb-tight attached sidewalk, and ADA ramp. **Prior to issuance of occupancy approval, the following improvements to NE 72nd Avenue must be provided, per the appropriate City of Vancouver standards:**

- **Dedicate additional right of way as necessary to accommodate the required minimum half-width right of way, per T10-13.**
- **Remove the existing curb-tight sidewalk and construct a 6-foot detached sidewalk and planting strip along the property frontage, per T10-13. The existing curb and gutter must not be disturbed.**
- **Remove any existing driveway accesses and construct a new driveway access, per the appropriate city standard.**
- **Per the requirements of VMC 11.80.110, any driveway located within 125 feet of a signalized intersection on a collector arterial shall be limited to only right-turn movements. Therefore, the applicant must install a curb median along the center stripe, to block all left turns at the site access. The curb median must begin at the north property line and end at a point 15 feet behind the stop bar at the intersection of Vancouver Mall Drive.**
- **The existing pedestrian ramps and landings at the northwest corner of NE Vancouver Mall Drive / NE 72nd Avenue must meet current ADA standards, per VMC 11.80.070(D). The applicant must provide elevations and slopes on the construction drawings for the existing ramps and landings at this corner to demonstrate ADA compliance. Any non-compliant components of the corner must be reconstructed.**

- **If required by Traffic Operations, install “No Parking” signage at the appropriate location to eliminate on-street parking near the corner of the intersection with Vancouver Mall Drive. Contact Traffic Operations for guidance on the correct sign location.**
- **Utility trenching shall be restored per T05-04A&B and T05-06A&B (CDF). Asphalt restoration shall meet T05-01B and T05-07. A single continuous width restoration is required.**

If the applicant’s construction requires any adjustment or modification of ADA ramps, repair of damaged sidewalks, or the installation of ADA features such as truncated domes, push buttons for traffic signals, or other ADA required improvements, then the applicant shall be required to construct the improvements to current PROWAG standards. If more than one corner of a traffic signal is being updated to current standards, then all corners of a traffic signal shall be brought up to current standards including APS push buttons, ramps, flat landings, and related features such as necessary poles and wiring.

Any damage to existing traffic signal detection shall necessitate the developer to replace by updating the detection to current city standard which is FLIR thermal detection sensors. Any detection modifications or additional detection that are required based on lane channelization changes will necessitate the installation of FLIR thermal detection sensor(s).

A right of way construction permit is required for any project that intends to close or alter a sidewalk or curb ramp for construction purposes. Each permit must include a Pedestrian Traffic Control Plan (PTCP). In general, the PTCP must limit sidewalk closures and avoid detouring of pedestrians to the opposite side of the street during construction. The designers of the PTCP must make every effort to allow pedestrians to continue using the sidewalk on the same side of the street as the construction project, if possible. Such measures as overhead protective scaffolding and/or temporary ramps and jersey barriers to temporarily divert pedestrians into a protected pedestrian route on the street should be considered. Short-term sidewalk closures and street-crossing detours may be allowed when the building foundation work is being completed, primarily in situations where the building foundation is being constructed at the immediate back of sidewalk, and having pedestrians too close to active foundation construction could pose a safety hazard. However, once those foundations are complete, the contractor will be expected to restore the pedestrian route on the same side of the street as soon as practical. PTCPs will be evaluated on a case-by-case basis; specific requirements will vary depending on location.

Conclusion: The proposed development meets the requirements of VMC 11.80 as conditioned.

14.04 Water

Finding: There is an existing 12-inch Ductile Iron (DI) water main within NE 72nd Avenue, an 8-inch DI water main on the west side of NE Andresen Road, and an 8-inch DI water main within the parcel south side of NE Vancouver Mall Drive extending from NE 72nd Avenue terminating approximately 220 feet west of NE 72nd Avenue

The applicant is proposing to connect an 8-inch ZDI main to the existing 12-inch DI water main within NE 72nd Avenue to serve a proposed on-site fire hydrant. A 2-inch water meter is proposed to serve the site with an RPBA.

Additional requirements may be outlined during the detailed site plan review process, meeting the water requirements as detailed in the *General Requirements & Details for the Design and Construction of Water, Sanitary Sewer and Surface Water Systems* (latest revision).

Conclusion: The submitted plans indicate the requirements can be met.

14.06 Sanitary Sewer

Finding: There is an existing 8-inch PVC sewer main located south of the proposed project site in NE Vancouver Mall Drive with a manhole located approximately 350 feet east of the intersection of NE Andresen Road and NE Vancouver Mall Drive.

Per the civil plans submitted, the applicant is planning to connect two new service laterals to the existing sewer main in NE Vancouver Mall Drive and extending the new laterals north to the project site.

Conclusion: Sanitary sewer service to the existing building is available and construction standards for public sanitary sewer main extensions and private sewer connections can be met.

Prior to Construction

Obtain all required permits to complete the sewer extensions and connections.

Prior to Final Site Plan Approval

Satisfy all the submittal and other related requirements itemized for the project in the upcoming Notification of civil plan Approval (plan approval letter).

14.24 Erosion Control

Finding: The site is currently undeveloped. The site will be disturbed with the construction of the food cart pod, and retirement care facility.

A preliminary erosion control plan was submitted with the preliminary civil plans.

A Construction Stormwater Pollution Prevention Plan (SWPPP) must be submitted to the city prior to civil plan approval.

This site is greater than one acre. The owner of a construction site that disturbs one or more acres of total land area, and which has or will have a discharge of stormwater to a surface water or to a storm sewer system, must apply for coverage under Washington Department of Ecology's Baseline General Permit for Storm Water Discharges Associated with Construction Activities.

A copy of the NPDES construction permit must be submitted to the city prior to civil plan approval.

Conclusion: The applicant has demonstrated the City of Vancouver erosion control ordinance can be met.

14.25 Stormwater

Finding: New impervious area will be created with the development of the food cart pod, and retirement care facility.

The proposed development is a qualifying project for minimum requirements 1 through 9. Calculations have been submitted with the preliminary civil engineering plans indicating the amount of new impervious surface being created.

Washington State Department of Ecology Minimum Requirement 6: Runoff Treatment will be satisfied by using an Oldcastle BioPod to treat runoff from the pollution generating surfaces. This Best Management Practice (BMP) is classified as an Emerging Stormwater Treatment Technology and has received a General Use Level Designation for Basic Treatment by the Washington State Department of Ecology.

The applicant proposes to detain runoff in underground detention system satisfying Washington State Department of Ecology Minimum Requirement 7: Flow Control.

The on-site stormwater facilities will be owned and maintained by the property owner.
An easement in the form of a covenant running with the land shall be dedicated to the City of Vancouver around the stormwater facilities for access and inspection.

Conclusion: The applicant has demonstrated the City of Vancouver stormwater ordinance can be met.

Fire Title 16

Finding: VMC Title 16 –16.04.010 -Adoption of the International Fire Code. (IFC)

The following IFC chapters were evaluated during this review where applicable: Ch. 3 Fire Code General Requirements, Ch. 4 Emergency Planning and Preparedness, Ch. 5 Fire Service Features, Ch. 6 Building Services and Systems, Ch. 7 Fire and Smoke Protection Features, Ch. 9 Fire Protection and Life Safety Systems, Ch 33 Fire Safety During Construction and Demolition, and VMC 16.04.010 – 16.04.290.

Findings: The preliminary submittal demonstrates the project can be approved through the fire and life safety fire plans review and permit process with compliance with applicable related code and national standard requirements.

FIRE REVIEW CONTACTS:

1. Primary contact: Noah Hilliker 360-798-6428 noah.hilliker@cityofvancouver.us
2. Secondary contact: Cale Baker 360-409-9533 cale.baker@cityofvancouver.us

CONDITIONS OF APPROVAL

Prior to Civil Plan Approval

1. Add a note on the water utility pages as follows: Underground fire sprinkler supply mains shall be installed only by contractors in compliance with WAC 212-80 and endorsed in accordance with VMC 16.04.095 under separate permit.
2. Provide a fire response plan including the following:
 - Fire hydrant locations related to the project.
 - Fire lane marking locations and details.
 - Aerial apparatus location along one side of the building shown as hashed area (where applicable).
 - Vehicle gate locations (where applicable).
 - Emergency vehicle tracks.
 - Fire Department Connection location.
 - Sprinkler riser location(s).
 - Fire-pump location (where applicable).
 - Fire alarm panel room location.
 - Fire Command Center location or Fire Control Room (where applicable).
 - Electrical and gas utility control room location(s).
 - Electrical meter and gas meter location(s).
 - Generator location.
 - Mechanical room location(s).
 - Knox-Box location (at main entry, or at fire protection equipment exterior door where adjacent to a fire lane).
 - Standpipes and floor control valves.
 - Location of elevator and stairwell shafts
 - Roof access door/hatch location (where standpipes and sprinkler floor control valves are required, this shaft shall be the roof access shaft).
 - Fire access doors (where applicable)
 - Emergency or standby power generator location (where applicable).
 - Hazardous materials locations (if known or where applicable).
 - Fuel dispensing locations
 - Anticipated hazards to emergency operations (overhead power lines, slopes/cliffs or hazardous processes)
 - Presence of car stackers (where applicable)
 - Hash line the required fire rated walls.

Prior to Combustible Construction

1. All fire hydrants for emergency use shall be established and maintained clear for emergency use.
2. Fire apparatus access roads shall be established.

During Construction

1. Temporary address signage shall be visible and legible from the street fronting the property for emergency response during construction.
2. Fire hydrants shall not be obstructed in any manner.
3. Fire apparatus access roads shall be maintained clear for emergency response.
4. FDC/Standpipes shall be provided and accessible during construction, if applicable.
5. Fire Extinguishers and no smoking signs shall be provided during construction.

Building Title 17

Washington State Building Code Council voted to delay the adoption of the 2021 Code Cycle, see SBCC website for anticipated adoption date: <https://sbcc.wa.gov/news>

Finding: 17.08.090 a building department plan review and permit will be required for this project. Building shall comply with the applicable codes listed in 17.08.010 in effect at the time of building permit application. A complete building code review of plans is not performed during site plan review. Filing of building permit application with required fees and review material is required for a complete building code review. At this time, plans and information necessary to verify compliance with all applicable building code provisions is neither required nor provided.

Finding: The plans provided propose to place 15 modular “tiny homes” on a 0.91-acre parcel.

Finding: Separate building permit (CMI) required for each individual building/structure. Please contact plans examiner about phasing and occupancy desires early in the design process.

Finding: Multi-family (R-2, R-3, R-4) buildings three stories or less must comply with the residential energy code (WAC 51-11R).

Finding: If solar rooftop installations are intended, a separate CMI building permit will be required. Depending on phasing, all rooftop installations could be included under one CMI permit.

Finding: Existing residences and accessory structures exceeding 120 square feet or of any size with utilities that are to be removed will require a separate demolition (DMO) permit for each lot.

Finding: As per **IBC 705.3 on a multi-family lot**, for the purposes of determining the required wall and opening protection, projections and roof-covering requirements,

buildings on the same lot shall be assumed to have an imaginary line between them.
Based on proposed building layout sprinklers and fire-rated construction will be required.

Single-Family Dwelling: Per IRC R302, exterior walls, opening, penetrations and projections shall be as per Table R302.1(1) or if equipped with fire sprinklers, then Table R302.1(2) shall apply. Eaves may not extend closer than two feet to a property line.

Finding: Accessibility is encouraged but not required as the dwellings in this project fall under R-3 Occupancy. Ramps to be designed as per IRC R311.8.

Finding: Accessible Parking. As per IBC 1106.2 Groups I-1, R-1, R-2, R-3 and R-4 accessible parking spaces shall be provided in accordance with noted items as applicable. Item 3 states that, "Where at least one parking space is provided for each dwelling unit or sleeping unit, at least one accessible parking space shall be provided for each Accessible and Type A Unit." If an accessible dwelling unit is provided, then as per Table 1106.1, one parking space is required to be accessible.

Finding: Manufactured or Modular Homes. Modular/manufactured homes shall have L&I approval and be placed on permanent foundations.

Prior to final grading: Condition of approval: a final summary report by the geotechnical engineer of record shall be prepared and submitted to the City of Vancouver that states that the project soils were prepared in accordance with the governing geotechnical report and construction documents. Provide a current report with lot specific conditions and compaction test results by final grading. Please send to inspectionreports@cityofvancouver.us.

Prior to final grading: Geotechnical report required for tree excavating and root systems removal with compaction reports. A letter from the geotechnical engineer of record showing compliance and summarizing field observations and inspections will be required prior to footing inspection.

As submitted project could be approved for building code requirements pertaining to the site plan.

RECOMMENDATION

Based upon the findings herein, the criteria for approval have been satisfactorily met or shall be met as conditioned, and no significant adverse impacts have been identified. Staff concludes this request meets the applicable requirements of the zoning district, comprehensive plan and other applicable codes and recommends mixed use master plan and phase 1 site plan approval with conditions as noted below and throughout this staff report. This approval does not grant the right to permits but only determines the site can meet the requirements of the applicable ordinance as described in this report.

CONDITIONS OF APPROVAL

Prior to Civil Plan Approval

1. Upload the civil plan review set showing the revisions requested as well as all necessary reports (geotechnical, hydrology, traffic analysis, road modification, etc.). Include a detailed site plan in the civil plan review set. For questions on these requirements please contact 360-487-7804.
2. Grading plan review fees will be due upon submittal of civil plans for review. Contact Permit Center staff at 360-487-7802 to obtain a fee quote.
3. Submit a recorded copy of the lot consolidation.
4. Indicate a different type of material, color scheme or textural difference to clearly delineate the pedestrian path from the parking lot on all site plans.
5. Add traffic prevention measures that can be removed only when food trucks elect to enter and leave the development separating the parking lot from the food truck pod.
6. Place the following on the grading plans: If any cultural resources are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and the City of Vancouver Community Development Dept. shall be notified. Failure to comply with these State requirements may constitute a Class C felony, subject to imprisonment and/or fines.
7. Show tree protection on Grading Plan. Erosion control shall go around, not through tree protection along property lines.
8. Provide a 6-foot tall sight obscuring wall per the L4 Buffer requirements listed in VMC 20.925.030-2 along the north property line.
9. Add additional street trees to meet requirements. Street trees shall be 25-30 feet on center.
10. Change the buffer trees adjacent to the existing fir trees to Douglas firs or Ponderosa pine trees at least 20 feet from the existing fir trees.
11. Remove the Persian Ironwoods and locate the Tupelo trees, four feet behind the sidewalk.
12. Add one off-street loading space for the residential care facility or, demonstrate a loading berth is not needed based on the criteria in VMC 20.945.080.

13. Provide truck turning movements for the Side Loader solid waste truck (the longest of the trucks that will service this development). Templates for garbage/recycling trucks are available for users to model truck turning using either AutoTurn software or Autodesk Vehicle Tracking software, they can be downloaded from the city's website; <https://www.cityofvancouver.us/publicworks/page/truck-turning-radius>.
14. Pay concurrency modeling fees totaling \$1,500.
15. Pay proportionate share fees totaling \$666.
16. Submit a road modification request for the proposed additional full-motion access onto NE Vancouver Mall Drive.
17. Include the City of Vancouver standard advanced pavement restoration requirements on the civil drawings.
18. Satisfy all the submittal and other related requirements itemized for the project in the upcoming Notification of civil plan Approval (plan approval letter).
19. Submit a Stormwater Pollution Prevention Plan (SWPPP).
20. Submit a copy of the NPDES construction permit.
21. Submit an easement in the form of a covenant running with the land shall be dedicated to the City of Vancouver around the stormwater facilities for access and inspection.
22. Add a note on the water utility pages as follows: Underground fire sprinkler supply mains shall be installed only by contractors in compliance with WAC 212-80 and endorsed in accordance with VMC 16.04.095 under separate permit.
23. Provide a fire response plan including the following:
 - Fire hydrant locations related to the project.
 - Fire lane marking locations and details.
 - Aerial apparatus location along one side of the building shown as hashed area (where applicable).
 - Vehicle gate locations (where applicable).
 - Emergency vehicle tracks.
 - Fire Department Connection location.
 - Sprinkler riser location(s).
 - Fire-pump location (where applicable).
 - Fire alarm panel room location.
 - Fire Command Center location or Fire Control Room (where applicable).
 - Electrical and gas utility control room location(s).
 - Electrical meter and gas meter location(s).
 - Generator location.
 - Mechanical room location(s).
 - Knox-Box location (at main entry, or at fire protection equipment exterior door where adjacent to a fire lane).
 - Standpipes and floor control valves.
 - Location of elevator and stairwell shafts

- Roof access door/hatch location (where standpipes and sprinkler floor control valves are required, this shaft shall be the roof access shaft).
- Fire access doors (where applicable)
- Emergency or standby power generator location (where applicable).
- Hazardous materials locations (if known or where applicable).
- Fuel dispensing locations
- Anticipated hazards to emergency operations (overhead power lines, slopes/cliffs or hazardous processes)
- Presence of car stackers (where applicable)
- Hash line the required fire rated walls.

Prior to Commencing Public Improvement Construction

24. Obtain all required permits to complete the sewer extensions and connections.
25. All fire hydrants for emergency use shall be established and maintained clear for emergency use.
26. Fire apparatus access roads shall be established.

During Public Improvement Construction

27. Temporary address signage shall be visible and legible from the street fronting the property for emergency response during construction.
28. Fire hydrants shall not be obstructed in any manner.
29. Fire apparatus access roads shall be maintained clear for emergency response.
30. FDC/Standpipes shall be provided and accessible during construction, if applicable.
31. Fire extinguishers and no smoking signs shall be provided during construction.

Prior to Issuance of any Building/Development Permits

32. Pay all required fees, including impact fees.
33. Geotechnical report required for tree excavating and root systems removal with compaction reports. A letter from the geotechnical engineer of record showing compliance and summarizing field observations and inspections will be required prior to footing inspection.
34. Submit color elevations or proposed buildings.
35. For the assisted living facility, submit a restrictive covenant exclusively for persons 62 years of age or older.

Prior to Issuance of Certificate of Occupancy

36. A certificate from a licensed landscape architect shall be provided verifying that landscaping indicated on the final landscape plan has been installed. (For all Commercial, Multi-Family and Industrial projects)
37. Provide the following improvements to NE Andresen Road per the appropriate City of Vancouver standards:
 - Repair any sidewalk deficiencies along the project frontage to ensure ADA compliance. For questions regarding repairs that are required, contact the Operations Department at sidewalks@cityofvancouver.us
 - Utility trenching shall be restored per T05-04A&B and T05-06A&B (CDF). Asphalt restoration shall meet T05-01B and T05-07. A single continuous width restoration is required.
38. Comply with all requirements set forth on the civil drawings pursuant to the minor road modification approval.
39. Provide the following improvements to NE Vancouver Mall Drive per the appropriate City of Vancouver standards:
 - Dedicate additional right of way as necessary to accommodate the required minimum half-width right of way, per T10-12.
 - From the corner of NE 72nd Avenue to the beginning of the westbound right-turn lane at Andresen Road, remove the existing curb-tight sidewalk and construct a 6-foot detached sidewalk and planting strip, per T10-12. The existing curb-tight attached sidewalk may remain in place adjacent to the large white oak, to protect the tree. The existing curb and gutter must not be disturbed.
 - Remove all existing driveway accesses and construct a new driveway access, per the appropriate City standard.
40. Provide the following improvements to NE 72nd Avenue per the appropriate City of Vancouver standards:
 - Dedicate additional right of way as necessary to accommodate the required minimum half-width right of way, per T10-13.
 - Remove the existing curb-tight sidewalk and construct a 6-foot detached sidewalk and planting strip along the property frontage, per T10-13. The existing curb and gutter must not be disturbed.
 - Remove any existing driveway accesses and construct a new driveway access, per the appropriate city standard.
 - Per the requirements of VMC 11.80.110, any driveway located within 125 feet of a signalized intersection on a collector arterial shall be limited to only right-turn movements. Therefore, the applicant must install a curb median along the center stripe, to block all left turns at the site access. The curb median must begin at the north property line and end at a point 15 feet behind the stop bar at the intersection of Vancouver Mall Drive.

- The existing pedestrian ramps and landings at the northwest corner of NE Vancouver Mall Drive / NE 72nd Avenue must meet current ADA standards, per VMC 11.80.070(D). The applicant must provide elevations and slopes on the construction drawings for the existing ramps and landings at this corner to demonstrate ADA compliance. Any non-compliant components of the corner must be reconstructed.
- If required by Traffic Operations, install “No Parking” signage at the appropriate location to eliminate on-street parking near the corner of the intersection with Vancouver Mall Drive. Contact Traffic Operations for guidance on the correct sign location.
- Utility trenching shall be restored per T05-04A&B and T05-06A&B (CDF). Asphalt restoration shall meet T05-01B and T05-07. A single continuous width restoration is required.

EXHIBITS

- 1) Staff Report
 - A. Application
 - B. Applicant Narrative
 - C. Proposed Development Plans
 - D. SEPA Checklist
 - E. Notice of Application/Remote Hearing and Optional DNS dated May 1, 2024
 - F. Revised Notice of Application/Remote Hearing dated August 1, 2024
 - G. Trip Generation Letter by Clemow Associates LLC
 - H. Transportation Impact Analysis by Clemow Associates LLC dated Dec. 19, 2023**
 - I. City of Vancouver TIA Summary dated August 21, 2024
 - J. Development Review Evaluation from Clark County Public Health dated October 19, 2018
 - K. Final SEPA DNS dated June 4, 2024
 - L. Stormwater Report**
 - M. Geotechnical Report**

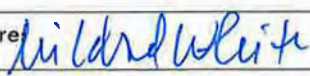
**Because of the size of the exhibit, it is not included with this report. The document is available for review via email. Please email the case manager for this project to receive electronic copies of the requested exhibit.

Planning Permit Application

LAND USE PRELIMINARY APPLICATION (LUP)

415 W 6th ST ~ Vancouver, WA 98660, P.O. Box 1995 ~ Vancouver, WA 98668, Phone (360) 487-7800

Email completed application to plans@cityofvancouver.us

REVIEW TYPE (Check one review and one process type)					
Review Type: ☐ Type I ☐ Type II ☐ Type III ☒ Type IV ☐ Tree Removal Only (nuisance or hazard)					
Process Type: ☒ Standard ☐ Streamline (Type I & II applications only. Pre-submittal Meeting required. By selecting streamline process, applicant waives all land use review timelines in VMC Title 20)					
USE					
☐ Single-Family	☐ Commercial	☐ Multi-family	☒ Mixed Use (commercial with multi-family)	☐ Industrial	☐ Residential
☐ Duplex		☐ Wireless Communications Facility (new) see VMC 20.890			
PROJECT INFORMATION					
Site Acres: 1.45	Disturbed Acres: 1.45	Zoning: CN	Sewer: ☐ Septic ☒ Public	Water: ☐ Well ☒ Public	
Proposed # of Lots: 2		Proposed Dwelling Units: 49			
Non-Residential Bldg. Square Footage: 9,554		Ground Floor: 5,230		Total of All Upper Floors: 19,964	
Hard Surface Area Square Feet - New: 50,450		Replacement: 0		Total: 50,450	
PROJECT NAME AND LOCATION					
Proposed project name: Vancouver RCF and Food Carts					
Project site address: 4906 NE 72nd Ave			Parcel #(s): 160740000, 160830000		
PROJECT DESCRIPTION					
(Briefly describe the proposed project. Provide more detail in project narrative)					
Mixed use master plan for multi-phase project with Food Carts, Taphouse and RCF. New surface parking is located on east of site.					
PRIMARY APPLICANT			CONTACT		
Business Name: BAMA Architecture and Design			Business Name: BAMA Architecture and Design		
Contact Name: Sam Hehr			Contact Name: Sam Hehr		
Address: 7350 SE Milwaukie Ave.			Address: 7350 SE Milwaukie Ave		
City/State/Zip: Portland, OR 97202			City/State/Zip: Portland, OR 97202		
Phone: (503) 253-4283			Phone: (503) 253-4283		
Email: sam@bamadesign.com			Email: sam@bamadesign.com		
ELECTRONIC PLANS SUBMITTER (required) (responsible for ePlans uploading and correspondence)			OWNER (attached additional sheets for multiple owners)		
Name: Sam Hehr			Name: Vancouver Mall Properties LLC		
Address: 7350 SE Milwaukie Ave			Address: 13960 SE Kind Road		
City/State/Zip: Portland, OR 97202			City/State/Zip: Happy Valley, OR 97086		
Email (required): sam@bamadesign.com			Email:		
Phone: (503) 253-4283			Phone:		
ONLINE PAYMENT					
Existing ePermits User Name: SAM@BAMADESIGN.COM			Request an ePermits Account		
REQUIRED SIGNATURES					
As evidenced by my signature below, I/we agree that City of Vancouver staff has my/our full permission to enter upon the subject property at any reasonable time to consider the merits of the application, to take photographs and to post public notices.					
Applicant Signature: 			Date: 5/2/23		
Property Owner or Owner's Authorized Agent Signature: 			Date: 5/2/2023		

LUP APPLICATION SUB TYPES

Please check all applicable applications and information where necessary

☐ Airport Height Overlay District
☒ Archaeological Pre-determination
☐ Binding Site Plan ☐ Conceptual (without Site Plan Review) ☐ Detailed (with Site Plan Review)
☒ Boundary Line Adjustment # of lots to be adjusted:
☐ Comprehensive Plan Amendment (Including Zone Map Amendment with Comp Plan)
☐ Conditional Use Permit ☐ Initial (Type III) (Comm. Centers, Group Meal Service, Shelters) ☐ Major Modification (Type III) ☐ Minor Modification (Type I) Engineering Review Required ☐ Yes ☐ No
☐ Covenant Release
☒ Critical Areas (not used when in Shoreline) Check one → ☐ Duplex/Single Family ☐ All Other Uses Check one → ☐ Permit ☐ Statement of Exemption (No Fee) Check the applicable critical area(s) ☒ Fish & Wildlife ☐ Frequently Flooded ☐ Geological Hazards ☐ Wetlands ☐ Minor Exception (not common) ☐ Reasonable Use (not common)
☐ Design Review ☐ Exterior Modification Only ☐ All Others
☐ Development Agreement ☐ Initial ☐ Modification ☐ Extension
☐ Historic Preservation ☐ Modification ☐ Registry ☐ Historic Preservation – Special Valuation
☐ Legal Lot Determination # of lots to be reviewed:
☒ Master Plan (Mixed Use) ☐ Public Facilities MP ☐ Conceptual (without Site Plan Review) ☒ Detailed (with Site Plan Review) ☐ Hybrid (Some areas with Site Plan Review)
☐ Planned Development ☐ Commercial ☐ Residential ☐ Mixed Use* *Ground Floor SF: Upper Floor SF:
☐ Plat Alteration
☐ Post Decision Review/Modification (Includes Planned Development/Master Plan Modifications) ☐ Type I ☐ Type II ☐ Type III Engineering Review Required ☐ Yes ☐ No

☒ Road Modification ☒ Minor ☐ Technical ☐ Major Submitted: ☐ Before ☐ After Decision (submitted after decision is not common)
☐ Shoreline Permits ☐ Substantial Development Permit ☐ Shoreline Permit - Statement of Exemption (no fee) ☐ Shoreline Conditional Use ☐ Shoreline Variance
☒ Site Plan Review ☐ Type I ☒ Type II <u>Check Use Type below</u> ☐ Residential ☒ Non-Residential ☐ Qualified Planned Action ☐ Unoccupied Commercial/Utility Structure ☐ Commercial Pad ☐ Land Extensive Stormwater ☒ Yes ☐ No Transportation ☐ Yes ☐ No
☒ State Environmental Policy Act (SEPA) ☐ Check if for Single-Family Residential house (only) ☐ Residential Site Plan Review (SPR) ☐ Grading Only ☐ Subdivision or Planned Development ☐ Non-Project Actions (not common) ☐ All Other (Includes Comm/Indust SPR) (When more than one applies check All Other)
☐ Subdivision/Short Subdivision ☐ Short Subdivision (2-9 lots) ☐ Subdivision (10+ Lots)
☐ Temporary Use ☐ Commercial/Industrial ☐ Unforeseen Emergency ☐ Seasonal Event ☐ Model Home ☐ Sales Office
☒ Tree Plan Enter Tree Plan Level (1 to 7): 5 (Tree Removal for nuisance or hazard tree(s) is Level 3)
☐ Variance ☐ Check if for Single Family Residential house ☐ Type I - # requested: ☐ Type II - # requested: Stormwater ☐ Yes ☐ No Transportation ☐ Yes ☐ No
☐ Zoning Map Amendment (Not involving Comprehensive Plan Amendment)

BAMA Architecture and Design LLC

August 20th, 2024

Comprehensive Mixed Use Master Plan Narrative

Applicant: Sam Hehr
BAMA Architecture and Design
7350 SE Milwaukie Ave.
Portland, OR 97202

Below is a project description and narrative for a Mixed Use Master Plan in the City of Vancouver including two parcels located at the corner of NE corner of NE Vancouver Mall Drive and Andresen Road.

Project Description:

The combined area of the subject properties is 1.45 acres, a boundary line adjustment will be required as part of this development. This development will consist of two phases, the first phase being the development of a taphouse and food cart pod consisting of 41 spaces for food carts and tenants. The first phase will also include surface parking on the east end of the site as well as pedestrian connection. The second phase of this development will be a three story, 32,502 SF Retirement Care Facility with 50 beds and first floor commercial storefronts. The care facility will include common space and dining on ground floor connecting residents to the other uses on site. A shared courtyard will connect the commercial food and dining area with the care facility, outdoor dining space will be provided in this area. Proposed access to the shared parking on site will be provided via a new curb cut located on NE 72nd Ave. This development has been designed with the intent to implement the goals and objectives of low impact development (LID) and maximize the preservation of existing fir trees on site as well as to preserve the existing white oak tree located at the south end of the property. This development proposes to reduce the required parking.

VMC Title 20 Land Use and Development Code

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 Hearings 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 VMC [20.210.020\(C\)](#), 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 representative.

BAMA Architecture and Design LLC

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 VMC [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.

Response: This development is subject to a type IV Mixed Use Master Plan. Per section 20.430.060.C(3)(a)(1)a-I the following will be provided: mapping and written description of existing physical features, proposed physical features, proposed uses and use types, proposed future phasing, the proposals consistency with transportation and other service requirements, proposals consistency with the purpose statement and other applicable standards of this chapter and description of proposals compatibility with surrounding land uses.

20.430.030 Uses.

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

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

Response: The proposed uses in this development include: Eating and Drinking Establishments, Group Living and Medical Office. All three of these uses are to be permitted outright per table 20.430.030-1.

BAMA Architecture and Design LLC

20.430.060 Mixed Use Standards and District

20.430.060.C Multiple Building Mixed Use Sites.

1. Applicability – Mixed Use Sites. Mixed use developments consisting of separate structures within a site or contiguous sites are allowed in the R-18, R-22, R-30, R-35, CN, CC, CG, and MX zoning districts, Upon approval of a multiple building mixed use master plan under this chapter, the zoning designation shall be changed to MX. Separate application and review for a zone change shall not be required.

2. Standards – Mixed Use Sites.

a. Overall uses. Uses shall be allowed as indicated in the MX column of table 20.430.030-1, except that automobile service stations and drive through facilities shall be prohibited.

b. Site Mix. 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.

c. Functional Integration of Uses. Land uses in mixed use sites shall be selected and designed to encourage interaction among uses. Examples include but are not limited to commercial developments which are significantly used for shopping by on-site or adjacent residents or office workers.

d. Physical Integration of Uses.

1. All buildings and improvements on the site shall be located and designed to look and function as an integrated development and to encourage pedestrian travel between buildings and uses. Complete segregation of use types, such as placement of multiple commercial structures all on the other, shall be prohibited.

2. Separate buildings shall be connected through pedestrian linkages delineated through landscaping, differentiated surface materials or texture. Delineation through striping alone shall not be considered efficient.

3. 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.

4. 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

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landscaped, and must comprise at least 5% of the total site area, and be centrally located within the site to the fullest extent possible.

e. Development and Building Density/Intensity Standards.

1. Residential building shall achieve a minimum density of at least 12 units per acre, as measured by the total number of residential units divided by the portion of the site devoted to residential use, not including public or private streets, or critical areas and associated buffers on that portion.
2. Non-residential building shall achieve a floor area ratio (FAR) of at least .5, as measured by the gross square footage of the nonresidential buildings divided by the site area or areas devoted to nonresidential use. Individual nonresidential buildings and associated attached structures shall be counted as floor space. The site or portion of the site devoted to those building, not including public right-of-way, parks or pedestrian trails, shall be counted as site area. Parking garages may be counted towards the FAR requirement provided that 60% of the ground floor is devoted to an office or commercial use.
3. Development standards shall be indicated in the MX column of table 20.430.040-1.
4. Screening. Non-residential uses, including off-street parking, which directly abut off-site single-family residential zones without an intervening public or private street shall provide screening as per 20.440.030(C)(3)

f. Frontage Standards.

1. 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 columns so as to maintain visual continuity of the street and sidewalk to the fullest extent possible.
2. At least one fully functional and visibly identifiable public entrance shall be provided along the frontage of each building adjacent to an arterial or collector street.
3. Blank walls longer than 30 feet without windows or an unbroken series of garage doors are not permitted on any street frontage, including frontage to controlled access highways and freeways. \

g. Multiple Parcel Sites. Mixed use sites may be developed pursuant to this chapter on sites which consist of multiple parcels and internal public

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or private roads, provided that all applicable standards herein are met. Pedestrian connections required by 20.430.060(C)(2)(d)(2) crossing internal arterial streets shall not require differentiated surface materials if striping is provided.

h. Parking – The following shall apply in addition to the standards of VMC 20.945.

1. The maximum number of spaces provided shall be no more than 125% of applicable minimum requirement for sites 10 acres or less, and no more than 115% of the minimum for site larger than 10 acres.
2. The Planning Official may authorize shared or joint use parking among uses which are likely to be visited with a single driving trip and are adequately linked to their parking, provided an adequate legal agreement for the joint parking usage for the duration of the arrangement is recorded.
3. The Planning Official may authorize shared or joint use parking among uses which have differing hours of operation or usage, such as residences and offices, provided an adequate legal agreement for the joint parking usage for the duration of the arrangement is recorded.
4. The Planning Official may authorize up to a 25% reduction in required parking if transit service is available to the site.

3. Review Process – Mixed Use Sites.

a. *Mixed Use Plan.* Initial development of a multiple building mixed use site or portions of a mixed-use site shall require submittal and approval of a Mixed Use Master Plan, unless already subject to previous Mixed Use or Master Plan approval. The following requirements shall apply:

1. *Required components.* Mixed Use Master Plans shall contain the following:
 - a. Mapping and written description of existing physical features, including but not limited to structures, roads, infrastructure, landscaping, and natural features.
 - b. Mapping and written description of proposed physical features, including but not limited to structures, roads, publicly accessible areas, parking, infrastructure, landscaping, and natural features.
 - c. Mapping and written description of all proposed uses and use types.
 - d. If applicable, description of proposed future ownership or management provisions.
 - e. If applicable, description or proposed future phasing.
 - f. Written description of proposal's consistency with transportation and other service requirements.

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- g. Written description of proposal's consistency with the purpose statement and other applicable standards of this chapter.
 - h. Written description of changes in circumstances since original adoption of the existing zoning designations at the site. As stated in the approval criteria of VMC [20.430.060.C.3.a.2.d](#), compliance with the development standards of VMC [20.430.060.C.2](#) and the applicable Comprehensive Plan policies shall be sufficient to demonstrate that a change in circumstances has occurred.
 - i. Written description of the proposal's compatibility with surrounding land uses.
 - j. Written parking plan describing how residential and nonresidential uses can provide sufficient and coordinated parking to avoid impacts to adjacent off-site residential.
2. *Approval Criteria and Zoning.* proposed Mixed Use Master Plans 25 acres or larger in size shall be reviewed as Type IV application by the Planning Commission. Proposals less than 25 acres shall be reviewed as Type IV applications by the hearings Examiner. Approvals, or approval with conditions shall be granted upon findings that:
- a. The Master Plan and associated conditions of approval ensure future development will meet all applicable criteria of this chapter; and
 - b. The proposal complies with applicable rezone criteria of VMC [20.285.080](#); and
 - c. There is or will be sufficient capacity within the transportation system and public sewer, water, police, fire, and stormwater services to adequately serve all portions of the site at the time of development; and
 - d. A change in circumstances has occurred since existing zoning designations at the site were originally adopted. For the purposes of a multiple building mixed use plan only, compliance with the development standards of VMC [20.430.060C2](#) and the applicable Comprehensive Plan policies shall be sufficient to demonstrate that a change in circumstances has occurred.

Response: This development proposes two buildings with a total of 8,552 square-feet (30%) of commercial space and the remaining 28,174 square-feet devoted to the residential care facility. The site has been designed to allow a variety of uses across multiple buildings in an efficient manner while being well-integrated with each other through several design characteristics. The shared courtyard as well as the pedestrian path at the north of the site are positioned to encourage use by pedestrians coming to and from the Group Living and commercial space to the east of the Eating and Drinking Establishments. The proposed courtyard will have a trellis which is intended to bring a contiguous feel to the two buildings, outdoor seating will also be provided in this location. The proposed design will also provide an additional outdoor courtyard for

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residents of the group living facility, connecting the proposed dining area to the adjacent Eating and Drinking Facilities on site while meeting DHS requirements.

Trellises are also provided at the rear of the taphouse continuing around the corner, where a canopy will be provided. This theme will repeat in several places, including the outdoor resident courtyard as well as the third story balcony for the residents of the group living facility.

The proposed development complies with frontage standards as the frontage devoted to the proposed parking is no more than 37% of the total frontage. In addition, the proposed development has multiple functional public entrances adjacent to the street frontage and no blank walls longer than 30 feet.

The proposed mixed-use development will comply with all applicable City of Vancouver transportation and other service requirements. No additional transportation facilities are proposed with this project; however, the existing bus stop on NE Andersen Rd will be maintained and kept in service during development. Additionally, bicycle infrastructure will be provided with the proposed development to encourage pedestrian access to the site.

This development is to comply with the required components of a mixed-use master plan. The mapping and written description of existing physical features is detailed in the development and phasing narrative and the existing conditions plan. The mapping and written description of the physical features that are proposed as part of this development are also detailed in the development and phasing narrative as well as the site plans and phasing plans. (SD1.0/SD1.1/SD1.2) The proposed use of these buildings are detailed in the development and phasing narrative. The proposed phasing is detailed in the development and phasing narrative as well as the phasing plans. (PP0.1/PP0.2)

This development is to comply with the purpose statement from the commercial and mixed-use zone districts in the following ways. One of the major purposes of the regulations governing this district is to ensure a full range of retail and office uses are available throughout the city so that residents can fulfill most of their needs for goods and services within close proximity of their homes. This development would provide a various range of food and drink establishments that would serve the existing residential developments that are in close proximity to the proposed development, making the proposed use compatible with surrounding land uses. In addition, the RCF and medical offices provide additional diverse land uses that would contribute to the surrounding area. The purpose statement from this chapter also emphasizes the importance of creating more opportunities for mixed use, the proposed development provides a mix of uses across the site which is consistent with the purpose statement of this chapter. The purpose statement from this chapter is also considerate of facilitating economic goals, this proposed development would provide a full range of economic activities and job opportunities for the surrounding area.

20.550.020 Transit Overlay District: Applicability

D. Tier 1 Transit Streets.

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1. Tier 1 transit streets shall be identified as those streets or segments of streets located within the Vancouver Urban Growth Area, at which weekday transit service is or will be at a minimum level of ten (10) minute peak frequency. In order to be considered by the City of Vancouver as a Tier 1 transit street, said street shall be identified in C-Tran's annually updated 6-year Transit Development Plan. Development adjacent to such transit streets shall be subject to Tier 1 regulations.

The city and C-Tran shall work cooperatively in designating streets as transit streets through the following process and such other processes as the agencies shall agree: once C-Tran formally, through Board action, lists a street in its 6-year Transit Development Plan which has or will have a minimum level of ten (10) minute peak frequency, the city shall consider amending this chapter to include such street as a transit street subject to the Tier 1 regulations.

20.710 Archaeological Resource Protection

A. *Universal.* Notwithstanding [20.710.020](#)(B) and (C) VMC below, 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 ([20.710.090](#) VMC).
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 Predictive Model Probability Level A as shown in Figure 20.710-1.

Response: An archeological predetermination will be required and provided as part of this proposed development.

20.740.030 Critical Areas Protection: Applicability and Exemptions From Requirement to Obtain Permit.

A. Applicability.

1. Unless exempted by this chapter the provisions of this chapter shall apply to all lands, all land uses, clearing and development activity, and all structures and facilities in the city located within a critical area or buffer or on a site containing a critical area or buffer including single-family residential lots platted prior to April 29, 2005, and developments such as play structures that require no other permits.

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2. The provisions of this chapter shall apply whether or not a permit or authorization is required.
3. No person, company, agency, or applicant shall alter a critical area or buffer (including removal of downed woody vegetation or application of chemicals harmful to fish and wildlife within 25 feet of wetlands, ponds, lakes, streams or rivers) except as consistent with the requirements of this chapter.
4. The Critical Areas Permit required pursuant to this chapter shall be obtained prior to undertaking any activity or development regulated by this chapter, unless exempted by this chapter.

Response: In keeping with the section referenced above, the proposed project will provide the adequate stormwater quantity and quality measures to ensure no net loss of functions; moreover, the Oregon White Oak tree, which is designated a priority species by Washington Fish and Wildlife will be protected throughout construction activities.

20.770.050 Tree, Vegetation, and Soil Plan Required.

A. Requirement established. A tree, vegetation, and soil plan that is in accordance with this chapter is required to obtain a tree removal permit based on activity or project referred to in Table 20.770.050-1.

Response: A level 5 tree plan is provided as well as landscaping drawings complying with all requirements in section 20.770.050.

20.770.080 Tree Density Requirement.

A. Minimum tree density requirement established. The required minimum tree density is 30 tree units per acre for new development; 30 tree units per acre of site disturbance for commercial, industrial and multiple-family (more than four units) development; and 200 tree units for conversion option harvest forest practices. For properties within the City Center and HX districts, the minimum tree density does not apply.

Response: Per the provided level 5 tree plan, this development will exceed the minimum required tree density per section 20.770.050.

20.790 SEPA Regulations.

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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](#).

Response: At the time of application, no sensitive environmental concerns or constraints are known within the site. Further assessment may be needed should the City of Vancouver require it.

20.925 Landscaping.

A. *Purpose.* The intent of this Chapter is to ensure that all new or substantially remodeled buildings, accessory uses and parking lots are provided with landscaping to ameliorate air and noise pollution; to afford protection from wind and inclement weather protection; and to regulate open storage to protect and enhance property values and make the City a more aesthetically pleasing place to live and work.

Response: A landscape plan will be provided in accordance with 20.925.110 VMC and 20.770 VMC. All landscaping will comply with VMC for required buffering and required total landscaping. Methods for protecting existing trees can be found in the level 5 tree report.

20.945 Parking and Loading.

The purpose of these standards is to provide for safe and complete connections to the transportation system, and safe on-site circulation for motorists, bicyclists and pedestrians. In addition, these standards are intended to provide for adequate vehicle parking with appropriate landscaping.

Response: The proposed parking area will meet all requirements for stall dimensions and drive aisle width. As part of phase one, approximately half of the surface parking for the final development will be constructed, as the total would exceed the maximum allowed for food and drinking establishments. This proposed development will require a type I procedure to reduce the required parking by 20%.

VANCOUVER MALL MIXED USE MASTER PLAN

SITE INFORMATION
EXISTING ZONING: NEIGHBORHOOD COMMERCIAL (CN)
PROPERTY ID: 160740000, 16083000

TOTAL LOT AREA: 1.553 ACRES = 67,686 SF
LOT COVERAGE: 31,497 SF

PROPOSED RCF FOOTPRINT: 10,834 SF
PROPOSED RCF FLOOR AREA: 32,502 SF
PROPOSED COMMERCIAL TENANT SPACE IN RCF BUILDING: 4,228 SF
PROPOSED COMMERCIAL TENANT SPACE AT TAPHOUSE: 4,324 SF
TOTAL COMMERCIAL SPACE PROPOSED: 8,552 SF

LANDSCAPE
SEE LANDSCAPE PLAN PER LA

TREE PLAN
SEE TREE PLAN PER ARBORIST

IMPERVIOUS AREA
NEW IMPERVIOUS AREA: 50,450 SF

REQUIRED OFF STREET PARKING
14 FOOD CARTS @ 228 SF = 3,192 SF "FOOD CART AREA". 3,192 SF/400 SF = 7.98 (8) STALLS REQUIRED
RCF MAXIMUM STAFF PER SHIFT - 20 EMPLOYEES/0.75 STALLS = 15 STALLS REQUIRED
RCF VISITORS - 10 RESIDENTS/1 STALL = 4.9 (5) STALLS REQUIRED
COMMERCIAL "GENERAL" OFFICE SPACE - 1,708 SF/400 SF = 4.27
COMMERCIAL "MEDICAL" OFFICE SPACE - 2,520 SF/200 SF = 12.6
TAP HOUSE - 4,323 SF. 4,323 SF/250 SF = 17.29 (17) STALLS REQUIRED
TOTAL PARKING REQUIRED = 62.04 STALLS

APPLICANT WILL UTILIZE 20 PERCENT REDUCTION IN PARKING THROUGH TYPE 1 PROCEDURE
TOTAL REQUIRED PARKING IN TIER ONE TRANSIT OVERLAY WITH REDUCTION: 49.63 (50) STALLS REQUIRED

SOLID WASTE AND RECYCLING:
REQUIRED: 466 SF
PROVIDED: 672 SF

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Ph: 503.253.4283
Email: admin@bamadesign.com

10028
REGISTERED
ARCHITECT

MILDRED WHITE
STATE OF WASHINGTON

EXPIRES 12/31/2025

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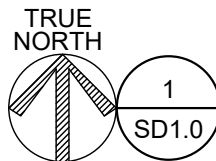
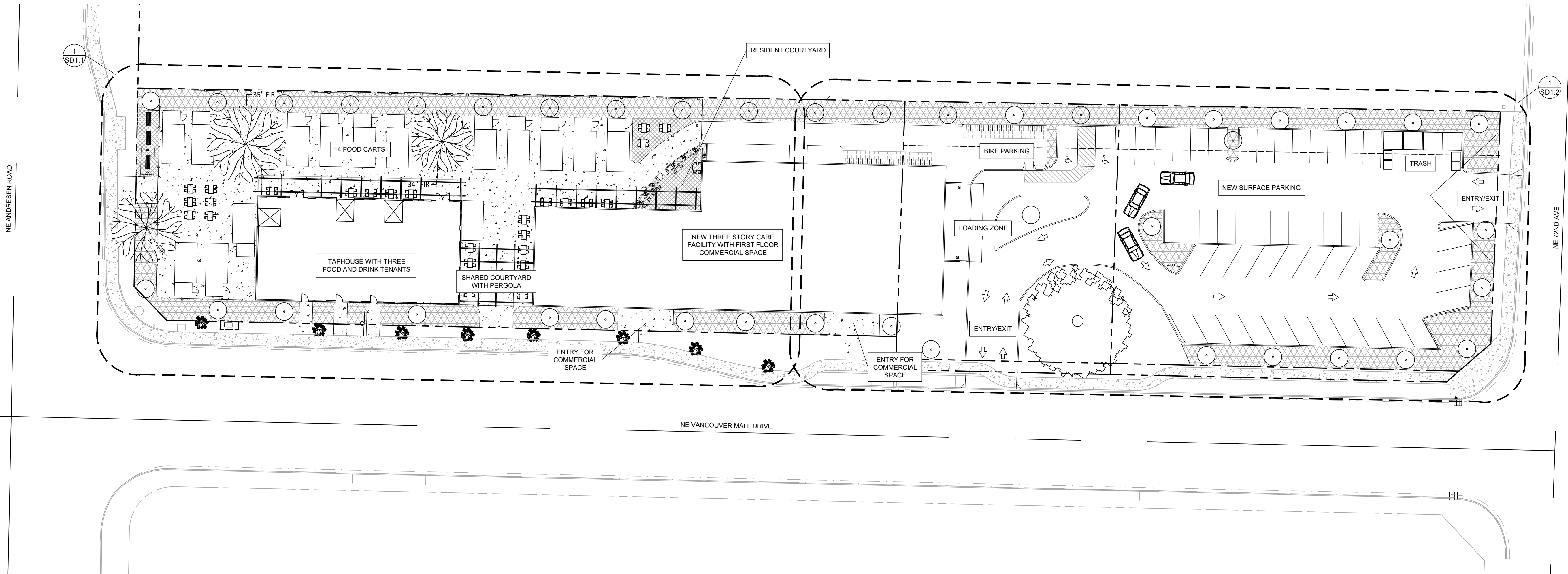
VANCOUVER MALL
DEVELOPMENT

Vancouver Mall Drive

Proj # 202025

REVISIONS:

Mixed Use Master Plan:
5/2/23
SHEET NO.
SD1.0
MASTER SITE PLAN

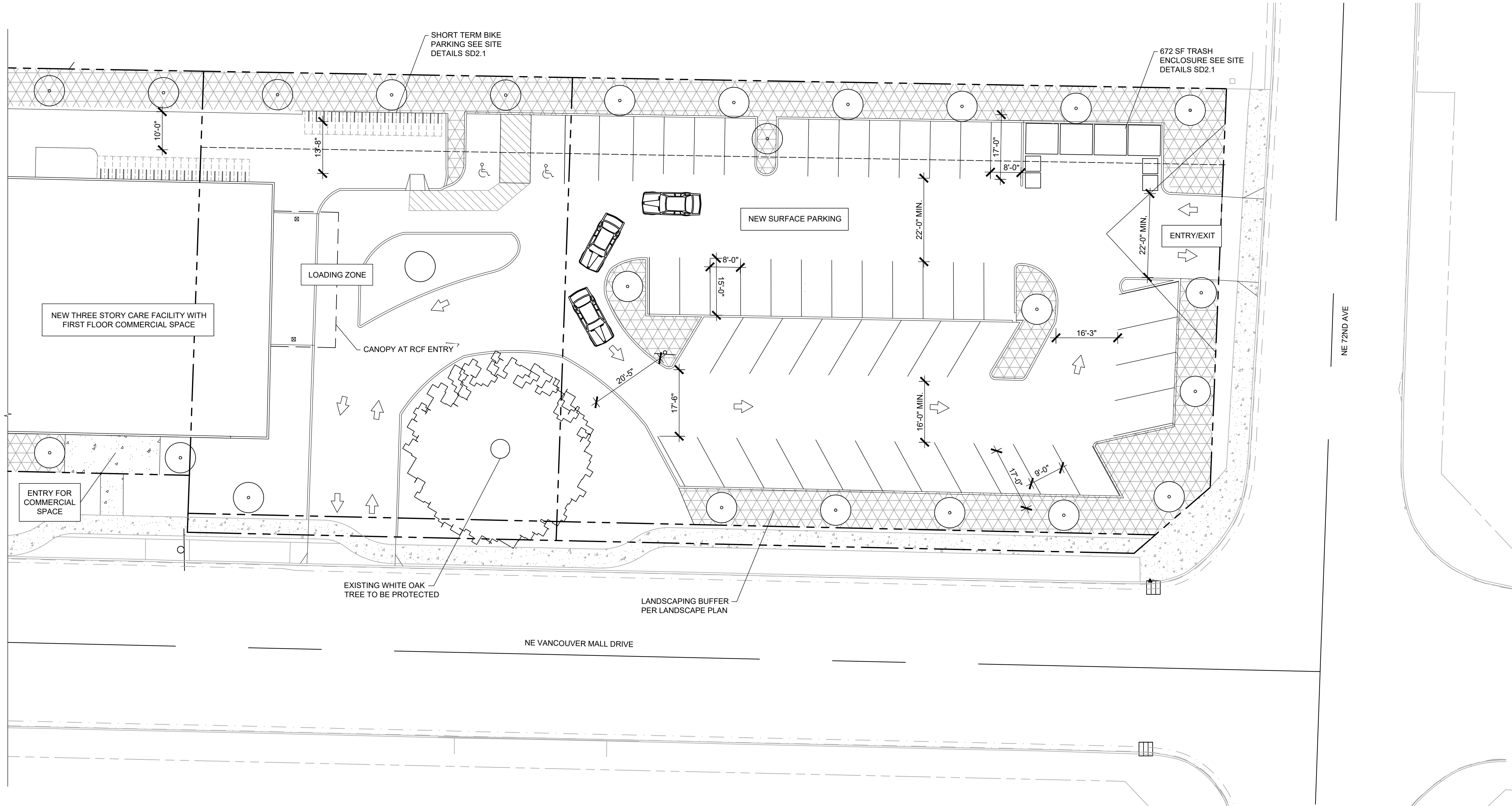


1
SD1.0
PROPOSED MIXED USE MASTER PLAN
SCALE: 1:300

SITE PLAN LEGEND

- PROPERTY LINE
- NEW PAVING
- EXISTING SIDEWALK
- LANDSCAPING
- PERVIOUS PAVERS
- ALUMINUM FENCING
- CEDAR FENCING

Page 650 of 756



TRUE NORTH
1
SD1.2
ENLARGED SITE PLAN
SCALE: 1/16" = 1'-0"

SITE PLAN LEGEND

- PROPERTY LINE
- NEW PAVING
- EXISTING SIDEWALK
- LANDSCAPING
- PERVIOUS PAVERS

SITE INFORMATION

EXISTING ZONING: NEIGHBORHOOD COMMERCIAL (CN)
PROPERTY ID: 160740000, 16083000

TOTAL LOT AREA: 1.553 ACRES = 67,686 SF
LOT COVERAGE: 31,497 SF

PROPOSED RCF FOOTPRINT: 10,834 SF
PROPOSED RCF FLOOR AREA: 32,502 SF
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PROPOSED COMMERCIAL TENANT SPACE AT TAPHOUSE: 4,324 SF
TOTAL COMMERCIAL SPACE PROPOSED: 8,552 SF

LANDSCAPE
SEE LANDSCAPE PLAN PER LA

TREE PLAN
SEE TREE PLAN PER ARBORIST

IMPERVIOUS AREA
NEW IMPERVIOUS AREA: 50,450 SF

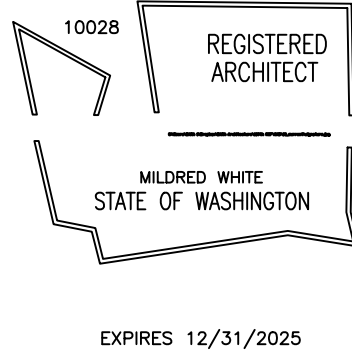
REQUIRED OFF STREET PARKING

14 FOOD CARTS @ 228 SF = 3,192 SF "FOOD CART AREA". 3,192 SF/400 SF = 7.98 (8) STALLS REQUIRED
RCF MAXIMUM STAFF PER SHIFT - 20 EMPLOYEES/0.75 STALLS = 15 STALLS REQUIRED
RCF VISITORS - 10 RESIDENTS/1 STALL = 4.9 (5) STALLS REQUIRED
COMMERCIAL "GENERAL" OFFICE SPACE - 1,708 SF/400 SF = 4.27
COMMERCIAL "MEDICAL" OFFICE SPACE - 2,520 SF/200 SF = 12.6
TAP HOUSE - 4,323 SF: 4,323 SF/250 SF = 17.29 (17) STALLS REQUIRED
TOTAL PARKING REQUIRED = 62.04 STALLS

APPLICANT WILL UTILIZE 20 PERCENT REDUCTION IN PARKING THROUGH TYPE 1 PROCEDURE
TOTAL REQUIRED PARKING IN TIER ONE TRANSIT OVERLAY WITH REDUCTION: 49.63 (50) STALLS REQUIRED

SOLID WASTE AND RECYCLING:
REQUIRED: 466 SF
PROVIDED: 672 SF

BAMA
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7350 SE Milwaukie Ave.
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VANCOUVER MALL
DEVELOPMENT

Vancouver Mall Drive

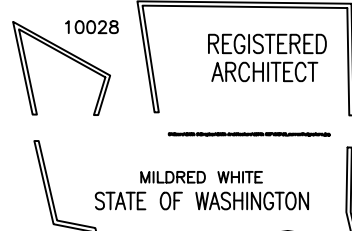
Proj # 202025

REVISIONS:

Mixed Use Master Plan:
5/2/23
SHEET NO.
SD1.2
ENLARGED SITE PLAN

VANCOUVER MALL DEVELOPMENT: PHASE ONE

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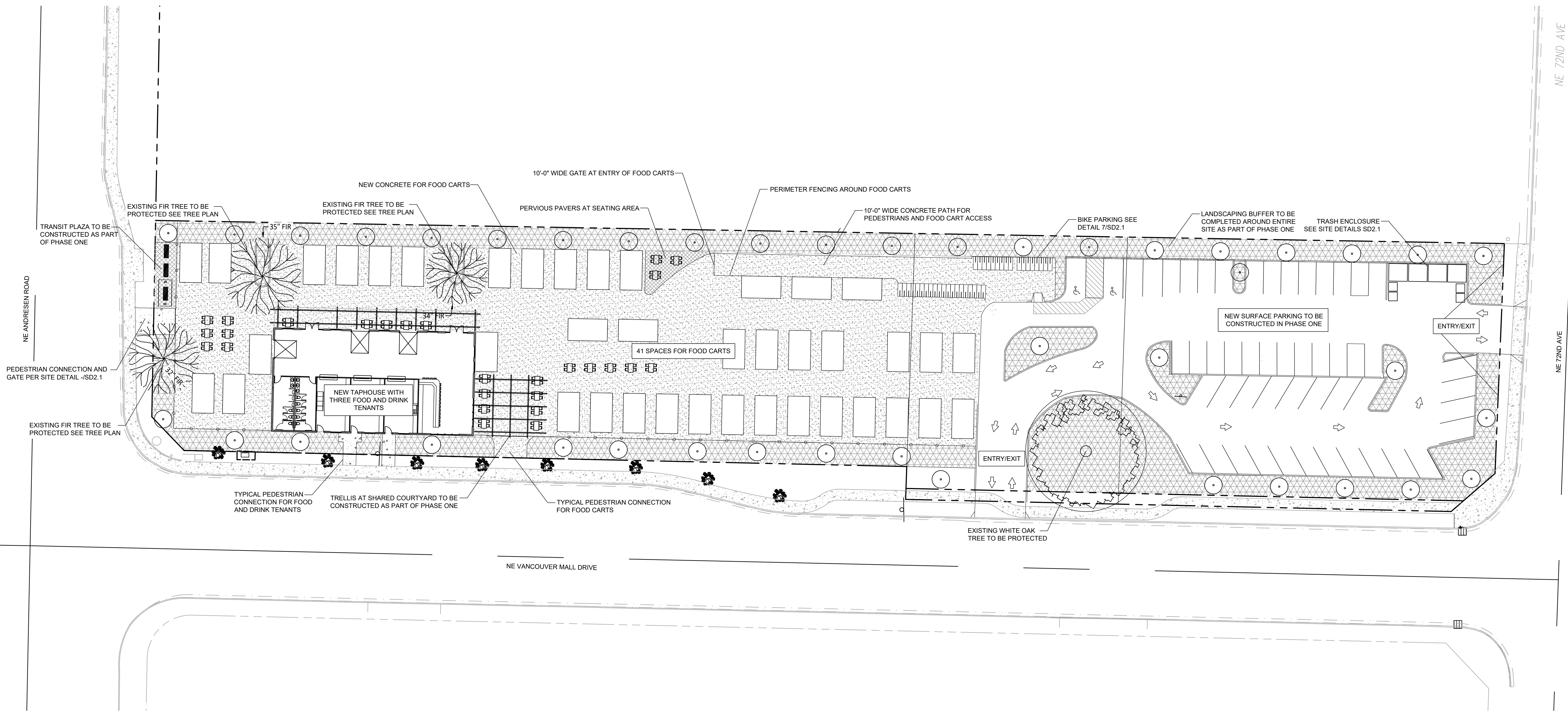
VANCOUVER MALL DEVELOPMENT

Vancouver Mall Drive

Proj # 202025

REVISIONS:

Mixed Use Master Plan:
5/2/23
SHEET NO.
PP0.1
PHASING PLAN: PHASE ONE



TRUE NORTH
1
PP0.1
PHASING PLAN: PHASE ONE
SCALE: 1:300

PHASE ONE DESCRIPTION

FIRST PHASE CONSISTS OF NEW TAPHOUSE WITH THREE ADDITIONAL FOOD AND DRINK TENANTS AS WELL AS CONSTRUCTION OF INFRASTRUCTURE FOR FOOD CARTS. OFF STREET PARKING IS TO BE PROVIDED AS PART OF PHASE ONE ENTRY AND EXIT WILL BE ON NE 72ND AVE. TRASH ENCLOSURES WILL BE PROVIDED IN THIS AREA TO SERVE FIRST PHASE. PEDESTRIAN CONNECTION TO THE FOOD AND DRINK ESTABLISHMENTS FROM PARKING AREA IS PROVIDED VIA PATH ON NORTH OF PROPERTY. BIKE PARKING IS ALSO PROVIDED AT THIS AREA. SITE LANDSCAPING AND PERIMETER SCREENING WILL BE PROVIDED AS PART OF FIRST PHASE.

SITE INFORMATION

EXISTING ZONING: NEIGHBORHOOD COMMERCIAL (CN)
PROPERTY ID: 160740000, 16083000

TOTAL LOT AREA: 1.553 ACRES = 67,686 SF
LOT COVERAGE: 31,497 SF

LANDSCAPE
SEE LANDSCAPE PLAN PER LA

TREE PLAN
SEE TREE PLAN PER ARBORIST

IMPERVIOUS AREA
NEW IMPERVIOUS AREA: 50,450 SF

REQUIRED OFF STREET PARKING PHASE ONE

41 FOOD CARTS @ 228 SF = 9,348 SF "FOOD CART AREA". 9,348 SF/400 SF = 23.37 (23) STALLS REQUIRED

TAP HOUSE - 4,323 SF. 4,323 SF/250 SF = 17.29 (18) STALLS REQUIRED

TOTAL PARKING REQUIRED = 41 STALLS
TOTAL PARKING PROVIDED: 52 STALLS

SOLID WASTE AND RECYCLING:

REQUIRED: 466 SF
PROVIDED: 672 SF

SITE PLAN LEGEND

- PROPERTY LINE
- NEW ASPHALT PAVING
- NEW PERMEABLE PAVING
- EXISTING SIDEWALK
- LANDSCAPING
- PERVIOUS PAVERS
- ALUMINUM FENCING
- CEDAR FENCING

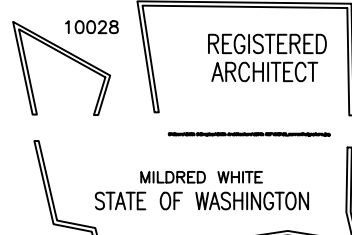
VANCOUVER MALL DEVELOPMENT: PHASE TWO

PHASE TWO DESCRIPTION

PHASE TWO WILL BE THE CONSTRUCTION OF A THREE STORY 32,599 SF MIXED GROUP LIVING FACILITY. THIS BUILDING WILL INCLUDE COMMERCIAL STOREFRONTS AS WELL AS 49 RESIDENTIAL UNITS FOR GROUP LIVING FACILITY. ALSO INCLUDED WILL BE A PRIVATE RESIDENT COURTYARD ON THE NORTHWEST SIDE OF THE FACILITY AS WELL AS PEDESTRIAN CONNECTIONS FOR THE NEW COMMERCIAL SPACES. BUILDING WILL UTILIZE EXISTING SITE INFRASTRUCTURE CONSTRUCTED DURING PHASE ONE INCLUDING, CONCRETE DROP-OFF, OFF STREET PARKING AND BIKE PARKING.

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VANCOUVER MALL DEVELOPMENT

Vancouver Mall Drive

Proj # 202025

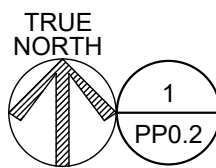
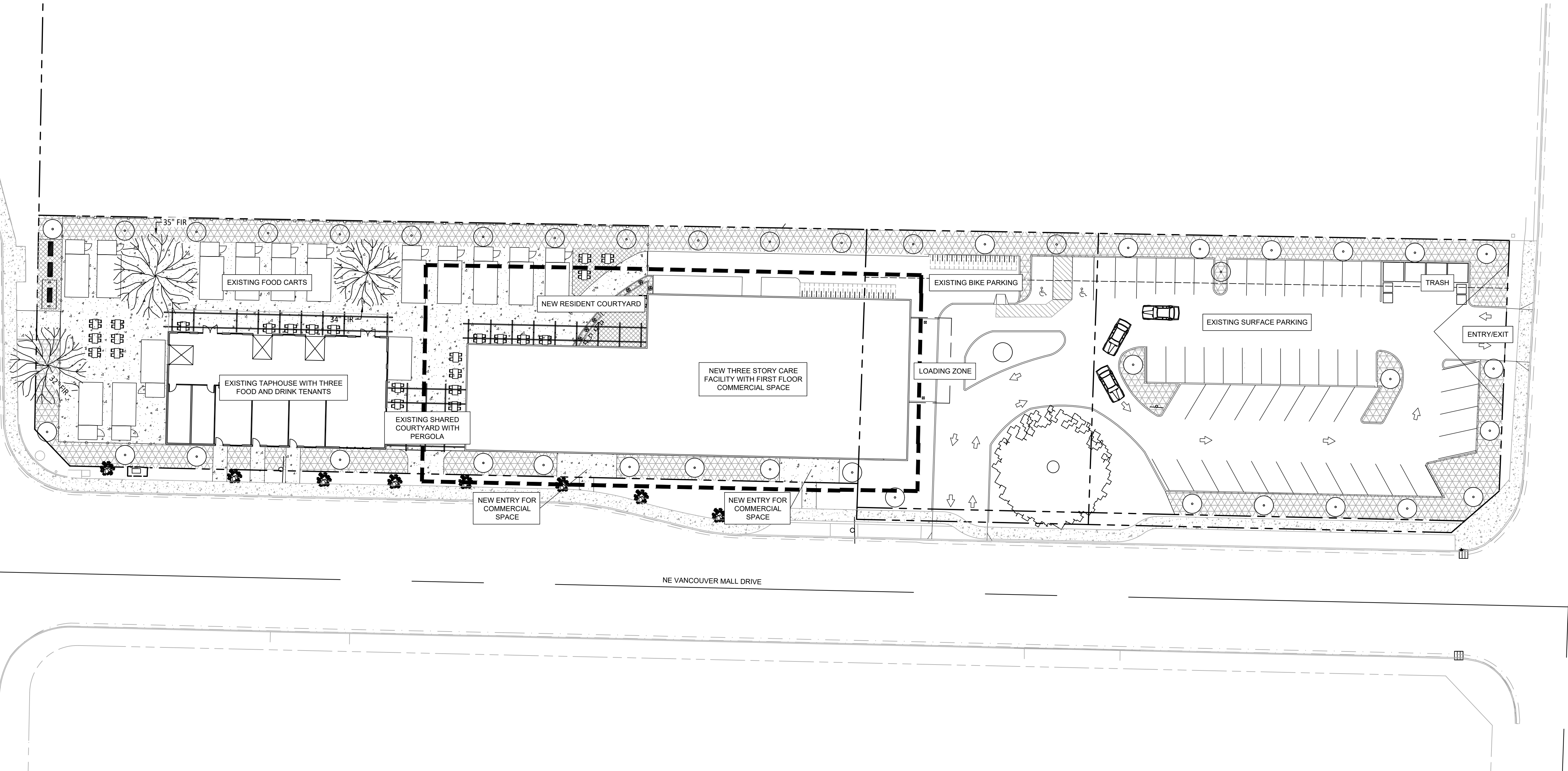
REVISIONS:

Mixed Use Master Plan:
5/2/23

SHEET NO.

PP0.2

PHASING PLAN: PHASE TWO



PHASING PLAN: PHASE TWO

SCALE: 1:300

SITE INFORMATION

EXISTING ZONING: NEIGHBORHOOD COMMERCIAL (CN)
PROPERTY ID: 160740000, 16083000

TOTAL LOT AREA: 1.553 ACRES = 67,686 SF
LOT COVERAGE: 31,497 SF

PROPOSED RCF FOOTPRINT: 10,834 SF
PROPOSED RCF FLOOR AREA: 32,502 SF
PROPOSED COMMERCIAL TENANT SPACE IN RCF BUILDING: 4,228 SF
PROPOSED COMMERCIAL TENANT SPACE AT TAPHOUSE: 4,324 SF
TOTAL COMMERCIAL SPACE PROPOSED: 8,552 SF

LANDSCAPE
SEE LANDSCAPE PLAN PER LA

TREE PLAN
SEE TREE PLAN PER ARBORIST

IMPERVIOUS AREA
NEW IMPERVIOUS AREA: 50,450 SF

REQUIRED OFF STREET PARKING

14 FOOD CARTS @ 228 SF = 3,192 SF "FOOD CART AREA". 3,192 SF/400 SF = 7.98 (8) STALLS REQUIRED
RCF MAXIMUM STAFF PER SHIFT - 20 EMPLOYEES/0.75 STALLS = 15 STALLS REQUIRED
RCF VISITORS - 10 RESIDENTS/1 STALL = 4.9 (5) STALLS REQUIRED
COMMERCIAL "GENERAL" OFFICE SPACE - 1,708 SF/400 SF = 4.27
COMMERCIAL "MEDICAL" OFFICE SPACE - 2,520 SF/200 SF = 12.6
TAP HOUSE - 4,323 SF. 4,323 SF/250 SF = 17.29 (17) STALLS REQUIRED
TOTAL PARKING REQUIRED = 62.04 STALLS

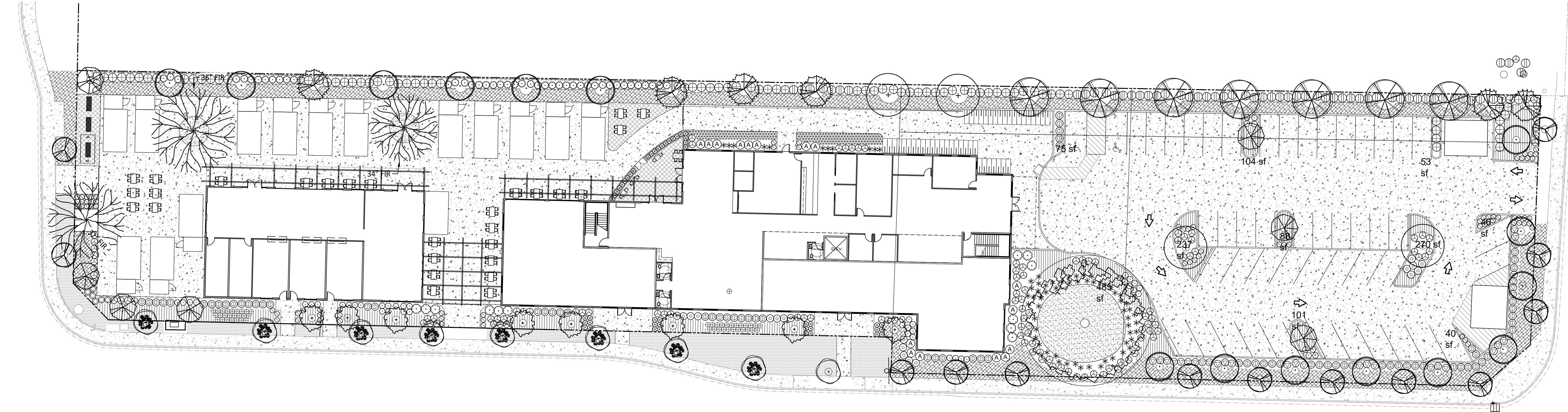
APPLICANT WILL UTILIZE 20 PERCENT REDUCTION IN PARKING THROUGH TYPE 1 PROCEDURE
TOTAL REQUIRED PARKING IN TIER ONE TRANSIT OVERLAY WITH REDUCTION: 49.63 (50) STALLS REQUIRED

SOLID WASTE AND RECYCLING:

REQUIRED: 466 SF
PROVIDED: 672 SF

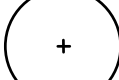
SITE PLAN LEGEND

- PROPERTY LINE
- NEW PAVING
- EXISTING SIDEWALK
- LANDSCAPING
- PERVIOUS PAVERS
- ALUMINUM FENCING
- CEDAR FENCING

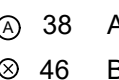
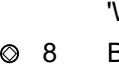
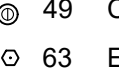
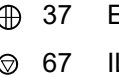
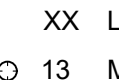
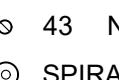
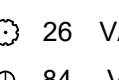
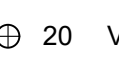


PLANT LIST

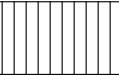
TREES

SYM	QUAN	BOTANICAL NAME/	COMMON NAME	SIZE	SPACING/ COMMENT	MATURE SIZE HT X W
	11	ACER GRISIUM	PAPERBARK MAPLE	2" CAL B&B	AS SHOWN	25' x 10'
	6	ACER RUBRUM 'BOWHALL'	BOWHALL MAPLE	2" CAL B&B	AS SHOWN	40' x 15'
	5	CALOCEDRUS DECURRENS	INCENSE CEDAR	6" B&B	AS SHOWN	80' x 30'
	X	NYSSA SYLVATICA 'WILDFIRE'	WILDFIRE BLACK TUPELO	2" CAL B&B	AS SHOWN	30' x 15'
	5	PARROTIA PERSICA 'VANESSA'	VANESSA PERSIAN PARROTIA	2" CAL B&B	AS SHOWN	30' x 20'
	11	PSUEDOTSUGA MENZIESII	DOUGLAS FIR	6" B&B	AS SHOWN	100+ x 25'+
	X	QUERCUS GARRYANNA	OREGON WHITE OAK	2" CAL B&B	AS SHOWN	
	3	TILIA TOMENTOSA 'STERLING'	STERLING SILVER LINDEN	2" CAL B&B	AS SHOWN (2 STREET TREES)	45' x 35'

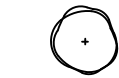
SHRUBS

SYM	QUAN	BOTANICAL NAME	COMMON NAME	SIZE	SPACING/COMMENT	MATURE SIZE HT X WD
	38	ABELIA X GRANDIFLORA	GLOSSY ABELIA	3 GAL	SPACE 4' O.C.	5' x 5'
	46	BUXUS MICROPHYLLA VAR. KOREANA 'WINTERGREEN'	WINTERGREEN BOXWOOD	3 GAL	2.5' O.C. evergreen	3' x 4'
	8	BUXUS SEMPERVIRENS 'VARIEGATA'	VARIEGATED BOXWOOD	2 GAL	AS SHOWN - evergreen	5' x 5'
	49	CISTUS X PURPUREUS	ORCHID ROCK ROSE	2 GAL	3.5' O.C. - evergreen	4' x 4'
	63	EUONYMUS FORTUNEI 'EMERALD GAIETY'	EMERALD GAIETY EUONYMUS	2 GAL	AS SHOWN - evergreen	3' x 3'
	37	EUONYMUS JAPONICUS	JAPANESE EUONYMUS	3 GAL	3.5 O.C. - evergreen	12' x 8'
	67	ILEX GLABRA 'SHAMROCK'	SHAMROCK INKBERRY	5 GAL	4' O.C. - evergreen	4' x 4'
XX		LAVENDULA ANGUSTIFOLIA 'HIDCOTE'	HIDCOTE ENGLISH LAVENDER	1 GAL	2' O.C.	2' X 2'
	13	MAHONIA AQUIFOLIUM	OREGON GRAPEHOLLY	2 GAL	3' O.C. - evergreen	5' x 3'
	43	NANDINA DOMESTICA 'GULF STREAM'	GULF STREAM HEAVENLY BAMBOO	2 GAL	3' O.C. - evergreen	3 X 2'
	3	SPIRAEA X BUMALDA 'GOLDMOUND'	GOLDMOUND SPIREA	3 GAL.	AS SHOWN	3' x 4'
	26	VACCINIUM OVATUM	EVERGREEN HUCKLEBERRY	3 GAL	AS SHOWN 3' O.C. - evergreen	4' x 4'
	84	VIBURNUM DAVIDII	DAVID VIBURNUM	2 GAL	AS SHOWN - evergreen	3' x 3'
	20	VIBURNUM TINUS 'SPRING BOUQUET'	SPRING BOUQUET LAURUSTINUS	5 GAL.	4' O.C. - evergreen	4' x 4'

GROUND COVERS AND PERENNIALS

SYM	QUAN	BOTANICAL NAME	COMMON NAME	SIZE	SPACING/COMMENT
	1327	ACRTOSTAPHYLOS UVA-URSI	KINNIKINNICK	4" POTS	2' O.C. EVERGREEN
	475	FRAGARIA CHILOENSIS	BEACH STRAWBERRY	4" POTS	18" O.C. EVERGREEN
	1325	LAVANDULA ANGUSTIFOLIA 'HIDCOTE SUPERIOR'	HIDCOTE SUPERIOR ENGLISH LAVENDER	1 GAL	2' O.C.- EVERGREEN
	48	SARCOCOCCA HOOKERANANA	HIMALAYYAN SWEET BOX	1 GAL.	2' O.C.- EVERGREEN
	6800 s.f.	PT 769 R&R Eco-Turf Mix	ROUGH & READY DROUGHT TOLERANT LAWN SEED	7 LBS/1000 S.F.	
		BANFIELD PERENNIAL RYEGRASS - EUREKA II HARD FESCUE - QUATRO TETRAPLOID SHEEP FESCUE - MICROCLOVER -	LOLIUM PERENNE 'BANFIELD' FESTUCA TRACHYPHYLLA 'EUREKA II' FESTUCA OVINA 'QUATRO' TRIFOLIUM REPENS VAR PIPOLINA SSP MICROCLOVER		

EXISTING TREES

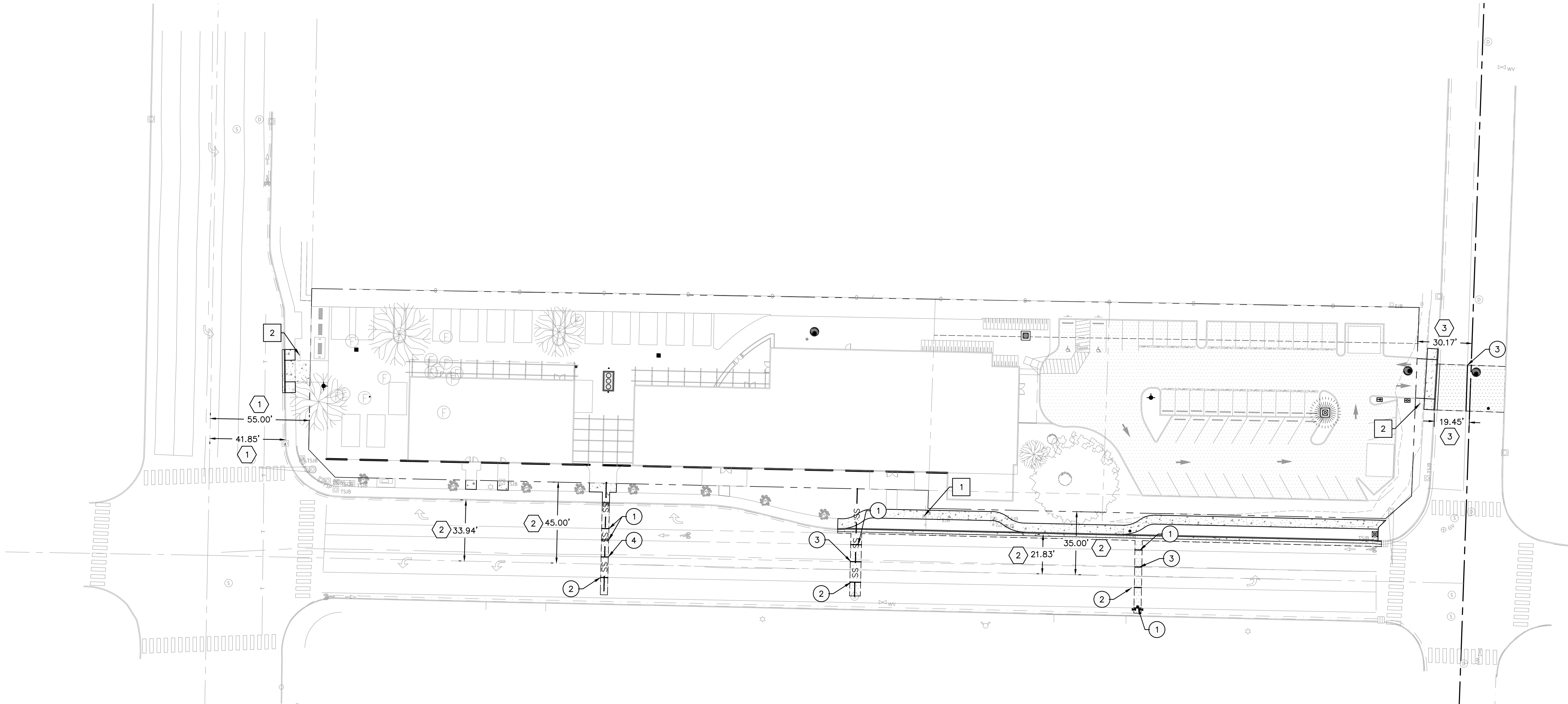
	EXISTING TILIA TOMENTOSA - SILVER LINDEN	3" CAL
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	LANDSCAPING AREA (SF)	% LANDSCAPING ¹
NORTHERN L4 BUFFER	1251	7.66%
WEST SOUTH & EAST L2 BUFFER	5999	36.75%
PARKING AREA	1329	8.14%
ALL OTHER OPEN SPACE	7746	47.45%
SITE LANDSCAPE TOTAL	16,325	100.00%

NOTES

SITE AREA = 63,162 S.F. (1.45 ACRES)
LANDSCAPE AREA REQUIRED (15%) = 9,474.3 S.F.
LANDSCAPE AREA PROVIDED = 17,312.5 S.F.
PERCENTAGE OF SITE AS LANDSCAPE AREA = 27.4%
PARKING LOT AREA = 12,792.4 S.F.
INTERIOR LANDSCAPE REQUIRED = 1,279 S.F.
INTERIOR LANDSCAPE PROVIDED = 1,338 S.F.
38 PARKING SPACES REQUIRE 4 TREES AND 7 TREES ARE PROVIDED
PARKING AREA SHRUBS REQUIRED = 1338 S.F. / 30 = 45 SHRUBS
PARKING LOT SHRUBS PROVIDED = 69 SHRUBS
TREE DENSITY : TREES REQUIRED AT 30 / ACRES = 44 TREES
ON SITE TREES PROVIDED: 52 TREES PLUS 18 NEW STREET TREES

F:\2023\A23027.10 - Vancouver Food Carts\Civil\Cad\Sheets\Onsite\A23027.040 SIGNING, STRIPING, LIGHTING, AND STREET DESIGN PLAN.dwg : Mar. 11, 24 - 1:13 PM kaden



STRIPING NOTES

1. PAINT/REPAIR BIKE LANE MARKINGS WHERE DAMAGED PER CITY OF VANCOUVER DETAIL T29-43/C4.4.
2. PAINT/REPAIR WHITE LANE MARKINGS PER CITY OF VANCOUVER DETAIL T29-44/C4.4.
3. PAINT/REPAIR YELLOW CENTERLINE MARKINGS PER CITY OF VANCOUVER DETAIL T29-45/C4.4.
4. PAINT/REPAIR STRIPED MEDIAN MARKINGS PER CITY OF VANCOUVER DETAIL T29-47/C4.5.

SIGNING NOTES

1. PROTECT EXISTING SIGNAGE. REPLACE IF DAMAGED PER CITY OF VANCOUVER PUBLIC WORKS STANDARDS.
2. INSTALL STOP SIGN SIMILAR TO CITY OF VANCOUVER DETAIL T29-02/C4.3 SITUATED ACCORDING TO CITY OF VANCOUVER DETAIL T29-03/C4.3.

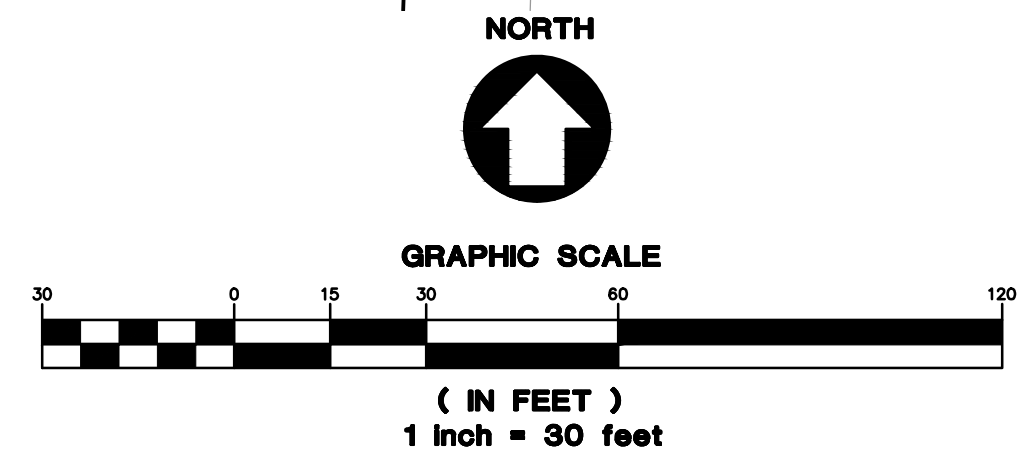
NO CHANGES TO STREET LIGHTING PLANNED AS PART OF THIS PROJECT SCOPE.

STREET DESIGN

1. NE ANDRESEN ROAD IS CLASSIFIED AS A PRINCIPAL ARTERIAL AND MEETS THE MINIMUM RIGHT-OF-WAY AND LANE WIDTHS PER CITY OF VANCOUVER DETAIL T10-06/C4.4.
2. NE VANCOUVER MALL DR IS CLASSIFIED AS A MINOR ARTERIAL AND IS SUBJECT TO THE MINIMUM RIGHT-OF-WAY AND LANE WIDTHS PER CITY OF VANCOUVER DETAIL T10-12/C4.5.
3. NE 72ND AVE IS CLASSIFIED AS COLLECTOR ARTERIAL AND MEETS THE MINIMUM RIGHT-OF-WAY AND LANE WIDTHS PER CITY OF VANCOUVER DETAIL T10-13/C4.5.

LEGEND

PROPERTY LINE	
EASEMENT	
CONCRETE SIDEWALK	
CONCRETE PAVEMENT	
ASPHALT SURFACING	
PERMEABLE SURFACING	



AAI angham associates, inc.
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**VANCOUVER FOOD
CARTS**
VANCOUVER, WA

SHEET TITLE
SIGNING,
STRIPING,
LIGHTING, AND
STREET DESIGN

DATE: 02/27/2023

DRAWN: KKA

CHECKED: CFT

REVISIONS:

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SHEET NUMBER

C5.0

03/11/2024 - LAND USE SUBMITTAL

JOB NUMBER: A23027.10

EXHIBIT D



SUBMIT TO:

City of Vancouver
Community & Economic Development
415 W. 6th ST
Vancouver, WA 98660
www.cityofvancouver.us

SEPA ENVIRONMENTAL CHECKLIST

WAC 197-11-960

Property Owner: <u>Vancouver Mall Properties LLC</u> (Print or Type Name)		Telephone <u>503 : 253-4283</u>
Mailing Address: <u>13960 SE King Rd. Happy Valley, OR 97086</u> (No., City, State, ZIP)		
Applicant: <u>Sam Hehr</u> (Print or Type Name)		Telephone :
Mailing Address: <u>7350 SE Milwaukie Ave</u> (No., City, State, ZIP)		
Relationship to Owner: <u>Architect</u>		
Tax Assessor Serial Number(s): <u>160740000, 160830000</u>		
Legal description: Lot(s)	Block(s)	Plat name
(If a Metes and Bounds description, check here ☐ , and attach narrative to this application.)		
Site Address (if any):		
② Include 8½" x 11" copies of ☐ Quarter Section Map, ☐ Topographic Map, ☐ Scaled Site Plan. Delineate site on maps. Notice to Applicants: You must use the current revision of this form or your application will not be accepted. If you use our disk version of this form (MS Word 6.0) you may not alter the format. Make sure you have the current version before submittal.		

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals:

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements—that do not contribute meaningfully to the analysis of the proposal.

A. BACKGROUND

1. Name of proposed project, if applicable:
 - *Vancouver Food Carts*
2. Name of applicant:
 - *BAMA Architecture*
3. Address and phone number of applicant and contact person:
 - *7350 SE Milwaukie Avenue*
 - *Portland, OR 97202*
 - CONTACT: Mildred White – 503-253-4283*
4. Date checklist prepared:
 - *03/07/2023*
5. Agency requesting checklist:
 - *City of Vancouver, WA*
6. Proposed timing or schedule (including phasing, if applicable):
 - *The project will begin construction September 2023.*
 - *The construction is expected to take approximately 6 months. (phase one).*
 - *The project is seeking approvals for a residential care facility and food cart park with a taproom. Phase one will include the food carts and taproom. Phase two will include the residential care facility.*
 - *It is anticipated that phase two would be constructed in 2 years after phase one is complete.*
7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.
 - *There are no further development plans for the site beyond those discussed above under No. 6.*
8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
 - *GIS Developers Packet (Clark County)*
 - *Geotechnical Report (Geotech Solutions)*
 - *Archeological Pre-determination Survey*
 - *Drainage and Stormwater Management Plan (AAI)*
 - *Level V Tree Plan and Report*
9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.
 - *This SEPA checklist is part of a Land Use application for the City of Vancouver.*
10. List any government approvals or permits that will be needed for your proposal, if known.
 - *City of Vancouver – Land Use, Engineering and Building Permits*
11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)
 - *This project proposes a medical office building and a 49-bed residential care facility with food carts, a taproom, and associated parking, utilities, and landscape.*

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

- *Northeast corner of NE Vancouver Mell Drive and NE Andersen Road*
- *NE1/4 Section 18. Township 2N. Range 2E.*
- *Tax Parcel #160740000 and 16083000*
-

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site
(Circle one): Flat, rolling, hilly, steep slopes, mountainous, other
- b. What is the steepest slope on the site (approximate percent slope)?
 - *The steepest slope on site is approximately 1%.*
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.
 - *The site consists of mainly silty soil in its present conditions. The site is currently vacant and not used for agriculture.*
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
 - *There are no surface indicators or known history of unstable soils on or adjacent to the project site.*
- e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.
 - *Grading will occur in the entirety of the site and will closely mimic and tie back into existing grades.*
 - *The project proposes a net 905 cubic yards of fill.*
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
 - *Erosion could occur as a result of clearing and construction activities. The site will have exposed soils during site grading. However, due to the relatively flat nature of the site, no substantial erosion runoff is anticipated for this site. Lastly, Best Management Practices (BMPs) for erosion control will be put in place during construction activities to minimize any possible erosion leaving the site.*
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
 - *Approximately 77% of the site will be covered with impervious areas.*

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
- *Erosion control measures will include, but are not limited to, silt fences, inlet protection, standard construction entrances, plastic sheeting to protect soil stockpile, and truck washes.*

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known.
- *Short term and temporary air emissions will be generated during demolition and construction.*
 - *Typical emissions generated during construction include diesel exhaust and dust. Odors will be produced during asphalt paving and painting.*
 - *Anticipated construction duration is 18 months.*
 - *The completed project will generate standard food service restaurant fumes.*
 - *Implementation of the project will not affect regional air quality such that ambient air quality standards promulgated under Chapter 173-470 Washington Administrative Code (WAC) would be exceeded.*
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.
- *No. There are no surrounding uses within 500-feete of the site that produce noxious or other pollutants that affect air quality. (Source: Google Maps).*
- c. Proposed measures to reduce or control emissions or other impacts to air, if any:
- *Construction practices will incorporate measures to reduce windblown dust and construction equipment exhaust, such as use of water trucks and minimizing equipment idling.*

3. Water

- a. Surface Water:
- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
 - *The closest waterway is an unnamed pond located 0.3 mi northeast of the project area, an unnamed stream and marsh located 0.75 miles to the north-northwest, and Burnt Bridge Creek is approximately 1.7 miles to the south of the project site.*
 - 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.
 - *There are no regulated waters within 200 feet of the site.*
 - 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

- *Not applicable to this development.*

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

- *No.*

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

- *The project does not lie within a 100-year floodplain.*

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

- *No waste materials will be discharged to surface waters.*

b. Ground Water:

1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

- *No ground water will be used.*
- *The project will connect to the public water system.*

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

- *No waste water will be discharged into the ground.*
- *The project will connect to public sewer system.*

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

- *Please refer to the Drainage Report, Site Management Plan/CSWPPP.*

2) Could waste materials enter ground or surface waters? If so, generally describe.

- *It is not anticipated that any waste materials will enter ground or surface waters.*
- *Standard construction BMPs will include erosion and sediment control, and spill prevention countermeasures.*

3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.

- *No significant affects to drainage patterns in the vicinity are anticipated because no water will leave the site to affect patters in the vicinity.*
- *We are detaining flows to meet current code.*

- *We are utilizing the existing point of connection to the public storm system.*
- *This can be verified via the Survey of existing conditions and the Proposed Grading Plan, as well as the Site Management Report, Drainage Report and CSWPPP.*

4) Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:

- *Standard construction BMPs to reduce or control offsite migration of sediment or chemicals may include, but are not limited to, silt fencing, straw waddles, compost, berms, hydroseeding, and plastic sheeting.*

4. Plants

- Check the types of vegetation found on the site:
 - ☒ deciduous tree: alder, maple, aspen, other
 - ☒ evergreen tree: fir, cedar, pine, other
 - ☒ shrubs
 - ☒ grass
 - ☐ pasture
 - ☐ crop or grain
 - ☐ Orchards, vineyards or other permanent crops.
 - ☐ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
 - ☐ water plants: water lily, eelgrass, milfoil, other
 - ☒ other types of vegetation
- What kind and amount of vegetation will be removed or altered?
 - *The project will remove a majority of the existing vegetation from the site. This will include several large fir trees and volunteer Cottonwood trees, as well as Blackberries and Ivy.*
- List threatened and endangered species known to be on or near the site.
 - *None.*
- Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:
 - *As proposed, the Landscape plan includes drought tolerant plants materials including shrubs, groundcovers and the small turf area which is specified with a low water use mix.*
 - *The majority of the groundcover materials are native. Approximately 1/3 of the specified shrubs are also native.*
 - *The site contains an Oregon White Oak which is designated as a priority species by Washington Fish and Wildlife and will be preserved and avoided as part of the development. The oak will be included into the island / buffer, and all vegetation in the understory of the oak will be protected.*
- List all noxious weeds and invasive species known to be on or near the site.
 - *Per site visits (August 17th and 22nd, 2018) the site is over grown with blackberries, grassy weeds, and ivy).*

5. Animals

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. Examples include:
 - birds: hawk, heron, eagle, songbirds, other:
 - mammals: deer, bear, elk, beaver, other:
 - fish: bass, salmon, trout, herring, shellfish, other:
 - *Per site visits (August 17th and 22nd, 2018), no birds or animals of any kind were observed at the site.*
- b. List any threatened and endangered species known to be on or near the site.
 - *WAC 232-12-297, Sections 2.5 and 2.4 list the Washington State list the Washington State threatened and endangered species. Of the animals on the list, various Gophers, Western Grey Squirrel (threatened), Columbian White-tailed deer, Northern Leopard Frog, Oregon Spotted Frog, Northern Spotted Owl, Streaked Horned Lark and the Taylor 's Checkerspot butterfly (endangered), have been found within the general vicinity of inland, Washington.*
- c. Is the site part of a migration route? If so, explain.
 - *Yes, the Pacific Flyway extends through Washington State. However, the project site is fully developed and within the City of Vancouver. The site does not and will not include significant habitat elements that would attract migrating species.*
 - *Per Audubon Washington IBA Program, the City of Vancouver area is not identified as an important bird area.*
- d. Proposed measures to preserve or enhance wildlife, if any:
 - *Not at this time.*
- e. List any invasive animal species known to be on or near the site.
 - *Per the WISE (Washington Invasive Species Education) list, available on their website <https://wise.wa.gov/invasivespecies/index.aspx>, only a few invasive animals are tracked in Washington State. These are the Feral Swine and Nutria, however, neither of these were observed onsite.*

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
 - *The completed project will require electricity and natural gas.*
 - *No manufacturing is proposed.*
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
 - *The project site is a long linear property (east- west), with small north south depth. Additionally, the property is edged on the east, west, and south sides by rights-of-way. The only adjacent development is the multi-family to the north. As such, the solar impacts of both proposed buildings will be to the surrounding rights-of-way.*
- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:
 - *The project proposes high insulation, window standards, and ductless mini units for residential heating and cooling.*

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so, describe.
 - *This proposal will not result in any environmental health hazards such as exposure to toxic chemicals, risk of fire and explosion, spill or hazardous waste.*
- 1) Describe any known or possible contamination at the site from present or past uses.
 - *The property is currently vacant and there is no mention of contaminants found during the soil's investigation or Archaeological Survey.*
- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.
 - *No known existing hazardous chemicals/conditions have been identified that might affect the proposed project.*
 - *There are no underground hazardous liquid or gas transmission pipelines in the immediate vicinity.*
- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.
 - *No toxic or hazardous chemicals will be stored, used, or produced by this project.*
 - *Normal construction material and chemicals will be onsite for use during construction.*
- 4) Describe special emergency services that might be required.
 - *The project will not require any special emergency services.*
- 5) Proposed measures to reduce or control environmental health hazards, if any:
 - *Standard construction BMPs will include spill prevention and cleanup kits which will be kept onsite.*
- b. Noise
 - 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
 - *Normal traffic noise is anticipated from adjacent streets; however, this will have no impact on this project.*
 - 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.
 - *Construction activities will generate additional temporary, short-term noise during normal daylight construction hours. This may include noise pollution from loud machinery, vehicles, and physical work such as hammering, drilling, or digging.*
 - *Long-term noise levels will rise slightly as a result of operations outdoors. However, because the majority of operations are conducted indoors, the overall increase in long term noise level is expected to be minimal.*
 - *There is not a manufacturing use or industrial use.*

3) Proposed measures to reduce or control noise impacts, if any:

- *Construction equipment will include noise-muffling devices. No other noise reduction or control measures are anticipated to be necessary for the project.*

8. Land and shoreline use

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe.

- *The site is currently vacant and zoned Neighborhood Commercial District (CN).*
- *The surrounding properties to the north, east, and west are zoned and developed as multi-family (R-22 and R-30). There is Commercial development and zoning to the south, across NE Vancouver Mall Dr. (CC).*
- *The commercial area to the south includes a Credit Union, a gas station, a mini-mart, and a restaurant.*
- *The proposal is not anticipated to affect current land uses on nearby or adjacent properties.*

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use?

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how:

- *The closest agricultural land is Kunze Farms, to the northwest, approximately 1 mile away.*
- *It is not anticipated that this project will affect or be affected by Kunze farms operations.*
- *The project fronts on NE Vancouver Mall Drive, which is not a primary access way to Kunze Farms.*

c. Describe any structures on the site.

- *The site is currently undeveloped, with no structures on the site.*

d. Will any structures be demolished? If so, what?

- *There are no structures on the site.*

e. What is the current zoning classification of the site?

- *Neighborhood Commercial (CN)*

f. What is the current comprehensive plan designation of the site?

- *Commercial (COM)*

g. If applicable, what is the current shoreline master program designation of the site?

- *This is not applicable to the project site. There is no shoreline master program designation associated with this site.*

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

- *Per the GIS Developer's packet provided by Washington County, the site does not contain critical area classifications.*
- i. Approximately how many people would reside or work in the completed project?
 - *It is anticipated that 5 people will work at the medical office building and 6 to 9 people will work at the residential care facility.*
 - *A maximum total of 49 people will reside at the residential care facility.*
 - j. Approximately how many people would the completed project displace?
 - *The project site is currently vacant; therefore no one will be displaced.*
 - k. Proposed measures to avoid or reduce displacement impacts, if any:
 - *None needed.*
 - l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:
 - *None needed.*
 - m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any:
 - *None needed.*

9. Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
 - *The project proposes a 49-bed residential care facility, aimed at middle income users.*
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
 - *The project site is currently vacant there no housing will be displaced.*
- c. Proposed measures to reduce or control housing impacts, if any:
 - *None needed.*

10. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
 - *Phase One proposes a building that will be approximately 26-feet in height. Phase Two proposed a building that will be approximately 50-feet in height.*
 - *The street facing façade will be brick, Hardi-panel, and a possible accent horizontal wood siding. The rear of the building will be Hardi-lap, and brick.*
- b. What views in the immediate vicinity would be altered or obstructed?
 - *None of the views in the immediate vicinity will be impacted by this development.*
- c. Proposed measures to reduce or control aesthetic impacts, if any:

- *None needed.*

11. Light and glare

- What type of light or glare will the proposal produce? What time of day would it mainly occur?
 - *The project does not produce significant glare. Proposed site lighting will be the minimal required for safety. There will be minimal exterior evening or night use.*
- Could light or glare from the finished project be a safety hazard or interfere with views?
 - *No.*
- What existing off-site sources of light or glare may affect your proposal?
 - *The site does not anticipate being affected by off-site light or glare.*
 - *Street lighting and car head lights may produce insignificant levels of light and glare as the site is surrounded on three sides by the right-of-way.*
- Proposed measures to reduce or control light and glare impacts, if any:
 - *Landscape will be placed as needed to reduce the intrusion of off-site glare.*

12. Recreation

- What designated and informal recreational opportunities are in the immediate vicinity?
 - *There is a small, public, City of Vancouver, park approximately a ¼ of a mile south of the project site. (Jaggy Road Park).*
 - *There are no public recreational opportunities provided onsite.*
- Would the proposed project displace any existing recreational uses? If so, describe.
 - *No recreational opportunities would be displaced by the proposed development.*
- Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
 - *There are no public recreational opportunities provided onsite. A small private courtyard will be provided in association with the residential care facility.*

13. Historic and cultural preservation

- Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe.
 - *Of the current listings on the National Register of Historic Places in Clark County, Washington, which are 45 years old or older, none are closer than 4 miles to this project site (https://en.wikipedia.org/wiki/National_Register_of_Historic_Places_listings_in_Clark_County_Washington).*
- Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources.
 - *Clark county routes all development review applications for review through the Department of Archeology and Historical Preservation. Additional*

- research on the DAHP website revealed no indication of any landmarks, features, or other evidence of Indian or historic use on or near this site.*
- *A Archeological Site Survey will be completed with results forwarded to DAPH as part of the Lan Use application process.*
- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc.
- *Research on DAHP website which included review of both "A Field Guide to Washington Statewide Archaeological Predictive Model Report".*
 - *Additional internet research of American Indian burial ground in the Pacific NW.*
- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.
- *None at this time.*

14. Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any.
- *The project abuts a right-of-way on three sides. To the south is NE Vancouver Mall Drive, to the east is NE 72nd Avenue and to the west is NE Anderson Road.*
 - *A single access drive off of NE Vancouver Mall Drive is proposed.*
- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop?
- *The site is served by public transportation. The C-Tran bus line has a stop at NE Vancouver Mall Drive and NE 72nd Ave. which immediately abuts the SE corner of the site.*
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?
- *The project abuts a right-of-way on three sides. To the south is NE Vancouver Avenue and to the west is NE Andresen Road.*
 - *A single access drive off of NE Vancouver Mall Drive is proposed.*
- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private).
- *No such off-site (public) improvements are required or proposed.*
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.
- *No.*
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates?

- *Estimated total Phase I trips = 334 and total Phase II = 439.*
 - *Commercial and non-passenger vehicle percentage ranges from 2-5%. These trips typically occur outside of peak traffic periods.*
- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe.
- *There are limited agriculture and forest products being moved through this area, therefore, there will be no significant impacts.*
- h. Proposed measures to reduce or control transportation impacts, if any:
- *There are no measures proposed or needed to reduce transportation impacts at this time.*

15. Public Services

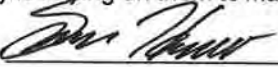
- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.
- *It is not anticipated that this project will increase the need for any public service.*
- b. Proposed measures to reduce or control direct impacts on public services, if any.
- *There are no measures proposed or needed to reduce impacts on public services.*

16. Utilities

- a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other:
- *The utilities currently available at the site are electricity, natural gas, water, refuse service, telephone, and sanitary sewer.*
- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.
- *Water and Sewer services are both provided by the City of Vancouver. The project proposed connecting to the existing public water and sewer lines.*
 - *There are overhead electrical lines on the east side of 72nd Ave. and underground electrical on NE Vancouver Mall Drive and NE Andresen Rd.*

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Name of signee: SAM HEUR

Position and Agency/Organization: JOB CAPTAIN: BAMA ARCHITECTURE

Date Submitted: 6/29/23



P.O. Box 1995 • Vancouver, WA 98668-1995
www.cityofvancouver.us

May 1, 2024

**Notice of Application, Remote Public Hearing, and
Optional SEPA Determination of Nonsignificance
Vancouver Food Carts
PRJ-165518/LUP-83447**

Request: A mixed-use master plan for a two-phased development that consists of a 4,324-square-foot taphouse, food cart pod and 46 surface parking spaces in phase one. The second phase consist of a 3-story, 38,472-square-foot retirement care facility with 49 beds and first floor commercial store fronts. The application was reviewed via a Type IV process.

Application was submitted July 3, 2023, and deemed fully complete April 24, 2024.

Location: 4906 NE 72nd Avenue; PID 160740000

Applicant: Sam Hehr, BAMA Architecture and Design, 7350 SE Milwaukie Ave. Portland, Oregon 97202

Property Owner: Vancouver Mall Properties LLC, 13960 SE Kind Road, Happy Valley, Oregon 97086

Remote Public Hearing Scheduled: Land Use Hearing conducted by the Hearing Examiner
Tuesday, August 20, 2024, 6 p.m.

The City of Vancouver will be holding a virtual hearing on this matter. Interested parties can participate in the virtual hearing by emailing the project manager at kristian.corbin@cityofvancouver.us. **Due to remote work conditions, e-mail is strongly preferred.**

Under the authority of VMC 20.790.230, the City of Vancouver will use the optional combined determination of nonsignificance (DNS) and notice of application process. Based on the initial review of the proposed project, the city expects to issue a DNS on the proposal, finding the project will not create probable significant adverse environmental impacts.

The comment period for the notice of application may be the only opportunity to comment on the environmental impacts of the proposal. The proposal may include mitigation measures under applicable codes, and the review process may incorporate or

require mitigation measures regardless of whether an environmental impact statement is prepared.

Comments on the project received electronically before 4 p.m., May 31, 2024, will be incorporated into the staff report; comments received electronically after that date will be presented at the hearing.

A decision by the hearing examiner may be appealed to City Council by the applicant or any aggrieved person. Such an appeal must be in writing and be filed with Community Development Department within 14 calendar days after the hearing examiner's decision. In the absence of such appeal, the examiner's decision shall be final and conclusive.

Procedural appeals to the SEPA determination shall be filed in writing within 14 calendar days following the last day of the comment period. The hearing examiner's decision of the SEPA procedural appeal shall be final and not subject to further administrative appeal.

Substantive SEPA appeals shall be filed in writing within 14 calendar days of the issuance of staff's decision approving, conditioning, or denying the project.

A copy of the final determination may be obtained upon e-mail request. Please include any one of the project numbers listed.

Case Manager: Kristian Corbin, Senior Planner
E-mail: Kristian.corbin@cityofvancouver.us



May 1, 2024

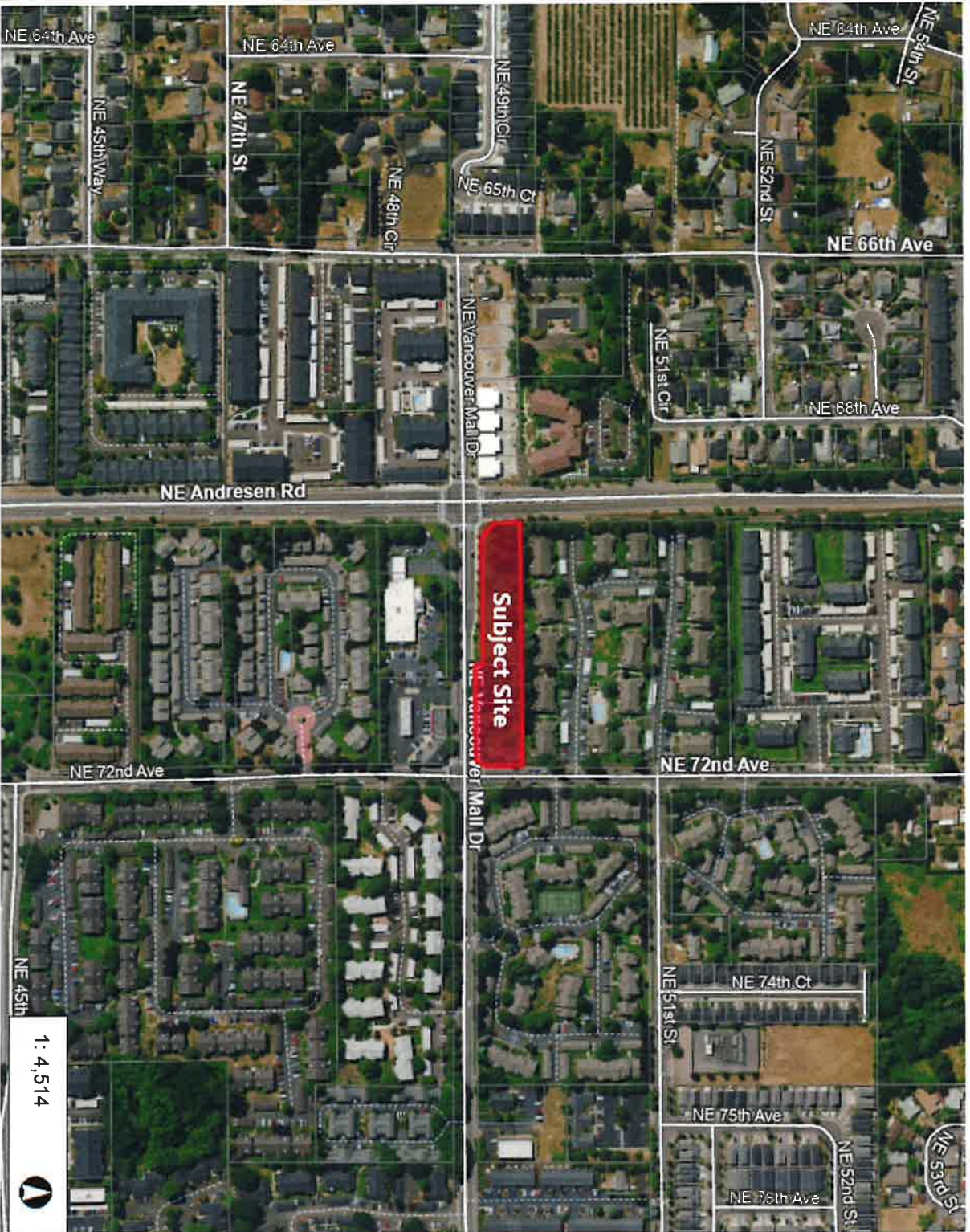
Name

Date

Coverage of this hearing is being cablecast live on Clark/Vancouver Television Channel 21, Comcast Cable Television System.



LUP-83447 Vicinity Map



752.3

0

376.17

752.3

Feet

1: 4,514



WGS_1984_Web_Mercator_Auxiliary_Sphere
Clark County, WA, GIS - <http://gis.clark.wa.gov>

This map was generated by Clark County's "MapOnline" website. Clark County does not warrant the accuracy, reliability or timeliness of any information on this map, and shall not be held liable for losses caused by using this information. Taxlot (i.e., parcel) boundaries cannot be used to determine the location of property lines on the ground.



Legend

- ☐ Taxlots
- All Roads
 - Interstate or State Route
 - Arterial
 - Collector
 - Private or Other

Notes:

Vancouver Food Carts
PRJ-165518/LUP-83447



P.O. Box 1995 • Vancouver, WA 98668-1995

www.cityofvancouver.us

August 9, 2024

REVISED
Notice of Remote Public Hearing
Vancouver Food Carts
PRJ-165518/LUP-83447

Request: A mixed-use master plan for a two-phased development that consists of a 4,324-square-foot taphouse, food cart pod and 46 surface parking spaces in phase one. The second phase consist of a 3-story, 38,472-square-foot retirement care facility with 49 beds and first floor commercial store fronts. The application was reviewed via a Type IV process.

Application was submitted July 3, 2023, and deemed fully complete April 24, 2024.

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Applicant: Sam Hehr, BAMA Architecture and Design, 7350 SE Milwaukie Ave. Portland, Oregon 97202

Property Owner: Vancouver Mall Properties LLC, 13960 SE Kind Road, Happy Valley, Oregon 97086

Remote Public Hearing Scheduled: Land Use Hearing conducted by the Hearing Examiner
Tuesday, September 17, 2024, 6 p.m.

The City of Vancouver will be holding a virtual hearing on this matter. Interested parties can participate in the virtual hearing by emailing the project manager at kristian.corbin@cityofvancouver.us. **Due to remote work conditions, e-mail is strongly preferred.**

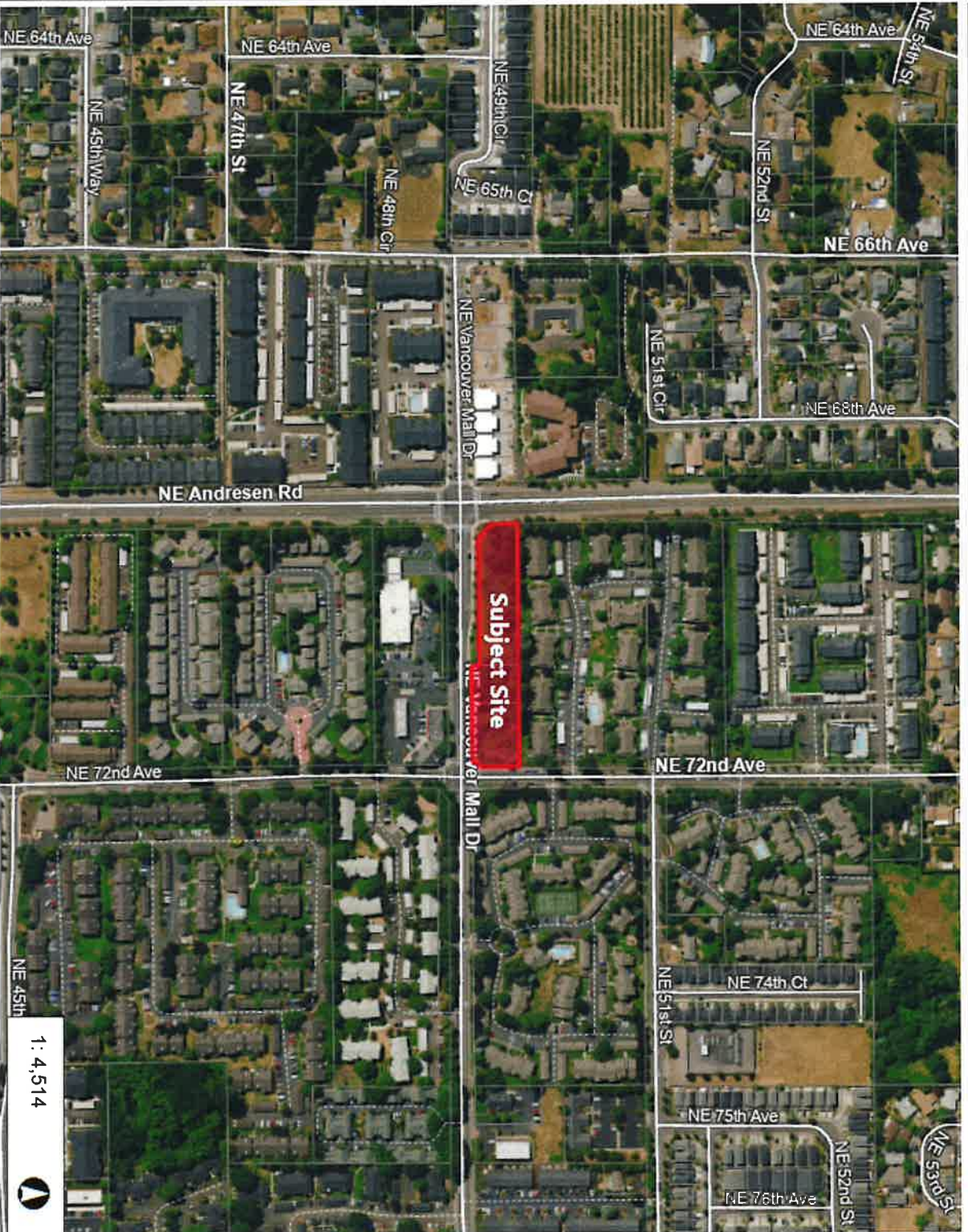
After the close of the record, the hearing examiner has 10 business days to submit recommendation regarding the project to City Council. As a type four application City Council will make their final decision. A copy of the final recommendation may be obtained upon e-mail request. Please include any one of the project numbers listed.

Case Manager: Kristian Corbin, Senior Planner
E-mail: kristian.corbin@cityofvancouver.us

Coverage of this hearing is being cablecast live on Clark/Vancouver Television Channel 21, Comcast Cable Television System.



LUP-83447 Vicinity Map



Legend

- ☐ Taxlots
- All Roads
 - Interstate or State Route
 - Arterial
 - Collector
 - Private or Other

Notes:

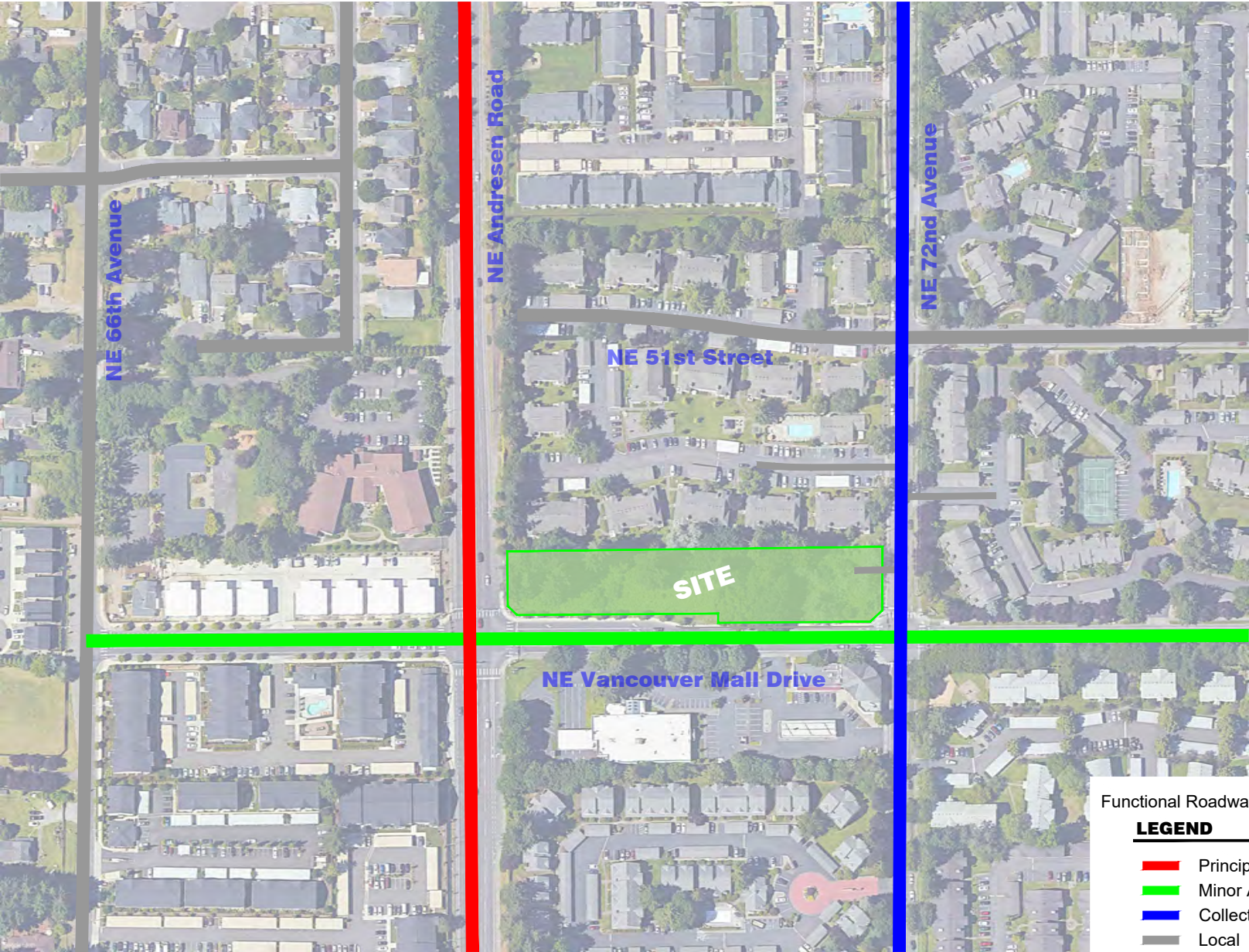
Vancouver Food Carts
P.R.J.-165518/LUP-83447

752.3 0 376.17 752.3 Feet
WGS_1984_Web_Mercator_Auxiliary_Sphere
Clark County, WA, GIS - <http://gis.clark.wa.gov>

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1: 4,514





Functional Roadway Classifications

LEGEND

- Principal Arterial
- Minor Arterial
- Collector
- Local



2237 NW Torrey Pines Drive
Bend, Oregon 97703
541-579-8315
cclemow@clemow-associates.com

SITE AREA

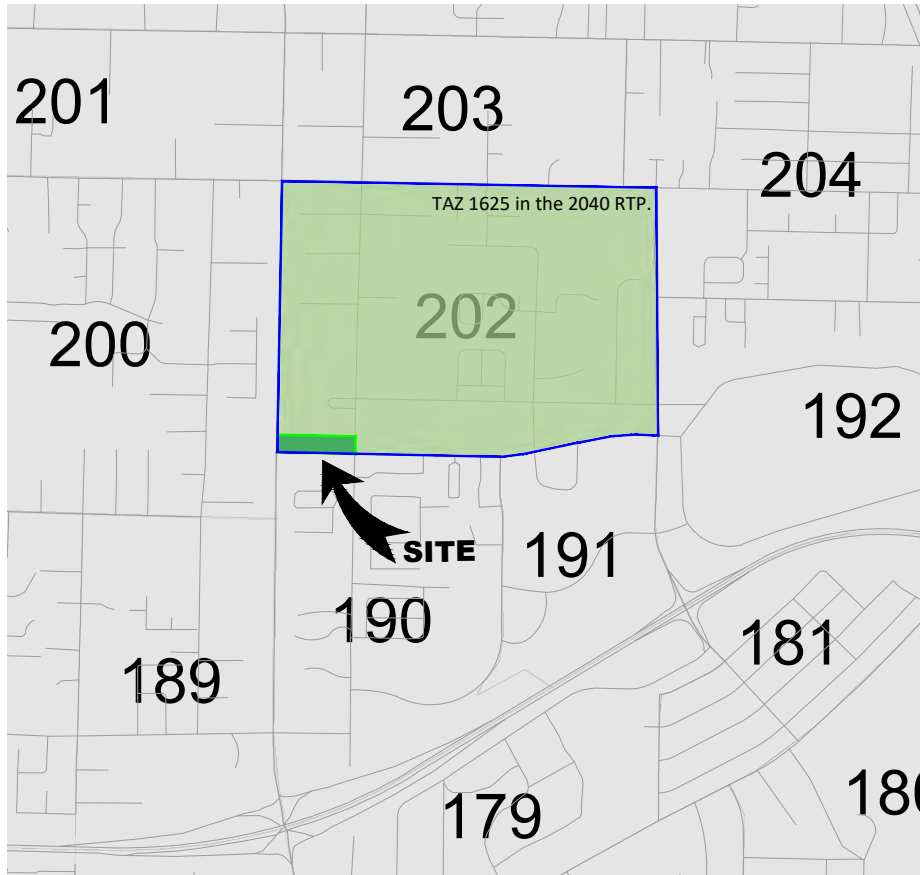
Vancouver Mall Mixed-Use Development

C&A Project No. 20220901.00

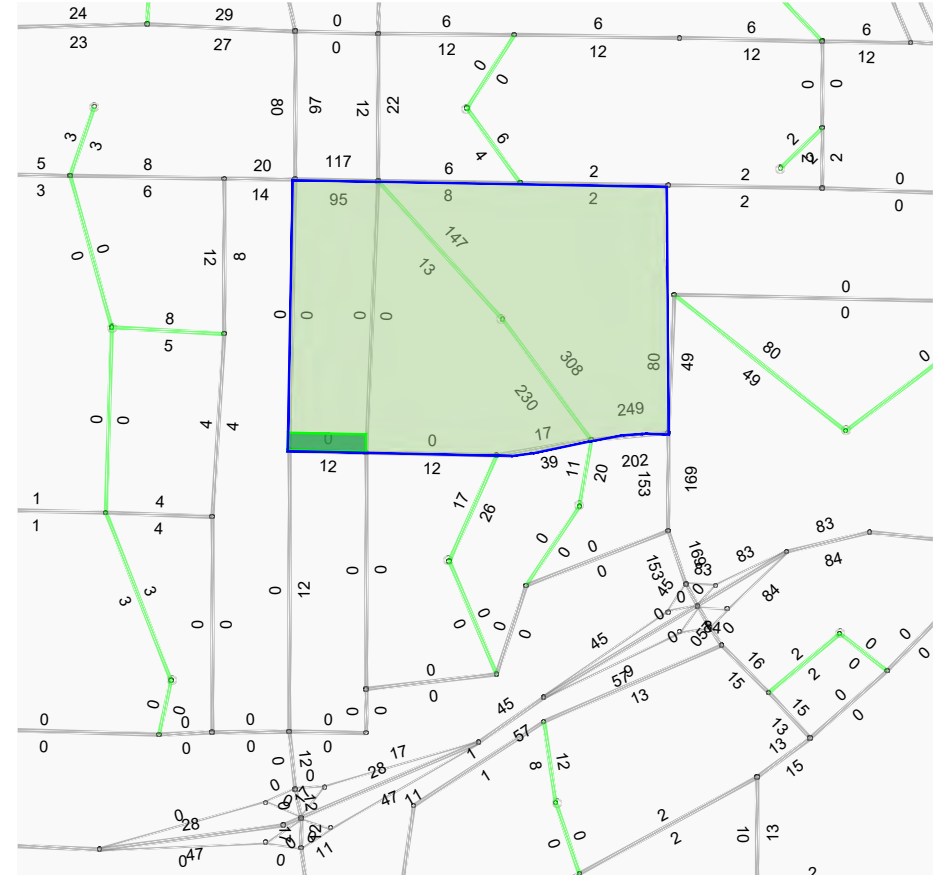
FIGURE

1

RTC TAZ Map



Select Zone Assignment using RTC 2010 Base Roadway Network and 2010 Model Demand



2237 NW Torrey Pines Drive
Bend, Oregon 97703
541-579-8315
cclemow@clemow-associates.com

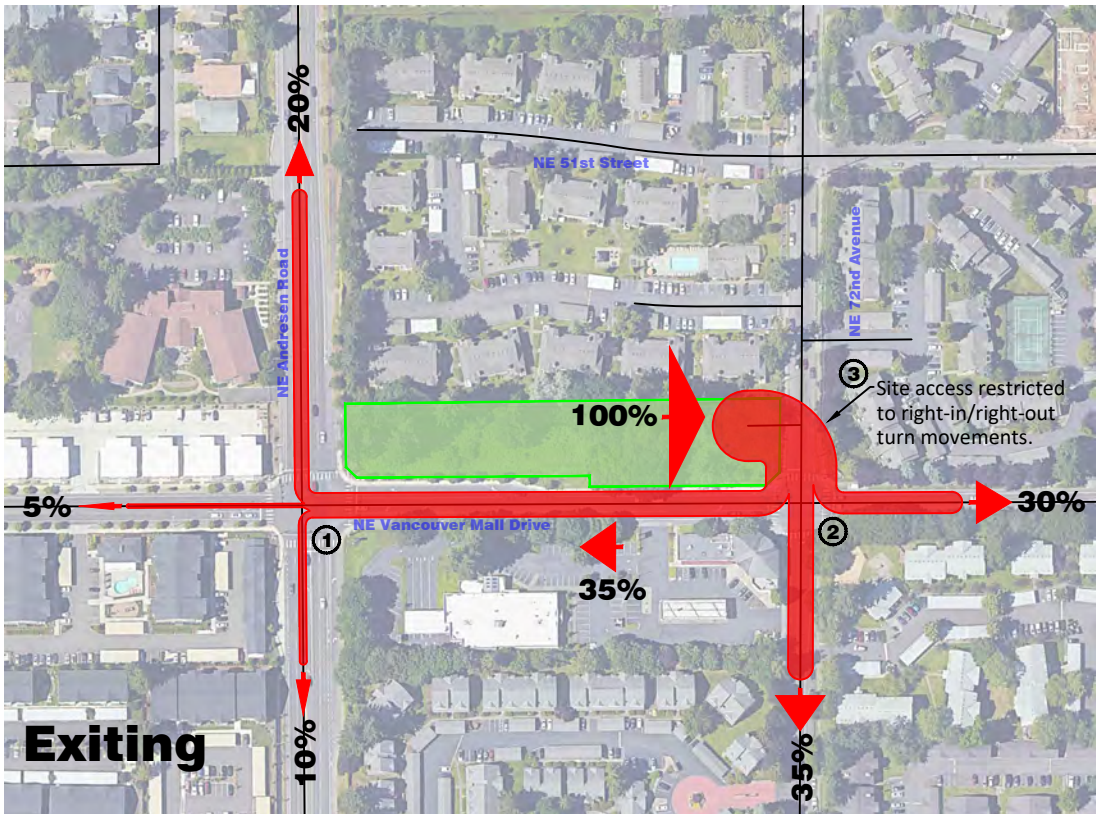
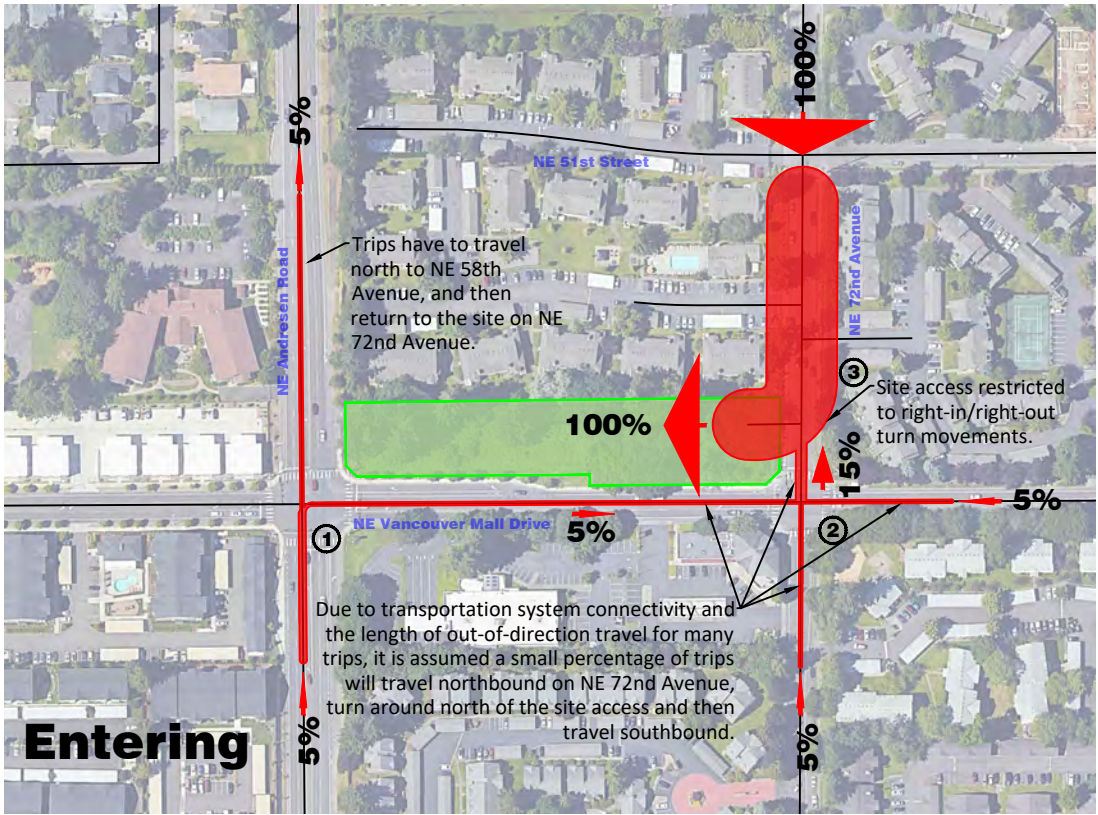
TRANSPORTATION ANALYSIS ZONE and MODEL ASSIGNMENT

Vancouver Mall Mixed-Use Development

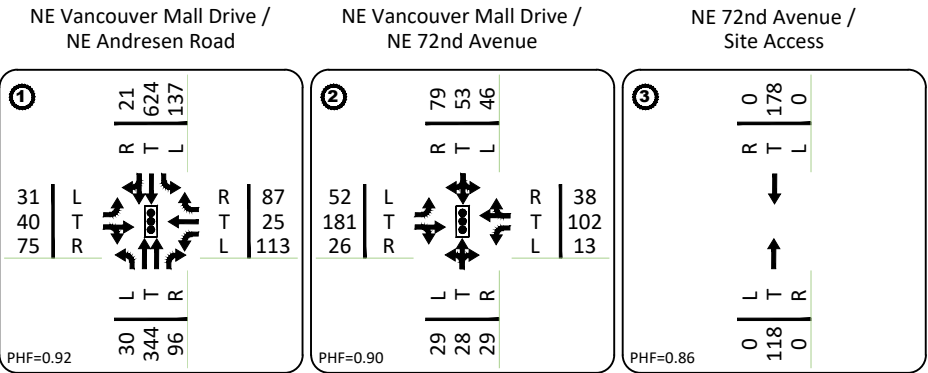
C&A Project No. 20220901.00

FIGURE

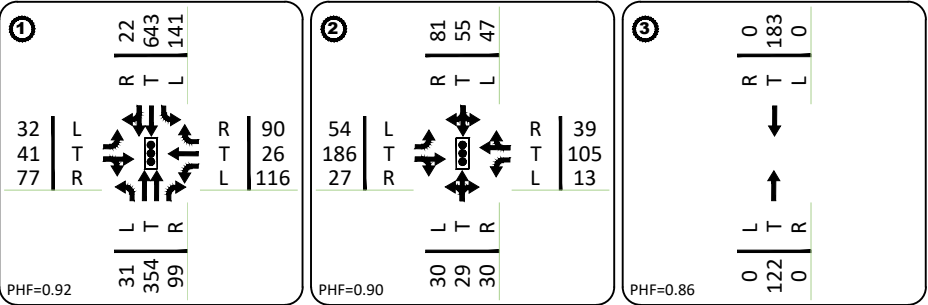
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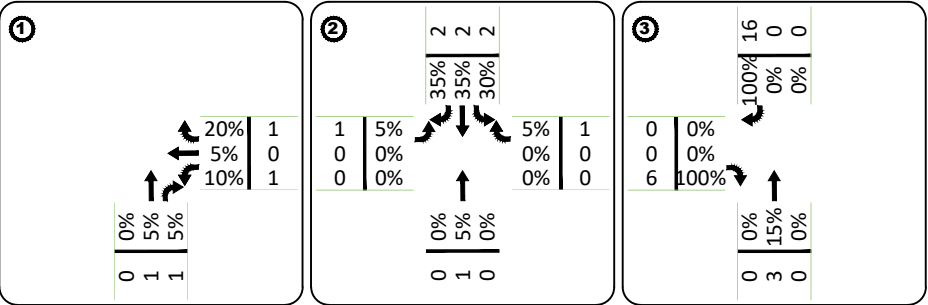
2023 Base Volumes



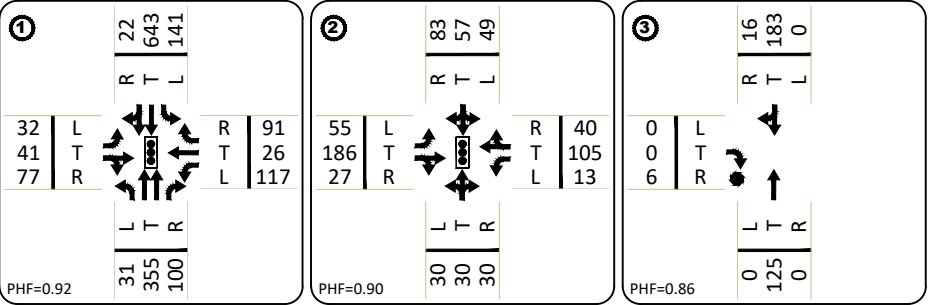
2025 Pre-Development



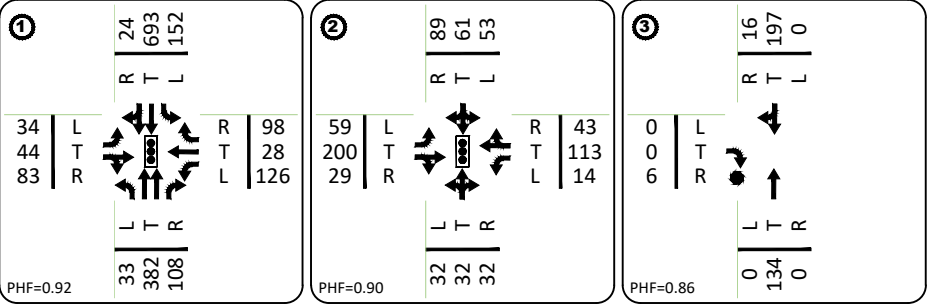
Development



2025 Post-Development



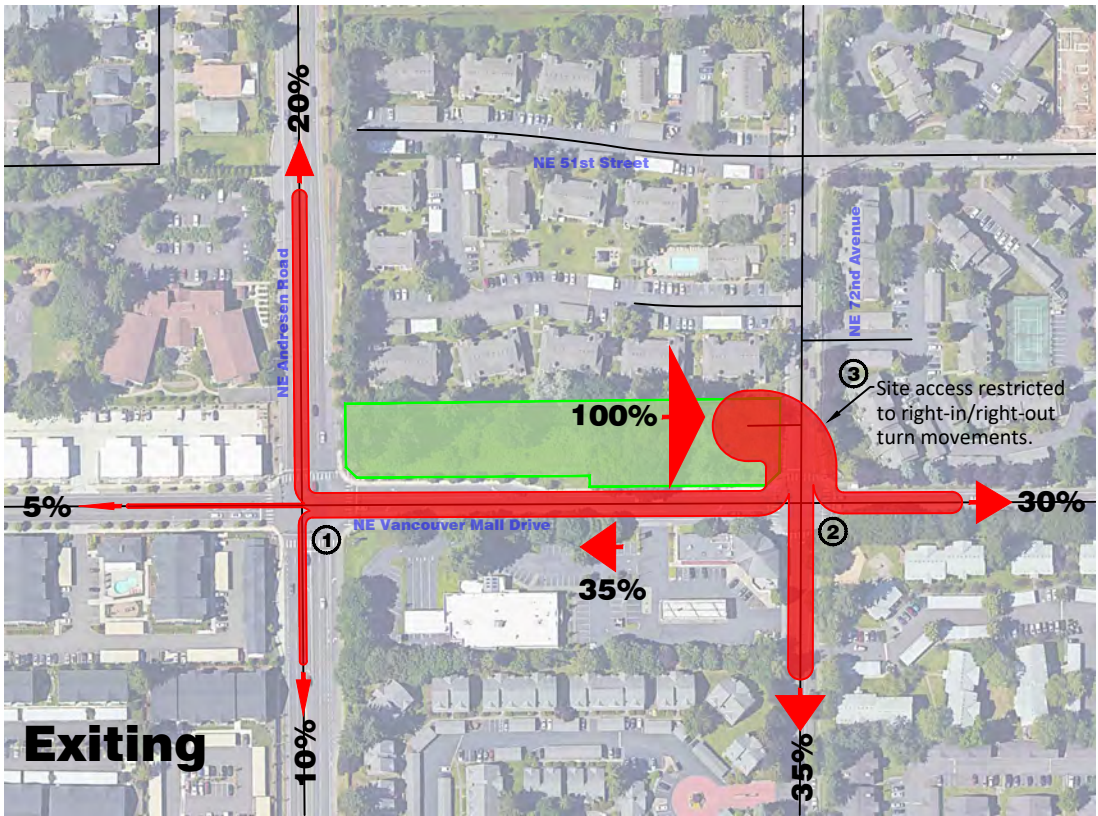
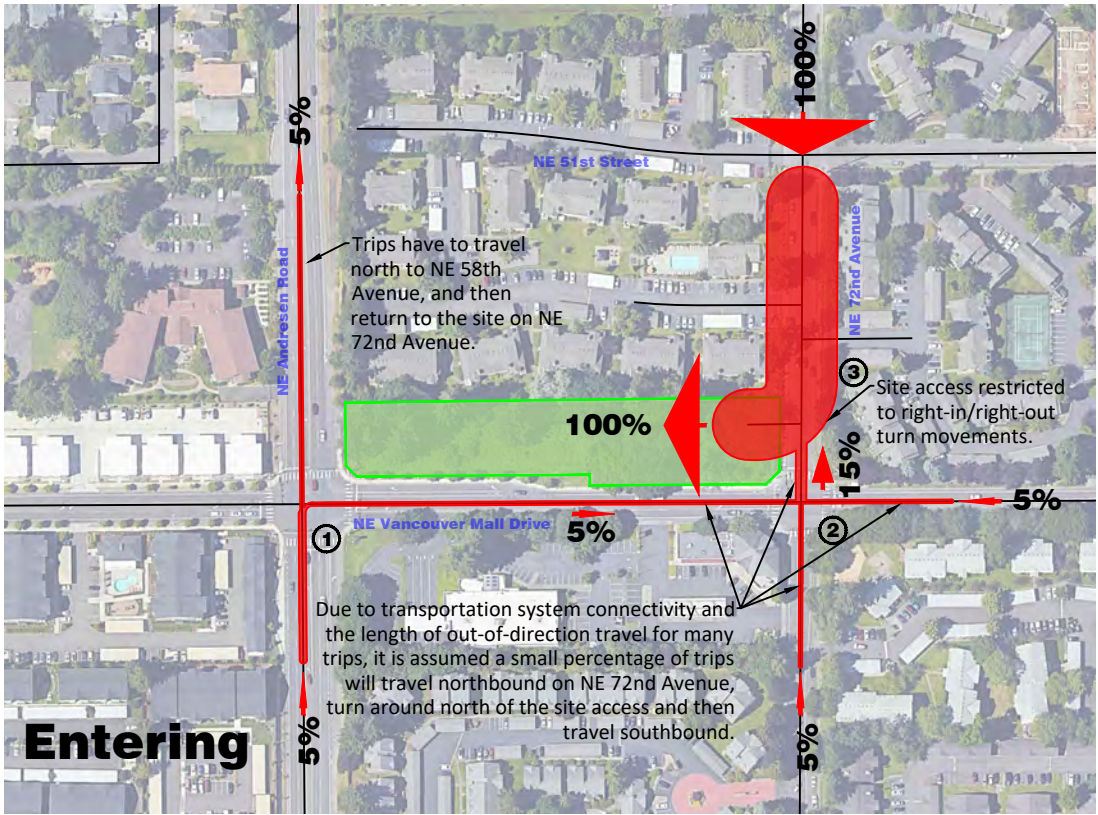
2030 Post-Development



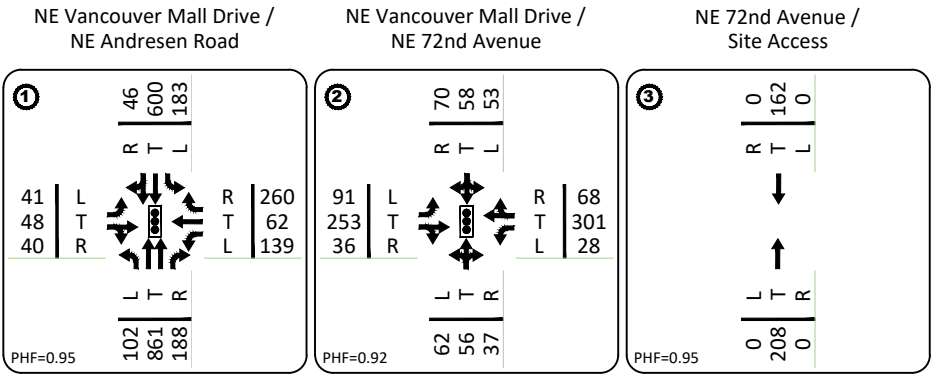
2237 NW Torrey Pines Drive
Bend, Oregon 97703
541-579-8315
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AM PEAK HOUR VOLUMES
Vancouver Mall Mixed-Use Development
C&A Project No. 20220901.00

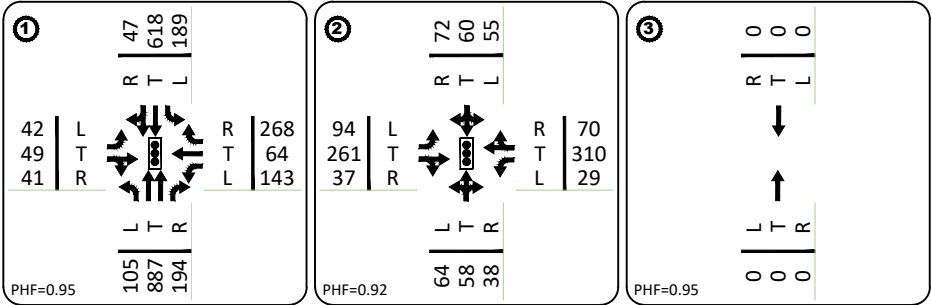
FIGURE
3



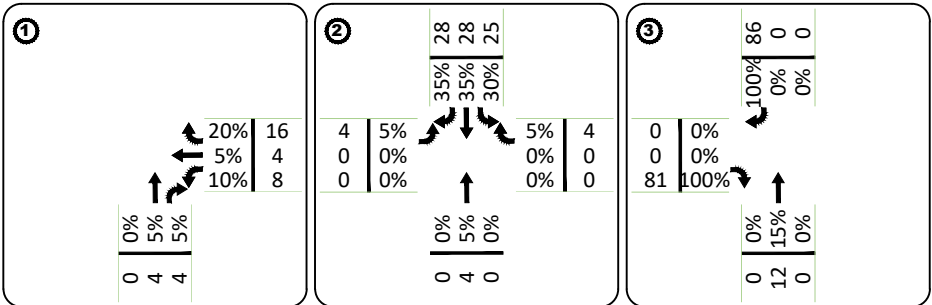
2023 Base Volumes



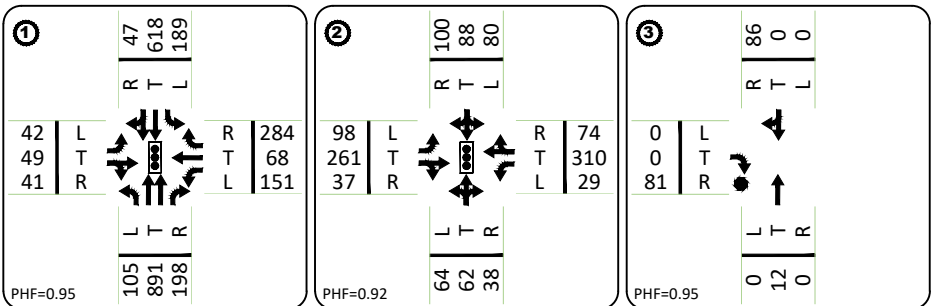
2025 Pre-Development



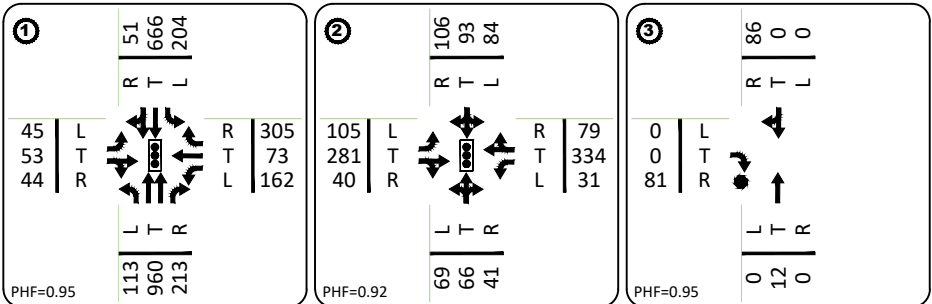
Development



2025 Post-Development



2030 Post-Development



2237 NW Torrey Pines Drive
Bend, Oregon 97703
541-579-8315
cclemow@clemow-associates.com

PM PEAK HOUR VOLUMES

Vancouver Mall Mixed-Use Development

C&A Project No. 20220901.00

FIGURE

4

EXHIBIT H

Transportation Impact Analysis

****Because of the size of the exhibit, it is not included with this report. The documents are available for review via email. Please email the case manager for this project to receive electronic copies of the requested exhibits.**

EXHIBIT I



City of Vancouver Transportation Services Trip and Traffic Impact Fee Calculation Worksheet Application Number: PRJ-165518

Project Name: Vancouver Mail MU	Date: 8/21/2024 12:00:00 AM
Project Address:	TAZ: TA202
Project Number: PRJ-165518	Primary Corridor: 4PLN #2
ENG Number:	Parcel 1 ID: 160740000
TIF District: Pacific	Parcel 2 ID:
TIF Overlay District:	Parcel 3 ID:

Existing Site Trips ^^										
LU Description	ITE LU Code	Existing AM Peak Rate	Existing PM Peak Rate	Existing ADT Rate	Unit of Measure	Size**		Existing AM Peak Trips	Existing PM Peak Trips	Existing ADT
^^ equals zero if this is a new development on greenfield or if old use has been gone > 1 year.								Existing Trips Total		

New Trip Generation Calculation										
LU Description	ITE LU Code	AM Peak Rate	PM Peak Rate	ADT Rate	Unit of Measure*	Size**		New AM Peak	New PM Peak	New ADT
Congregate Care Facility	253	0.08	0.18	2.21	1	49		4	9	108
High Turnover/Sit Down	932	9.57	9.05	107.2	1000	2332		11	11	142
Medical Dental Office	720	3.1	3.93	36	1000	2898		10	9	104
Food Cart Pod	926	4.31	6.16	61.6	1	41			74	1288
Fast Casual Resturant	930	1.43	12.55	97.14	1000	4320			31	239
*Unit of measure = ITE Unit by which total size is divided by in order to calc. trip generation								New Project Trips		
**Size - Total size of development, eg 10 dwelling units or 50,000 sqf.								Net New Project Trips (new trip - existing trips)		
***% reduction applied to trip generation, eg. .35 passby reduction for 100 trips - (1 - .35) * 100 - .65 - from approved traffic impact study only								25	134	1881
****% reduction applied to trip generation, eg. .10 internal capture reduction for 100 trips - (1 - .10) * 100 - .9 * 100 - 90 - from approved traffic impact study only								25	134	1881

Traffic Impact Fee Calculation									
LU Description	ITE LU Code	Proposed Project ADT	Net New Proj ADT	TIF Rate/Trip	TIF Overlay rate/trip	BEF Reduction = .3 for retail commercial uses & ITE LU 912	Tax Reduction	TIF Due	Overlay TIF Due
Food Cart Pod	926	1288	1287.92	428	0	0.30	0.15	\$328,002.08	\$0.00
Medical Dental Office	720	104	104.02	428	0		0.15	\$37,835.20	\$0.00
High Turnover/Sit Down	932	142	142.02	428	0	0.30	0.15	\$36,161.72	\$0.00
Congregate Care Facility	253	108	107.97	428	0		0.15	\$39,290.40	\$0.00
Fast Casual Resturant	930	239	239.08	428	0	0.30	0.15	\$60,863.74	\$0.00
Sum		1881	1881	TIF Totals:				\$502,153.14	\$0.00

Disclaimer: This information is provided based on the TIF program in place as of the date shown above and is only an estimate of the fee. Per VMC 20.915.020, the fee shall be calculated at time of building permit application. See VMC 20.915 for more information.



City of Vancouver Transportation Services
Trip and Traffic Impact Fee Calculation Worksheet

Application Number: PRJ-165518

Project Name:	Vancouver Mail MU	Date:	8/21/2024 12:00:00 AM
Project Address:		TAZ:	TA202
Project Number:	PRJ-165518	Primary Corridor:	4PLN #2
ENG Number:		Parcel 1 ID:	160740000
TIF District:	Pacific	Parcel 2 ID:	
TIF Overlay District:		Parcel 3 ID:	

Concurrency Monitoring Fees			
Corridor	PM Peak Trips	Cost/Trip	max. \$1500
Fourth Plain Blvd to I-5	1	\$69.00	\$69.00
I-205 to SE 136th Ave	3	\$69.00	\$207.00
SE 136th Ave to SE 164th Ave	2	\$69.00	\$138.00
SE 164th Ave to SE 192nd Ave	1	\$69.00	\$69.00
Mill Plain Blvd to I-5	2	\$69.00	\$138.00
I-5 to Andresen Rd	6	\$69.00	\$414.00
I-205 to NE 162nd Ave	4	\$69.00	\$276.00
Mill Plain Blvd to SR-500	6	\$69.00	\$414.00
SR-500 to NE 78th Street	33	\$69.00	\$2,277.00
NE 112th Ave to NE 138th Ave	1	\$69.00	\$69.00
Mill Plain Blvd to NE 28th St	2	\$69.00	\$138.00
NE 28th St to NE 51st St	7	\$69.00	\$483.00
Calculated Total =		\$4,692.00	Total Monitoring Fee = \$1,500.00

Proportionate Shares				
Case Number	Project	Fee/Unit	Trips/Lots	Final Fee
	NE Fourth Plain/152nd Street Signal	\$333.00	2	\$666.00
Total Proportionate Share Fees =				\$666.00

COMMENTS:

Proposed multi-phase, mixed-use development Scope to include first phase construction of food cart pod concurrent with residential care facility. Second phase to include new mixed use building with commercial and residential care. Third phase to include 55+ senior living units and removal of food cart pod	District: Pacific		District TIF =	\$502,153.14
			Total TIF =	\$502,153.14

Disclaimer: This information is provided based on the TIF program in place as of the date shown above and is only an estimate of the fee. Per VMC 20.915.020, the fee shall be calculated at time of building permit application. See VMC 20.915 for more information.



CLARK COUNTY WASHINGTON

PUBLIC HEALTH

clark.wa.gov

1601 E Fourth Plain Blvd, Bldg 17
PO Box 9825
Vancouver, WA 98666-8825
360.397.8000

October 19, 2018

Auryn White
BAMA Architecture
7350 SE Milwaukie Avenue
Portland, OR 97202

RE: Development Review Evaluation for "Vancouver RCF" located at 4906 NE 72nd Avenue, Vancouver, WA
(SR0030950; Tax Parcels 160740000/160830000; PRJ-155551/PIR-60163)

Auryn White:

Clark County Public Health (CCPH) performed a Development Review Evaluation for the project site listed above. This evaluation is limited to the area of development proposed in your application.

Septic Systems (CCC 24.17, WAC 246-272A, CCC 40.370, RCW 58.17):

Public sewer service is proposed and required for this project. No existing on-site sewage system (OSS) is indicated on the application nor observed in the field. CCPH records indicate an abandoned OSS is associated with the former dwelling at 4906 NE 72nd Avenue.

Based on site history, OSS components may exist. Any on-site sewage tanks or drywells located during development must be properly abandoned and reported to CCPH.

Water Systems (WAC 173-160, WAC 246-290, CCC 40.370, RCW 58.17):

Public water service is proposed and required for this project. No existing water well is indicated on the application nor observed in the field. No well documents were located in CCPH records.

Based on site history, a water well may exist. Any well found during development must be legally decommissioned by a licensed well driller per WAC 173-160-381. The decommissioned well must be reported to CCPH and shown on the final site plan.

If you have questions or concerns regarding this evaluation, please feel free to contact me at (360) 397-8428, ext. 7375.

Sincerely,

Drake Amundson
Environmental Health Specialist

CC: Patti McEllrath, City of Vancouver, Community & Economic Development Department



P.O. Box 1995 • Vancouver, WA 98668-1995

www.cityofvancouver.us

June 4 2024

**Notice of Final Determination of Nonsignificance (DNS)
Vancouver Food Carts
PRJ-165518/LUP-83447**

The city issued a Determination of Nonsignificance (DNS) for this project May 1, 2024; this determination is retained. No comments were received.

It has been determined the following described project will not have a probable significant adverse impact on the environment. Under the authority of WAC 197-11-330(1) and 197-11-350, a determination of insignificance has been issued.

Request: A mixed-use master plan for a two-phased development that consists of a 4,324-square-foot taphouse, food cart pod and 46 surface parking spaces in phase one. The second phase consist of a 3-story, 38,472-square-foot retirement care facility with 49 beds and first floor commercial store fronts. The application was reviewed via a Type IV Land Use process.

Location: 4906 NE 72nd Ave.

Applicant/Contact: Sam Hehr, BAMA Architecture and Design, 7350 SE Milwaukie Ave. Portland, Oregon 97202

Property Owner: Vancouver Mall Properties LLC, 13960 SE Kind Road, Happy Valley, Oregon 97086

Requests to appeal this decision must be made in writing within 14 calendar days after the date the decision. The letter of appeal shall state the case number designated by the city, the name of the applicant, name and signature of each petitioner, a statement showing that each petitioner is entitled to file the appeal under VMC Chapter 20.210, the specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error. A substantive appeal of the SEPA determination must be filed in conjunction with and within the limitation period applicable to an available administrative appeal of the applicable permit or approval (VMC 20.790.640.D).

All appeals, along with the required fee, must be received by 4 p.m., June 18, 2024.

Due to the limited days the permit center is open for walk-in assistance, the appeal request shall be emailed to Kristian.corbin@cityofvancouver.us as well as to the case manager's e-mail address below and the appeal fee electronically paid to the City of Vancouver.

Responsible Official: Kristian Corbin, Senior Planner
Telephone: 360-487-7818
E-mail: Kristian.corbin@cityofvancouver.us

Kristian Corbin, Senior Planner

June 4, 2024

Date

EXHIBIT L

Stormwater Report

****Because of the size of the exhibit, it is not included with this report. The documents are available for review via email. Please email the case manager for this project to receive electronic copies of the requested exhibits.**

EXHIBIT M

Geotechnical Report

****Because of the size of the exhibit, it is not included with this report. The documents are available for review via email. Please email the case manager for this project to receive electronic copies of the requested exhibits.**

**BEFORE THE HEARING EXAMINER
FOR CITY OF VANCOUVER**

In the Matter of the Application of	)	NO. PRJ-165518/LUP-83447
	)	
	)	
BAMA Architecture and Design,	)	Vancouver Mixed Use
on behalf of Vancouver Mall	)	Development Master Plan
Properties LLC	)	
	)	
For Approval of a Mixed Use Master Plan	)	FINDINGS, CONCLUSIONS,
and Site Plan	)	AND RECOMMENDATION
_____	)	

SUMMARY OF RECOMMENDATION

The request for approval of a mixed use master plan and a Phase 1 site plan **SHOULD BE GRANTED.**

SUMMARY OF RECORD

Request:

Vancouver Mall Properties LLC requested approval of a mixed use master plan for a two-phase development – including (at full build out) a multi-tenant eating and drinking establishment, food cart spaces, outdoor seating, a senior assisted living facility, office space, parking, and landscaping - and site plan approval for the first phase of development. The subject property is located at 4906 NE 72nd Avenue, Vancouver, Washington.

Hearing Date:

The City of Vancouver Hearing Examiner conducted a virtual open record hearing on the request on September 17, 2024. The record was held open through September 19, 2024 to allow any members of the public having difficulty accessing the virtual hearing to submit written comments, with time scheduled for responses by the parties. No post-hearing public comment was received, and the record closed on September 19, 2024.

No in-person site visit was conducted, but the Examiner viewed the site on Google Maps.

Testimony:

At the open record hearing the following individuals presented testimony under oath:

Kristian Corbin, Senior Planner, City of Vancouver

Eric Hahn, Senior Civil Engineer, City of Vancouver

Auryn White, Architect, Applicant Representative

Exhibits:

At the open record hearing, the following exhibits were admitted in the record:

1. Staff Report, dated September 3, 2024
 - A. Application
 - B. Applicant Narrative
 - C. Proposed Development Plans
 - D. SEPA Checklist
 - E. Notice of Application / Remote Hearing and Optional Determination of Non-Significance, dated May 1, 2024
 - F. Revised Notice of Application / Remote Hearing, dated August 1, 2024
 - G. [Stricken]¹
 - H. Transportation Impact Analysis (TIA), Clemow Associates LLC, dated December 19, 2023
 - I. City of Vancouver TIA Summary, dated August 21, 2024
 - J. Development Review Evaluation, Clark County Public Health, dated October 19, 2018
 - K. Final SEPA Determination of Non-Significance, dated June 4, 2024
 - L. Stormwater Report
 - M. Geotechnical Report
2. Applicant PowerPoint Presentation
3. City PowerPoint Presentation

After considering the testimony and exhibits admitted in the record, the Hearing Examiner enters the following findings and conclusions:

FINDINGS

1. Vancouver Mall Properties LLC (Applicant) requested approval of a mixed use master plan for a two-phase development - that would include, at full build out, a multi-tenant eating and drinking establishment, food cart spaces, outdoor seating, a senior assisted living facility, office space, parking, and landscaping - and site plan approval for the first phase of development. The subject property is located at 4906 NE 72nd Avenue, Vancouver, Washington. *Exhibits 1, 1.A, 1.B, and 1.C.*
2. The application was submitted on July 3, 2023 and determined to be complete on April 24, 2024. *Exhibits 1 and 1.E.*

¹ The documents at Attachment G are redundant and City Transportation Staff recommended that the attachment be stricken. *Eric Hahn Testimony.*

3. The subject property consists of two undeveloped lots totaling 1.55 acres located on the north side of NE Vancouver Mall Drive between NE Andresen Road and NE 72nd Avenue.² Surrounding land uses include multifamily dwellings to the north (R-22 Higher Density Residential zone); multifamily dwellings to the east across NE 72nd Avenue (R-30 Higher Density Residential zone); multifamily dwellings to the west across NE Andresen Road (R-30 Higher Density Residential zone); and a bank, gas station, and other commercial uses to the south across NE Vancouver Mall Drive (Community Commercial zone). *Exhibits 1, 1.C, 2, and 3.*³
4. The subject property is zoned Neighborhood Commercial and has a comprehensive plan designation of Commercial. *Exhibit 1.* Mixed use developments consisting of separate structures are allowed in the Neighborhood Commercial zone. Upon approval of the mixed use master plan, the zoning would be changed to Mixed Use (MX). *Exhibit 1; VMC 20.430.060.C(1).*
5. The purpose of the MX zone is as follows:

Mixed use developments allow for placement of a mix of uses in a single building or integrated site of multiple buildings. Mixed use developments are intended to allow for efficient use of land and public services in an urban setting; encourage human interaction and sense of place; create safe, attractive and convenient environments; and increase development alternatives.

VMC 20.430.060.
6. Phase 1 of the project would include the following:
 - A 4,323 square foot eating and drinking establishment, with capability to host a tap house and up to four additional tenants with indoor and outdoor seating areas.⁴ The building would be located in the southwest portion of the site, along Vancouver Mall Drive.

² The Applicant proposes to consolidate these lots through a separate boundary line adjustment process. Staff recommended as a condition of approval that a copy of the recorded lot consolidation be submitted prior to civil plan approval. *Exhibits 1 and 1.B.*

³ Exhibit 3 (City presentation slides) was relied on for the zoning of the properties to the east and west of the subject property, as it is consistent with information provided in the Clark County GIS property information center. Conflicting information was provided on page 3 of the Staff Report and within Exhibit 2 (Applicant presentation slides).

⁴ The record is not clear about how many tenants would be located in the tap house. Applicant PowerPoint slide 9 states “tap house with up to four additional tenants” (suggesting five total, which is consistent with the Applicant representative’s testimony), while the master site plan shows the building with three total tenants (Exhibit 1.C, Sheet S.D1.0) both in text on the building on the site plan and in showing three apparent entrances. The staff report does not appear to provide analysis of the number of vendors within the building. The undersigned takes notice that, since parking is determined by square footage and not number of vendors, this lack of clarity need not be cleared up prior to the instant recommendation, but it is called out as an open question by this footnote.

- Tenant spaces for 41 food carts with outdoor seating and shared indoor seating.⁵ The food cart spaces and outdoor seating areas would be spread throughout the central and western portions of the site. The total area occupied by the food carts would be 9,348 square feet.⁶
- Fifty-two surface parking stalls plus bike-rack parking for 38 bicycles, to be located in the eastern portion of the site.⁷
- Associated infrastructure and landscaping.

Exhibits 1.C and 2; Auryn White Testimony.

7. Phase 2 of the project would retain the taphouse building, the surface parking, and 14 of the food cart spaces (3,192 square feet). The remaining food cart spaces would be removed and replaced with a three-story mixed use building (with a footprint of 10,834 square feet and gross floor area of 32,502 square feet), which would include 4,228 square feet of medical office and general office space (two tenants) on the ground floor and a 49-bed senior assisted living facility within the remainder of the building. Of the 28,274 square feet allocated to the assisted living use, 21,688 square feet would consist of residential space and 6,606 square feet would consist of associated administrative space. The assisted living facility would be licensed through the Department of Health and provide care for residents requiring assistance with living tasks such as bathing, medication, meals, and housekeeping. A covered outdoor seating area would be provided between the taphouse building and the senior living building. *Auryn White Testimony; Exhibits 1 and 1.C.*
8. The solid waste facilities, parking, access, and utilities needed for both phases would be developed during Phase 1. The Applicant submitted that 466 square feet of solid waste and recycling area is required, and that 672 square feet are proposed. *Auryn White Testimony; Exhibit 1.C (see Sheet SD1.0).*
9. All of the proposed uses are allowed in the MX zone. No drive-through facility is proposed in conjunction with the uses; such facilities are prohibited in multi-building mixed use sites per VMC 20.430.060.C(2)(a). *Exhibits 1 and 1.C.*
10. Consistent with the mixed use site standard of VMC 20.430.060.C(2)(b), at least 20% of the combined gross floor area of the buildings within the master planned area would be devoted to residential uses, and at least 20% would be devoted to nonresidential uses. The combined gross floor area of the development once Phase 2 is complete would be

⁵ Of note, while the text on the face of the plan states a total of 41 food truck sites (consistent with the Applicant's PowerPoint presentation, *Exhibit 2, Slide 9*), there are only 40 depicted graphically. *Exhibit 1.C, Sheet PP0.1.*

⁶ The parking count for Phase 1, including the taphouse and 41 food carts, was not clearly called out on the site plans. Of note, on the Phase 1 Plan (Sheet PP0.1), food carts are stated to occupy 228 square feet each, which multiplied by 41 is 9,328 square feet, divided by one required off street parking stall per 400 square feet equals 23.37, or 23, required parking stalls. Thus, the 52 proposed stalls would also provide more than enough off street parking for the tap house (which itself requires 17 stalls without a parking modification request).

⁷ Exhibit 1.C, Master Site Plan, Sheet SD1.0 only shows 51 parking stalls.

40,017 square feet, of which 21,688 square feet (54%) would be devoted to residential use and 18,348 square feet (46%) would be devoted to nonresidential use. *Exhibit 1.*

11. The proposed land uses would be functionally integrated in that the assisted living residents could be served by the ground floor medical office space and have dining and social opportunities through the taphouse and food carts. With respect to physical integration, the site design places the uses in close proximity and connects the senior living and taphouse buildings with a covered outdoor seating area. Consistent with VMC 20.430.060.C(2)(d)(4), more than 5% of the site area would consist of accessible outdoor seating areas and courtyards to encourage interaction among residents and other users of the site. Indeed, the entire site would be open to the public except for the assisted living facility, which would have a secured entrance. With respect to design integration, Staff recommended as a condition of approval that the Applicant demonstrate complementary color schemes between the buildings prior to civil plan approval. *Exhibits 1, 1.C, and 2; Aurn White Testimony.*
12. Consistent with VMC 20.430.060.C(2)(e), the nonresidential buildings would have a floor area ratio of 0.59 (0.5 is required). The density standard of 12 dwelling units per acre applicable to residential development is not applicable to the assisted living facility due to the shared nature of the use. *Exhibit 1.*
13. As required by VMC 20.430.060.C(2)(e)(3), the project would be consistent with the development standards of the MX zone. The MX zone allows lot coverage of up to 100% and requires front and rear yard setbacks of 10 feet when abutting an R zone. There is no minimum building separation requirement for buildings on the same site. The maximum building height ranges from 35 to 75 feet depending on building setbacks and adjacent zoning. *VMC Table 20.430.040-1.* The subject property abuts an R zone on its north side. All permanent buildings and food truck stalls would be set back at least 10 feet from all property lines to accommodate landscape buffer requirements. *Exhibits 1 and 1.C.*
14. None of the proposed non-residential uses would directly abut a single-family residential zone, such as to trigger the screening requirement of VMC 20.430.060.C(2)(e)(4). *Exhibit 1.*
15. Consistent with VMC 20.430.060.C(2)(f)(1), no more than 50% of the property's frontage on Vancouver Mall Drive, a minor arterial, would be devoted to off-street parking or vehicular access. In this case, parking and access would constitute approximately 37% of the property's Vancouver Mall Drive frontage. There would be no site access from NE Andresen Road, a principal arterial, nor would there be any parking adjacent to NE Andresen Road. *Exhibits 1 and 1.C.*
16. Consistent with VMC 20.430.060.C(2)(f)(2), the commercial units within the taphouse and assisted living buildings would have pedestrian entrances facing Vancouver Mall Drive. *Exhibits 1 and 1.C.*

17. Consistent with VMC 20.430.060.C(2)(f)(3), there would be no blank walls longer than 30 feet without windows facing any street frontage. *Exhibits 1, 1.B, and 2.*
18. VMC 20.945.070-2 requires one parking space for every 250 square feet of eating and drinking establishment. The number of parking spaces required for the Phase 1 portion of the development, based on a total of 13,671 square feet of eating and drinking space for the taphouse building and food carts, would be 40. The Applicant proposes to provide 52 parking stalls, including two ADA stalls, as part of Phase 1 site development, which parking would also serve the Phase 2 uses. *Exhibits 1 and 1.C.*
19. The site plan indicates that the commercial space on the ground floor of the building would be occupied by one medical office and one general office. *Exhibit 1.C, Sheet SD1.0.* At hearing, the Applicant representative testified that two medical office uses are anticipated. *Auryn White Testimony.* Pursuant to VMC 20.945.070-2, 0.75 parking spaces are required per employee and one visitor parking space per 10 residents for residential care facilities; one parking space per 200 square feet of medical office space; and one parking space per 400 square feet of general office space. Considering these requirements, the continued taphouse use, and the reduction in foot cart area, Phase 2 development with one general office and one medical office on the ground floor would require a total of 62 parking spaces. Pursuant to VMC 20.430.060.C(2)(h)(4), the Planning Official may authorize a reduction in required parking of up to 25% in mixed use sites if transit service is available. In this case, C-Tran routes 32 and 78 run along the site. City Staff have administratively approved a 20% parking reduction, reducing the minimum number of parking stalls to 50. The proposed parking would meet this requirement. *Exhibits 1 and 1.C.* If two medical office uses are in the building, the total parking requirement for the ground floor commercial space in the proposed building increases from 17 to 21, a difference of four stalls, which would require 66 total parking stalls for Phase 2. The undersigned notes that the administrative reduction in stalls can go up to 25%, and it is possible for the Planning Official to approve Phase 2 with 50 parking stalls at the time Phase 2 review occurs. *VMC 20.430.060.C(2)(h)(4).*
20. Vehicular access to the site would be from both NE 72nd Avenue and NE Vancouver Mall Drive, with access via NE 72nd Avenue limited to right-in/right-out turning movements. Vancouver Mall Drive is a four-lane minor arterial, and NE 72nd Avenue is a collector arterial. Although for corner parcels VMC 11.80.110 limits access to the arterial with the lowest functional classification (in this case, NE 72nd Avenue), City Staff submitted that limiting access to NE 72nd Avenue would negatively impact traffic patterns in the vicinity.⁸ Although Staff supports the two access points, a road modification request is needed for documentation purposes. Staff recommended that the Applicant submit the request prior to civil plan approval.⁹ *Exhibits 1, 1.C, and 1.H.*

⁸ The Applicant's transportation impact analysis notes that the single access might also adversely affect vehicle circulation on-site, in that southbound queues at the intersection of NE 72nd Avenue and NE Vancouver Mall Drive might block the site access during peak hours. *Exhibit 1.H.*

⁹ The Applicant has already obtained approval of a minor road modification request to deviate from the five-year street cut moratorium applicable to NE Vancouver Mall Drive. *Exhibit 1.*

21. The recommended conditions of approval identify the street frontage improvements needed to ensure compliance with City standards. These would include removing the existing curb-tight sidewalks along NE 72nd Avenue and a portion of NE Vancouver Mall Drive and replacing them with detached sidewalks and planter strips, except where doing so would impact an Oregon white oak tree.¹⁰ The existing curbs and gutters would be retained in their existing location. Due to the short distance between the site access on NE 72nd Avenue and the intersection with NE Vancouver Mall Drive, a curb median would be installed in NE 72nd Avenue to prevent left turns into or out of the site. No improvements to Andresen Road are needed other than repair of any sidewalk deficiencies and restoration of utility trenching. *Exhibit 1.*
22. The Applicant submitted a transportation impact analysis (TIA) dated December 19, 2023, which was based on a prior site design, although the overall mix of uses was similar.¹¹ Based on trip generation data contained in the Institute of Transportation Engineers' manual *Trip Generation, 11 Edition*, the development was expected to generate 1,881 new average daily trips, 134 new PM peak hour trips, and 25 new AM peak hour trips. *Exhibit 1.H.*
23. Based on expected background traffic growth and the traffic generated by the proposed development (with trip distribution based on having a single site entrance on NE 72nd Avenue, instead of the current proposal of having an additional entrance on Vancouver Mall Drive), the intersection of NE Vancouver Mall Drive and NE Andresen Road is expected to fall from Level of Service (LOS) E (an acceptable LOS under City standards) to LOS F in 2030. This change is expected to occur with or without the traffic from the proposed development. However, the TIA found that changes in signal timing could reduce the delay to LOS D. Other studied intersections, including the intersection of Vancouver Mall Drive and NE 72nd Avenue, would operate at LOS B or better. *Exhibit 1.H.*
24. The TIA included a queuing analysis, which found that under current traffic conditions, queue lengths for the northbound left and right turn lanes at the intersection of NE Vancouver Mall Drive and NE Andresen Road exceed striped capacity during the PM peak hour. The traffic generated by the proposed development is expected to have no effect on the northbound left turn lane but is expected to increase queue demand for the northbound right turn lane by one vehicle length. However, based on the distance to the next intersection, the conclusion of the TIA was that queues at the intersection could be safely accommodated and no mitigation is needed. *Exhibits 1 and 1.H.*
25. The City requested that updated traffic information be provided prior to Phase 2 approval.

¹⁰ The undersigned notes that the plan set depicts the requested changes to the Vancouver Mall frontage, but it does not depict the changes to the sidewalk on NE 72nd Avenue, and that revisions to the plans may be required. *Exhibit 1.C.*

¹¹ The key differences between the site plan reviewed in the TIA and the current site plan include that the former had only a single vehicular access point off NE 72nd Avenue, 21 food carts both in Phase 1 and Phase 2, and a café as one of the assisted living facility tenants. *Exhibits 1.C and 1.H.*

City Engineering staff does not expect that the number of vehicle trips will change, but that there might be slight changes to trip distribution (possibly resulting in improved traffic conditions) due to the changes in site access. *Eric Hahn Testimony.*

26. The subject property is located within the #202 Transportation Analysis Zone. The project would add PM peak hour trips to several Transportation Management Zone corridors, including along Mill Plain Boulevard, Fourth Plain Boulevard, Andresen Road, 112th Avenue, and NE 18th Street. Based on the expected trip distribution, the Applicant would be required to pay concurrency monitoring fees of \$1,500. *Exhibits 1, 1.H, and 1.I.*
27. The project would add two PM peak hour trips to the intersection of Fourth Plain Boulevard and NE 152nd Street, an intersection that is covered by a proportionate share mitigation project. Based on this impact, the Applicant would be required to pay a total of \$666.00 in proportionate share mitigation fees. *Exhibit 1.*
28. In addition to the concurrency modeling fees and proportionate share mitigation fees, the Applicant would be required to pay traffic impact fees pursuant to VMC 20.915 for the Pacific traffic impact fee district. The fee would be calculated based on the rate in effect at the time of building permit application and collected prior to building permit issuance. *Exhibits 1 and 1.I.*
29. Pursuant to VMC 11.70.090, the segment of Andresen Road between SR-500 and NE 78th Street is designated as a Category 1 Concurrency Corridor, which stipulates that the corridor is operating at or above the City's adopted level of service standards. Based on the Applicant's documentation, the proposed development would add 33 new PM peak hour trips to this corridor, a number which is not anticipated to cause the corridor to drop below the adopted level of service standard. *Exhibit 1.*
30. The site soils are not suitable for infiltration. Consequently, stormwater runoff would be detained in an underground vault and discharged into the public storm system. The runoff would be routed through Oldcastle BioPod systems for water quality treatment prior to detention. The stormwater system would be designed consistent with the Stormwater Management Manual for Western Washington. *Exhibits 1.L and 1.M.*
31. Public water and sewer are available to the site through existing mains in the adjacent streets. Planning Staff submitted that the submitted plans demonstrate that the City's water and sewer requirements can be met. *Exhibit 1.*
32. The Applicant proposes to provide a 672 square foot trash and recycling enclosure in the northeast corner of the site (but outside of landscaped setbacks) to provide storage for four wheeled dumpsters and four carts. The enclosure would be large enough to meet the solid waste disposal requirements for both the Phase 1 and Phase 2 developments, considering the requirements of VMC 20.790. *Exhibits 1 and 1.C, Sheet SD1.0.* Although sufficient solid waste storage space would be provided, the plans do not show turning movements for side loader solid waste trucks from which it could be determined

whether the circulation requirement of VMC 20.970.040.C(3) is satisfied. While Planning Staff submitted that it appears that the site would be serviceable by collection vehicles, Staff recommended that the Applicant provide the turning movements prior to civil plan approval. *Exhibit 1.*

33. Consistent with VMC 20.710, the Applicant had an archaeological predetermination survey performed for the site. No archaeological materials were found during the survey. Planning Staff recommended as a condition of approval that the grading plans include a note requiring notice if archaeological materials are discovered during development activity. *Exhibit 1.*
34. VMC 20.770 requires tree preservation and planting to achieve a minimum of 30 tree units per acre. VMC 20.770.080. Forty-seven tree units of trees are required for the 1.55-acre site. The Applicant proposes to retain three fir trees and one Oregon white oak tree on-site and satisfy the remainder of the tree density standard through tree planting. A total of 52 trees would be provided, not including required street trees. *Exhibits 1 and 1.C.*
35. The landscaping required for the project includes a 10-foot L4 buffer along the northern property line and 10-foot L2 buffers along the eastern, southern, and western property lines. Street trees are also required along the street frontages. The City reviewed the Applicant's landscape plans and submitted that the landscaping requirements can be met with conditions requiring a six-foot tall wall along the northern property line, adjustments to the spacing and number of street trees, and changes to the species proposed. These plan changes would be required prior to civil plan approval. *Exhibits 1 and 1.C.*
36. The project was reviewed for consistency with adopted International Fire Code requirements, and Staff determined that the applicable requirements can be satisfied with recommended conditions of approval, which address fire response plan, hydrant, access, and signage requirements. *Exhibit 1.*
37. The project is subject to payment of transportation and park impact fees pursuant to VMC 20.915. Provided the Applicant submits a restrictive covenant ensuring that the assisted living facility is used for persons aged 62 or over, the project would be exempt from payment of school impact fees. *Exhibit 1.*
38. Pursuant to the State Environmental Policy Act (SEPA), the City of Vancouver acted as lead agency for review of environmental impacts caused by the proposal. After review of the Applicant's environmental checklist and other materials, the City issued a notice of application, remote public hearing, and optional SEPA determination of non-significance (DNS) on May 1, 2024, which specified a comment period ending May 31, 2024 and a hearing date of August 20, 2024. *Exhibits 1.D and 1.E.* No comments were submitted during the comment period, and the City issued a final DNS on June 4, 2024. *Exhibit 1.K.*
39. The City issued a revised notice of remote public hearing for the September 17, 2024 hearing date on August 9, 2024. There was no public comment on the application.

Exhibits 1 and 1.F; Kristian Corbin Testimony. There was no public comment at hearing.

40. Having heard all testimony, Planning Staff maintained their recommendation for approval subject to the conditions in the staff report. *Exhibit 1; Kristian Corbin Testimony.* The Applicant did not raise objections to the recommended conditions. *Auryn White Testimony.*

CONCLUSIONS

Jurisdiction:

VMC 20.210.020 grants the Hearing Examiner jurisdiction to hear and make a recommendation to City Council on Type IV development applications, which include master plans of less than 25 acres.

Site plan review is a Type II development application for which the review body is the Planning Official. *VMC Table 20.210.020-1.* VMC 20.210.020.D states that 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. In this case, Type IV review by the Hearing Examiner and City Council is the highest procedure type.

Criteria for Review:

Master Plan

Pursuant to VMC 20.430.060.C(3)(a)(2), mixed use master plans shall be approved, or approved with conditions, upon findings that:

- a. The Master Plan and associated conditions of approval ensure future development will meet all applicable criteria of this chapter; and
- b. The proposal complies with applicable rezone criteria of VMC 20.285.080;¹² and
- c. There is or will be sufficient capacity within the transportation system and public sewer, water, police, fire, and stormwater services to adequately serve all portions of the site at the time of development; and
- d. A change in circumstances has occurred since existing zoning designations at the site were originally adopted. For the purposes of a multiple building mixed use plan only, compliance with the development standards of VMC 20.430.060.C(2) and the applicable Comprehensive Plan policies shall be sufficient to demonstrate that a change in circumstances has occurred.

¹² This appears to be a scrivener error in the Code. VMC 20.285.080 provides notice requirements; the actual criteria are in a different section. The undersigned notes that clicking on “prior version of ordinance” in the online code takes a viewer to the rezone criteria in effect as of August 15, 2018.

Site Plan

Pursuant to VMC 20.270.050, site plan approval requires a project applicant to demonstrate the following:

- 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.

Conclusions Based on Findings:

1. As conditioned, the proposal is consistent with the criteria for master plan approval.

- A. The master plan and associated conditions of approval would ensure future development meets all applicable criteria of VMC 20.430. All proposed uses are allowed in the MX zone, and the site layout is consistent with MX development standards. As conditioned, the master plan is consistent with the standards for multiple building mixed use sites. The proposed uses would be almost evenly split between residential and non-residential uses. The uses would be functionally and physically integrated, and a condition of approval would ensure design integration through requiring complementary color schemes between the buildings. The minimum floor area ratio for non-residential buildings would be met. The frontage standards would be met. Based on the administrative approved parking modification reducing the number of required off-street parking stalls by 20%, sufficient parking is proposed to be provided on-site for Phase 1 improvements. Additional review procedures prior to approval of Phase 2 would provide ample opportunity to confirm code-compliant provision of off-street parking depending on the types of office uses proposed on the ground floor of the mixed use building.
Findings 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, and 40.
- B. The proposal is consistent with the applicable rezone criteria. Current VMC 20.285.080, referenced in Master Plan criterion (b) above, contains notice provisions (which Staff submitted have been complied with) instead of rezone criteria, but prior to 2009 it contained criteria for “small scale rezones.” At present, the rezone criteria for zoning map amendments are contained in VMC 20.285.060. If these are applicable, they require a demonstration of consistency with the Vancouver strategic plan and Comprehensive Plan and a change in circumstances. However, criterion (d) of VMC 20.430.060.C(3)(a)(2) specifically states that a change in circumstances need not be shown for multiple building mixed use developments such as the one proposed. Although no detailed analysis of the proposal’s consistency with the Comprehensive Plan was presented at the hearing, if consistency is required, it is easily demonstrated. In particular, the proposal is consistent with Comprehensive Plan language encouraging connected neighborhoods (page 1-9) and planning for an aging population (page 1-11), and policies CD-3 (promoting infill development), CD-5 (facilitating mixed use development), CD-7 (facilitating development that encourages pedestrian use and human interaction), and CD-10 (maximizing

opportunities for people to work or shop near where they live). The use would provide restaurants and services that would be useful for and accessible to not only the residents of the mixed use site, but residents of the surrounding multifamily developments. *Findings 3, 4, 6, 7, and 11.*

- C. As conditioned, there would be sufficient capacity within the transportation system and public utilities and services. Transportation level of service issues (which would exist even without the proposed development) could be addressed through changes in signal timing. Traffic impact fees and proportionate share mitigation fees would be paid. *Findings 23, 24, 26, 27, 28, 29, 30, 31, and 36.*
- D. As conditioned, the proposal demonstrates change of circumstances by complying with the development standards of VMC 20.430.060.C(2). Only uses allowed in the MX zone are proposed, and the uses would be almost evenly split between residential and non-residential uses. The uses would be functionally and physically integrated. The minimum floor area ratio for non-residential buildings would be met, as would applicable MX development standards. The frontage standards would be met. Based on the approved parking modification, sufficient parking would be provided on-site. Again, additional review procedures prior to approval of Phase 2 could ensure code-compliant provision of off-street parking for the second proposed phase. *Findings 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19.*

2. As conditioned, Phase 1 of the development meets the criteria for site plan approval.

- A. In addition to complying with the mixed use development standards as described in Conclusion 1 above, the site plan, as conditioned, would comply with applicable solid waste, landscaping, tree density, and archaeological preservation requirements. *Findings 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 32, 33, 34, and 35.*
- A. As conditioned, there would be adequate public facilities/services to serve the development. Frontage improvements would be provided, and transportation and park impact fees would be paid. Stormwater would be managed on-site consistent with City standards. *Findings 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 36, and 37.*

RECOMMENDATION

Based on the foregoing findings and conclusions, the request for approval of a mixed use master plan and a Phase 1 site plan **SHOULD BE GRANTED** subject to the following conditions:

Prior to Civil Plan Approval

1. Upload the civil plan review set showing the revisions requested as well as all necessary reports (geotechnical, hydrology, traffic analysis, road modification, etc.). Include a detailed site plan in the civil plan review set. For questions on these requirements, please contact (360) 487-7804.

2. Grading plan review fees will be due upon submittal of civil plans for review. Contact Permit Center staff at (360) 487-7802 to obtain a fee quote.
3. Submit a recorded copy of the lot consolidation.
4. Indicate a different type of material, color scheme, or textural difference to clearly delineate the pedestrian path from the parking lot on all site plans.
5. Add traffic prevention measures that can be removed only when food trucks elect to enter and leave the development separating the parking lot from the food truck pod.
6. Place the following on the grading plans: If any cultural resources are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and the City of Vancouver Community Development Department shall be notified. Failure to comply with these State requirements may constitute a Class C felony, subject to imprisonment and/or fines.
7. Show tree protection on Grading Plan. Erosion control shall go around, not through tree protection, along property lines.
8. Provide a six-foot tall sight obscuring wall per the L4 Buffer requirements listed in VMC 20.925.030-2 along the north property line.
9. Add additional street trees to meet requirements. Street trees shall be 25-30 feet on center.
10. Change the buffer trees adjacent to the existing fir trees to Douglas firs or Ponderosa pine trees at least 20 feet from the existing fir trees.
11. Remove the Persian Ironwoods and locate the Tupelo trees four feet behind the sidewalk.
12. Add one off-street loading space for the residential care facility, or demonstrate a loading berth is not needed based on the criteria in VMC 20.945.080.
13. Provide truck turning movements for the side loader solid waste truck (the longest of the trucks that will service this development). Templates for garbage/recycling trucks are available for users to model truck turning using either AutoTurn software or Autodesk Vehicle Tracking software. Templates can be downloaded from the City's website, <https://www.cityofvancouver.us/publicworks/page/truck-turning-radius>.
14. Pay concurrency modeling fees totaling \$1,500.
15. Pay proportionate share fees totaling \$666.
16. Submit a road modification request for the proposed additional full-motion access onto NE Vancouver Mall Drive.

17. Include the City of Vancouver standard advanced pavement restoration requirements on the civil drawings.
18. Satisfy all the submittal and other related requirements itemized for the project in the upcoming Notification of Civil Plan Approval (plan approval letter).
19. Submit a Stormwater Pollution Prevention Plan (SWPPP).
20. Submit a copy of the National Pollutant Discharge Elimination System (NPDES) construction permit.
21. Submit an easement in the form of a covenant running with the land that shall be dedicated to the City of Vancouver around the stormwater facilities for access and inspection.
22. Add a note on the water utility pages as follows: Underground fire sprinkler supply mains shall be installed only by contractors in compliance with WAC 212-80 and endorsed in accordance with VMC 16.04.095 under separate permit.
23. Provide a fire response plan including the following:
 - Fire hydrant locations related to the project.
 - Fire lane marking locations and details.
 - Aerial apparatus location along one side of the building shown as hashed area (where applicable).
 - Vehicle gate locations (where applicable).
 - Emergency vehicle tracks.
 - Fire Department Connection location.
 - Sprinkler riser location(s).
 - Fire-pump location (where applicable).
 - Fire alarm panel room location.
 - Fire Command Center location or Fire Control Room (where applicable).
 - Electrical and gas utility control room location(s).
 - Electrical meter and gas meter location(s).
 - Generator location.
 - Mechanical room location(s).
 - Knox-Box location (at main entry, or at fire protection equipment exterior door where adjacent to a fire lane).

- Standpipes and floor control valves.
- Location of elevator and stairwell shafts.
- Roof access door/hatch location (where standpipes and sprinkler floor control valves are required, this shaft shall be the roof access shaft).
- Fire access doors (where applicable).
- Emergency or standby power generator location (where applicable).
- Hazardous materials locations (if known or where applicable).
- Fuel dispensing locations.
- Anticipated hazards to emergency operations (overhead power lines, slopes/cliffs or hazardous processes).
- Presence of car stackers (where applicable).
- Hash line the required fire-rated walls.

Prior to Commencing Public Improvement Construction

24. Obtain all required permits to complete the sewer extensions and connections.
25. All fire hydrants for emergency use shall be established and maintained clear for emergency use.
26. Fire apparatus access roads shall be established.

During Public Improvement Construction

27. Temporary address signage shall be visible and legible from the street fronting the property for emergency response during construction.
28. Fire hydrants shall not be obstructed in any manner.
29. Fire apparatus access roads shall be maintained clear for emergency response.
30. FDC/Standpipes shall be provided and accessible during construction, if applicable.
31. Fire extinguishers and no smoking signs shall be provided during construction.

Prior to Issuance of any Building/Development Permits

32. Pay all required fees, including impact fees.
33. Geotechnical report required for tree excavating and root systems removal with compaction reports. A letter from the geotechnical engineer of record showing compliance and summarizing field observations and inspections will be required prior to footing inspection.

34. Submit color elevations for proposed buildings demonstrating design integration through complementary color schemes between the buildings.
35. For the assisted living facility, submit a restrictive covenant restricting the facility to serve exclusively persons 62 years of age or older.

Prior to Issuance of Certificate of Occupancy

36. A certificate from a licensed landscape architect shall be provided verifying that landscaping indicated on the final landscape plan has been installed, (for all commercial, multifamily, and industrial projects).
37. Provide the following improvements to NE Andresen Road per the appropriate City of Vancouver standards:
 - Repair any sidewalk deficiencies along the project frontage to ensure ADA compliance. For questions regarding repairs that are required, contact the Operations Department at sidewalks@cityofvancouver.us.
 - Utility trenching shall be restored per T05-04A and B and T05-06A and B (CDF). Asphalt restoration shall meet T05-01B and T05-07. A single continuous width restoration is required.
38. Comply with all requirements set forth on the civil drawings pursuant to the minor road modification approval.
39. Provide the following improvements to NE Vancouver Mall Drive per the appropriate City of Vancouver standards:
 - Dedicate additional right-of-way as necessary to accommodate the required minimum half-width right-of-way, per T10-12.
 - From the corner of NE 72nd Avenue to the beginning of the westbound right-turn lane at Andresen Road, remove the existing curb-tight sidewalk and construct a six-foot detached sidewalk and planting strip, per T10-12. The existing curb-tight attached sidewalk may remain in place adjacent to the large white oak, to protect the tree. The existing curb and gutter must not be disturbed.
 - Remove all existing driveway accesses and construct a new driveway access, per the appropriate City standard.
40. Provide the following improvements to NE 72nd Avenue per the appropriate City of Vancouver standards:
 - Dedicate additional right-of-way as necessary to accommodate the required minimum half-width right-of-way, per T10-13.
 - Remove the existing curb-tight sidewalk and construct a six-foot detached sidewalk and planting strip along the property frontage, per T10-13. The existing curb and gutter must not be disturbed.

- Remove any existing driveway accesses and construct a new driveway access, per the appropriate city standard.
- Per the requirements of VMC 11.80.110, any driveway located within 125 feet of a signalized intersection on a collector arterial shall be limited to only right-turn movements. Therefore, the Applicant must install a curb median along the center stripe, to block all left turns at the site access. The curb median must begin at the north property line and end at a point 15 feet behind the stop bar at the intersection of Vancouver Mall Drive.
- The existing pedestrian ramps and landings at the northwest corner of NE Vancouver Mall Drive / NE 72nd Avenue must meet current ADA standards, per VMC 11.80.070.D. The Applicant must provide elevations and slopes on the construction drawings for the existing ramps and landings at this corner to demonstrate ADA compliance. Any non-compliant components of the corner must be reconstructed.
- If required by Traffic Operations, install “No Parking” signage at the appropriate location to eliminate on-street parking near the corner of the intersection with Vancouver Mall Drive. Contact Traffic Operations for guidance on the correct sign location.
- Utility trenching shall be restored per T05-04A and B and T05-06A and B (CDF). Asphalt restoration shall meet T05-01B and T05-07. A single continuous width restoration is required.

41. Revised traffic assessment based on the updated site plan shall be submitted with applications for Phase 2 improvements.

Decided October 11, 2024.

By:



Sharon A. Rice
City of Vancouver Hearing Examiner

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Approval of Claim Vouchers

Action Requested

Approve claim vouchers for November 18, 2024.

Attachments:

1. November 18, 2024 Claim Vouchers

VOUCHER APPROVAL

We, the undersigned council members of the City of Vancouver, Clark County, Washington, do hereby certify that the merchandise or services hereinafter specified have been received and that the vouchers listed below are approved for payment in the amount of:

\$ 20,320,262.13 this 18th day of November 2024.

MAYOR

Cyndi A. Turner Digitally signed by Cyndi A. Turner
Date: 2024.11.12 14:28:24 -08'00'

AUDITING OFFICER

COUNCILMEMBER

COUNCILMEMBER

DATE	INCLUSIVE CHECK NUMBERS	CHECK TOTAL
October 28, 2024 - November 10, 2024	Accounts Payable Checks (see attached)	\$ 15,410,353.04
October 28, 2024 - November 10, 2024	Hansen City Payments (see attached)	\$ 475,928.08
October 28, 2024 - November 10, 2024	Visa Refunds (see attached)	\$ 3,313.26
October 28, 2024 - November 10, 2024	Payroll Checks (see attached)	\$ 4,430,667.75
TOTAL		\$ 20,320,262.13

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Transaction Reference</u>	<u>Date</u>	<u>Amount</u>	<u>Payee</u>	<u>Memo</u>
Supplier Payment	Check	22010	10/30/2024	535.98	Accurate Corporate Services Inc	
Supplier Payment	Check	22011	10/30/2024	3,240.00	Action Onsite Inc	
Supplier Payment	Check	22012	10/30/2024	9,480.28	Action Technology Systems	
Supplier Payment	Check	22013	10/30/2024	136.00	American Sani-Can	
Supplier Payment	Check	22014	10/30/2024	800.00	Andrew Prochniak	
Supplier Payment	Check	22015	10/30/2024	699.00	Axon Enterprises Inc	
Supplier Payment	Check	22016	10/30/2024	300.00	Betancourt Torres & Associates LLC	
Supplier Payment	Check	22017	10/30/2024	8,152.50	Bloomberg Finance LP - Remit-To: Bloomberg - Boston	
Supplier Payment	Check	22018	10/30/2024	10,778.05	Brown & Wilson Partnership LLC	
Supplier Payment	Check	22019	10/30/2024	671.48	Cellco Partnership - Remit-To: Cellco - Dallas	
Supplier Payment	Check	22020	10/30/2024	150.00	Cellco Partnership - Remit-To: Cellco - NJ	
Supplier Payment	Check	22021	10/30/2024	30,169.12	Clark County - Remit-To: Clark County - Treasurer Vancouver	
Supplier Payment	Check	22022	10/30/2024	10.00	Clark County - Remit-To: Reeta Fees	
Supplier Payment	Check	22023	10/30/2024	1,954.02	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	22024	10/30/2024	159.95	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	22025	10/30/2024	96.91	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	22026	10/30/2024	199.96	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	22027	10/30/2024	10,347.15	Cubic ITS, Inc	
Supplier Payment	Check	22028	10/30/2024	32,490.00	Date Park Condominium Inc.	
Supplier Payment	Check	22029	10/30/2024	34,007.70	DLT Solutions LLC	
Supplier Payment	Check	22030	10/30/2024	9,692.89	Esther Short Commons LLP	
Supplier Payment	Check	22031	10/30/2024	56.68	Experian Marketing Solutions - Remit-To: Experian - Los Angeles	
Supplier Payment	Check	22032	10/30/2024	517.81	First-Citizens Bank & Trust Company	
Supplier Payment	Check	22033	10/30/2024	8,879.09	Fourth Plain Forward	
Supplier Payment	Check	22034	10/30/2024	2,806.25	Groundwater Solutions, Inc.	
Supplier Payment	Check	22035	10/30/2024	286.25	Harper Houf Peterson Righellis Inc	
Supplier Payment	Check	22036	10/30/2024	4,976.14	Herrera Environmental Consultants Inc	
Supplier Payment	Check	22037	10/30/2024	8,666.67	Hispanic Metropolitan Chamber	
Supplier Payment	Check	22038	10/30/2024	550.18	J-2 Blueprint Supply Co.	
Supplier Payment	Check	22039	10/30/2024	13,669.54	Janus Youth Programs Inc	
Supplier Payment	Check	22040	10/30/2024	12,748.80	KBT Distributing LLC	
Supplier Payment	Check	22041	10/30/2024	11,500.00	Ke Kukui Foundation - Remit-To: Ke Kukui Foundation - street	
Supplier Payment	Check	22042	10/30/2024	3,111.60	Kennedy Jenks Consultants - Remit-To: Kennedy Jenks Consulting	
Supplier Payment	Check	22043	10/30/2024	937.77	Lakeside Industries Inc - Remit-To: Lakeside - LB Seattle	

*Please contact Procurement Services if you would like to review the justification for EMERGENCY procurement.

INVOICE PAYMENTS REPORT

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Supplier Payment	Check	22044	10/30/2024	2,255.16	LSW Architects PC	
Supplier Payment	Check	22045	10/30/2024	593.18	Mascott Equipment Co	
Supplier Payment	Check	22046	10/30/2024	1,946.54	McFarlanes Bark Inc	
Supplier Payment	Check	22047	10/30/2024	600.00	Nagra & Atwal Corporation	
Supplier Payment	Check	22048	10/30/2024	5,204.38	National Park Service - Remit-To: National Park Service - Pearson Lease	
Supplier Payment	Check	22049	10/30/2024	4,999.84	NAVEX Global Inc - Remit- To: NAVEX Global Inc	
Supplier Payment	Check	22050	10/30/2024	4,086.18	Parametrix, Inc	
Supplier Payment	Check	22051	10/30/2024	5,514.10	Parkeon	
Supplier Payment	Check	22052	10/30/2024	3,232.00	PBS Engineering and Environmental Inc	
Supplier Payment	Check	22053	10/30/2024	1,524.00	Public Safety Testing Inc	
Supplier Payment	Check	22054	10/30/2024	26.75	Qwest Corporation - Remit- To: CenturyLink - Phoenix	
Supplier Payment	Check	22055	10/30/2024	2,446.67	RH2 Engineering, Inc.	
Supplier Payment	Check	22056	10/30/2024	13.30	Software House International SHI - Remit- To: SHI - Dallas	
Supplier Payment	Check	22057	10/30/2024	7,085.82	Stantec Consulting Services Inc - Remit-To: Stantec - Chicago	
Supplier Payment	Check	22058	10/30/2024	25,692.21	State of Washington Department of Transportation - Remit-To: WADOT - PO Box 47339	
Supplier Payment	Check	22059	10/30/2024	13.88	Stericycle Inc - Remit-To: Shred-It	
Supplier Payment	Check	22060	10/30/2024	500.00	Suzanne Best PDH Inc.	
Supplier Payment	Check	22061	10/30/2024	7,053.91	The Columbian Publishing Co	
Supplier Payment	Check	22062	10/30/2024	4,066.00	The Loudenback Corporation	
Supplier Payment	Check	22063	10/30/2024	466.33	Towing & Recovering Services Inc	
Supplier Payment	Check	22064	10/30/2024	2,142.47	Triple J Enterprises	
Supplier Payment	Check	22065	10/30/2024	317.39	United Parcel Service	
Supplier Payment	Check	22066	10/30/2024	5,000.00	United States Postal Service - Remit-To: United States Postal Service Caples	
Supplier Payment	Check	22067	10/30/2024	108.00	Vancouver Aire LLC	
Supplier Payment	Check	22068	10/30/2024	165.00	Vancouver Granite Works Inc	
Supplier Payment	Check	22069	10/30/2024	724.75	Veritext LLC - Remit-To: Veritext LLC	
Supplier Payment	Check	22070	10/30/2024	244.59	W.B. Sprague Co. Inc.	
Supplier Payment	Check	22071	10/30/2024	128,789.35	WSP USA Inc. - Remit-To: WSP USA Inc. Dallas	
Ad Hoc Payment	Check	22072	10/30/2024	159.29	Alyssa or Brandon Abeling	8704 NE 84TH ST ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	22073	10/30/2024	109.75	Angela or Gary Schuler	3714 NE 97TH AVE ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	22074	10/30/2024	95.05	Bonny Lund Living Trust	400 MONTEREY WAY ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22075	10/30/2024	26.64	Brian or Tamara Watkins	800 SE 95TH AVE ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22076	10/30/2024	39.00	Chloe or Levi Sargent	2821 NE BURTON RD ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	22077	10/30/2024	156.00	Christopher or Mary Onslow	1715 SE 84TH CT ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22078	10/30/2024	29.11	Cole,Irene	16003 NE 85TH ST ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	22079	10/30/2024	81.10	Couve Properties Llc	616 NE 144TH AVE ,VANCOUVER,WA,98684
Ad Hoc Payment	Check	22080	10/30/2024	200.00	CSL Enterprises LLC	3502 NE 39TH ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22081	10/30/2024	255.00	Daniel or Nancy Barnes	1624 SE MANOR AVE ,VANCOUVER,WA,98683

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INVOICE PAYMENTS REPORT

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Ad Hoc Payment	Check	22082	10/30/2024	209.00	Delawder,Brian	8901 E MILL PLAIN BLVD ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22083	10/30/2024	198.52	Denlinger,Roger P	19300 SE 30TH ST ,CAMAS,WA,98607
Ad Hoc Payment	Check	22084	10/30/2024	238.61	DM Homes Inc	3200 H ST ,VANCOUVER,WA,98663
Ad Hoc Payment	Check	22085	10/30/2024	187.17	Edwards,Lisa	323 SANTA FE DR ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22086	10/30/2024	241.78	Erick or Crystin Gonzalez Gomez	2501 NE 98TH AVE ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	22087	10/30/2024	129.24	George,Stephen	2604 SE NORELIUS DR ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22088	10/30/2024	939.02	Goodfellow Bros	123 HYDRANT AVE ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22089	10/30/2024	144.03	Gray or Trenton Howard	3003 NE 132ND AVE ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	22090	10/30/2024	70.88	Halli or Hannah Harrington	8912 NE 80TH ST ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	22091	10/30/2024	70.85	Harris,Dorothy	6604 OKLAHOMA DR ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22092	10/30/2024	104.76	Jacob or Naomi Camargo	5712 NE 64TH AVE ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22093	10/30/2024	61.65	Jeffrey or Mariette Eschright	17905 SE 17TH LN ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22094	10/30/2024	21.16	Jones,Patrick or Helen	14409 NE 16TH ST ,VANCOUVER,WA,98684
Ad Hoc Payment	Check	22095	10/30/2024	94.00	King,James	1004 SE 99TH AVE ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22096	10/30/2024	111.89	Lawrence O Pratkan Estate	1801 E 4TH ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22097	10/30/2024	416.29	Linebarger,Kayla	Utility Refunds: 0009049900-09
Ad Hoc Payment	Check	22098	10/30/2024	131.12	Mangers,Jane	416 NE 123RD AVE ,VANCOUVER,WA,98684
Ad Hoc Payment	Check	22099	10/30/2024	63.84	Mary Hunter or Mariann Kelly or D R Hunter	5813 MONTANA LN ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22100	10/30/2024	161.21	Mcdermott,John	905 SE 73RD AVE ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22101	10/30/2024	48.79	Mcdermott,John or Patricia	905 SE 73RD AVE ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22102	10/30/2024	245.60	Mcdonald Excavating Inc	123 HYDRANT AVE ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22103	10/30/2024	268.24	Megan Hope or Simon Blanco	6109 NE 37TH ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22104	10/30/2024	102.90	Morgan,Sheryl	1208 SE NANCY RD ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22105	10/30/2024	190.00	Morse,John	17404 SE 15TH WAY ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22106	10/30/2024	607.17	Nguyen,Dao	108 NE 92ND AVE ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22107	10/30/2024	45.96	Nylund Homes Inc	10508 NE 93RD ST ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	22108	10/30/2024	159.68	OD Labs Property	8900 MT RAINIER DR ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22109	10/30/2024	41.91	OD Labs Property	2007 NE 177TH AVE ,VANCOUVER,WA,98684
Ad Hoc Payment	Check	22110	10/30/2024	96.99	Perleth Properties Llc	1513 MANOR LN ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22111	10/30/2024	28.04	Rachel or Jason Baker	3607 E 11TH ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22112	10/30/2024	47.33	Raymond Haughton Living Trust	5700 NE 82ND AVE ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	22113	10/30/2024	151.88	Schmidt,Connie	416 NE 123RD AVE ,VANCOUVER,WA,98684
Ad Hoc Payment	Check	22114	10/30/2024	91.00	SFR Borrower 2022-1 Llc	7902 NE 28TH ST ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	22115	10/30/2024	22.59	Shaun or Ivy Voigt	2903 E 29TH ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22116	10/30/2024	31.27	Sonna,Lisa	4024 SE 168TH AVE ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22117	10/30/2024	250.00	Stephens,Roni	6605 NE 70TH ST ,VANCOUVER,WA,98661

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INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Transaction Reference</u>	<u>Date</u>	<u>Amount</u>	<u>Payee</u>	<u>Memo</u>
Ad Hoc Payment	Check	22118	10/30/2024	124.00	The David Mark Wilson Estate	12116 SE RIVERIDGE DR ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22119	10/30/2024	22.58	The Estate of Barbara Olson	9008 NE 54TH ST ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	22120	10/30/2024	235.00	The Estate of Hermena Wirsching	1914 SE 124TH CT ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22121	10/30/2024	361.00	The Estate of Melba Sherman	12701 SE ANGUS ST ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22122	10/30/2024	287.96	Wills,Richard or Margaret	5815 NE 75TH AVE ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	22123	10/30/2024	100.33	York,Myra	4621 NE 49TH AVE ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22124	10/30/2024	20.02	Zahra,Holly	801 E 22ND ST ,VANCOUVER,WA,98663
Miscellaneous Payment	Check	22125	10/30/2024	2,112.54	Bao Nguyen	CLAIM PAYMENT - DOI: 09/21/2024 - RISK
Miscellaneous Payment	Check	22126	10/30/2024	84.00	CARRIER 3 TRANSPORT	Refund duplicate payment to INV#77069294
Miscellaneous Payment	Check	22127	10/30/2024	1,322.54	Dianne Morris	RES-356319 (jobsite: 304 E 22nd Street)
Miscellaneous Payment	Check	22128	10/30/2024	200.00	Erin Hanley	Erin Hanley, TreeFund
Miscellaneous Payment	Check	22129	10/30/2024	60,000.00	GLP Attorneys P.S., Inc. in Trust for Terrence Hampton	CLAIM PAYMENT - DOI: 02/26/2023 - RISK
Miscellaneous Payment	Check	22130	10/30/2024	25.00	Ilia Ozherelev	Refund for parking citation #7205005858
Miscellaneous Payment	Check	22131	10/30/2024	286.41	James Winner	RES-358850 (jobsite: 7912 NE Burton Rd.)
Miscellaneous Payment	Check	22132	10/30/2024	1,680.00	Kayli Becker	CLAIM PAYMENT - DOI: 10/13/2024 - RISK
Miscellaneous Payment	Check	22133	10/30/2024	76.84	Lee Woodward II	MPE-362099 (jobsite: 604 SE 103rd Ave)
Miscellaneous Payment	Check	22134	10/30/2024	91.00	NATIONAL EXTINGUISHER SERVICE	Refund duplicate payment to INV#77069349
Miscellaneous Payment	Check	22135	10/30/2024	2.90	Professional Credit Service	Refund for invoice 43410 negative trust. Citation 7203803064 - ALECIA MORALES
Miscellaneous Payment	Check	22136	10/30/2024	182.00	Pye-Barker Fire and Safety LLC	Refund duplicate payment to INV#77069626
Miscellaneous Payment	Check	22137	10/30/2024	11.49	Sharon Woosley	Lot 18 P1/P2 Permit Refund COV14150
Miscellaneous Payment	Check	22138	10/30/2024	361.89	Shin Etsu Handotai America	SDP-359834 (jobsite: 4111 NE 112th Ave)
Ad Hoc Payment	Check	22139	11/6/2024	487.00	Barcus, Gregory R	2805 Q ST ,VANCOUVER,WA,98663
Ad Hoc Payment	Check	22140	11/6/2024	107.03	Crystal or Dennis Crawford	1100 SE 128TH AVE ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22141	11/6/2024	5,225.99	CTA Johnson Property	3925 NE 72ND AVE ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22142	11/6/2024	99.90	Daniel Fry or Maksim Lopatin	8809 NE 16TH WAY ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22143	11/6/2024	47.90	Evans,Laura	2246 NE 50TH CIR ,VANCOUVER,WA,98663
Ad Hoc Payment	Check	22144	11/6/2024	532.03	Granich,Sandra	14512 SE 25TH CIR ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22145	11/6/2024	239.00	Grey,Larry	15612 SE 15TH ST ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22146	11/6/2024	509.12	Hanley,Gayle	1212 NE 160TH AVE ,VANCOUVER,WA,98684
Ad Hoc Payment	Check	22147	11/6/2024	20.67	Key Bank National Cass Information Systems	Utility Refunds: 0098003031-07
Ad Hoc Payment	Check	22148	11/6/2024	92.31	Lavellee,Mark or Emese	10409 SE 11TH ST ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22149	11/6/2024	46.93	Liem Huy Ngo or Kieu Oanh K Luong	13225 NE 61ST CIR ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	22150	11/6/2024	60.28	Mary M Talbitzer Revocable Trust	17146 SE 23RD DR ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22151	11/6/2024	634.15	McLean,Phyllis J	15909 NE 6TH CIR ,VANCOUVER,WA,98684
Ad Hoc Payment	Check	22152	11/6/2024	81.15	Miles,Cindy	9020 NE 25TH CIR ,VANCOUVER,WA,98662

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Ad Hoc Payment	Check	22153	11/6/2024	44.65	Moffatt,Anthony	2805 Q ST ,VANCOUVER,WA,98663
Ad Hoc Payment	Check	22154	11/6/2024	166.41	Richter,John	2116 SE 131ST AVE ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22155	11/6/2024	192.90	Sarensen,Brenda	3502 NE 151ST CT ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	22156	11/6/2024	80.97	Sofge,Dusten	2630 SE 138TH LOOP ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22157	11/6/2024	46.14	Sonam Pelmo, Tenzin Topjor or Youdon Lhamo	16014 NE 4TH ST ,VANCOUVER,WA,98684
Ad Hoc Payment	Check	22158	11/6/2024	56.95	Steve or Brandy Wright or Christopher Cooper	2601 NE 81ST AVE ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	22159	11/6/2024	84.50	Stone,Jean	5000 NE 138TH AVE ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	22160	11/6/2024	37.47	Stone,Shelby or Mathew	9008 NE 54TH ST ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	22161	11/6/2024	265.76	The Estate of Toni M Hepner	15015 SE 35TH ST ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22162	11/6/2024	122.18	Walters,Laurie	2052 SE 158TH LOOP ,VANCOUVER,WA,98683
Customer Refund	Check	22163	11/6/2024	75.48	AQUA-FRESH GCM SERVICES	Overpayment on account
Customer Refund	Check	22164	11/6/2024	540.00	BOLDYN NETWORKS	Refund of duplicate payment
Miscellaneous Payment	Check	22165	11/6/2024	94.50	EnviroLux	Softball Refund
Miscellaneous Payment	Check	22166	11/6/2024	27,647.00	First Street Station RC, LLC	SWR-326783 & WTR- 326781 (Parcel # 176160000 (First Street Village Phase 2))
Miscellaneous Payment	Check	22167	11/6/2024	54.00	JOHNSTONE SUPPLY	Refund overpayment on INV# 77069826
Miscellaneous Payment	Check	22168	11/6/2024	100.00	Lincoln Neighborhood Association	2024 Resource Conservation Challenge
Miscellaneous Payment	Check	22169	11/6/2024	84,296.80	Maxwell Freudenburg	CLAIM PAYMENT - DOI: 06/27/2024 - RISK
Miscellaneous Payment	Check	22170	11/6/2024	120.00	Meadow Homes NA	2024 Grant Approved
Miscellaneous Payment	Check	22171	11/6/2024	100.00	PIAMON WADE	Damage deposit refund
Miscellaneous Payment	Check	22172	11/6/2024	20,000.00	Pickett Dummigan Weingart LLP FBO Alejandra Navarro Winston	CLAIM PAYMENT - DOI: 11/01/2020 - RISK
Miscellaneous Payment	Check	22173	11/6/2024	219.00	Taj Rudolph	Softball Refund
Miscellaneous Payment	Check	22174	11/6/2024	252.00	Tony Harkleroad	Softball Refund
Supplier Payment	Check	22175	11/6/2024	682.09	Accurate Corporate Services Inc	
Supplier Payment	Check	22176	11/6/2024	5,130.00	Action Onsite Inc	
Supplier Payment	Check	22177	11/6/2024	51,170.00	Alexis Devillier	
Supplier Payment	Check	22178	11/6/2024	125.00	American Federation of Labor & Congress of Industrial Orgs Southwest WA Central Labor Council	
Supplier Payment	Check	22179	11/6/2024	3,324.05	Apex Hydrovac Tools LLC	
Supplier Payment	Check	22180	11/6/2024	4,400.17	Arborscape Ltd Inc	
Supplier Payment	Check	22181	11/6/2024	9,983.86	AT & T Mobility National Accounts LLC - Remit-To: AT & T Mobility	
Supplier Payment	Check	22182	11/6/2024	3,377.84	Bacon Collision	
Supplier Payment	Check	22183	11/6/2024	16,627.60	BAE Urban Economics, Inc.	
Supplier Payment	Check	22184	11/6/2024	8,503.78	Betancourt Torres & Associates LLC	
Supplier Payment	Check	22185	11/6/2024	14,020.00	Cascade Inn	
Supplier Payment	Check	22186	11/6/2024	11,857.10	CECO Inc	
Supplier Payment	Check	22187	11/6/2024	9,755.66	Chiodo Corp	
Supplier Payment	Check	22188	11/6/2024	434.80	Clark Public Utility District No. 1	
Supplier Payment	Check	22189	11/6/2024	64,837.29	Clary Longview LLC	
Supplier Payment	Check	22190	11/6/2024	10,451.37	Clean Harbors Environmental Services Inc	
Supplier Payment	Check	22191	11/6/2024	3,000.00	Colliers International Holdings (USA) Inc.	
Supplier Payment	Check	22192	11/6/2024	1,235.00	Columbia Industrial Training & Education LLC	

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Supplier Payment	Check	22193	11/6/2024	24,307.74	Columbia Resource Company	
Supplier Payment	Check	22194	11/6/2024	7,800.00	Concord Adult Care Home, LLC	
Supplier Payment	Check	22195	11/6/2024	15,000.00	Dania Rescue Consulting & Language Services, LLC	
Supplier Payment	Check	22196	11/6/2024	89,405.75	Datec Inc	
Supplier Payment	Check	22197	11/6/2024	268.00	Dex Media West	
Supplier Payment	Check	22198	11/6/2024	25,842.41	Duke's Root Control Inc.	
Supplier Payment	Check	22199	11/6/2024	3,478.40	Echo Electric LLC	
Supplier Payment	Check	22200	11/6/2024	1,660.19	Esix Sportswear	
Supplier Payment	Check	22201	11/6/2024	3,145.93	Genuine Parts Company - Remit-To: NAPA - Vancouver	
Supplier Payment	Check	22202	11/6/2024	500.00	Greg Brian Otto	
Supplier Payment	Check	22203	11/6/2024	13,279.78	HDJ Design Group - Remit-To: HDJ - Portland	
Supplier Payment	Check	22204	11/6/2024	3,977.08	Invintus Media LLC	
Supplier Payment	Check	22205	11/6/2024	3,871.76	Iron Mountain Inc - Remit-To: Iron Mountain - New York	
Supplier Payment	Check	22206	11/6/2024	1,467.45	Jamestown Networks	
Supplier Payment	Check	22207	11/6/2024	33,062.23	KBT Distributing LLC	
Supplier Payment	Check	22208	11/6/2024	10,488.00	Lacamas Creek SNF Healthcare LLC	
Supplier Payment	Check	22209	11/6/2024	3,149.21	Lakeside Industries Inc - Remit-To: Lakeside - LB Seattle	
Supplier Payment	Check	22210	11/6/2024	8,760.71	Mallory Safety & Supply LLC	
Supplier Payment	Check	22211	11/6/2024	12,377.77	McFarlanes Bark Inc	
Supplier Payment	Check	22212	11/6/2024	1,500.00	Message Gears LLC	
Supplier Payment	Check	22213	11/6/2024	4,431.65	Mity-Lite, Inc.	
Supplier Payment	Check	22214	11/6/2024	1,531.05	Municipal Emergency Services Inc - Remit-To: Municipal Emergency Services - Chicago	
Supplier Payment	Check	22215	11/6/2024	110.00	Northwest Drug-Safe LLC	
Supplier Payment	Check	22216	11/6/2024	15,991.21	Northwest Natural Gas Company - Remit-To: NW Natural - Portland	
Supplier Payment	Check	22217	11/6/2024	1,470.69	One Call Concepts Inc	
Supplier Payment	Check	22218	11/6/2024	369.67	Orion Medical Supply	
Supplier Payment	Check	22219	11/6/2024	26,576.17	Parametrix, Inc	
Supplier Payment	Check	22220	11/6/2024	500.00	Parkway East Neighborhood Association	
Supplier Payment	Check	22221	11/6/2024	315.00	Porter W Yett Company	
Supplier Payment	Check	22222	11/6/2024	50.00	PPC Solutions Inc	
Supplier Payment	Check	22223	11/6/2024	14,234.99	Prestige Truck Accessories	
Supplier Payment	Check	22224	11/6/2024	16,601.92	Raimi & Associates, Inc.	
Supplier Payment	Check	22225	11/6/2024	638.00	Rapid Response Bio Clean Inc.	
Supplier Payment	Check	22226	11/6/2024	2,424.01	Safeware Inc.	
Supplier Payment	Check	22227	11/6/2024	500.00	SeaWestern Inc	
Supplier Payment	Check	22228	11/6/2024	7,174.20	Selectron Technologies, Inc	
Supplier Payment	Check	22229	11/6/2024	4,134.57	Shrums Pest Control	
Supplier Payment	Check	22230	11/6/2024	38,770.44	Software House International SHI - Remit-To: SHI - Dallas	
Supplier Payment	Check	22231	11/6/2024	2,195.69	Stantec Consulting Services Inc - Remit-To: Stantec - Chicago	
Supplier Payment	Check	22232	11/6/2024	130,517.26	State of Washington Department of Labor and Industries - Remit-To: Self-Insurance Section	
Supplier Payment	Check	22233	11/6/2024	4,000.00	The Arts Centered	
Supplier Payment	Check	22234	11/6/2024	1,881.00	The Loudenback Corporation	
Supplier Payment	Check	22235	11/6/2024	6,450.70	Traffic Safety Supply Co Inc	

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Supplier Payment	Check	22236	11/6/2024	1,344.07	Triple J Enterprises	
Supplier Payment	Check	22237	11/6/2024	20,000.00	United States Postal Service - Remit-To: USPS - First Data/Remitco - 52940558	
Supplier Payment	Check	22238	11/6/2024	435.00	Vancouver Aire LLC	
Supplier Payment	Check	22239	11/6/2024	330.00	Vancouver Granite Works Inc	
Supplier Payment	Check	22240	11/6/2024	32,275.00	Vancouver Watersheds Council	
Supplier Payment	Check	22241	11/6/2024	221.03	Vestis Group, Inc - Remit-To: Vestis - Pasadena	
Supplier Payment	Check	22242	11/6/2024	380.46	W.B. Sprague Co. Inc.	
Supplier Payment	Check	22243	11/6/2024	13,076.60	Wallis Engineering PLLC	
Supplier Payment	Check	22244	11/6/2024	1,870.78	Walter E Nelson Company	
Supplier Payment	Check	22245	11/6/2024	826.00	Washington Amateur Softball Association	
Supplier Payment	Check	22246	11/6/2024	16,523.60	Waste Connections of Washington - Remit-To: Waste Connections - Vancouver	
Supplier Payment	Check	22247	11/6/2024	6,332.24	Water Systems Consulting Inc	
Supplier Payment	Check	22248	11/6/2024	6,843.50	WELL Cogin Tenant III LLC	
Supplier Payment	Check	22249	11/6/2024	459,450.00	Willis Towers Watson Insurance Services West inc	
Supplier Payment	Check	22250	11/6/2024	132,225.14	Wire Works LLC	
Supplier Payment	Check	22251	11/6/2024	2,282.68	Zayo Group Holding Inc - Remit-To: Zayo Group Holding Inc	
Supplier Payment	Check	22253	11/8/2024	5,963.31	Aflac	
Supplier Payment	Check	22254	11/8/2024	5,982.71	AFSCME Local #307	
Supplier Payment	Check	22255	11/8/2024	334.00	California State Disbursement Unit	
Supplier Payment	Check	22256	11/8/2024	1,033.50	Chapter 13 - Trustee	
Supplier Payment	Check	22257	11/8/2024	491.00	Hawaii SDU	
Supplier Payment	Check	22258	11/8/2024	774.90	IAM Local #1374	
Supplier Payment	Check	22259	11/8/2024	8,577.80	Life Insurance Company of North America	
Supplier Payment	Check	22260	11/8/2024	1,125.00	MFS Service Center Inc	
Supplier Payment	Check	22261	11/8/2024	100.00	OPEIU Local #11	
Supplier Payment	Check	22262	11/8/2024	4,748.32	OPEIU Local #11	
Supplier Payment	Check	22263	11/8/2024	851.00	Teamsters Local #58	
Supplier Payment	Check	22264	11/8/2024	245.00	UA Local #290	
	Check	22265	11/8/2024	3,919.80	Western Conference of Teamsters	
Supplier Payment	Check	22266	11/8/2024	1,862.56	Western Metal Industry Pension Plan	
			Check	2,148,683.79		
Expense Payment	Direct Deposit	EFT-00269967	10/31/2024	49.53	Matt Hoover	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00269968	10/31/2024	65.00	Michael Maini	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00269969	10/31/2024	55.00	Brendan McMillan	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00269970	10/31/2024	180.00	Steve Morehouse	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00269971	10/31/2024	16.78	Peggy Liggit	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00269972	10/31/2024	71.50	Anna Bergstrom	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00269973	10/31/2024	71.50	Chadd Nolan	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00269974	10/31/2024	151.08	Blanca Magallon	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00269975	10/31/2024	15.96	Patrick Kennedy	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00269976	10/31/2024	195.50	Chad Thurman	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00269977	10/31/2024	223.78	Amanda Cestnik	Employee Reimbursement

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Expense Payment	Direct Deposit	EFT-00269978	10/31/2024	71.50	Jake Carlow	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00269979	10/31/2024	177.97	Julie Denton	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00269980	10/31/2024	116.00	Anne McEnerny-Ogle	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00269981	10/31/2024	58.78	Joseph Lenahan	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00269982	10/31/2024	195.66	Margaret Leedom	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00269983	10/31/2024	44.25	Ryan Starbuck	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00269984	10/31/2024	64.75	Michael Whitney	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00269985	10/31/2024	116.75	Kyle Cahoon	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00269986	10/31/2024	85.16	Jordan Macfarlane	Employee Reimbursement
Cash Advance Payment	Direct Deposit	EFT-00269987	10/31/2024	236.00	Clayton Agbisit	Travel Advance
Expense Payment	Direct Deposit	EFT-00269988	10/31/2024	506.00	Robert Givens	Employee Reimbursement
Cash Advance Payment	Direct Deposit	EFT-00269989	10/31/2024	124.75	Sergio Borquez-Ortega	Travel Advance
Expense Payment	Direct Deposit	EFT-00269990	10/31/2024	204.00	Julie Ballou	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00269991	10/31/2024	71.50	Jason Nicholson	Employee Reimbursement
Cash Advance Payment	Direct Deposit	EFT-00269992	10/31/2024	124.75	Phillip Medina	Travel Advance
Expense Payment	Direct Deposit	EFT-00269993	10/31/2024	132.75	Erica Nilsen	Employee Reimbursement
Cash Advance Payment	Direct Deposit	EFT-00269994	10/31/2024	124.75	Kory Sorenson	Travel Advance
Expense Payment	Direct Deposit	EFT-00269995	10/31/2024	2.60	Rainy Rau	Employee Reimbursement
Cash Advance Payment	Direct Deposit	EFT-00269996	10/31/2024	124.75	Ian Crawford	Travel Advance
Expense Payment	Direct Deposit	EFT-00269997	10/31/2024	16.00	Greg Catton	Employee Reimbursement
Cash Advance Payment	Direct Deposit	EFT-00269998	10/31/2024	99.00	Jeff Brown	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00269999	10/31/2024	559.00	Ashley Williams	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00270000	10/31/2024	440.00	Clayton Agbisit	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00270001	10/31/2024	133.00	Brandy Osborn	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00270002	10/31/2024	179.51	Ken Portlock	Travel Advance
Expense Payment	Direct Deposit	EFT-00270085	11/7/2024	484.88	Lon Pluckhahn	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00270086	11/7/2024	98.45	Franklin Gomez	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00270087	11/7/2024	136.00	Daniel Avery	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00270088	11/7/2024	55.56	Wayne Folkers	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00270089	11/7/2024	305.00	Nichole Brannan	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00270090	11/7/2024	284.00	Patrick Herzog	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00270091	11/7/2024	2,925.58	Gavin Zirkel	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00270092	11/7/2024	34.75	Tanya Wollstein	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00270093	11/7/2024	672.70	Kathleen McNicholas	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00270094	11/7/2024	444.75	Melissa Sager	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00270095	11/7/2024	715.08	Jen Dugger Spalding	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00270096	11/7/2024	36.50	Kimberly Kapp	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00270097	11/7/2024	1.50	Jaycee Elliott	Employee Reimbursement
Cash Advance Payment	Direct Deposit	EFT-00270098	11/7/2024	170.00	Clayton Agbisit	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00270099	11/7/2024	238.00	Neil Martin	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00270100	11/7/2024	28.50	Aaron Lande	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00270101	11/7/2024	54.50	Lisa Brandl	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00270102	11/7/2024	149.50	Joseph Muirhead	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00270103	11/7/2024	54.50	Lon Pluckhahn	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00270104	11/7/2024	301.00	Edward Letarte	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00270105	11/7/2024	149.50	Julie Patterson	Travel Advance

*Please contact Procurement Services if you would like to review the justification for EMERGENCY procurement.

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Transaction Reference</u>	<u>Date</u>	<u>Amount</u>	<u>Payee</u>	<u>Memo</u>
Cash Advance Payment	Direct Deposit	EFT-00270106	11/7/2024	170.00	Bennie Romiti	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00270107	11/7/2024	319.00	Diana Perez	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00270108	11/7/2024	170.00	Tommy Razo	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00270109	11/7/2024	435.00	Ty Stober	Travel Advance
			Direct Deposit	13,539.06		
Supplier Payment	EFT	EFT-00269901	10/30/2024	1,754.71	State of Washington Department of Revenue	
Supplier Payment	EFT	EFT-00270003	10/31/2024	2,957.37	PC Specialists Inc - Remit-To: TIG - San Diego	
Supplier Payment	EFT	EFT-00270004	10/31/2024	7,153.75	Northwest Staffing Resources Inc - Remit-To: Northwest Staffing Resources	
Supplier Payment	EFT	EFT-00270005	10/31/2024	987.00	Allegiance Benefit Plan Management Inc (Pension and Flex).	
Supplier Payment	EFT	EFT-00270006	10/31/2024	3,200.00	The Amy VanCamp Experience LLC	
Supplier Payment	EFT	EFT-00270007	10/31/2024	148.26	Bound Tree Medical LLC	
Supplier Payment	EFT	EFT-00270008	10/31/2024	11,139.00	Guardian Alliance Technologies, Inc.	
Supplier Payment	EFT	EFT-00270009	10/31/2024	38.38	Ziply Fiber	
Supplier Payment	EFT	EFT-00270010	10/31/2024	27.18	Wager Audio Inc	
Supplier Payment	EFT	EFT-00270011	10/31/2024	7,902.00	Eurofins Eaton Analytical, LLC	
Supplier Payment	EFT	EFT-00270012	10/31/2024	77,481.36	OpenSesame Inc	
Supplier Payment	EFT	EFT-00270013	10/31/2024	35,833.88	Halbert Construction Services LLC	
Supplier Payment	EFT	EFT-00270014	10/31/2024	11,512.40	Captura 22, Inc	
Supplier Payment	EFT	EFT-00270015	10/31/2024	303.28	Distinctive Landscape LLC	
Supplier Payment	EFT	EFT-00270016	10/31/2024	211,366.30	Mark43 Inc.	
Supplier Payment	EFT	EFT-00270017	10/31/2024	760.90	Oregon Rifleworks LLC	
Supplier Payment	EFT	EFT-00270018	10/31/2024	9,931.75	Mead and Hunt Inc	
Supplier Payment	EFT	EFT-00270019	10/31/2024	110,330.50	McClure and Sons Inc.	
Supplier Payment	EFT	EFT-00270020	10/31/2024	31,750.81	Share	
Supplier Payment	EFT	EFT-00270021	10/31/2024	455.45	Lasko Printing Specialties Inc	
Supplier Payment	EFT	EFT-00270022	10/31/2024	20,509.54	Workday Inc	
Supplier Payment	EFT	EFT-00270023	10/31/2024	14,283.27	HDR Engineering Inc - Remit-To: HDR Engineering - Chicago	
Supplier Payment	EFT	EFT-00270024	10/31/2024	113,369.90	First Forty Feet LLC	
Supplier Payment	EFT	EFT-00270025	10/31/2024	5,616.59	YWCA Clark County	
Supplier Payment	EFT	EFT-00270026	10/31/2024	1,350.00	Thomas Garvey	
Supplier Payment	EFT	EFT-00270027	10/31/2024	27,411.50	Brown and Caldwell - Remit-To: Brown & Caldwell - San Francisco	
Supplier Payment	EFT	EFT-00270028	10/31/2024	27,326.91	Pacific Landscape Services Inc	
Supplier Payment	EFT	EFT-00270029	10/31/2024	261,708.57	Rotschy Inc	
Supplier Payment	EFT	EFT-00270030	10/31/2024	85,442.41	Del Sol Inc	
Supplier Payment	EFT	EFT-00270031	10/31/2024	263,349.55	Vancouver Housing Authority	
Supplier Payment	EFT	EFT-00270032	10/31/2024	22,128.68	Council for the Homeless	
Supplier Payment	EFT	EFT-00270033	10/31/2024	24,869.94	Clark EMS Physicians, LLC	
Supplier Payment	EFT	EFT-00270034	10/31/2024	1,673.99	Copiers Northwest Inc.	
Supplier Payment	EFT	EFT-00270035	10/31/2024	303.28	Harry's Key Service Inc	
Supplier Payment	EFT	EFT-00270036	10/31/2024	39,262.44	Coral Sales Company	
Supplier Payment	EFT	EFT-00270037	10/31/2024	2,666.25	Fosterful	
Supplier Payment	EFT	EFT-00270038	10/31/2024	220,850.97	Tapani Inc	
Supplier Payment	EFT	EFT-00270110	11/7/2024	3,911.75	PBS Engineering and Environmental Inc	
Supplier Payment	EFT	EFT-00270111	11/7/2024	1,575.00	Giving Solutions Group, LLC	
Supplier Payment	EFT	EFT-00270112	11/7/2024	512.72	HDR Engineering Inc	
Supplier Payment	EFT	EFT-00270113	11/7/2024	227,232.36	Lee Contractors LLC	
Supplier Payment	EFT	EFT-00270114	11/7/2024	32,078.43	Live Love Outreach	
Supplier Payment	EFT	EFT-00270115	11/7/2024	44,499.00	Consort North America Inc	
Supplier Payment	EFT	EFT-00270116	11/7/2024	600.00	Rotschy Inc	
Supplier Payment	EFT	EFT-00270117	11/7/2024	132,229.38	Stellar J Corporation	

*Please contact Procurement Services if you would like to review the justification for EMERGENCY procurement.

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Transaction Reference</u>	<u>Date</u>	<u>Amount</u>	<u>Payee</u>	<u>Memo</u>
Supplier Payment	EFT	EFT-00270118	11/7/2024	8,141.00	Brown and Caldwell - Remit-To: Brown & Caldwell - San Francisco	
Supplier Payment	EFT	EFT-00270119	11/7/2024	533.78	Praxair Distribution Inc	
Supplier Payment	EFT	EFT-00270120	11/7/2024	2,250.00	Unitarian Universalist Church of Vancouver	
Supplier Payment	EFT	EFT-00270121	11/7/2024	95.00	T2 Systems Inc - Remit-To: T2- Atlanta	
Supplier Payment	EFT	EFT-00270122	11/7/2024	8,475.11	First Forty Feet LLC	
Supplier Payment	EFT	EFT-00270123	11/7/2024	7,446.61	Western United Civil Group, LLC - Remit-To: Western United Civil Group, LLC	
Supplier Payment	EFT	EFT-00270124	11/7/2024	262.50	United Site Services of Nevada, Inc.	
Supplier Payment	EFT	EFT-00270125	11/7/2024	3,243,977.68	Granite Construction Company	
Supplier Payment	EFT	EFT-00270126	11/7/2024	308,333.33	Vancouver Downtown Association	
Supplier Payment	EFT	EFT-00270127	11/7/2024	3,952.76	YWCA Clark County	
Supplier Payment	EFT	EFT-00270128	11/7/2024	10,241.90	MacKay Sposito Inc	
Supplier Payment	EFT	EFT-00270129	11/7/2024	29,220.13	Western Water Works Supply Co Inc	
Supplier Payment	EFT	EFT-00270130	11/7/2024	4,458.87	Key Code Media, Inc	
Supplier Payment	EFT	EFT-00270131	11/7/2024	722.65	Captura 22, Inc	
Supplier Payment	EFT	EFT-00270132	11/7/2024	1,059.83	Jasmine Alayadhi	
Supplier Payment	EFT	EFT-00270133	11/7/2024	1,383.38	Craig and Julie Pfeifer	
Supplier Payment	EFT	EFT-00270134	11/7/2024	2,939.23	HDR Engineering Inc - Remit-To: HDR Engineering - Chicago	
Supplier Payment	EFT	EFT-00270135	11/7/2024	2,740.69	Marten Law LLP	
Supplier Payment	EFT	EFT-00270136	11/7/2024	695.61	Branlo Enterprises, LLC	
Supplier Payment	EFT	EFT-00270137	11/7/2024	10,344.44	Tapani Inc	
Supplier Payment	EFT	EFT-00270138	11/7/2024	7,236.32	Fehr & Peers	
Supplier Payment	EFT	EFT-00270139	11/7/2024	1,703,878.57	Operations Management International Inc	
Supplier Payment	EFT	EFT-00270140	11/7/2024	7,025.79	Commonstreet Consulting, LLC	
Supplier Payment	EFT	EFT-00270141	11/7/2024	121,991.08	Outsiderinn.org	
Supplier Payment	EFT	EFT-00270142	11/7/2024	36,305.21	Northwest Staffing Resources Inc - Remit-To: Northwest Staffing Resources	
Supplier Payment	EFT	EFT-00270143	11/7/2024	24,972.06	Advanced Excavating Specialists LLC	
Supplier Payment	EFT	EFT-00270144	11/7/2024	1,523.47	Consolidated Supply Co	
Supplier Payment	EFT	EFT-00270145	11/7/2024	57,474.28	Jacobs Engineering Group Inc	
Supplier Payment	EFT	EFT-00270146	11/7/2024	10,119.58	Wapiti NW LLC	
Supplier Payment	EFT	EFT-00270147	11/7/2024	6,497.95	Vancouvercenter Condominium Association	
Supplier Payment	EFT	EFT-00272070	11/8/2024	12,192.25	Vancouver Police Officer Guild	
Supplier Payment	EFT	EFT-00272071	11/8/2024	1,049.70	Vancouver Command Guild	
Supplier Payment	EFT	EFT-00272072	11/8/2024	18,049.39	Allegiance Benefit Plan Management Inc (COBRA)	
Supplier Payment	EFT	EFT-00272073	11/8/2024	32,807.65	IAFF Local #452	
Supplier Payment	EFT	EFT-00272074	11/8/2024	130.47	Legal Shield	
			EFT	7,788,324.98		
Supplier Payment	Manual Wire		10/28/2024	1,305,789.31	Internal Revenue Service	
Supplier Payment	Manual Wire		10/28/2024	511,593.14	State of Washington Department of Revenue	
Supplier Payment	Manual Wire		10/29/2024	574.44	Internal Revenue Service	
Supplier Payment	Manual Wire		10/29/2024	15,551.20	Bank Of America N.A. - Remit-To: Charlotte NC	
Supplier Payment	Manual Wire		10/29/2024	45,781.00	State of Oregon Department of Revenue	
Supplier Payment	Manual Wire		10/30/2024	916,803.86	State of Washington Department of Retirement Systems (DRS)	
Supplier Payment	Manual Wire		10/30/2024	6,821.14	VSP Vision Care Inc	

*Please contact Procurement Services if you would like to review the justification for EMERGENCY procurement.

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Transaction Reference</u>	<u>Date</u>	<u>Amount</u>	<u>Payee</u>	<u>Memo</u>
Supplier Payment	Manual Wire		10/31/2024	12,687.55	Washington Dental Service	
Supplier Payment	Manual Wire		10/31/2024	225,045.88	Blue Cross Blue Shield of Oregon	
Supplier Payment	Manual Wire		11/1/2024	89,851.12	Blue Cross Blue Shield of Oregon	
Supplier Payment	Manual Wire		11/1/2024	2,987.90	Internal Revenue Service	
Supplier Payment	Manual Wire		11/1/2024	6,068.94	Fidelity National Title Co of Washington	
Supplier Payment	Manual Wire		11/1/2024	1,735.60	Fidelity National Title Co of Washington	
Supplier Payment	Manual Wire		11/1/2024	45,859.56	State of Washington Department of Revenue - Remit-To: Washington State Department of Revenue	
Supplier Payment	Manual Wire		11/1/2024	10,476.72	Global Payments Inc	
Supplier Payment	Manual Wire		11/4/2024	69,701.43	Liberty Mutual Group Inc.	
Supplier Payment	Manual Wire		11/5/2024	387,101.87	Kaiser Permanente - Remit-To: Kaiser Permanente	
Supplier Payment	Manual Wire		11/5/2024	208,496.48	Western States Health & Welfare Trust	
Supplier Payment	Manual Wire		11/5/2024	602,796.70	Vancouver Firefighters Union Health & Welfare Trust	
Supplier Payment	Manual Wire		11/6/2024	135,758.50	Reliastar Life Insurance Co	
Supplier Payment	Manual Wire		11/6/2024	1,625.64	VSP Vision Care Inc	
Supplier Payment	Manual Wire		11/6/2024	26,969.16	United States Postal Service	
Supplier Payment	Manual Wire		11/7/2024	10,372.18	Washington Dental Service	
Supplier Payment	Manual Wire		11/7/2024	259,423.51	Blue Cross Blue Shield of Oregon	
Supplier Payment	Manual Wire		11/7/2024	228.66	Allegiance Benefit Plan Management Inc (COBRA) - Remit-To: COBRA	
Supplier Payment	Manual Wire		11/8/2024	28,625.00	Washington State Firefighters	
Supplier Payment	Manual Wire		11/8/2024	321,288.61	International City Management Association Retirement Corporation	
Supplier Payment	Manual Wire		11/8/2024	22,072.24	Western States Health & Welfare Trust	
Supplier Payment	Manual Wire		11/8/2024	34,265.00	Vancouver Firefighters Union Health & Welfare Trust	
Supplier Payment	Manual Wire		11/8/2024	6,067.77	Washington SDU	
Supplier Payment	Manual Wire		11/8/2024	586.00	Oregon SDU	
Supplier Payment	Manual Wire		11/8/2024	83,177.19	Liberty Mutual Group Inc.	
Supplier Payment	Manual Wire		11/8/2024	56,709.31	State of Washington Department of Retirement Systems (DRS)	
Supplier Payment	Manual Wire		11/8/2024	6,912.60	Washington Dental Service	
			Manual Wire	5,459,805.21		
			Checks	2,148,683.79		
			Direct Deposit	13,539.06		
			EFT	7,788,324.98		
			11/4/2024	469,594.87	City Payments	Posted 10-28-24 to 11-03-24
			11/12/2024	6,333.21	City Payments	Posted 11-04-24 to 11-10-24
			Hansen Total	475,928.08		
			11/4/2024	710.00	Miscellaneous	Parks Class Refunds FCC 10-28-24 to 11-03-24

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INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Transaction Reference</u>	<u>Date</u>	<u>Amount</u>	<u>Payee</u>	<u>Memo</u>
			11/4/2024	1,249.00	Miscellaneous	Parks Class Refunds MCC 10-28-24 to 11-03-24
			11/12/2024	446.00	Miscellaneous	Parks Class Refunds FCC 11-04-24 to 11-10-24
			11/12/2024	908.26	Miscellaneous	Parks Class Refunds MCC 11-04-24 to 11-10-24
			VISA Total	3,313.26		
			Payroll Total	4,430,667.75		
			GRAND TOTAL	20,320,262.13		

City of Vancouver
Payroll Council Report
October 28, 2024 - November 10, 2024

Check No.	Date	Explanation	Amount
2481 - 2485	10/31/24	10 2024 Pension Payroll	\$ 5,788.43
269858 - 269900	10/31/24	10 2024 Pension Direct Deposits	\$ 40,636.17
N/A	10/25/24	10/25/2024 NACHA Return	\$ (136.46)
2486	10/30/24	Replacement for NACHA Return	\$ 136.46
2487 - 2509	11/08/24	November 8th Payroll	\$ 7,924.64
270148 - 272069	11/08/24	November 8th Direct Deposit	\$ 4,376,318.51

\$ 4,430,667.75

AN ORDINANCE of the City of Vancouver relating to the amendment of ambulance services regulations set forth in the Vancouver Municipal Code (VMC) Chapter 5.85, amending VMC Sections 5.85.020, 5.85.040, 5.85.050, 5.85.130, 5.85.140, 5.85.150 and 5.85.160, and setting an effective date of January 1, 2025.

Staff Report: 223-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Ordinance for Proposed Amendments to Chapter 5.85 of the Vancouver Municipal Code, Business Licenses and Regulations: Ambulances

Key Points

- On October 14th, 2024, the City Council authorized the City Manager to enter into a five-year agreement for ambulance services that City Council may extend for up to five additional years, for a potential term of ten years ("2025 Agreement"). The 2025 Agreement will be effective on January 1, 2025.
- Changes are necessary to align with the 2025 Agreement, including the addition of basic life support services for CRESA 9-1-1 calls, which are exclusive to the Contractor.
- Changes are also necessary to clarify the municipal code.

Strategic Plan Alignment

Safe and Prepared Community – a safe place to live, work, learn and play

Present Situation

- On November 10th, 2014, the City Council authorized the City Manager to enter into a five-year agreement for ambulance services ("Agreement") that could be extended for an additional five years. The Agreement was effective on January 1, 2015, and terminates on December 31, 2024.
- On October 14th, 2024, the City Council authorized the City Manager to enter into the 2025 Agreement. The 2025 Agreement will be effective on January 1, 2025.
- Changes are necessary to align with the 2025 Agreement, including basic life support services for CRESA 9-1-1 calls, which are exclusive to the Contractor.
- Changes are also necessary to clarify the municipal code.

Advantage(s)

Align Chapter 5.85 of the VMC with the 2025 Agreement.

Challenge(s)

None

Budget Impact

None

Prior Council Review

- City Council approved the 2025 Agreement on October 14, 2024.
- November 4, 2024 - Consent Agenda

Action Requested

On Monday, November 18, 2024, upon second reading and a public hearing, approve the ordinance to approve amendments to Chapter 5.85 of the Vancouver Municipal Code (“VMC”), effective January 1, 2025.

Staff Contact

Michelle Bresee, Senior Management Analyst, michelle.bresee@cityofvancouver.us

Attachments:

1. Ordinance

11/04/2024 (Date of First Reading)
11/18/2024 (Date of Public Hearing)

ORDINANCE NO. M- [Ordinance Number]

AN ORDINANCE of the City of Vancouver relating to the amendment of ambulance services regulations set forth in the Vancouver Municipal Code (VMC) Chapter 5.85, amending VMC Sections 5.85.020, 5.85.040, 5.85.050, 5.85.130, 5.85.140, 5.85.150 and 5.85.160, and setting an effective date of January 1, 2025.

WHEREAS, the City adopted VMC Ch. 5.85 in 2014 in connection with entering an ambulance services agreement, and

WHEREAS, the City is entering a new ambulance services agreement, approved by City Council on October 14, 2024, effective January 1, 2025, and

WHEREAS, amendments to VMC Ch. 5.85 are necessary to reflect this change as of January 1, 2025, and

WHEREAS, the City Council adopts and incorporates by reference Staff report SR-_____, and

WHEREAS, with proper notice to the public, the Vancouver City Council conducted a first reading of the proposed ordinance on November 4, 2024, and a public hearing concerning the ordinance on November 18, 2024;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Findings. The City Council hereby adopts and incorporates by reference the above recitals as findings in support of this ordinance.

Section 2. Amendment. Vancouver Municipal Code Section 5.85.020 entitled “Definitions” as codified by Ordinance M-4029 §2 is amended as follows:

"Advanced Life Support" or "ALS" means invasive medical services requiring advanced emergency medical assessment and treatment skills as defined by Chapter 18.71 RCW.

“Ambulance Company” means all ambulance service providers in the Contracted Service Area other than the Ambulance Services Contractor.

"Ambulance Services Contractor" or "~~CONTRACTOR~~Contractor" means the ~~firm or~~ entity ~~which is~~ under contract with the City of Vancouver (COV) to respond to all emergency medical services requests for ground ambulance services originating within the ~~Clark County Emergency Medical Services District #2 (EMSD2) and/or the COV Contracted Service Area~~ processed through CRESA 9-1-1.

"Basic Life Support" or "BLS" means noninvasive medical services requiring basic medical treatment skills as defined by Chapter 18.713 R.C.W.

“~~COV Contracted Service Area~~” or “CSA” means the area the Ambulance Services Contractor serves under a contract with the City.

"Emergency Medical Services" or "EMS" means medical treatment and care ~~which may be rendered~~ at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.

"Emergency Medical Technician" or "EMT" means a person who is authorized to render emergency medical care pursuant to R.C.W. 18.73.081 under the responsible supervision and direction of an approved medical program director, which may include participating in an

emergency services supervisory organization or a community assistance referral and education services program established under RCW 35.21.930, or providing collaborative medical care if the participation or provision of collaborative medical care does not exceed the participant's training and certification.

"Medical Program Director" or "Director" or "MPD" means the Medical Program Director for Clark County certified by the Secretary of the Department of Health pursuant to Chapter 18.71 R.C.W.

"Patient" means any person who is injured, sick, incapacitated, or otherwise defined by the Medical Program Director, ~~requiring~~ and requires medical treatment and ~~care of~~ emergency medical services care.

~~"Routine Transport" means a 7-digit medical request that does not meet the Medical Program Director's 9-1-1 transfer protocols.~~

"System Standard of Care" or "Standard of Care" means the combined compilation of all standards for prehospital medical care including but not limited to priority dispatching protocols; pre-arrival instruction protocols; medical protocols (i.e. first responders and ambulances); protocols for selecting destination hospitals; standards for certification of prehospital care personnel (i.e. medical call-takers, first responders, EMTs, and on-line medical control physicians); standards for permits (i.e. ambulances, first responder units, helicopter rescue units, and special use mobile intensive care services); response time standards; standards governing on-board medical equipment and supplies; and standards for licensure of ambulance services and first responder agencies. The Standard of Care ~~shall~~ serves as both a regulatory and contractual standard of care and performance.

Section 3. Amendment. Vancouver Municipal Code Section 5.85.040 entitled “Advanced Life Support Services by Contract” as codified by Ordinance M-4029 §2 is amended as follows:

5.85.040 Advanced Life Support and Basic Life Support Services by Contract.

The ~~C~~city may contract with a private ambulance service provider for advanced life support ground ambulance services and basic life support ground ambulance services, at rates and under conditions approved by the City Council.

Section 4. Amendment. Vancouver Municipal Code Section 5.85.050 entitled “Non-exclusive Basic Life Support Services.” as codified by Ordinance M-4029 §2 is amended as follows:

5.85.050 ~~Non-exclusive Basic Life Support Services.~~ No Use or Referral Obligation.

The issuance of a license to an Ambulance Company, under the provisions of this chapter, does not obligate the ~~C~~city to use the services of that Ambulance Company or to refer any patient or other person to that Ambulance Company. ~~Except as may be provided in an ambulance agreement entered into pursuant to Section 5.85.040.~~

Section 5. Amendment. Vancouver Municipal Code Section 5.85.130 entitled “Authority of Department” as codified by Ordinance M-4029 §2 is amended as follows:

5.85.130 Authority of Department.

The City shall make all necessary investigations and inspections for enforcement of this chapter.

Section 6. Amendment. Vancouver Municipal Code Section 5.85.140 entitled “Rates to be filed” as codified by Ordinance M-4029 §2 is amended as follows:

5.85.140 Rates to be filed.

~~Each ambulance company applying for a business license or renewal of license pursuant to this chapter shall, at the time of filing its application therefor, Upon applying for a business license or business license renewal under this chapter, an entity or licensee must file with the city its schedule of rates to be charged it will charge for services during the license period for which application is made. Such schedule of rates shall be a matter of, which will be a public record open to public inspection in the city clerk’s office during normal city business hours. The licensee must adhere to the schedule during the license period. must be adhered to by the licensee throughout the period for which the license is issued.~~

Section 7. Amendment. Vancouver Municipal Code Section 5.85.150 entitled “Response criteria” as codified by Ordinance M-4029 §2 is amended as follows:

5.85.150 ALS and BLS Response Criteria.

~~The Ceity, or its contracted vendor, or the Ambulance Services Contractor will shall provide all ground ambulance ALS first response and ground ambulance BLS EMS in the CSA. A ambulance Ceompanies that receiveing a direct request for ground ambulance ALS first response or ground ambulance BLS EMS services shall immediately notify the CRESA—911 CRESA 9-1-1 communications center so that the Ceity, or the Ambulance Services Contractor can initiate ground ambulance ALS first response or ground ambulance BLS response. its contracted vendor, first response can be initiated. The only exeception to this requirement shall be in the event of a call response change during the transport of stable patients from one medical facility to another and routine medical transports and exams.~~

~~The 911 system must be activated for all pre-hospital EMS primary examinations and unstable patient care.~~

Section 8. Amendment. Vancouver Municipal Code Section 5.85.160 entitled “Community events” as codified by Ordinance M-4029 §2 is amended as follows:

5.85.160 Community events.

When an Ambulance Company is contracted to provide emergency medical standby (i.e., 10K Fun Runs, etc.) by community event promoters, ~~the following conditions shall apply:~~

A. The Ambulance Company shall notify the fire chief, or ~~his/her~~ designee, in writing 14 days prior to the date of the event, or ~~as soon to~~ upon awareness of the event if less than 14 days ~~as reasonably possible~~, stating the date, time, and scope of standby responsibilities.

B. Ambulance companies engaging in standby activities shall notify the ~~CRESA 911~~ CRESA 9-1-1 communications center ~~of immediately on all~~ of ALS first response EMS calls as required ~~pursuant to under~~ VMC 5.85.150.

Section 4. Effective date. This ordinance is effective on January 1, 2025.

DATE OF FINAL PASSAGE at a Regular Meeting of the Vancouver City Council:

_____.

SIGNED this _____ day of _____, 20__.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE of the City of Vancouver relating to the amendment of ambulance services regulations set forth in Vancouver Municipal Code (VMC) Section 5.85, amending VMC Sections 5.85.020, 5.85.040, 5.85.050, 5.85.130, 5.85.140, 5.85.150 and 5.85.160, and setting an effective date of January 1, 2025.

The full text of this ordinance will be mailed upon request. Contact public records staff at (360) 487-8480, citypdr@cityofvancouver.us, or via [Public Records Request -The City of Vancouver, WA](#).

AN ORDINANCE relating to the annual property tax levy; authorizing an increase of 1.0% in the City's regular levy from the amount levied the previous year; and providing for an effective date.

Staff Report: 224-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Property Tax Levy for 2025

Key Points

- Property taxes make up the largest, single revenue source available to support essential City services.
- State law allows the City to annually increase the property tax levy no more than 1% or the rate of inflation calculated by the Implicit Price Deflator (IPD), whichever amount is less, for both the City's General Fund property tax levy and for the Affordable Housing Fund property tax levy.
- The IPD rate for 2025 levy calculations is 2.57 percent.
- Approval of a 1.0 percent increase would increase a city resident's property tax bill for the City's General Fund portion of taxes by \$9.88 per year for a home with an assessed valuation of \$504,554 assuming a 1.93% increase in assessed value of the property. This includes the Proposition No. 2 Levy LID Lift for Fire and Emergency Services and Facilities.
- The 2025/2026 budget forecasted that 2025 property taxes would increase by 1.0 percent for the General Fund.

Strategic Plan Alignment

High Performing Government – a government that is reliable, fiscally responsible, equitable, and open to compromise

Present Situation

On November 6, 2001, Washington voters approved Initiative 747 (I-747), which limits the allowable increase in the property tax levy to 1.0%, or the rate of inflation, whichever is less. The intent of the Initiative was reaffirmed by the Legislature in November 2007. The measure of inflation used under this law is the Implicit Price Deflator (IPD). The IPD inflation rate for 2025 levy calculations is 2.57%.

Staff recommends that City Council approve a 1.0% increase in the property tax levy, which is the maximum increase allowed. Based on last year's General Fund levy of \$75,603,303.68, the increase will be \$756,033.04. Authorization of this increase requires a simple majority vote of City Council.

On February 8, 2022 registered voters who reside within the City of Vancouver approved Proposition No. 2 which permanently increased the property tax levy rate beginning in 2023. This money is dedicated to fire and emergency services and facilities and the 2025-2026 budget added expenditures consistent with Proposition 2.

Staff estimates that the City's General Fund property tax levy rate (inclusive of the Proposition No.2 Levy LID Lift) in 2025 will range between \$2.00 per \$1,000 of assessed value to \$2.10 per \$1,000 of assessed value, compared to the actual 2024 General Fund property tax levy rate of \$2.09 per \$1,000. The decrease in the property tax levy rate is attributed to assessed values in the City increasing by approximately 1.93% compared to the prior year. Because of the limit on property tax increases, as discussed above, the property tax levy rate declines as assessed value increases. The statutory cap for the City's levy rate is \$3.325 per \$1,000 of assessed value.

Example calculation of City Property Tax:

Assessed Value 2024 \$495,000	Levy Rate 2024 \$2.09 (per \$1,000 assessed value; General Fund Levy only)	2024 City Property Tax = \$1,034.55
Assessed Value 2025 \$504,554 (assumes assessed value increases 1.93%)	Estimated Levy Rate 2025 \$2.07 (per \$1,000 assessed value; General Fund Levy only)	2025 City Property Tax (hypothetical) = \$1,044.43
AV increases 1.93%	Levy Rate declines	Annual tax increase \$9.88 for this example taxpayer*

*If the assessed value of the resident's property as a percentage increased by less than 1.93%, the resident's annual taxes would be equal to or slightly less than the taxes paid to the city in 2024. If the assessed value of the resident's property increased by more than 1.93% from the previous year, the increase in the annual taxes would be slightly higher.

Some community members may qualify for tax relief, or qualify for a deferral program. To find out more information about this, residents should contact the Clark County Assessor's Office at 564-397-2391 or visit their website at <http://www.clark.wa.gov/assessor/taxrelief/index.html>.

In addition to the base levy, the City collects new property tax revenue based on the value of new construction added to the assessment rolls during the prior year. The revenue to the City is calculated using the assessed value of new construction multiplied by the prior year's levy rate. The value of new construction is still being finalized by the County Assessor's Office and includes the value of utility new construction provided to the County Assessor by the State. The most recent estimate from the County Assessor's Office indicates close to \$725 million of new construction, which translates into \$1,500,835 of additional City property tax revenue. The City's ordinance states the percentage and dollar amount increase in the City's base property tax levy as required by RCW 84.55.120. The County Assessor will determine the levy amount for new construction based on their final calculations.

Advantage(s)

Continued funding will be available from the City's primary revenue source to pay the cost of essential City services.

Challenge(s)

The 1.0% increase would increase a city resident's property tax bill for the General Fund City portion of taxes by \$9.88 per year for a home with an assessed valuation of \$504,554 assuming the taxpayer's assessed value increased by 1.93%.

Budget Impact

There will be no impact on budget for the on-going annual property tax collections; the budget forecasted a 1.0% increase for the General Fund.

Prior Council Review

- 2025-2026 Biennial Budget Council Workshop – Budget Foundation & Forecast April 22, 2024
- 2025-2026 Biennial Budget Council Workshop – Revenue Options May 6, 2024
- 2025-2026 Biennial Budget Council Workshop – Revenue Strategy & Direction June 10, 2024
- 2025-2026 Biennial Budget Council Workshop – Operating Budget October 14, 2024
- 2025-2026 Biennial Budget Council Workshop – Capital Budget October 28, 2024
- Consent Agenda - November 4, 2024

Action Requested

On Monday, November 18, 2024, upon second reading and a public hearing, approve the ordinance.

Staff Contact

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

Attachments:

1. Ordinance

11/04/2024
11/18/2024

ORDINANCE NO. _____
(RCW 84.55.120)

AN ORDINANCE relating to the annual property tax levy; authorizing an increase of 1.0% in the City's regular levy from the amount levied the previous year; and providing for an effective date.

WHEREAS, the City Council of the City of Vancouver has met and considered its budget for the calendar years 2025/2026; and,

WHEREAS, the City of Vancouver's actual levy amount for the General Fund from 2024 was \$75,603,303.68; and,

WHEREAS, the Implicit Price Deflator (IPD) rate released on September 26, 2024, is 2.57%, which is more than 1.0%. HB 2416 approved by the Washington State Legislature in 2007, limits the allowable increase to 1.0% or the IPD rate, whichever is lower; and

WHEREAS, the population of the City of Vancouver is more than 10,000.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. That an inflationary increase in the regular General Fund property tax levy is hereby authorized for the 2025 levy in the amount of \$756,033.04, which is a percentage increase of 1.0% from the previous year. This increase is exclusive of additional revenue

resulting from new construction, improvements to property, any increase in the value of state-assessed property, any annexations that have occurred and refunds made.

Section 2. That the City Clerk is directed to transmit and file a certified copy of this ordinance with the Board of Clark County Councilors and the Clark County Assessor following approval by City Council.

Section 3. That this ordinance shall go into effect five days after adoption.

DATE OF FINAL PASSAGE at a Regular Meeting of the Vancouver City Council:

_____.

SIGNED this _____ day of _____, 20__.

Anne McEnerney-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE relating to the annual property tax levy; authorizing an increase of 1.0% in the City's regular general fund levy from the amount levied the previous year; and providing for an effective date.

The full text of this ordinance will be mailed upon request. Contact public records staff at (360) 487-8480, citypdr@cityofvancouver.us, or via [Public Records Request -The City of Vancouver, WA](#).

AN ORDINANCE relating to the annual property tax levy; authorizing an increase of 0.0% in the City's Affordable Housing Fund levy from the amount levied the previous year; and providing for an effective date.

Staff Report: 225-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Property Tax Affordable Housing Levy for 2025

Key Points

- The Affordable Housing Fund is supported by a \$10 million annual property tax levy.
- Proposition 3, which was approved by the citizens of Vancouver in February 2023, authorized a \$10,000,000 annual property tax levy for ten years, beginning in 2024. By authorizing a 0.0 percent increase, the \$10,000,000 levy will remain as is.
- Information provided by the Washington State Department of Revenue states that the dollar amount included in the ballot title is the highest lawful amount that can be levied, so the \$10,000,000 levy cannot be increased annually.

Strategic Plan Alignment

Housing and Human Needs – meeting basic needs and partnering with organizations to support the community

Present Situation

Proposition 3 was approved by the citizens of Vancouver in February 2023, and authorized a \$10,000,000 annual property tax levy for 10 years, beginning in 2024. Information provided by the Washington State Department of Revenue states that the dollar amount included in the ballot title is the highest lawful amount that can be levied, so the \$10,000,000 levy cannot be increased annually.

Staff recommends that City Council approve a 0.0% increase in the property tax levy for the Affordable Housing Levy. Based on last year's Affordable Housing Fund levy of \$10,000,000, the increase will be \$0.00. Authorization of this requires a simple majority vote of City Council. Even though the increase is zero, this authorization is still required by law.

Staff estimates that the City's Affordable Housing Fund property tax levy rate in 2025 will range between \$0.26 per \$1,000 of assessed value to \$0.27 per \$1,000 of assessed value, compared to the actual 2024 affordable housing fund property tax levy rate of \$0.2739 per \$1,000. The decrease in the property tax levy rate is attributed to assessed values in the City increasing by approximately 1.93% compared to the prior year. The statutory cap for the City's levy rate is \$3.325 per \$1,000 of assessed value.

Advantage(s)

Continued funding will be available to pay the costs authorized in the Affordable Housing Fund.

Challenge(s)

None

Budget Impact

There will be no impact on budget for the on-going annual property tax collections for the Affordable Housing Fund.

Prior Council Review

- 2025-2026 Biennial Budget Council Workshop – Budget Foundation & Forecast April 22, 2024
- 2025-2026 Biennial Budget Council Workshop – Revenue Options May 6, 2024
- 2025-2026 Biennial Budget Council Workshop – Revenue Strategy & Direction June 10, 2024
- 2025-2026 Biennial Budget Council Workshop – Operating Budget October 14, 2024
- 2025-2026 Biennial Budget Council Workshop – Capital Budget October 28, 2024
- Consent Agenda - November 4, 2024

Action Requested

On Monday, November 18, 2024, upon second reading and a public hearing, approve the ordinance.

Staff Contact

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

Attachments:

1. Ordinance

11/04/2024
11/18/2024

ORDINANCE NO. _____

AN ORDINANCE relating to the annual property tax levy; authorizing an increase of 0.0% in the City's Affordable Housing Fund levy from the amount levied the previous year; and providing for an effective date.

WHEREAS, the City Council of the City of Vancouver, pursuant to RCW 84.55.120, is holding a public hearing and considered its budget for the calendar years 2025/2026; and

WHEREAS, the City of Vancouver's actual levy amount for the Affordable Housing Fund Levy from 2024 was \$10,000,000; and

WHEREAS, registered voters who reside within the City of Vancouver approved Proposition No. 3 and authorized an Affordable Housing Levy of \$10,000,000 per year for ten years beginning in 2024; and

WHEREAS, the population of the City of Vancouver is more than 10,000;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. That an increase in the regular affordable housing fund property tax levy is hereby authorized for the 2025 levy in the amount of \$0.00, which is a percentage increase of 0.0% from the previous year.

Section 2. That the City Clerk is directed to transmit and file a certified copy of this ordinance with the Board of Clark County Councilors and the Clark County Assessor following approval by City Council.

Section 3. That this ordinance shall go into effect five days after adoption.

DATE OF FINAL PASSAGE at a Regular Meeting of the Vancouver City Council:

_____.

SIGNED this _____ day of _____, 20__.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE relating to the annual affordable housing property tax levy; authorizing an increase of 0.0% in the City's affordable housing fund levy from the amount levied the previous year; and providing for an effective date.

The full text of this ordinance will be mailed upon request. Contact public records staff at (360) 487-8480, citypdr@cityofvancouver.us, or via [Public Records Request -The City of Vancouver, WA](#).

AN ORDINANCE fixing and levying the amount of ad valorem taxes necessary to balance estimated revenue with estimated expenditures for the 2025/2026 Budget for the City of Vancouver; providing for alternative levies depending on whether Proposition No. 4 is approved or rejected by the registered voters of the City of Vancouver; and providing for an effective date.

Staff Report: 226-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Ad Valorem Taxes for 2025

Key Points

- Approving ad valorem taxes authorizes the County Assessor to levy real and personal property taxes.
- The Ordinance for 2025 Ad Valorem taxes has been drafted to provide alternative levies depending on whether Proposition No. 4 is approved or rejected by the registered voters of the City of Vancouver.
- If Proposition No. 4 is approved by registered voters at the November 5, 2024 general election, staff have estimated the City should approved ad valorem taxes for 2025 in the amount of \$107 million in order to fund the 2025-2026 biennial budget. Of this, \$97 million is for General Fund purposes, and \$10 million is for the Affordable Housing Fund. The \$97 million for the General Fund includes Proposition No. 2 Levy Lid Lift for Fire and Emergency Services and Facilities.
- If Proposition No. 4 is rejected by registered voters at the November 5, 2024 general election, staff have estimated the City should approve ad valorem taxes for 2025 in the amount of \$90.5 million in order to fund the 2025-2026 biennial budget. Of this, \$80.5 million is for General Fund purposes, and \$10 million is for the Affordable Housing Fund. The \$80.5 million for the General Fund includes the Proposition No. 2 Levy Lid Lift for Fire and Emergency Services and Facilities.

Strategic Plan Alignment

High Performing Government – a government that is reliable, fiscally responsible, equitable, and open to compromise

Present Situation

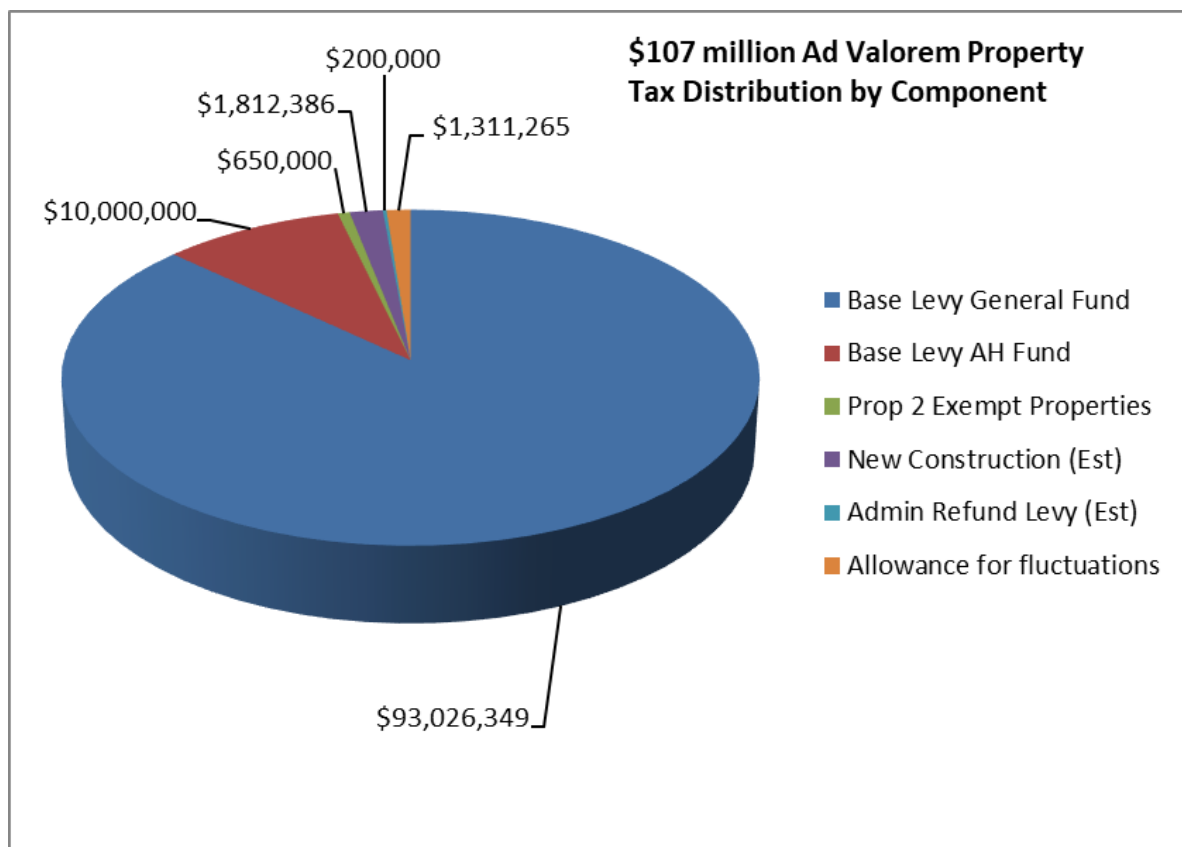
Pursuant to RCW 35.33.135, Council must approve an ordinance to fix and authorize the Clark County Assessor's Office to levy ad valorem taxes necessary to fund the City of Vancouver's 2025-2026 Biennial Budget.

An ad valorem tax (Latin for "according to value") is defined as a tax based on the value of real estate or personal property. An ad valorem tax is typically imposed at the time of a transaction(s) (a sales tax or value-added tax (VAT)), but it may be imposed on an annual basis (real or personal

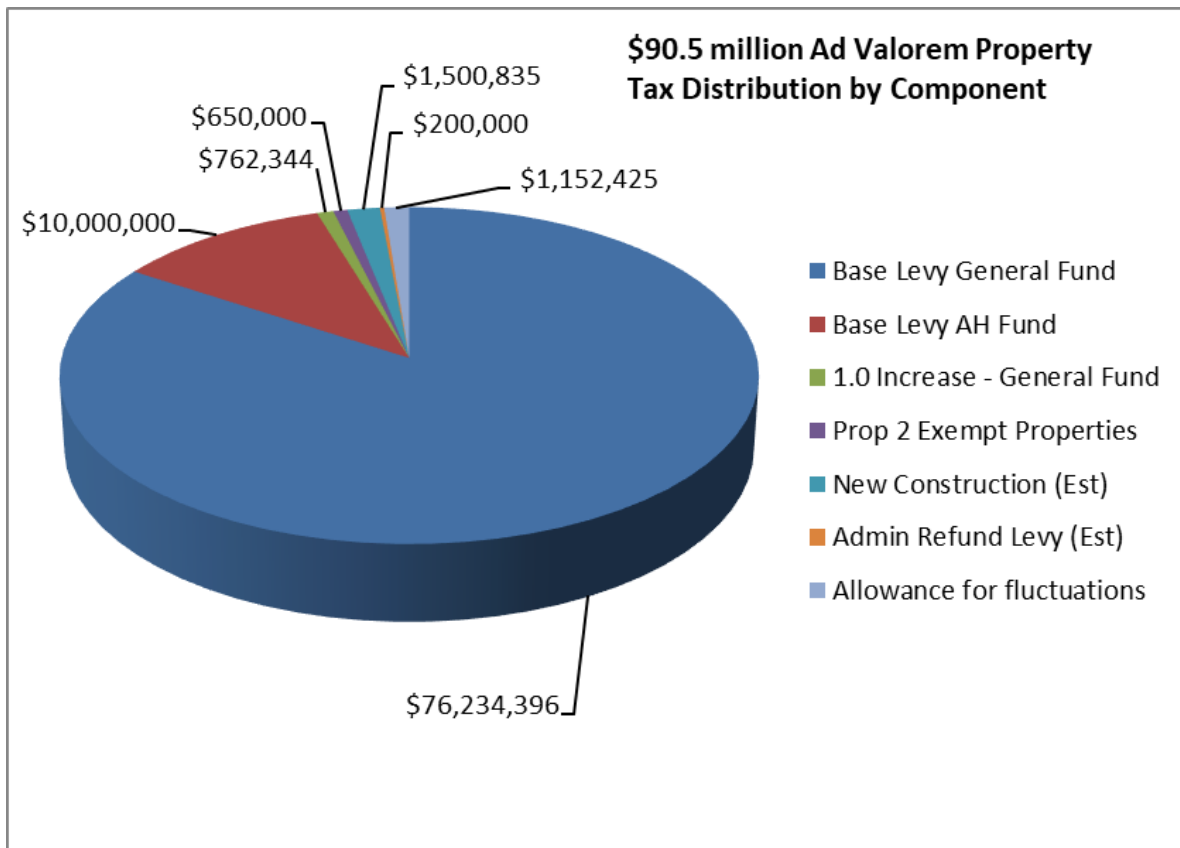
property tax) or in connection with another significant event (i.e. inheritance tax).

On July 15, 2024, the City of Vancouver adopted Resolution M-4288 to submit Proposition No. 4 to the registered voters of the City of Vancouver a ballot proposition for the November 5, 2024 general election, which asks voters to consider authorizing a levy lid lift to fund Police and Public Safety Services as described in Resolution M-4288. Results for the November 5, 2024 election are to be certified by November 26, 2024, which is after the date of consideration of this ordinance. RCW 84.52.070 requires the City of Vancouver to certify to the Clark County Assessor the amount of taxes to be levied for 2025 no later than November 30, 2024. In order to meet the November 30, 2024 deadline, two alternative amounts of ad valorem property taxes for 2025 are being presented for consideration, one of which will take effect depending on the outcome of the election.

If Proposition No. 4 is approved by the registered voters of the City of Vancouver at the November 5, 2024 general election, staff recommends that Council approve ad valorem taxes in the amount of \$107 million to fund the City’s 2025-2026 biennial budget. Of the total, \$97 million is for General Fund purposes, and \$10 million is for the Affordable Housing Fund.



If Proposition No. 4 is rejected by the registered voters of the City of Vancouver at the November 5, 2024 general election, staff recommends that Council approve ad valorem taxes in the amount of \$90.5 million to fund the City’s 2025-2026 biennial budget. Of the total, \$80.5 million is for General Fund purposes, and \$10 million is for the Affordable Housing Fund.



Approving ad valorem taxes of \$107 million if Proposition No. 4 is approved, and \$90.5 million if Proposition No. 4 is rejected, allows the County Assessor's Office to levy real and personal property taxes to the full extent allowed under Washington State law. Staff anticipates the final certified levy will be slightly less \$107 million and \$90.5 million, respectively; however, if Council authorizes the ad valorem tax amount too low, the County Assessor's Office will only be allowed to levy up to the amount authorized by Council.

Staff recommends that City Council approve ad valorem taxes of \$107 million if Proposition No. 4 is approved, and \$90.5 million if Proposition No. 4 is rejected, for the 2025 real and personal property tax levy within the city limits of Vancouver. This estimated revenue source is necessary to fund the 2025-2026 Biennial Budget for the City of Vancouver.

Advantage(s)

Ad valorem taxes provide continued funding from the City's primary revenue source, which is necessary to fund the 2025-2026 Biennial Budget.

Challenge(s)

The increase is within statutory authority or as approved by the voters and the specific impact on a property owner is dependent on the change in their assessed value.

Budget Impact

The amount of the ad valorem tax ordinance is included in the 2025-2026 Biennial Budget.

Prior Council Review

- 2025-2026 Biennial Budget Council Workshop – Budget Foundation & Forecast April 22, 2024
- 2025-2026 Biennial Budget Council Workshop – Revenue Options May 6, 2024

- 2025-2026 Biennial Budget Council Workshop – Revenue Strategy & Direction June 10, 2024
- 2025-2026 Biennial Budget Council Workshop – Operating Budget October 14, 2024
- 2025-2026 Biennial Budget Council Workshop – Capital Budget October 28, 2024
- Consent Agenda - November 4, 2024

Action Requested

On Monday, November 18, 2024, upon second reading and a public hearing, approve the ordinance.

Staff Contact

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

Attachments:

1. Ordinance

11/04/2024
11/18/2024

ORDINANCE NO. _____

AN ORDINANCE fixing and levying the amount of ad valorem taxes necessary to balance estimated revenue with estimated expenditures for the 2025/2026 Budget for the City of Vancouver; providing for alternative levies depending on whether Proposition No. 4 is approved or rejected by the registered voters of the City of Vancouver; and providing for an effective date.

WHEREAS, on February 18, 2022, registered voters who reside within the City of Vancouver approved Proposition No. 2 authorizing a permanent single-year levy lid lift to be effective in 2023 for Fire and Emergency Services and Facilities; and

WHEREAS, on February 14, 2023, registered voters who reside within the City of Vancouver approved Proposition No. 3 authorizing an Affordable Housing Levy of \$10,000,000 per year for ten years beginning in 2024; and

WHEREAS, on July 15, 2024, the City of Vancouver adopted Resolution M-4288 to submit Proposition No. 4 to the registered voters of the City of Vancouver a ballot proposition for the November 5, 2024 election, which asks said voters to consider authorizing a levy lid lift to fund Police and Public Safety Services as described in Resolution M-4288; and

WHEREAS, in the event that registered voters who reside in the City of Vancouver approve Proposition No. 4 at the November 5, 2024 general election, the City Council finds that the total net amount of \$107,000,000 in revenue must be raised by ad valorem taxes on real and personal property

within the corporate limits of the City of Vancouver to balance estimated revenues and expenditures for the 2025/2026 budget for the City of Vancouver; and

WHEREAS, in the event that registered voters who reside in the City of Vancouver reject Proposition No. 4 at the November 5, 2024 general election, the City Council finds that the total net amount of \$90,500,000 in revenue must be raised by ad valorem taxes on real and personal property within the corporate limits of the City of Vancouver to balance estimated revenues and expenditures for the 2025/2026 budget for the City of Vancouver; and

WHEREAS, results for the November 5, 2024 election are to be certified by November 26, 2024, which is after the date of consideration of this ordinance; and

WHEREAS, RCW 84.52.070 requires the City of Vancouver to certify to the Clark County Assessor the amount of taxes to be levied for 2025 no later than November 30, 2024; and

WHEREAS, in order to meet the November 30, 2024 deadline, the City Council now desires to approve two alternative amounts of ad valorem property taxes for 2025, one of which will take effect depending on the outcome of the election.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. If Proposition No. 4 is approved by the registered voters of the City of Vancouver at the November 5, 2024, general election, then Section 3 of this ordinance shall be null and void and shall take no effect. If Proposition No. 4 is rejected by the registered voters of the City of Vancouver at the November 5, 2024, election, then Section 2 of this ordinance shall be null and void and shall take no effect.

Section 2. If Proposition No. 4 is approved by the registered voters of the City of Vancouver at the November 5, 2024, general election, there is hereby fixed to be raised by general

property taxes upon real and personal property within the City of Vancouver the amount of \$107,000,000, for the following purposes:

Amount of tax levy for	
General Government Purposes	\$97,000,000
Affordable Housing Levy	<u>\$10,000,000</u>
Total Levy Amount	\$107,000,000

Section 3. If Proposition No. 4 is rejected by the registered voters of the City of Vancouver at the November 5, 2024 general election, there is hereby fixed to be raised by general property taxes upon real and personal property within the City of Vancouver the amount of \$90,500,000, for the following purposes:

Amount of tax levy for	
General Government Purposes	\$80,500,000
Affordable Housing Levy	<u>\$10,000,000</u>
Total Levy Amount	\$90,500,000

Section 4. The City Clerk is directed to transmit and file a certified copy of this ordinance with the Board of Clark County Councilors and the Clark County Assessor following approval by City Council.

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Section 5. Except as otherwise provided in Section 1, this ordinance shall take effect five days after adoption.

DATE OF FINAL PASSAGE at a Regular Meeting of the Vancouver City Council:

_____.

SIGNED this _____ day of _____, 20__.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE fixing and levying the amount of ad valorem taxes necessary to balance estimated revenue with estimated expenditures for the 2025/2026 Budget for the City of Vancouver; providing for an effective date five days after adoption.

The full text of this ordinance will be mailed upon request. Contact public records staff at (360) 487-8480, citypdr@cityofvancouver.us, or via [Public Records Request -The City of Vancouver, WA](#).

AN ORDINANCE authorizing an increase in tax levy pursuant to RCW 84.55.120 and an increase in limit factor for maximum levy capacity pursuant to RCW 84.55.092.

Staff Report: 227-24

To: Mayor and City Council
From: City Manager
Date: November 18, 2024

Subject

Preservation of Levy Capacity for Exempt Property for 2025

Key Points

- Proposition 2 was approved by the voters of the City on February 8, 2022 to authorize a permanent levy lid lift for Fire and Emergency Services and Facilities. This proposition exempted qualifying seniors, veterans, and others from paying the levy lid lift rate.
- State law allows the City to annually increase the property tax levy no more than 1% or the rate of inflation calculated by the Implicit Price Deflator (IPD), whichever amount is less, for both the City's General Fund property tax levy and for the Affordable Housing Fund property tax levy.
- The IPD rate for 2025 levy calculations is 2.57 percent.
- Approval of this ordinance will authorize the County Assessor to preserve future levy capacity on all properties within the City of Vancouver and allows the County Assessor to apply the limit factor to the property exempted from Proposition 2 when calculating the City's highest lawful levy rate.
- The limit factor increase of 1% equates to an increase of \$6,310.92.
- Qualifying seniors, veterans, and others will continue to be exempt from paying the tax rate associated with the levy lid lift.

Strategic Plan Alignment

High Performing Government – a government that is reliable, fiscally responsible, equitable, and open to compromise

Safe and Prepared Community – a safe place to live, work, learn and play

Present Situation

On February 8, 2022 the voters of the City approved Proposition 2 at a special election authorizing a permanent levy lid lift to fund fire and emergency services. Proposition 2 also provided that the property of qualifying seniors, veterans, and others would be exempt from paying the increased property tax rate associated with the levy lid lift, pursuant to RCW 84.36.

Annually, properties that qualify for the exemption allowed under RCW 84.36 will change. In order for the County Assessor's Office to calculate the highest lawful levy of all properties and include in future years the properties exempt from the tax approved by Proposition 2, pursuant to RCW 84.55.092, Council must approve an ordinance to authorize the Clark County Assessor's Office to authorize a property tax increase against the property not subject to the levy lid lift when calculating the highest

lawful levy and authorize the limit factor be applied to the excluded property, which in 2025 will be 1.0%. This preserves levy capacity for the overall highest lawful levy calculation and allows the County Assessor to include the limit factor on the properties that were excluded, if they move out of the exempt status.

Based on last year's General Fund levy for excluded properties of \$631,091.84, the 1.0% increase recommended by staff represents an increase of \$6,310.92.

Approval of this ordinance will protect future levy capacity by removing the adverse consequences to the city's future levy capacity resulting from the levy reduction authorized in Proposition 2.

Advantage(s)

This will preserve future levy capacity for exempt properties as they move out of the exempt status and will allow for the continued funding of essential City services.

Challenge(s)

None

Budget Impact

There will be no impact on budget for the on-going annual property tax collections; the budget forecasted a 1.0% increase for the General Fund.

Prior Council Review

2025-2026 Biennial Budget Council Workshop – Budget Foundation & Forecast April 22, 2024
2025-2026 Biennial Budget Council Workshop – Revenue Options May 6, 2024
2025-2026 Biennial Budget Council Workshop – Revenue Strategy & Direction June 10, 2024
2025-2026 Biennial Budget Council Workshop – Operating Budget October 14, 2024
2025-2026 Biennial Budget Council Workshop – Capital Budget October 28, 2024
Consent Agenda - November 4, 2024

Action Requested

On Monday, November 18, 2024, upon second reading and a public hearing, approve the ordinance.

Staff Contact

Natasha Ramras, Chief Financial Officer, natasha.ramras@cityofvancouver.us

Attachments:

1. Ordinance

11/04/2024
11/18/2024

ORDINANCE NO. _____

AN ORDINANCE authorizing an increase in tax levy pursuant to RCW 84.55.120 and an increase in limit factor for maximum levy capacity pursuant to RCW 84.55.092.

WHEREAS, the City Council of the City of Vancouver has met and considered its budget for the calendar years 2025/2026; and

WHEREAS, the voters of the City approved Proposition 2 at a February 8, 2022 special election authorizing a permanent levy lid lift to fund fire and emergency services; and

WHEREAS, Proposition 2 provided that the property of qualifying seniors, veterans and others would be exempt, pursuant to Chapter 84.36 RCW (“excluded property”); and

WHEREAS, increases in regular property taxes imposed by the City are limited by Chapter 84.55 RCW so that the regular property tax levy of the City may increase from year to year by an amount equal to the “limit factor”, as defined in RCW 84.55.005, (plus increases permitted due to new construction and increases in value of state assessed property); and

WHEREAS, the Implicit Price Deflator (IPD) rate released on September 26, 2024, is 2.57%, which is more than the allowable increase of 1.0%, so that the allowable increase, pursuant to RCW Sections 84.55.005 and 84.55.010 for the City’s 2023 tax levy (2024 collection) is 1.01 (an increase in 1.0%) (the “Limit Factor”); and

WHEREAS, the City Council, by Ordinance No. ____, has authorized an increase in the regular General Fund levy in the amount \$756,033.04, which represents a Limit Factor increase of 1% over the previous year; and

WHEREAS for the purpose of protecting future levy capacity, the City proposes to include the \$631,091.84 in property that was excluded under Proposition 2 for the 2023 levy (collection in 2024) in the Limit Factor increase for the 2024 levy (collection in 2025) and for all future levy years, and proposes to increase the General Fund levy capacity associated with the exempt property in the amount of \$6,310.92, which represents a Limit Factor increase of 1% over the previous year. NOW THEREFORE,

BE IT BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. That, pursuant to RCW 84.55.120 and RCW 84.55.092, the City Council has authorized an increase in its tax levy capacity in an amount equal to the Limit Factor for the year 2024 levy (for collection in 2025), and requests and authorizes the Limit Factor to be applied with respect to all “excluded property,” resulting in an increase of the 2024 General Fund levy capacity (for collection in 2025) associated with the “excluded property” in the amount of \$6,310.92, which represents a Limit Factor increase of 1% over the previous year. City Council hereby further requests and authorizes the Limit Factor to be applied with respect to all “excluded property” in each year hereafter.

Section 2. That the City Clerk is directed to transmit and file a certified copy of this ordinance with the Board of Clark County Councilors and the Clark County Assessor following approval by City Council.

Section 3. That this ordinance shall go into effect five days after adoption.

DATE OF FINAL PASSAGE at a Regular Meeting of the Vancouver City Council:

_____.

SIGNED this _____ day of _____, 20__.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

CERTIFICATE

I, the undersigned, Clerk of the City Council (the “Council”) of the City of Vancouver (herein called the “City”), DO HEREBY CERTIFY:

1. That the attached Ordinance No. _____ (herein called the “Ordinance”) is a true and correct copy of a Ordinance of the Council as adopted at a regular meeting of the Council held on _____, 2024, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the adoption of the Ordinance; that all other requirements and proceedings incident to the proper adoption of the Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2024.

City Clerk
City of Vancouver

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE authorizing an increase in tax levy pursuant to RCW 84.55.120 and an increase in limit factor for maximum levy capacity pursuant to RCW 84.55.092.

The full text of this ordinance will be mailed upon request. Contact public records staff at (360) 487-8480, citypdr@cityofvancouver.us, or via [Public Records Request -The City of Vancouver, WA](#).



MEMORANDUM

DATE: November 18, 2024

TO: Mayor and Council

FROM: Aaron Lande, Policy and Program Manager

RE: **Clark County Transportation Alliance 2025 Policy Statement**

For more than two decades, the Clark County Transportation Alliance (CCTA) has developed and presented an annual policy statement on transportation priorities in and around southwest Washington. A strong, united voice increases the chances that our region will receive funding for critical transportation projects, which we need to keep our residents, freight, commerce, guests, and economy moving safely and efficiently.

Last year, the policy statement received 65+ endorsements demonstrating broad-based support from a variety of sectors in our region from both banks of the Columbia River. The City of Vancouver is being asked to endorse the 2025 policy statement.

The 2025 policy statement includes six projects of particular importance to the City of Vancouver:

- Support for the I-5 bridge replacement and influence area improvements.
- Fruit Valley Freight Access and Safety Improvement (\$130 million): planning, engineering, environmental review, and construction for new north-south freight arterial.
- MacArthur between N Blandford and S Lieser (\$50 million): corridor improvements including multi-modal path, roundabouts at key intersections, and traffic safety enhancements.
- SR-500/Fourth Plain/SR-503 (\$25 million): initial intersection improvement to address congestion hot spot.
- I-205/SR-500 to Padden Expressway (\$50 million): Add auxiliary lanes to address congestion hotspot.
- Public Transit (\$10 million): help fund construction of C-TRAN's extension of the Fourth Plain BRT line that will interconnect with its Mill Plain BRT line.

Clark County Transportation Alliance

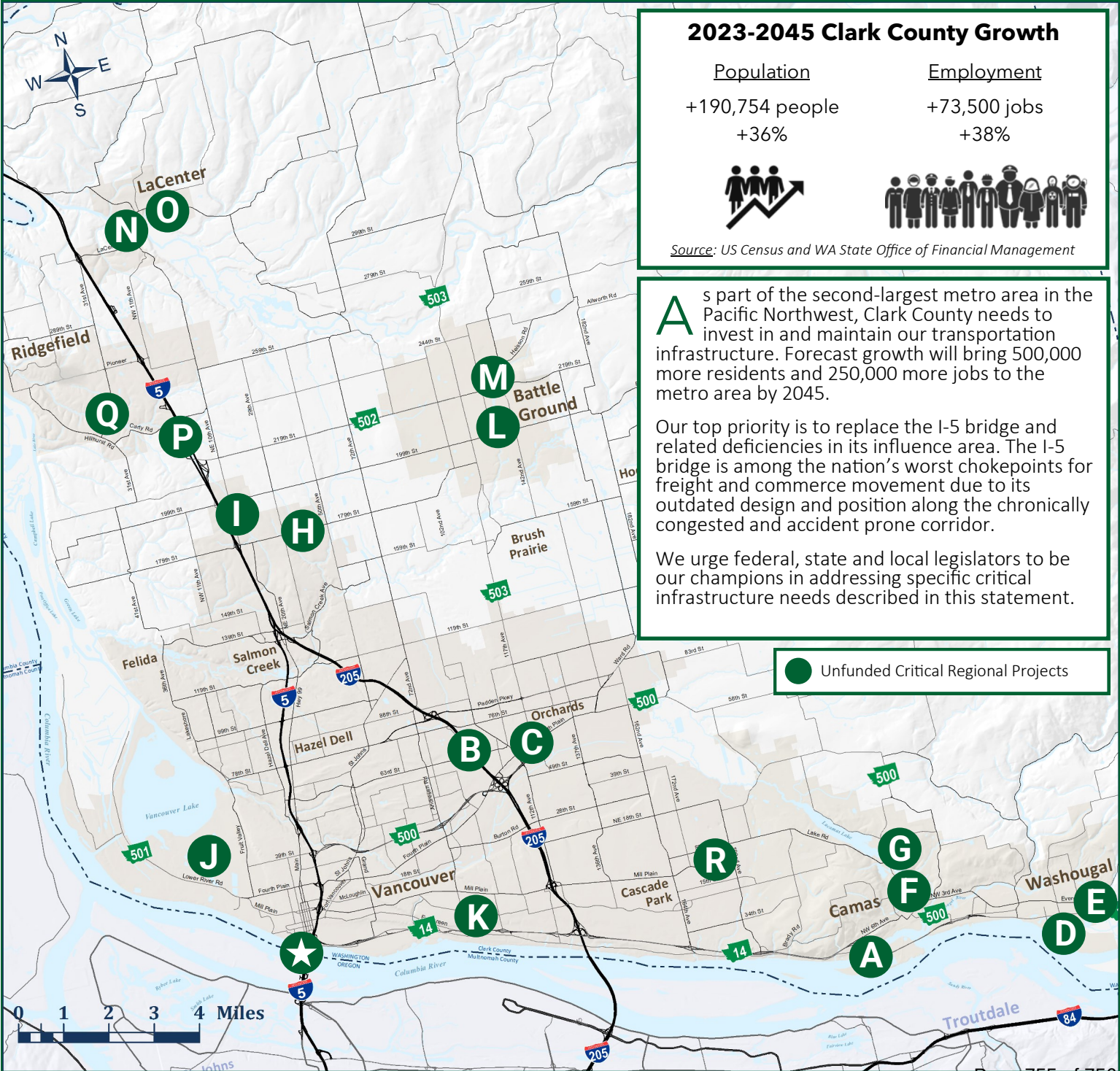
2025 Policy Statement

[INSERT ENDORSING ORGANIZATION LOGOS HERE]

[INSERT ENDORSING ORGANIZATION NAMES HERE]

Clark County Transportation Alliance

2025 Policy Statement



A CALL TO FURTHER ACTION

I-5 Bridge Replacement and Influence Area Improvements

Challenge: The I-5 bridge spans are functionally obsolete, seismically vulnerable and require outsized maintenance investments to remain operational. A bi-state approach focused on practical solutions to improve mobility through the I-5 corridor will deliver needed multi-modal infrastructure congruent with the I-5 Corridor Strategic Plan (2002).

★

Action #1

Support Timely I-5 Bridge Replacement: We fully support replacement of the I-5 bridges and related corridor improvements:

- Supplemental EIS: support timely completion of studies, reports and permit applications.
- Bi-state legislative consensus: drive toward regional consensus for a long-term multi-modal solution.
- Funding commitments: deliver balanced project funding by providing additional federal grants, commitments from both states and local contributions.



108-year-old I-5 Bridge.

Freight and Commerce Challenge

Washington and Oregon are among the top freight-dependent states in the US. Yet we are hampered by two of the nation’s worst freight and commerce chokepoints just six miles apart (ATRI, 2024) requiring bi-state cooperation: **I-5 Bridge across the Columbia River (#30)** and **I-5 at I-84 Rose Quarter (#28)**. These are the two worst chokepoints in the Pacific Northwest.

Regional Preservation and Operations Needs

Challenge: Within Clark County, deferred preservation due to persistent underfunding threatens the state highway system. Nearly 50% of state highways are overdue for major work, including Clark County’s rough road section of I-5 south. To begin to catch up statewide: \$500-\$600M is needed next biennium and \$2-\$3B over the next 10 years.

Action #2

Pursue Consistent Funding to Advance State of Good Repair: Make near-term investments to reduce the funding gap for preserving existing assets. Consider new, stable funding models (e.g. road-usage charge) and updates to local options and authorities.

Fund Operations: Dedicate additional maintenance, planning and traffic operations funds for critical urban areas (SR-14, SR-500, I-5 and I-205) to optimize safety and mobility on our existing system.

Target Zero and Safety Program Enhancements

Challenge: Inaction annually costs Washingtonians \$18.1B inclusive of medical care, emergency services, market productivity and related expenses (WSDOT).

Action #3

We fully support high impact investment of state and federal resources to stem the tide of fatal and serious injury crashes on state and local roadways.

Prioritize grant and program enhancements for:

- Safe Routes to Schools, Complete Streets and Active Transportation programs.
- Public awareness programs deployed by local agencies and the Washington Traffic Safety Commission.
- Expand tools/technologies for traffic enforcement.
- Leverage federal Safe Streets & Roads For All planning and implementation grants.

Facilitating Transportation Mobility, Economic Growth and Equity

We urge legislators to embrace the following priorities where possible:

- Support Lower Columbia River deepwater shipping channel for the next 20-years, through the USACE’s channel maintenance plan.
- Fund regionally significant freight mobility improvements for river, road and rail for Ports, as well as track improvements for the county-owned Chelatchie Prairie Railroad.
- Stabilize statewide programs including the Public Works Trust Fund, CERB, FMSIB, TIB and FRAP, and protect Tax Increment Financing (TIF).
- Support broadband infrastructure to disperse economic opportunity.
- Actively embrace smart technologies to support conversion of public and private fleets to alternative fuels.
- Support the evaluation of transportation investments to help ensure equity and climate goals.
- Place high priority on long-range land-use and strategic transportation corridor planning to serve steadily rising population and commerce forecasts.



Chronically-congested SR-500/Fourth Plain/SR-503 intersection.

CATALYTIC REGIONAL PROJECTS AND NEEDS

Challenge: To support community development, population and economic growth, and urban vibrancy, our communities have a growing list of transportation and infrastructure priorities totaling \$700M.

Action #4

Fund Regionally Catalytic Projects to Address Immediate Needs: secure funding for priorities that reduce congestion hotspots, improve safety and deliver multi-modal investments. Each project has been vetted through the regional planning process.



60-year-old West Camas Slough Bridge.

	PROJECT NAME	PROJECT DESCRIPTION	~ COST	LEAD AGENCY
A	SR-14 – WEST CAMAS SLOUGH BRIDGE IMPROVEMENTS	Add multimodal capacity and increase earthquake resilience; cost estimate updated considering site and risk details, market increases and inflation	\$125M	WSDOT
B	I-205/SR-500 TO PADDEN PKWY	Add auxiliary lanes to address congestion hotspot (Note: scoping study underway to update cost estimate)	\$50M	WSDOT
C	SR-500/FOURTH PLAIN/ SR-503	Initial intersection improvement to address congestion hot spot	\$25M	WSDOT
D	WASHOUGAL 32ND ST RAIL UNDERPASS	Have secured \$50M of total need, to eliminate at-grade rail-crossing, improving safety, community connectivity and economic opportunity	\$80M	City of Washougal
E	WASHOUGAL RIVER RD SAFETY IMPROVEMENTS	Install dual roundabouts on Washougal River Road at 18th/O St and Shepherd Rd to improve safety and accommodate future growth	\$10M	City of Washougal
F	SR-500/EVERETT ST — LACAMAS LAKE BRIDGE	Install new Lacamas Lake Bridge and landings above the floodplain with multimodal capacity	\$15M	City of Camas
G	SR-500/EVERETT ST — NE 35TH AVE TO NE 43RD AVE	Improve SR-500 to multi-modal urban arterial standards supporting new economic development opportunities	\$15M	City of Camas
H	179TH ST FROM NE 15TH AVE TO NE 50TH AVE	Improve roadway to multi-modal arterial standards supporting expanded capacity and economic development opportunities	\$76.6M	Clark County
I	NE 15TH AVE FROM 179TH ST TO NE 10TH AVE	Add arterial connection to increase capacity in conjunction with 179th/I-5 interchange upgrade	\$21.8M	Clark County
J	FRUIT VALLEY FREIGHT ACCESS AND SAFETY IMPROVEMENTS	Planning, engineering, environmental review and construction for new north-south freight arterial	\$130M	City of Vancouver
K	MACARTHUR BETWEEN N BLANDFORD AND S LIESER	Corridor improvements including multi-modal paths, roundabouts at key intersections and traffic safety enhancements	\$50M	City of Vancouver
L	EATON BLVD FROM SW 20TH AVE TO SR-503	Improve roadway to urban arterial standards and improve traffic safety	\$11M	City of Battle Ground
M	DOWNTOWN REVITALIZATION AND CIRCULATION STUDY	Design for the downtown circulation and revitalization plan including focus on alternative transportation options	\$0.5M	City of Battle Ground
N	4TH ST WIDENING/BREZEE CREEK CULVERT	Complete street makeover with fish bearing culvert replacement for improved environmental outcomes	\$13.5M	City of La Center
O	PACIFIC HWY SHARED USE PATH	Complete pathway connection between downtown and northeast communities	\$3.5M	City of La Center
P	RIDGEFIELD/I-5 S CONNECTOR/ I-5 TO HILLHURST RD	Add western ramp access at I-5 and arterial street extension to Hillhurst Rd	\$40M	City of Ridgefield
Q	ROYLE ROAD — SOUTH PHASE; S 19TH ST TO HILLHURST RD	Improve roadway, multimodal improvements, remove fish barrier, resiliency for water and sewer extensions	\$20M	City of Ridgefield
R	PUBLIC TRANSIT	Help fund construction of C-TRAN’s extension of the Fourth Plain BRT line that will interconnect with Mill Plain BRT line	\$10M	C-TRAN