

City Council Meeting Agenda December 2, 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. December 2, 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 December 2, 2024. Instructions will be provided on-site. Register to testify online. Online registration is open until 12:00 p.m. on December 2, 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: 5:00-6:00 p.m.

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

Federal Update and Legislative Agenda

(Approximately 45 minutes)

Aaron Lande, Program and Policy Development Manager, aaron.lande@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 18, 2024

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. Cascara Apartments - Fourth Plain For All Housing Loan

A RESOLUTION relating to affordable housing; authorizing the City Manager to approve the below market-rate affordable housing loan and execute agreements and other related loan documents on behalf of the City of Vancouver consistent with the American Rescue Plan Act requirements and Fourth Plain For All Investment Strategy Housing Allocation funds.

Staff Report: 252-24

Request:

1. Approve The Affordable Housing Loan between Cascara Apartments LLLP, a Washington limited liability limited partnership (“Borrower”) and the City of Vancouver, Washington, a Washington municipal corporation (“Lender”)
2. Confirm American Rescue Plan Act Restricted Funds Eligibility. The Affordable Housing Loan conforms to the City’s Fourth Plain for All Investment Strategy Housing Actions and the US Department of Treasury American Rescue Plan Act State and Local Fiscal Recovery Fund restrictions for loans to fund investments in affordable housing projects under the public health and negative economic impacts eligibility use category and the full principal of the loan may be funded from the City’s restricted American Rescue Plan Act funds.
3. Authorize the City Manager or their designee to issue and execute the Loan Documents, which include the Affordable Housing Loan Agreement (“Exhibit A”), the Secured Promissory Note (“Exhibit B”), the Subordinate Deed of Trust (“Exhibit C”), and the Affordable Housing Covenant (“Exhibit D”), in substantially the form attached.
4. Authorize the City Manager or their designee to make any reasonably necessary modifications to the Loan Documents and execute supplemental

creditor agreements requested by the Borrower's tax-exempt bonds as reasonably necessary to perfect subordination of the loan security.

Chim Chune Ko, Principal Project Manager, ChimChune.Ko@cityofvancouver.us

2. 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, December 2, 2024, approve a Resolution updating boundaries of the Vancouver Arts District.

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

3. Critical Areas Ordinance

AN ORDINANCE relating to Vancouver Municipal Code (VMC) Title 20 concerning the regulation of Critical Areas within the City; Amending VMC 20.150 and VMC 20.740; providing for severability; and establishing an effective date.

Staff Report: 253-24

Request: On Monday, November 4, advance the ordinance amending Vancouver Municipal Code Sections 20.150 and 20.740, setting a second reading and public hearing on November 18, 2024.

Domenique Martinelli, Senior Planner, Keith Jones, Senior Planner,
domenique.martinelli@cityofvancouver.us, keith.jones@cityofvancouver.us

4. Parking Advisory Committee Appointment

Request: Appoint Jonathan Wheeler to a midterm position on the Parking Advisory Committee with a term beginning immediately and expiring on April 18, 2025.

Council Subcommittee 2

5. Citizen Noise Advisory Committee Reappointment

Request: The reappointment of Mike Yee to a midterm position that would begin immediately and expire November 30, 2025, and John Pusieski to a full-term appointment that would begin November 30, 2024, and expire November 30, 2027.

Council Subcommittee 2

6. Approval of Claim Vouchers

Request: Approve claim vouchers for December 2, 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.

7. 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 December 2, 2024, subject to second reading and public hearing, approve the ordinance.

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

8. 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 December 2, 2024, subject to second reading and public hearing, approve the ordinance, expanding the boundary of the Fourth Plain residential target area of the multifamily tax exemption program.

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

9. 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 December 2, 2024, subject to second reading and public hearing, approve ordinance

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

10. 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 December 2, 2024, subject to second reading and public hearing, approve the ordinance.

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

11. 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, 5.93.030, 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 December 2, 2024, subject to second reading and public hearing, approve the ordinance.

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

12. 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 December 2, 2024, subject to second reading and public hearing, approve the ordinance.

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

13. 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 December 2, 2024, subject to second reading and public hearing, approve the ordinance.

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

14. 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 December 2, 2024, subject to second reading and public hearing, approve the ordinance.

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

15. 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 December 2, 2024, subject to second reading and public hearing, approve the ordinance.

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

16. 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 December 2, 2024, subject to second reading and public hearing, approve the ordinance.

17. 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 December 2, 2024, subject to second reading and public hearing, approve the ordinance and approve the attached Planning Fee Changes, to be effective January 1, 2025.

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

18. 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 December 2, 2024, subject to second reading and public hearing, approve the ordinance and amend the Vancouver Municipal Code sections 14.04.210, 14.04.230, and 14.09.060.

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

19. 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 December 2, 2024, subject to second reading and public hearing, approve the ordinance and adopt the attached VMC Title 16 amendments, to be effective January

1, 2025.

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

20. 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 December 2, 2024, subject to second reading and public hearing, approve the ordinance and adopt the attached VMC Title 17 amendments, to be effective January 1, 2025.

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

21. 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 December 2, 2024, subject to second reading and public hearing, approve the ordinance.

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

22. 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 December 2, 2024, subject to second reading and public hearing, approve the ordinance.

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

Communications

A. From the Council

Council Equity Resolution

B. From the Mayor

C. From the City Manager

2024 Second Supplemental Budget

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.

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Federal Affairs Update

Aaron Lande

Policy and Program Manager,
City Manager's Office

David Hodges

Partner,
CFM Advocates

Joel Rubin

Managing Partner,
CFM Advocates

December 2, 2024

Agenda

- Recent Successes
- 2024 Election Outcome
- DC Update
- 2025 Funding Priorities
- 2025 Policy Priorities



Recent Successes (2022 to 2024)

- **Congressional Funding**

- **Wastewater Treatment Equipment** **\$1.1 million (2024 - pending)**
- Heights District Infrastructure \$4 million
- 1st Street Improvement Project \$2.5 million
- Vancouver Police Cameras \$1.5 million

- **Grants**

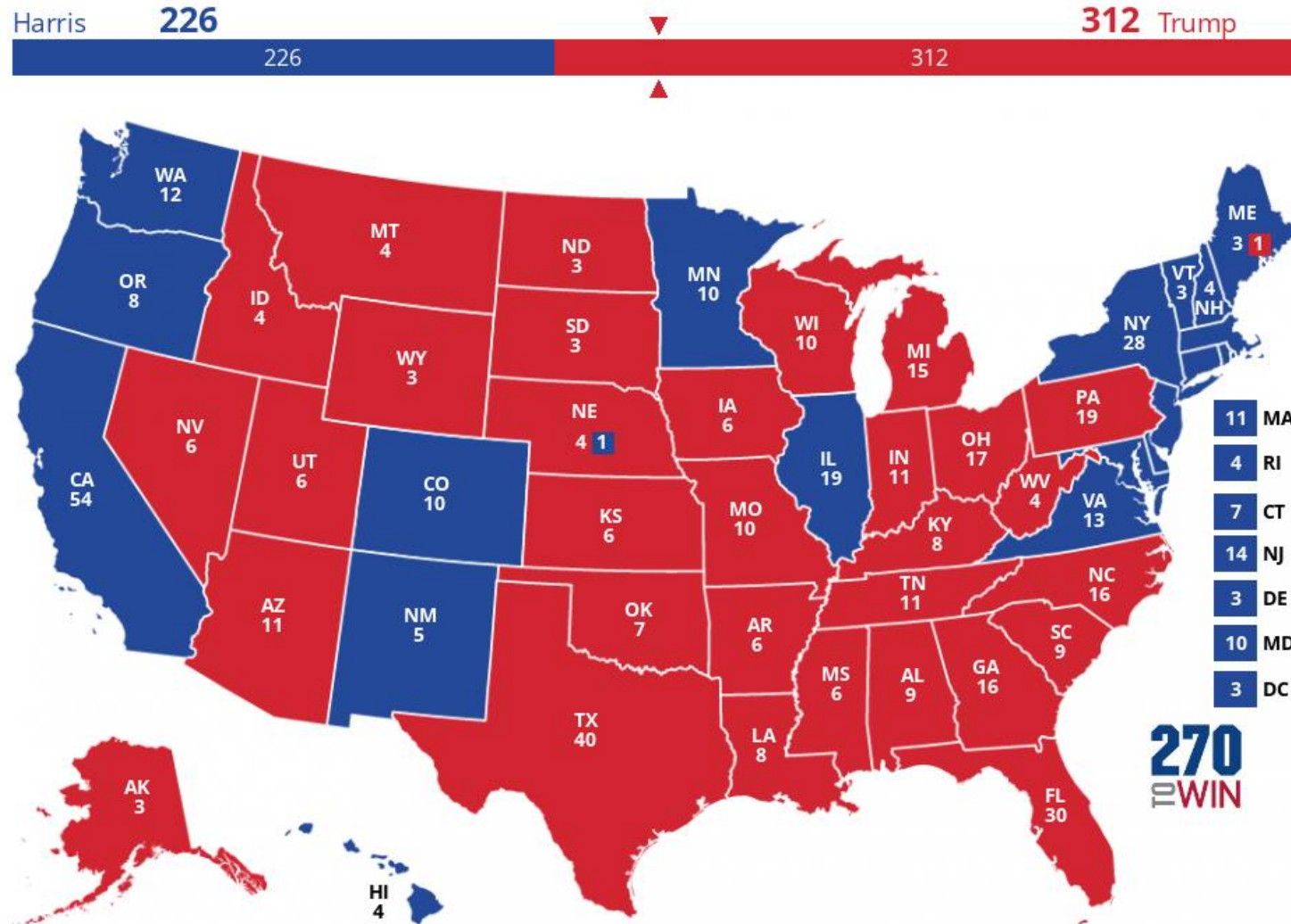
- **Heights RAISE Grant** **\$17.5 million (2024)**
- Safe Streets for All \$5.69 million
- Firefighter Equipment \$1.2 million
- Urban Forestry \$300,000

- **City Supported Funding Requests**

- **IBR Mega Grant** **\$600 million (2024)**
- **Bridge Investment Program** **\$1.5 billion (2024)**



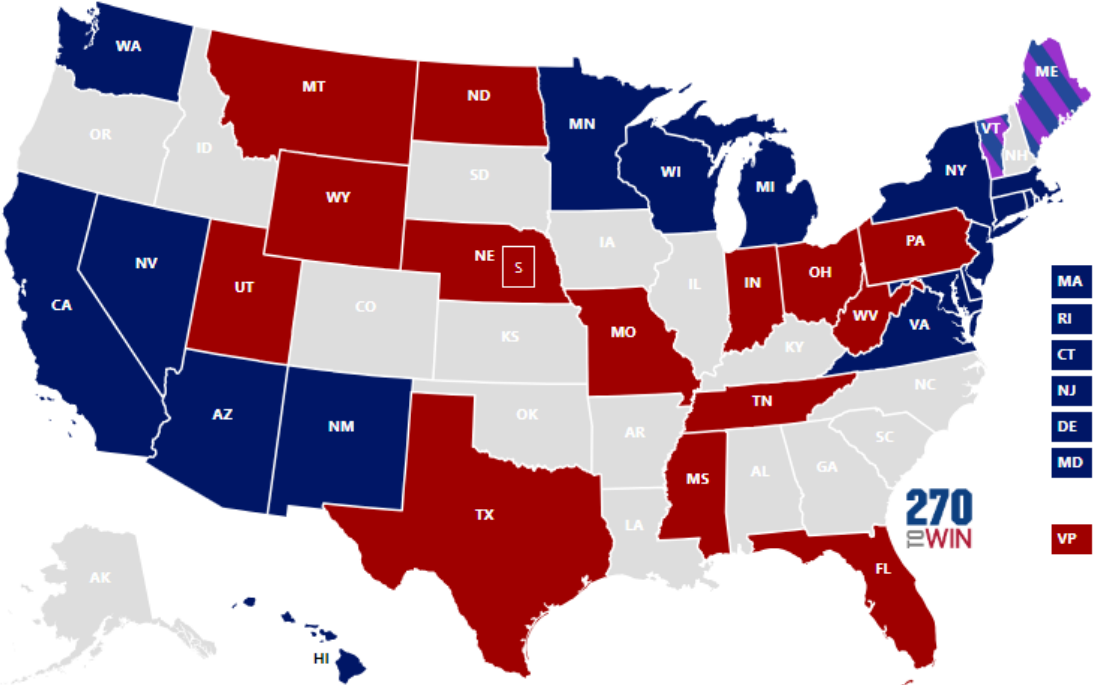
President



Senate and House

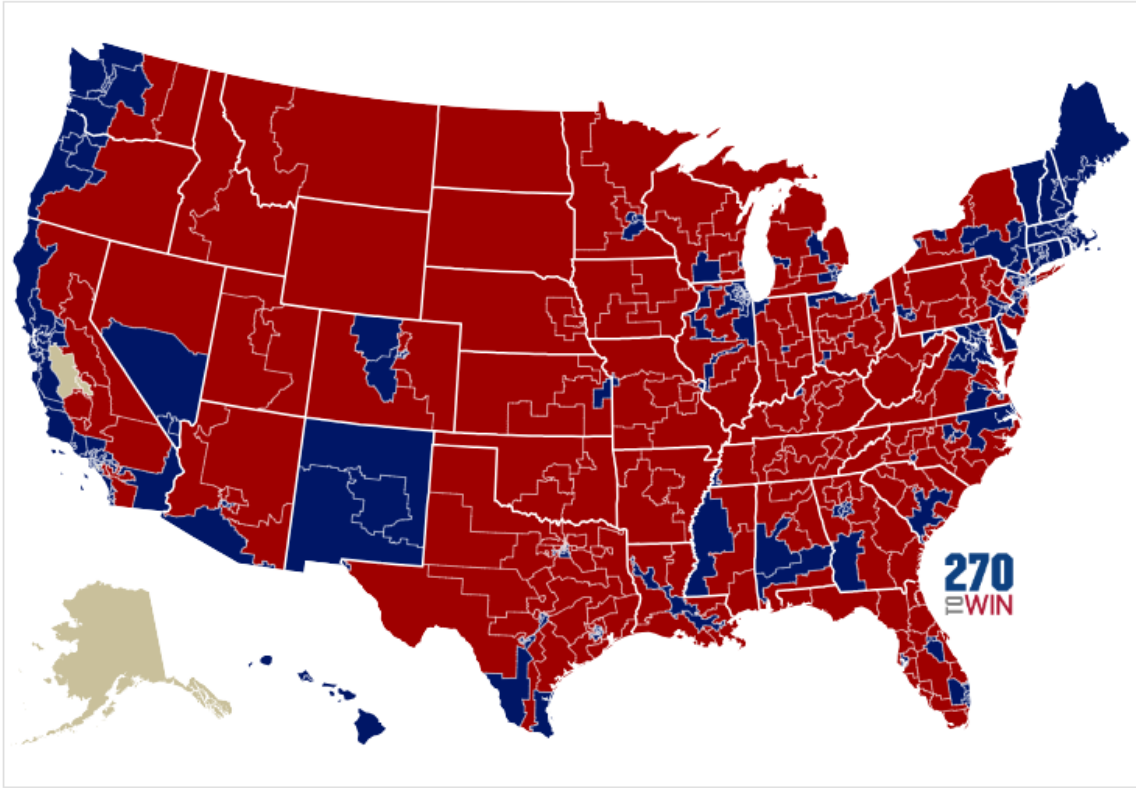


*Includes independents in ME & VT
who caucus with Democrats.



United States

+ - Full Size





Lame Duck

2025

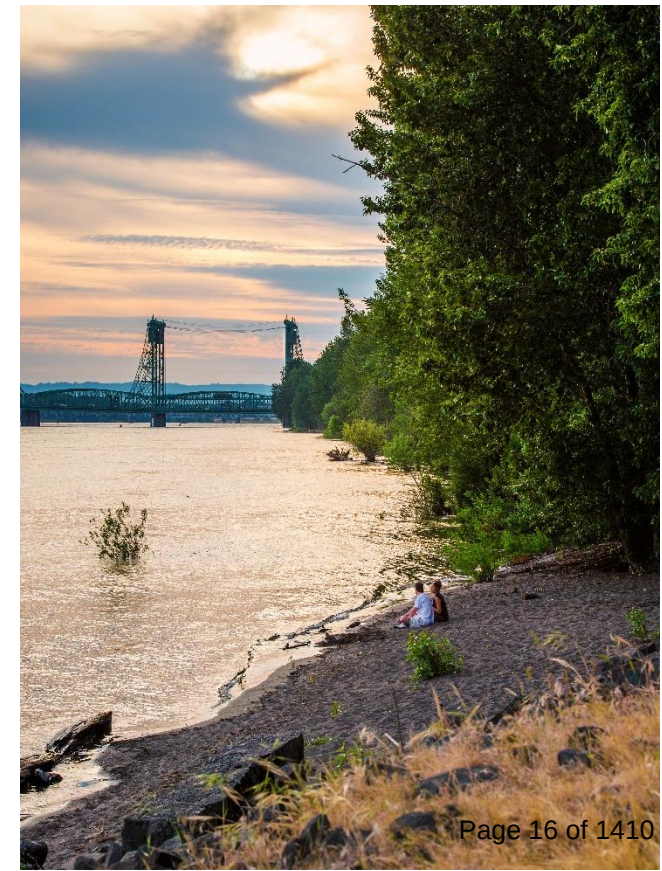
- FY25 Appropriations
- Farm Bill
- Disaster Relief
- Water Resource Development Act (WRDA)

- Reconciliation Package
 - Tax Cuts
 - Energy Policy
- Budget Caps
- Debt Ceiling



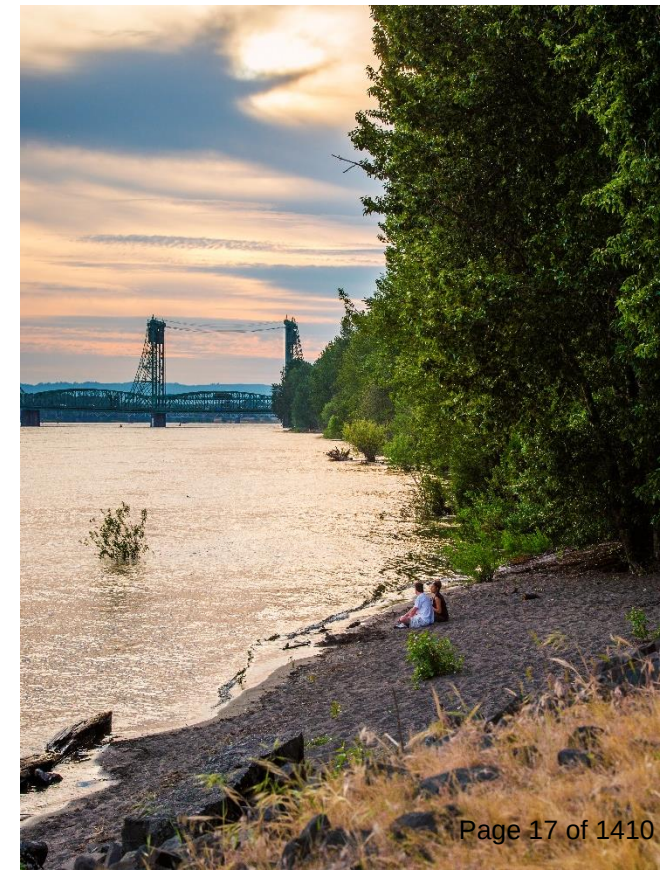
2025 Federal Agenda (Policy)

- Interstate Bridge Replacement
- Housing and Homelessness Assistance
- Sustainability, Resilience and Climate
- PFAS Funding Flexibility
- Preserve States Rights
- Regulatory Concerns
- Restore SALT Deduction



2025 Federal Agenda (Funding)

- Heights District
- Assistance for Firefighters
- Fire Department Emergency Communications Infrastructure
- Wastewater Infrastructure



Thank You



David Hodges, CFM Advocates: davidh@cfmpnw.com

Joel Rubin, CFM Advocates: joelr@cfmdc.com



City of Vancouver 2025 Federal Legislative Priorities

Livability

Interstate Bridge Replacement (IBR) Program | Policy Item

The IBR program continues to make significant progress towards completing its environmental review and putting in place a diverse range of funding sources to finance this critical local, state, and national project. The program released its draft environmental documentation in the fall and continues to work toward publishing the final environmental documentation by mid to late 2025. With the recent significant federal commitments, the program has the necessary funding elements in place to begin construction. The last remaining major piece of funding is federal funding for the program's transit elements. The program also continues to explore

additional grant opportunities for targeted elements within the program, such as the Vancouver Community Connector at Evergreen Boulevard. Thanks to the strong support from the Washington delegation, the program received awards from the National Infrastructure Project Assistance Program (MEGA) and the Bridge Investment Program (BIP) and is coordinating with the appropriate federal agencies on the grant agreements for these awards.

The program is currently progressing through the project development phase of the Federal Transit Administration's (FTA) New Starts Capital Investment Grant

(CIG) program and anticipates requesting entry into the next phase by the end of 2025. Completing this work puts the project on track to receive federal transit funding in the future. The City appreciates the steadfast support for IBR from our Congressional delegation. As the program looks towards its future milestones, we ask the delegation to continue to advocate for funding in the CIG program, so it is available when IBR becomes eligible for funding. We would also appreciate continued support for the identified schedule for the IBR program to receive all needed federal approvals to move to construction by the end of 2025.



The I-5 bridge at night



Rendering of the Vancouver Heights District project

Affordable Housing and Homeless Assistance Policy Item

The City supports robust federal investments in HUD's Community Development Block Grant (CDBG) and HOME Investment Partnerships program, which the City uses to create affordable housing, grow the economy, and provide a community safety net. The City also supports increased funding for HUD's Pathways to Removing Obstacles to Housing grants, Homeless Assistance Grants, Housing Choice Vouchers, and Public Housing programs. The City supports expanding and strengthening the Low-Income Housing Tax Credit and improving alignment of federal housing resources to reduce costs and duplication. These federal investments are critical to ensuring the resources are available to effectively address the housing and homelessness crisis in America. To ensure the benefits of energy and water efficiency are shared across the community, the City supports HUD's Green and Resilient Retrofit Program.

Vancouver Heights | Congressional Funding Request

In 2017 the City purchased nearly 12 acres of the shuttered former Tower Mall in one of the community's oldest neighborhoods, Vancouver Heights. Adjacent to vacant property already under City ownership, this strategic purchase created an unprecedented opportunity to revitalize a 63-acre area of the City that has seen decades of decline. The City's vision for the site's redevelopment is built around connectivity, equity, climate action and economic opportunity. The Heights will become a vibrant and diverse 15-minute walkable neighborhood that includes engaging public spaces, mixed-income housing, retail, and multimodal travel options. With the help of Congress and a RAISE grant, construction of critical infrastructure for the Heights is accelerating and setting the stage for the City's private sector partners to begin development of the new district.

In 2025, the City is seeking **\$2 million in Congressional funding** to continue critical infrastructure development in the Heights. This funding will build on the original \$4 million federal appropriation from 2023 and a successful RAISE grant the City received in 2024 to complete a portion of the Grand Loop within the Heights. Specifically, funding will be utilized to construct wider sidewalks and bike lanes to further build out the street network within the Heights District and provide greater multimodal connections for the entire area. As part of the greater Heights project, the City anticipates these improvements will spur additional private investment to unlock 1,000 affordable housing units and local business opportunities that will have a strong emphasis on equity.

Pathways to Removing Obstacles to Housing Federal Grant Request

The City is seeking a **\$7 million HUD PRO Housing grant** to establish a strategic initiative aimed at increasing the production of affordable housing along the Mill Plain Corridor. Key activities include property acquisition for affordable housing projects, low interest and revolving financing, equity support for bond offerings by the Vancouver Housing Authority, and interest buy-down assistance. The goal is to address the primary barriers to affordable housing in Vancouver, particularly in the Mill Plain Corridor, and transform the affordable housing landscape in Vancouver by promoting mixed-income communities that support economic opportunity and mobility and advancing sustainable and equitable growth.



Assistance to Firefighters Grants | Federal Grant Request

Wildland Fire Protection Training \$234,599

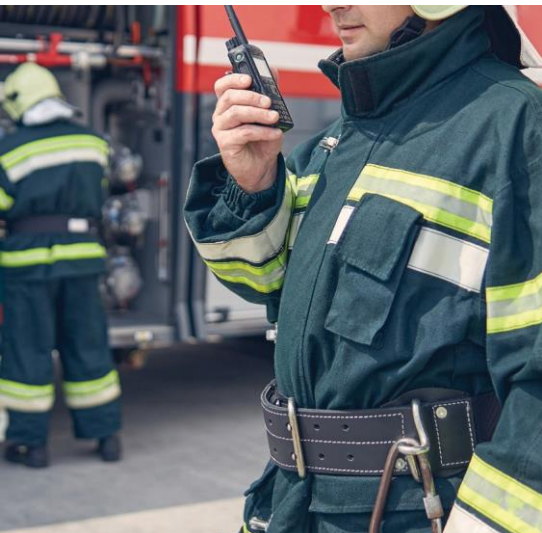
VFD is seeking grant funding to support training department staff in wildland fire protection. VFD will use the training to bring our emergency responders into compliance with the national standard for wildland fire protection.

Turnout Gear | \$590,904

VFD is seeking grant funding to support replacing some of our secondary turnout coats and pants. Turnout coats and pants are an integral part of fire response and are critical to adequately protecting our firefighters and community.

Project Home Safe | \$300,000

VFD is seeking grant funding to support risk reduction through fire prevention and life safety education. Project Home Safe identifies and employs zero-ignition strategies to prevent fire incidents, reduce injuries and property loss. The program utilizes VFD staff and volunteers to educate citizens, including at-risk populations like the hearing impaired, on changing risky behaviors and installing free smoke alarms. VFD is closely monitoring the outcomes and the results are being validated, as their time allows, by the Washington State University, Mathematics Department.



Fire Department Emergency Communications Infrastructure Congressional Funding Request

The Vancouver Fire Department is seeking federal funding to update emergency responder communications infrastructure, equipment and technology for the fire emergency operations center and public safety radio backup system. These upgrades will improve emergency communications capability and resilience and enhance regional interoperability with other fire services and first responders by improving emergency fire communications systems and responses, boosting readiness for effective operations during natural disasters and other large-scale emergency events. The City is seeking \$1 million in Congressional funding to improve emergency communication system functionality by investing in the fire emergency operations center and public safety backup radio system.

Sustainability & Resiliency

Sustainability, Resilience and Climate Action | Policy Item

As our City works towards our goal of carbon neutrality by 2040, we appreciate the increased federal investment in efficiency and renewable energy creation, electric vehicle infrastructure, and public transportation through the IRA And IIJA and are excited to pursue these new funding opportunities as they roll out to help amplify the City's efforts. The City supports further federal investments in training programs to ensure a skilled workforce to build, install, operate, and maintain green infrastructure, equipment, vehicles, and industrial machinery; as well as safely handle and maintain battery systems and alternative fuels such as hydrogen, electricity, compressed natural gas, and biofuels.

PFAS funding flexibility | Policy Item

As PFAS lawmaking and regulations evolve, ensure that cities are explicitly recognized as “passive receivers” of PFAS and are therefore provided a narrow exemption from liability under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

In addition, to improve drinking water quality throughout the country, the Bipartisan Infrastructure Law (BIL) currently supports two important needs through EPA's Drinking Water State Revolving Fund (DWSRF) program, lead service line replacements and emerging contaminants (PFAS). Unfortunately, the funding is in two separate buckets with most of it dedicated to lead service line replacements. While a critical need in some parts of the country, our state has few lead service lines but a significant need for funding to address PFAS. The City estimates it will need to make an approximately \$300 million investment over the next six years to address PFAS contamination in its water wells—with many other communities facing these types of needs. The City urges Congress to provide flexibility to states for the DWSRF lead service line replacement and emergent contaminant programs so that they can decide how best to distribute the available funding.

Wastewater Lagoon Aeration Blower upgrade | Congressional Funding Request

Vancouver's Industrial Pretreatment Lagoon Facility is an essential part of the City's wastewater system and continues to operate on original equipment from the 1970s. To improve the system's resiliency, decrease its energy consumption by 30% and lower maintenance costs the City is seeking to replace the facility's aeration blower which is critical to the treatment process. The City is seeking \$2 million in Congressional funding for this project.



Map of traditional Chinook tribal territory along the Columbia River. (Map: Wikimedia Commons)

Equity & Inclusion

Chinook Restoration Act | Policy Item

The City of Vancouver supports federal recognition of the Chinook Indian Nation and urges the Congressional delegation to introduce and support the Chinook Restoration Act, which would honor the federal government's commitment to the Chinook.

Community Trust & Relationships

Taxes: Restore SALT Deduction and Advanced Refunding | Policy Item

SALT Deduction: The City is concerned about the impact on lower- and middle-income families of the \$10,000 cap on deductions for property, state, and local taxes. The City supports full restoration of the SALT deduction.

Advanced Refunding: The City supports refinancing of municipal bonds which was eliminated in the 2017 tax bill. Refinancing bonds lowers the debt service for local governments and is a financing tool that reduces the burden on local residents.



Preserve States Rights | Policy Item

In 2012, the citizens of Washington State approved the legalization of recreational marijuana. Since then, the City of Vancouver has experienced minimal nuisance issues but no material negative impact to the community from marijuana sales and approximately \$800,000 per year in tax revenue has gone to support increased police staffing. The City supports efforts in Congress to preserve and protect the rights of Washington State voters.

Preserve States Rights | Policy Item

The City opposes legislative or regulatory initiatives that undermine local government decision making and contributes to reduction in our workforce. The partnership with federal policy makers should recognize local government roles and not preempt city authority on issues such as land use, rights of way and other local functions.



For More Information

Joel Rubin

Lobbyist, CFM Advocates

joelr@cfmdc.com | 202-347-9171

Aaron Lande

Program & Policy Manager, City of Vancouver

aaron.lande@cityofvancouver.us | 360-487-8612

November 18, 2024

Workshops: 4:00-6:00 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/36913?startStreamAt=0&stopStreamAt=5027

State Legislative Agenda

(Approximately 30 minutes)

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

Staff led Council through a discussion of the State Legislative Agenda.

Councilmembers Paulsen and Hansen were absent from the workshop.

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

Staff led Council through a discussion of the Comprehensive Plan Update.

Councilmembers Paulsen and Hansen were absent from the workshop.

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

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/36915?startStreamAt=0&stopStreamAt=10303

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 Stober, Councilmember Hansen, Mayor McEnerny-Ogle

Absent: Councilmember Paulsen

Motion by Councilmember Stober, seconded by Councilmember Hansen, and Yes: 6, No: 0, Abstaining: 0, to excuse Councilmember Paulsen. Absent from vote: Councilmember Paulsen.

Approval of Minutes

Minutes - November 4, 2024

Motion by Councilmember Hansen, seconded by Councilmember Fox, and Yes: 6, No: 0, Abstaining: 0, to approve the November 4, 2024, Meeting Minutes. Absent from vote: Councilmember Paulsen.

Proclamations

Small Business Saturday

Mayor McEnerny-Ogle read and presented a proclamation to Jerry Petrick, Small Business Development Center (SBDC), Linda Glover, Certified Business Advisor, Vancouver's Downtown Association (VDA) Board President, and Shelby Franks, EVBA Communications Director, proclaiming November 30, 2024, as Small Business Saturday.

Transgender Day of Remembrance

Mayor McEnerny-Ogle read and presented a proclamation to Leeza Edwards, She/her, Vice-president of EVOKE Cascadia and Non-duality teacher, Remington "Remi" Ostermiller, He/Him, Digital Marketer, unaffiliated, and Loveita Morrison, Deputy Director of Odyssey World International Education Services, proclaiming November 20, 2024, as Transgender Day of Remembrance.

Native American Heritage Day and Month

Mayor McEnerny-Ogle read and presented a proclamation to Sam Robinson, Vice Chairman Chinook Indian Nation and Duana Ricks-Johnson, Colville/Lakes Tribal Member and MMIWUSA, proclaiming November 29, 2024, as Native American Cultural Heritage Month and Native American Heritage 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:

- *Jim Luce, Vancouver*
- *Mary Elkin, Vancouver*
- *Steve Herman, Vancouver*
- *Kevin Hart, Vancouver*
- *Elizabeth New, Vancouver*
- *Lila Harlan, Vancouver*
- *Peter Bracchi, Vancouver*
- *Rachel Trevino, Vancouver*

- Matthew Trevino, Vancouver
- Rachel Ferraris, Vancouver
- Shannon Stamps, Vancouver
- Eric Wolf, Vancouver
- Marianne Moore, Vancouver
- Carmen DeLeon, Vancouver
- James Trenter, Vancouver
- Mary Cray, Vancouver
- Kimberlee Goheen Elbon, La Center, WA

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 items 6, 12, 14, 17, 18, 23, and 24 for discussion.

Council remanded Item 6 back to staff.

Motion by Councilmember Perez, seconded by Councilmember Stober, and Yes: 6, No: 0, Abstaining: 0, to approve Items 1-5, and 7 on the Consent Agenda. Absent from vote: Councilmember Paulsen.

City Council voted on Consent Agenda Items 8-25 individually.

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

Motion approved the request.

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

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

Motion approved the request.

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

Motion approved the request.

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

Motion approved the request.

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

Motion adopted Resolution M-4307 to approve the request.

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

Council remanded the Item back to staff and asked to have the item brought back on the December 2, 2024, Council Agenda.

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

Motion adopted Resolution M-4308 to approve the request.

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

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

Motion by Councilmember Stober, seconded by Councilmember Hansen, and Yes: 6, No: 0, Abstaining: 0, to approve Item 8 on the Consent Agenda. Absent from vote: Councilmember Paulsen.

Motion approved the request.

Motion adopted Resolution M-4309 to approve the request.

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

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

Motion by Councilmember Stober, seconded by Councilmember Perez, and Yes: 6, No: 0, Abstaining: 0, to approve Item 9 on the Consent Agenda. Absent from vote: Councilmember Paulsen.

Motion approved the request.

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

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

Motion by Councilmember Fox, seconded by Councilmember Stober, and Yes: 6, No: 0, Abstaining: 0, to approve Item 10 on the Consent Agenda. Absent from vote: Councilmember Paulsen.

Motion approved the request.

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

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

Motion by Councilmember Stober, seconded by Councilmember Harless, and Yes: 6, No: 0, Abstaining: 0, to approve Item 11 on the Consent Agenda. Absent from vote: Councilmember Paulsen.

Motion approved the request.

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

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

Motion by Councilmember Stober, seconded by Councilmember Harless, and Yes: 5, No: 1, Abstaining: 0, to approve Item 12 on the Consent Agenda. Absent from vote: Councilmember Paulsen. Councilmember Hansen voted No.

Motion approved the request.

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

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

An amendment to Item 13 to change the Ordinance title due to a clerical error was approved. The Ordinance title showed 5.93.010 twice. The Ordinance title was amended to show the addition of 5.93.030.

Motion by Councilmember Stober, seconded by Councilmember Harless, and Yes: 6, No: 0, Abstaining: 0, to amend Item 13 on the Consent Agenda. Absent from vote: Councilmember Paulsen.

Motion by Councilmember Stober, seconded by Councilmember Fox, and Yes: 6, No: 0, Abstaining: 0, to approve Item 13 on the Consent Agenda. Absent from vote: Councilmember Paulsen.

Motion approved the request.

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

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

Motion by Councilmember Stober, seconded by Councilmember Harless, and Yes: 5, No: 1, Abstaining: 0, to approve Item 14 on the Consent Agenda. Absent from vote: Councilmember Paulsen. Councilmember Hansen voted No.

Motion approved the request.

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

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

Motion by Councilmember Stober, seconded by Councilmember Hansen, and Yes: 6, No: 0, Abstaining: 0, to approve Item 15 on the Consent Agenda. Absent from vote: Councilmember Paulsen.

Motion approved the request.

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

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

Motion by Councilmember Stober, seconded by Councilmember Harless, and Yes: 6, No: 0, Abstaining: 0, to approve Item 16 on the Consent Agenda. Absent from vote: Councilmember Paulsen.

Motion approved the request.

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

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

Motion by Councilmember Stober, seconded by Councilmember Harless, and Yes: 5, No: 1, Abstaining: 0, to approve Item 17 on the Consent Agenda. Absent from vote: Councilmember Paulsen. Councilmember Hansen voted No.

Motion approved the request.

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

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

Motion by Councilmember Stober, seconded by Councilmember Harless, and Yes: 4, No: 2, Abstaining: 0, to approve Item 18 on the Consent Agenda. Absent from vote: Councilmember Paulsen. Councilmembers Fox and Hansen voted No.

Motion approved the request.

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

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

Motion by Councilmember Stober, seconded by Councilmember Hansen, and Yes: 6, No: 0, Abstaining: 0, to approve Item 19 on the Consent Agenda. Absent from vote: Councilmember Paulsen.

Motion approved the request.

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

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

Motion by Councilmember Stober, seconded by Councilmember Fox, and Yes: 6, No: 0, Abstaining: 0, to approve Item 20 on the Consent Agenda. Absent from vote: Councilmember Paulsen.

Motion approved the request.

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

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

Motion by Councilmember Stober, seconded by Councilmember Fox, and Yes: 6, No: 0, Abstaining: 0, to approve Item 21 on the Consent Agenda. Absent from vote: Councilmember Paulsen.

Motion approved the request.

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

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

Motion by Councilmember Stober, seconded by Councilmember Perez, and Yes: 6, No: 0, Abstaining: 0, to approve Item 22 on the Consent Agenda. Absent from vote: Councilmember Paulsen.

Motion approved the request.

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

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

Motion by Councilmember Stober, seconded by Councilmember Perez, and Yes: 5, No: 1, Abstaining: 0, to approve Item 23 on the Consent Agenda. Absent from vote: Councilmember Paulsen. Councilmember Hansen voted No.

Motion approved the request.

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

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

Motion by Councilmember Perez, seconded by Councilmember Fox, and Yes: 6, No: 0, Abstaining: 0, to approve Item 24 on the Consent Agenda. Absent from vote: Councilmember Paulsen.

Motion approved the request.

25. Approval of Claim Vouchers

Request: Approve claim vouchers for November 18, 2024.

Motion approved claim vouchers in the amount of \$20,320,262.13.

Motion by Councilmember Harless, seconded by Councilmember Stober, and

Yes: 6, No: 0, Abstaining: 0, to approve Item 25 on the Consent Agenda. Absent from vote: Councilmember Paulsen.

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

Anthony Glenn, Treasurer, provided an overview of the Ordinance for Proposed Amendments to Chapter 5.85 of the Vancouver Municipal Code, Business Licenses and Regulations: Ambulances.

Council discussed the item briefly with staff.

Mayor McEnery-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 McEnery-Ogle closed the public hearing.

Motion by Councilmember Stober, seconded by Councilmember Hansen, and Yes: 6, No: 0, Abstaining: 0, to approve Ordinance M-4468. Absent from vote: Councilmember Paulsen.

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

Anthony Glenn, Treasurer, provided an overview of the Property Tax Levy 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 Fox, seconded by Councilmember Perez, and Yes: 6, No: 0, Abstaining: 0, to approve Ordinance M-4469. Absent from vote: Councilmember Paulsen.

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

Anthony Glenn, Treasurer, provided an overview of the Property Tax Affordable Housing Levy 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 Hansen, seconded by Councilmember Fox, and Yes: 6, No: 0, Abstaining: 0, to approve Ordinance M-4470. Absent from vote: Councilmember Paulsen.

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

Anthony Glenn, Treasurer, provided an overview of the Ad Valorem Taxes 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 Fox, seconded by Councilmember Stober, and Yes: 6, No: 0, Abstaining: 0, to approve Ordinance M-4471. Absent from vote: Councilmember Paulsen.

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

Anthony Glenn, Treasurer, provided an overview of the Preservation of Levy Capacity for Exempt Property 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 Stober, seconded by Councilmember Perez, and Yes: 6, No: 0, Abstaining: 0, to approve Ordinance M-4472. Absent from vote: Councilmember Paulsen.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

2025 Clark County Transportation Alliance Policy Statement

Aaron Lande, Program and Policy Development Manager, discussed the 2025 Clark County Transportation Alliance Policy Statement.

Adjournment

9:20 p.m.

Anne McEnerly-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: [City Council](#)
To: [Dollar, Sarah](#)
Subject: FW: Letter for council meeting tonight.
Date: Monday, November 4, 2024 12:25:54 PM

From: Kerri Altom [REDACTED]
Sent: Monday, November 4, 2024 12:10 PM
To: City Council <council@cityofvancouver.us>
Subject: Letter for council meeting tonight.

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, Sarah.

I had problems trying to submit this letter for the council meeting tonight. For some reason the form submission option wasn't working for me. If you are able to accept this letter via email, I would really appreciate it.

If you have any questions or concerns, feel free to reply via email here or call me at [REDACTED]
[REDACTED]

Thank you, Kerri

Subject: Support for Full Funding of Watershed Alliance in 2025 Budget

Dear Council Members,

I am writing to express my strong support for the continued full funding of the Watershed Alliance in Vancouver's 2025 budget. The Watershed Alliance not only plays a vital role in supporting the city's climate action goals but is also an essential part of our community's fabric.

Our community is deeply dependent on a healthy watershed, which underpins nearly every aspect of life in Vancouver. Clean and healthy waterways are crucial for our health, economy, and education, and they help shape the values and identity of our city. With the recent development of the waterfront and upcoming port projects, the work of the Watershed Alliance is more essential than ever.

Beyond the measurable impacts of their work, the Watershed Alliance provides invaluable leadership and institutional memory. Their network of partnerships, ongoing community services, and long-standing events and traditions contribute to a sense of community cohesion and continuity that cannot be easily replaced. Any funding cuts would risk the loss of these contributions, outweighing any potential financial savings.

I urge you to explore other options to ensure the continued full funding of the Watershed Alliance, supporting our shared goals for a resilient, healthy, and engaged Vancouver.

Thank you for your consideration.

Sincerely,
Kerri Altom
Vancouver Resident

Kerri Altom

Founder & CEO | RISE Media Group | The RISE Way ®

November 7, 2024

Vancouver City Council
PO Box 1995
Vancouver, WA 98668

Re: Cultural Access Funding

Dear Members of the Vancouver City Council,

On behalf of the Culture, Arts, and Heritage Commission, I am writing to express our strong support for the passage of Cultural Access Funding in the 2024-2025 City of Vancouver budget. This funding initiative is a vital step toward enhancing access to rich arts, culture, and history experiences for all residents of Vancouver and supporting members of this community who have dedicated years to this work.

We are particularly excited about the transformative impact this funding will have on local arts, culture, and heritage organizations. By providing these essential resources, we can help ensure that every resident has the opportunity to engage with and benefit from the rich cultural offerings in our community. Access to arts, culture, and history is not just about enjoyment; it plays a crucial role in fostering social cohesion, inspiring creativity, and enhancing the quality of life for everyone.

Beyond these cultural and social benefits, it is important to recognize the significant economic impact of the creative economy on our city. Supporting the creative sector drives local job creation, strengthens small businesses, and attracts tourism—all essential components of a resilient and vibrant economy. Investments in arts, culture and history enhance Vancouver's competitive advantage, helping to retain talented individuals and drawing new businesses to the region. Creative industries generate substantial revenue, and each dollar spent within this sector circulates through our local economy, stimulating additional growth and spending across other sectors.

Members

Brad Richardson
President

Linda Reid
Vice President

Beth Harrington
Julie Mercado
Lee Rafferty
Rebekah Percival
Ricky Gaspar
Rosalinda Mendoza
Russell Ford, CCAC

Parks, Recreation and Cultural Services Department

P.O. Box 1995
Vancouver, WA 98668
360-487-8311
TTY: 711
cityofvancouver.us

The Commission is eager to work with the City Council to determine the most effective distribution model for this funding. We understand that a thoughtful allocation strategy is essential, encompassing grants, transportation support, administrative costs, and capital investments. By collaborating on this initiative, we can ensure that the funding is utilized in a way that maximizes its impact and reaches those who need it most.

Thank you for your dedication to advancing the arts, culture, and history in Vancouver. We look forward to partnering with you on this important initiative and to making a lasting difference for our City.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brad Richardson", with a long, sweeping horizontal stroke extending to the right.

Brad Richardson
President
City of Vancouver Culture, Arts & Heritage Commission

From: [Peter Bracco](#)
To: [City Council](#)
Subject: [Burnt Bridge Creek](#)
Date: [Monday, November 12, 2018](#)

From: PETER BRACCO
Sent: Friday, November 9, 2018 11:51 AM
To: HART Team <hartteam@cityofvancouver.us>; City Council <ccouncil@cityofvancouver.us>
Cc: City of Vancouver - Office of the City Manager <OCM@cityofvancouver.us>
Subject: Council 11/13 Wood pick up & bridge removal, Bridge Creek/Ellen Davis Trail

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.

Good morning,

After the city cleaned up a camp the bank of Burnt Bridge Creek there is still a bunch of scattered wood and a bridge which presents a safety hazard to humans and both animals attempting to cross the water on this wood structure.

The wood has a good possibility that is going to end up floating down Burnt Bridge Creek. Also, if this wood has been pressure treated, presents a hazard to the environment.

Please remove all discarded wood and deconstruct and remove the bridge for safety purposes and the environmental protection of the water.

This location is right off the Ellen Davis Trail see the attached map in the photo.



Thanks Peter

From: [City Council](#)
To: [Dollar, Sarah](#)
Subject: FW: Public Comment for 11/18 City Council Meeting
Date: Wednesday, November 13, 2024 10:13:17 AM

From: Jean M. Avery [REDACTED]
Sent: Wednesday, November 13, 2024 6:29 AM
To: City Council <council@cityofvancouver.us>
Subject: Public Comment for 11/18 City Council Meeting

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.

To Madam Mayor and City Council:

I would like to follow up on my earlier comments regarding Vancouver's nature-based programs.

First, thank you for funding The Watershed Alliance and Columbia Springs -- at least for one more year. Thank you for listening to the public's concerns.

The future of other nature-based programs may still be undecided. So, again I ask:

- Please continue the **50+ Hiking** program. As a hiker and a hike leader, I believe this program is an outstanding offering through Parks and Rec.
- Please continue the **NatureSpaces** program. As a volunteer, I can report amazing outcomes.
- Please continue to fund **AmeriCorps** workers. Their contributions far exceed their modest stipends.

The weighty decisions during this budget cycle will have significant impacts. Thank you for your service to our City.

Jean M. Avery
Vancouver

From: [Leigh Wyenberg](#)
To: [City Council](#)
Subject: City league ADULT sports ...
Date: Monday, November 11, 2024 1:44:13 PM

[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.

To whom it may concern:

I'm 46 years old mom of 4 kids 16, 9 & 6 to twins. I love to play sports. It's a way that allows me & my friends to get the mental health break from being moms & other life challenges.

I've recently heard you are talking about canceling adult league sports. Please DO NOT do that. There are so many that need this safe & healthy outlet. Taking it away will add so much more stresses on individuals & families.

Please I ask you hear my voice one from the public not congress or whatever but me a real human. I thank you kindly.

Leigh Wyenberg
Sent from my iPhone

From: [Callie DeBoer](#)
To: [City Council](#)
Subject: Adult Sport Leagues
Date: Friday, November 8, 2024 3:21:57 PM

[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.

Greetings,

Please consider this email as a plea to maintain City League Sports for a multitude of reasons. As a current participant in Women's City League volleyball and a past participant in Co-Ed softball and kickball, I can attest to the significance of these league activities and that I genuinely look forward to each season. I literally planned my recent knee surgery around the upcoming volleyball season at Marshall Center. They provide an excellent opportunity to gather friends and our communities, fostering strong bonds on and off the court and field along with promoting physical health.

In the same vein, I would like to extend this sentiment to all City League adult sports. These leagues bring immense joy and a sense of community to many individuals, and I strongly urge you to continue supporting them.

Thank you for your attention and consideration to this matter.

Sincerely,
Callie White

Sent from my iPhone

From: [Mysti paullin](#)
To: [City Council](#)
Subject: Volleyball league for adults
Date: Friday, November 8, 2024 12:55:48 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.

Please do not get rid of adult league. It means so much to so many of us to have any actual league we can play in. They offer club for kids and such and those that need this for mental health to get with adults and play a sport and feel they are still a part of something is so important. Do not be the cruel killer of ending this for so many of us that NEED city league. Drop in is not enough. We need to compete. To play competitive. Please don't take this from us.

Sincerely

Mysti Paullin

From: [Yasamin Azarbin](#)
To: [City Council](#)
Subject: City League Sports
Date: Friday, November 8, 2024 12:37:01 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.

Greetings,

Please consider this email as a plea to maintain City League Sports for a multitude of reasons. As a personal participant in both Co-Ed and women's City League softball, I can attest to the significance of these leagues as one of the few outdoor activities I genuinely look forward to each season. They provide an excellent opportunity to gather friends and our communities, fostering strong bonds on and off the field.

In the same vein, I would like to extend this sentiment to City League volleyball at Marshall Center. These leagues bring immense joy and a sense of community to many individuals, and I urge you to continue supporting them.

Thank you for your attention to this matter.

Sincerely,

Yasamin

From: [City Council](#)
To: [Dollar, Sarah](#)
Subject: FW: Council 11/18 Camps next Public Trail & Public Safety - Need space to Yield to Emergency Vehicles / Fast Bicycles
Date: Thursday, November 14, 2024 4:49:40 PM

From: PETER BRACCHI <[REDACTED]>
Sent: Thursday, November 14, 2024 3:37 PM
To: City Council <council@cityofvancouver.us>
Subject: Council 11/18 Camps next Public Trail & Public Safety - Need space to Yield to Emergency Vehicles / Fast Bicycles

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 Mayor and council members,

Homeless Camps are right next to the Burnt Bridge Creek trail and this presents a public safety issue.

The Trail is shared by the Public, City Workers, City Vehicles, BPA, VFD, and VPD, Ambulance, Talking Trash etc.

People walk, run, ride bikes, some have dogs, some have baby strollers.

When Camps are right next the the TRIAL this leaves little space for People to Yield to Others or Emergency Vehicles.

For the Safety of the Public, Can there be a Setback of Camps Sites at the City Sponsored Campsites from the Public Trail along Burnt Bridge Creek and Andresen Road ?



From: [City Council](#)
To: [Dollar, Sarah](#)
Subject: FW: Proposed Vancouver Proposed 2025-26 Budget
Date: Friday, November 15, 2024 10:53:56 AM

From: Lloyd Goodlett [REDACTED] >
Sent: Friday, November 15, 2024 10:43 AM
To: City Council <council@cityofvancouver.us>
Subject: Proposed Vancouver Proposed 2025-26 Budget

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.

To; Vancouver City Council
Subject: Proposed 2025-26 Budget changes for the Forever Young Hiker's program
From: Lloyd Goodlett

I am writing this in the hope of your reconsideration to the proposed budget changes to the Forever Young Hikers program. I am specifically referring to the elimination of the two vans and the elimination of the Senior Recreation Specialist position.

I am fearful that these changes will have a serious, long-term, negative impact on the success of this program. Hikers like the convenience of van rides, the opportunity to have meaningful fellowship, and develop a network of fellow hikers. I am also concerned about the loss of a strong, supportive, City hiking advocate. And, I have an additional concern regarding any proposed increased hiking fees. Too high, and the hikers will just develop their own network and carpooling arrangement, and drop out of the City's program.

I conclude with a paragraph that was included in a letter that I sent to the City when it was considering the future of the Forever Young Hiker's program after Covid 19. I wrote:

"I would not be the experienced hiker that I am today, without the City's Forever Young Hiker's Program. I wholeheartedly endorse it and believe it is an essential program for seniors in Clark County who want exercise, and enjoy the outdoors. We seniors are continually reminded of the benefits of remaining active, being engaged in the community and making new friendships. Forever Young hikers fulfills these objectives; and after enrolling, all one needs to do is to show up Tuesday mornings prepared to hike."

Thank you for your consideration.

Respectively,

Lloyd Goodlett

From: [City Council](#)
To: [Dollar, Sarah](#)
Subject: Written comment - budget
Date: Friday, November 15, 2024 3:28:49 PM

From: City of Vancouver, WA <noreply@cityofvancouver.us>
Sent: Friday, November 15, 2024 3:27 PM
To: City Council <council@cityofvancouver.us>
Subject: Submission: Contact City Council

Contact the City Council

Name
Elizabeth Bier
Email
Address
United States Map It
Subject
Share an Opinion of a City project or Initiative
Choose Recipient
All the Council
Message
Please do not cut the Forever Young (age 50+) hiking group program from Parks, Recreation, and Cultural Services. The Tuesday van hikes are especially important to me. These hikes give me the opportunity to exercise while doing something I love, in a way that is safe (because I am not hiking by myself). In addition to exercise, the hikes develop camaraderie in an outdoor setting in nature, which is good for the soul; this helps contribute to good mental health. The number of hikers has already been limited due to the loss of a van; please do not cut this important activity completely.

From: [City Council](#)
To: [Dollar, Sarah](#)
Subject: FW: Public testimony for council meeting
Date: Monday, November 18, 2024 10:09:50 AM

From: Tia Kauffman <[REDACTED]>
Sent: Monday, November 18, 2024 10:00 AM
To: City Council <council@cityofvancouver.us>
Subject: Public testimony for council meeting

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 Vancouver city council,

I live on W 16th between Franklin and Grant with my husband and 2 children, aged 6 and 12. As you are readily aware, our quality of life has been dramatically negatively impacted by the ever growing camps along the sound wall. I was dismayed today to see today a city hired contractor placing port-a-potties in the alcoves at Grant, Harney, and Markle. This is in direct contradiction to the signs posted stating there is a complete clear on November 20, with clear direction that campers are required to engage with community services.

While we purchased our home in 2014, we have lived in it since October 2020. The camps have been an issue since then, but the danger has dramatically increased over the last year or so. My children can no longer play outside. I'm calling 311 or 911 regularly due to a variety of dangers (screaming fights, weapons, drug dealing) and I have stopped calling for more minor offenses because no one comes, including for the possible dead person on the sidewalk I reported several weeks ago. He was there for 6+ hours with no police response. I cannot live safely in my own home, because things are stolen. I've had uncountable encounters with mentally ill camp folks in the last few years while I am out walking and minding my own business. I'm on constant alert when out gardening with my children, due to the unhoused folks erratic and unsafe behavior, including leaving used needles in our yard.

Please permanently clean the camp. Four years of being unable to feel safe in our own homes is more than our share of the burden. Given the increasing services (garbage clean up, daily food deliveries, and now port-a-potties) there is no incentive for these individuals to clean up their lives and follow the rules of society. I implore you to make the sound wall from Daniels to the railroad a no camping zone. It would be great to turn it into a garden space, which the neighbors have agreed to organize and maintain if they city could keep campers swept. Please allow our children to play safely in their own neighborhood.

Sincerely,
Tia Kauffman

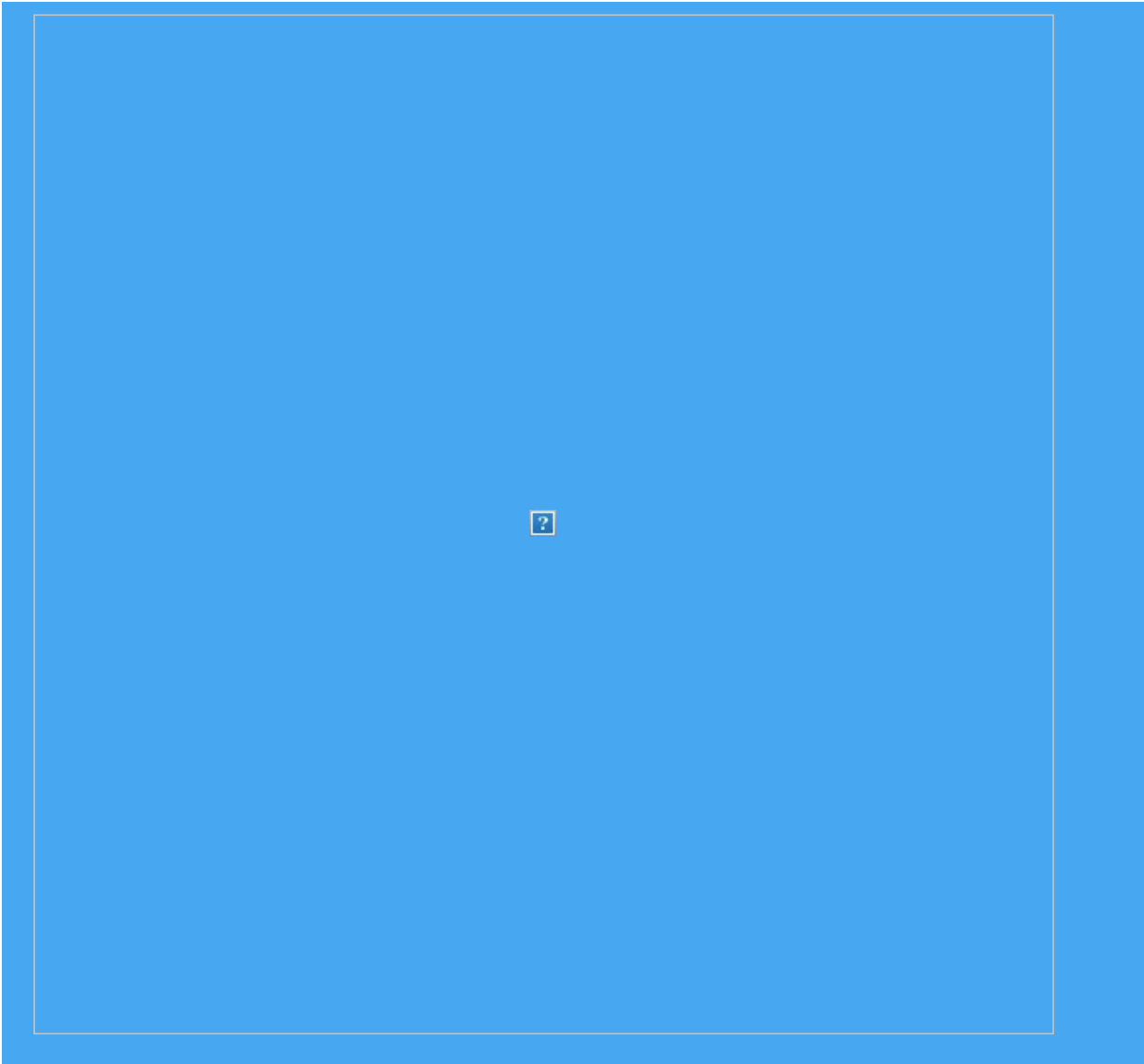
From: [Wynn Grich](#)
To: [Rebecca Messinger](#); [Dollar, Sarah](#)
Subject: Fwd: Tonight on the Moms Connect Call - November 4, 2024
Date: Monday, November 4, 2024 12:43:46 PM

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.

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

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

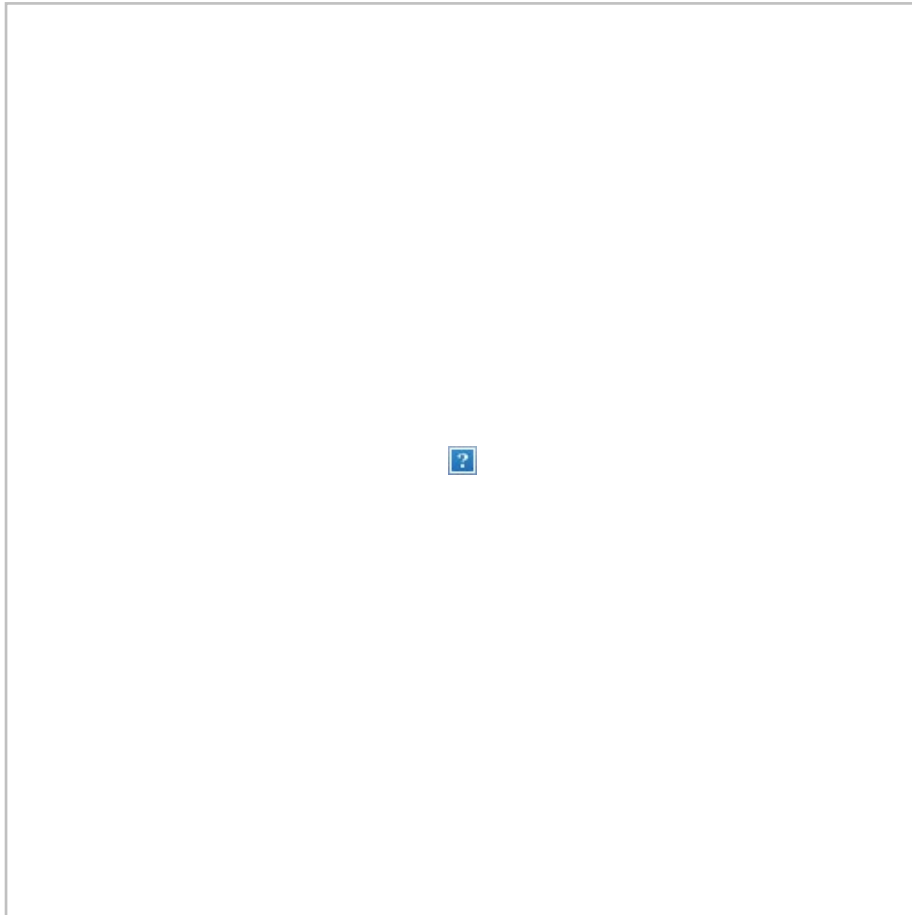
From: **Moms Across America** <info@momsacrossamerica.org>
Date: Mon, Nov 4, 2024, 12:11 PM
Subject: Tonight on the Moms Connect Call - November 4, 2024
To: Wynn Grich <[REDACTED]>



Wynn --

We have missed you!

Join us on our Moms Connect Call tonight from 7 to 8 pm ET for the latest news from Zen.



We are VERY excited to have on Integrative Pediatrician, Dr. Joel "Gator" Warsh - to talk with us about **"School Lunches and The Future of Our Country"**. We will be talking about his new book - **"Parenting at Your Child's Pace - Integrative Wisdom for the First Years"**, so bring your questions and get all of your mom friends to join us!!!

See you tonight!

Hi there,

You are invited to a Zoom meeting.

When: November 4, 2024 07:00 PM Eastern Time (US and Canada)

Register in advance for this meeting:

<https://us02web.zoom.us/meeting/register/tZAucu2urTorH9O884I7GvWvXII1xP1OHxjn>

After registering, you will receive a confirmation email containing information about joining the meeting.

Moms Across America

<https://www.momsacrossamerica.com/>

Moms Across America · Mission Viejo, CA, United States

This email was sent to 1955wcg@gmail.com. To stop receiving emails, [click here](#).

You can also keep up with Moms Across America on [Facebook](#).

Created with [NationBuilder](#), software for leaders.

From: [Wynn Grich](#)
To: [Rebecca Messinger](#); [Dollar, Sarah](#); [Victorialeeferrer@gmail.com](#); [Reform Clark County - Rob Anderson](#); [Cemal Richards](#)
Subject: Fwd: HPV vaccine harms were evident before covid vaccines were introduced
Date: Monday, November 4, 2024 1:07:04 PM

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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: rcoones102 [REDACTED] >
Date: Mon, Nov 4, 2024, 7:47 AM
Subject: HPV vaccine harms were evident before covid vaccines were introduced
To:

HPV vaccine harms were evident before covid vaccines were introduced

https://expose-news.com/2024/11/04/hpv-vaccine-harms-were-evident-before-covid/?jetpack_skip_subscription_popup

Two decades ago, Merck introduced Vioxx, a profitable NSAID, despite knowing it could cause numerous heart attacks. After facing overwhelming lawsuits and ultimately withdrawing Vioxx, Merck quickly pushed Gardasil, an HPV vaccine, to market to recover losses.

Gardasil proved to be extremely dangerous, yet both Merck and the FDA ignored the alarming data and continued promoting it, even as it resulted in unprecedented injuries, including autoimmunity, POTS, infertility, and death. Notably, many of these issues mirror those associated with the covid-19 vaccines.

This article examines the dangers of the HPV vaccine, the reasons behind its risks – including its tendency to cause rather than prevent cervical cancer – and the extensive negligence of the FDA and CDC. These lessons are crucial for understanding the events surrounding covid.

Sent with [Proton Mail](#) secure email.

From: [Wynn Grcich](#)
To: [Rebecca Messinger](#); [Dollar, Sarah](#)
Subject: Watch "Bill Gates Faces MAJOR Lawsuit In The Netherlands!" on YouTube
Date: Wednesday, November 6, 2024 6:18:19 AM

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.

<https://youtu.be/zEUSQH2ZyKw?si=VX5kY2WowPQYX48m>. Please send to council members and MELNICK. Put on public record and confirm that you did. Thanks from Wynn

From: [Wynn Grcich](#)
To: [Rebecca Messinger](#); [Dollar, Sarah](#)
Subject: Watch "Outrageous Government Spending | Dr. Phil Primetime" on YouTube
Date: Wednesday, November 6, 2024 6:23:53 AM

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.

<https://youtu.be/3pGSIBIkCpk?si=K80Y09itvU5gu7c7>. Please send to council members and MELNICK. Put on public record and confirm that you did. Thanks from Wynn

From: [Wynn Grcich](#)
To: [Rebecca Messinger](#); [Dollar, Sarah](#); [Harris, Rep. Paul](#); [Victorialeeferrer@gmail.com](#); [Reform Clark County - Rob Anderson](#); [Bill Coones](#); [Calvin CLARK](#); [Charles Beck](#); [electmichellebelkot@gmail.com](#); [LARS7062@gmail.com](#)
Subject: Watch "Dr. Dean Burk - Fluoride causes cancer" on YouTube
Date: Friday, November 8, 2024 10:35:45 AM

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.

https://youtu.be/ClqK7XvfLg0?si=r-SyVLPtxJi_HA55. Please give to council members and MELNICK. Put on public record and confirm that you did. Thanks from Wynn

A RESOLUTION relating to affordable housing; authorizing the City Manager to approve the below market-rate affordable housing loan and execute agreements and other related loan documents on behalf of the City of Vancouver consistent with the American Rescue Plan Act requirements and Fourth Plain For All Investment Strategy Housing Allocation funds.

Staff Report: 252-24

To: Mayor and City Council
From: City Manager
Date: December 2, 2024

Subject

Cascara Apartments - Fourth Plain For All Housing Loan

Key Points

- This item works to further the housing goals identified in the City's Strategic Plan and the Fourth Plain for All Investment Strategy.
- The proposed loan utilizes American Rescue Plan Act funds from the Fourth Plain Investment Strategy Housing Allocation
- The loan will be subordinate on the behalf of the City of Vancouver to the tax-exempt bonds being used to fund the rest of the property acquisition costs.
- The loan details are as follows:
 - Amount: \$2,500,000 for 98 units (20 restricted to 50% Median Family Income (MFI), and 78 restricted to 78 MFI).
 - Rate: 1% per annum
 - Term: 50 years
 - Term of Affordability Covenant: 50 years.

Strategic Plan Alignment

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

Present Situation

This is the most recent activity associated with the Fourth Plain for All Housing Strategies and Actions. As stated in the Fourth Plain for All Investment Strategy, the program was developed as a "community-driven process to identify, prioritize, and implement a community vision that will improve conditions and expand opportunities for central Vancouver neighborhoods." Housing was consistently identified as the community's top priority, and \$9.5M of funding is dedicated towards supporting affordable housing production, retention, and homeownership programs. Economic Prosperity and Housing Department staff is working to allocate funding to support housing goals with the support of the Community Development Department and the Fourth Plain for All Investment Strategy Committee.

The proposed loan supports the acquisition of Cascara apartments at 4902 NE 94th Ave. Vancouver, WA 98662 by Cascara Apartments LLLP, a limited liability limited partnership, to further the Fourth Plain for All Investment Strategy's and City's Strategic Plan goals. All 98 units will be deed restricted

with 20 units being restricted to 50% MFI and 78 restricted to 60% AMI. As a newly constructed building, it is built to modern building code and standards which supports essential health, sustainability, and safety for residents.

The proposed loan is in the amount of \$2,500,000 which equates to approximately \$25,500 per deed restricted unit resulting in a very efficient per unit investment for the City. The loan will be for 50 years at 1% interest in exchange for a 50-year affordable housing covenant on the property which ensures the affordability of the property for a longer term.

Advantage(s)

1. The funds will support the expansion of the supply of affordable housing in the City by recording a deed restriction to a newly constructed apartment complex not originally planned to be affordable housing.
2. As the property is built to modern code and building standards, the essential health, sustainability, and safety of the building is greater than much of the existing housing stock.
3. The property is located in close proximity to the Vancouver Mall Transit Center allowing convenient access to reliable, convenient, and affordable transportation options for future residents.

Challenge(s)

1. The loan will not facilitate the production of any new housing units.
2. The loan's interest rate is below the cost of money resulting in a slight loss of value over time.

Budget Impact

As the funds are already allocated to the Fourth Plain for All Housing Initiative, there are no budgetary impacts.

Prior Council Review

None

Action Requested

1. Approve The Affordable Housing Loan between Cascara Apartments LLLP, a Washington limited liability limited partnership ("Borrower") and the City of Vancouver, Washington, a Washington municipal corporation ("Lender")
2. Confirm American Rescue Plan Act Restricted Funds Eligibility. The Affordable Housing Loan conforms to the City's Fourth Plain for All Investment Strategy Housing Actions and the US Department of Treasury American Rescue Plan Act State and Local Fiscal Recovery Fund restrictions for loans to fund investments in affordable housing projects under the public health and negative economic impacts eligibility use category and the full principal of the loan may be funded from the City's restricted American Rescue Plan Act funds.
3. Authorize the City Manager or their designee to issue and execute the Loan Documents, which include the Affordable Housing Loan Agreement ("Exhibit A"), the Secured Promissory Note ("Exhibit B"), the Subordinate Deed of Trust ("Exhibit C"), and the Affordable Housing Covenant ("Exhibit D"), in substantially the form attached.
4. Authorize the City Manager or their designee to make any reasonably necessary modifications to the Loan Documents and execute supplemental creditor agreements requested by the

Borrower's tax-exempt bonds as reasonably necessary to perfect subordination of the loan security.

Staff Contact

Chim Chune Ko, Principal Project Manager, ChimChune.Ko@cityofvancouver.us

Attachments:

1. Presentation
2. Resolution and Exhibits - Cascara Apartments



CITY OF
Vancouver
WASHINGTON

Cascara Apartments Affordable Housing Loan

Chim Chune Ko

Real Estate Project Manager
Econ Prosperity & Housing

December 2, 2024



Agenda

- Property Overview
- Fourth Plain for All (FPFA) Overview
- FPFA Loan Terms
- Project Summary
- Requested Actions



Property Overview

4902 NE 94th Ave – Cascara Apartments

- 98 units
- Recently completed construction
 - 5-story, elevator operated building
 - Five studios, twenty-six 1-bedrooms, sixty-two 2-bedrooms, and 5 3-bedrooms
 - 20 units at 50% MFI and 78 units at 60% MFI



Fourth Plain for All

- A community-driven process to identify, prioritize, and implement vision for investing in the Fourth Plain Corridor
- Affordable housing was identified as top community priority
- \$9.5M was allocated to support housing initiatives
- EP&H working to identify affordable housing investment opportunities to facilitate affordable housing production and preservation



FPFA Loan

Up to \$2,500,000 @ 1% per annum

- Funded by Fourth Plain for All (FPFA) Housing Allocation funds
- 20 units at 50% MFI and 78 units at 60% MFI (@ \$25,000/unit)
- Term of loan and affordability covenant are 50 years
- Affirmative marketing plan for Fourth Plain households



Projected Unit Rents

Maximum rents:

50% MFI :

Studio \$1,032

1-Bedroom \$1,106

2-Bedroom \$1,327

3-bedroom \$1,534

60% MFI:

Studio \$1,239

1-Bedroom \$1,327

2-Bedroom \$1,593

3-bedroom \$1,841

The current income limit for a 4-person household at 50% MFI is \$59,000

The current income limit for a 4-person household at 60% MFI is \$78,800



Requested Actions

1. Adopt the resolution authorizing the City Manager to execute a multi-family housing limited property tax exemption certificate
2. Confirm ARPA Eligibility and authorize use of ARPA compliant funding for this loan.
3. Approve the loan and authorize execution of the FPFA loan documents, including the loan agreement, deed of trust, and covenant, in substantially the form attached.
4. Authorize reasonably necessary modifications to the deed of trust or execution of documents requested by the borrower's tax-exempt bonds to perfect subordination of the loan security.



Discussion



koc@cityofvancouver.us | 360-487-7933



12/2/2024

RESOLUTION NO. M-

A RESOLUTION relating to affordable housing; authorizing the City Manager to approve the below market-rate affordable housing loan and execute agreements and other related loan documents on behalf of the City of Vancouver consistent with the American Rescue Plan Act requirements and Fourth Plain For All Investment Strategy Housing Allocation funds.

WHEREAS, on November 3, 2023, the City issued the Declaration of Civil Emergency in and for the City of Vancouver, Washington – Homelessness (2023-01) in response to the homelessness humanitarian crisis affecting the community and the City is currently engaged in emergency response efforts in support of the “poor and infirm,” whom the City is authorized to support by Article 8, Section 7 of the Constitution of the State of Washington; and

WHEREAS, “The Fourth Plain community has experienced long-standing social, economic, and health needs. However, the COVID-19 pandemic worsened these inequities, impacting the area’s employment, housing, mental health and childcare needs, and more”.

WHEREAS, the City of Vancouver desires to increase the quantity and accessibility of affordable and deed restricted housing as specified in the Fourth Plain For All Investment Strategy in specifically the designated “Fourth Plain for All Project Area” in order to increase and improve housing opportunities, reduce displacement of existing community members, and encourage development densities supportive of tenant use to address “impacts from COVID-19 as well as long standing disparities to foster a more prosperous and resilient community that thrives into the future”; and

RESOLUTION - 1

WHEREAS, Cascara Vancouver, LLLP, a Washington limited liability limited partnership (“Borrower”) is interested in receiving an affordable housing loan to support acquisition of certain real property located at 4902 NE 94th Ave. Vancouver, WA 98662 (the “Property”) for the purpose of operating 98 units of multifamily rental housing, with designated income-based and rent restricted units, as evidenced by an affordable housing covenant to be recorded on the Property, in accordance with the American Rescue Plan Act and Fourth Plain for All Investment Strategy; and

WHEREAS, the City has determined that the Borrower’s proposed development on the Property and the proposed loan will satisfy the requirements of the Federal Treasury requirements for the City’s Fourth Plain for All Investment Strategy Housing Allocation funding framework as a loan to fund investment in affordable housing projects in response to the housing crisis in a disproportionately impacted geographic area; and

WHEREAS, the funding provided by the City will be an acquisition loan and contingent upon Borrower recording the Affordable Housing Covenant; and

WHEREAS, this loan will be funded by the City of Vancouver through the City’s American Rescue Plans Act Funds and associated with the November 2023 Fourth Plain for All Investment Strategy Housing allocation to support the creation and retention of affordable housing opportunities by providing financing for the acquisition of Property located in a disproportionately impacted geographic area for the purpose of deploying the Affordable Housing Units; and

WHEREAS, the Affordable Housing Loan is for \$2,500,000.00, secured by th Subordinate Deed of Trust and contingent upon the Affordable Housing Covenant, both to be recorded on the

RESOLUTION - 2

Property, with a term of 50 years and interest set at 1% per annum with no installment payments required so long as the loan and Affordable Housing Covenant are in good standing; and

WHEREAS, the City has determined that providing this Affordable Housing Loan at below-market rate is appropriate given the City's cost of funds, the Property location and income-based housing investment covenant, for the applicability of American Rescue Plan Act Funds, the Fourth Plain for All Investment Strategy, and the City's homelessness emergency response efforts; and

WHEREAS the loan is subordinate to tax exempt bonds issued by VHA; and

WHEREAS, the Borrower covenants to rent at least 20 of the Property's units as income-based housing to households with annual incomes at or below 50 percent of area median income (50% AMI) and at least 78 of the Property's units as income-based housing to households with annual incomes at or below 60% of the area median income (60% AMI) at commensurate rent limits designated by the City for the duration of the Affordable Housing Covenant, with such units to be available for occupancy by July of 2025; and

WHEREAS, as a condition of the loan, Borrower covenants to provide a mix of income-based units at 50 and 60% AMI, proportionate to the distribution of all Property units, for the term of the loan.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OF VANCOUVER:

Section 1. Affordable Housing Loan. The Affordable Housing Loan between Cascara

RESOLUTION - 3

Apartments LLLP, a Washington limited liability limited partnership (“Borrower”) and the City of Vancouver, Washington, a Washington municipal corporation (“Lender”), is approved.

Section 2. ARPA Restricted Funds Eligibility. The Affordable Housing Loan conforms to the City’s Fourth Plain for All Investment Strategy Housing Actions and the US Department of Treasury ARPA SLFRF restrictions for loans to fund investments in affordable housing projects under the public health and negative economic impacts eligibility use category and the full principal of the loan may be funded from the City’s restricted ARPA funds.

Section 3. Loan Documents. The City Manager or their designee is authorized to issue and execute the Loan Documents, which include the Affordable Housing Loan Agreement (“Exhibit A”), the Secured Promissory Note (“Exhibit B”), the Subordinate Deed of Trust (“Exhibit C”), the Affordable Housing Covenant (“Exhibit D”), and the Legal Description (“Exhibit E”) in substantially the form attached hereto;

Section 4. Loan Subordination. The City Manager or their designee is authorized to make any reasonably necessary modifications to the Loan Documents and execute supplemental creditor agreements requested by the Borrower’s tax exempt bonds as reasonably necessary to perfect subordination of the loan security.

ADOPTED at a regular session of the Vancouver City Council this 2nd day of December, 2024.

Anne McEnery-Ogle, Mayor

Attest:

Approved as to form:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney

RESOLUTION - 5

EXHIBIT A
LOAN AGREEMENT



AFFORDABLE HOUSING LOAN AGREEMENT

BY AND BETWEEN

CITY OF VANCOUVER, WASHINGTON, a Washington municipal corporation
Economic Prosperity and Housing
PO Box 1995 • Vancouver • Washington • 98668-1995
("LENDER" or "CITY")

AND

CASCARA VANCOUVER, LLLP, a Washington limited liability limited partnership
2500 Main Street Vancouver, WA 98660
("BORROWER")

Project Funded	Cascara Vancouver, LLLP
Funding Source	City of Vancouver American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds
Agreement Term	December __, 2024 through December __, 2074
Loan Amount	\$2,500,000.00
Project Address	4902 NE 94th Ave., Vancouver, WA 98662
Affordable Housing Units	20 Units at 50% of Area Median Income (AMI) and 78 Units at 60% of Area Median Income (AMI)
Affordability Period	December __, 2024 through December __, 2074
Borrower Contact	Scott Sharba, Development Project Manager
City Contact	Patrick Quinton, Economic Prosperity and Housing Director

This Agreement consists of the following:

- Signature page
- Statement of Work
- Rental Property Requirements
- General Terms and Conditions
- Required Affordable Housing Covenant
- INCORPORATED BY REFERENCE: Subordinate Deed of Trust, Secured Promissory Note

IN WITNESS WHEREOF, the parties agree to the terms and conditions of this Agreement and have caused this Agreement to be executed by their respective officers and agents thereunto duly authorized by signing below:

CITY OF VANCOUVER, WASHINGTON:

CASCARA VANCOUVER, LLLP
a Washington limited liability limited partnership

By: Housing Authority of the City of Vancouver,
a public body corporate and politic of the State
of Washington

Lon Pluckhahn, City Manager or Designee

Andy Silver, Chief Executive Officer

Date

Date

ATTEST:

Natasha Ramras, City Clerk

Date

APPROVED AS TO FORM:

Jonathan Young, City Attorney

STATEMENT OF WORK

PROJECT DESCRIPTION

Pursuant to the terms of this Affordable Housing Loan Agreement (the “Agreement”), Cascara Vancouver, LLLP, a Washington limited liability limited partnership (“Borrower”), is borrowing money from the City of Vancouver (“City”) at below market-rate for the purpose of developing affordable housing units as part of the City’s Fourth Plain for All Investment Strategy. The Loan (as defined herein) will be funded by City of Vancouver American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds through the City’s Forth Plain for All Investment Strategy allocation.

As such, Borrower must comply with the terms and conditions in this Agreement including, but not limited to, the documents incorporated by reference, including but not limited to, the Secured Promissory Note of even date herewith (the “Secured Promissory Note”).

In connection with and as a requirement of this Agreement, Borrower has executed that certain City of Vancouver, Washington Affordable Housing Covenant dated of substantially even date hereof (the “Affordable Housing Covenant”) in favor of City and caused, or will cause, the Affordable Housing Covenant to be recorded in the official records of Clark County, Washington, as an encumbrance against the Project. In addition to complying with the terms and conditions of this Agreement, Borrower must also comply with the terms and conditions of the Affordable Housing Covenant and a breach by Borrower of Borrower’s obligations under the Affordable Housing Covenant shall constitute a breach of this Agreement.

The intent of this Agreement is to provide an acquisition loan in the amount not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000.00) to the Borrower for the Cascara project located at 4902 NE 94th Ave., Vancouver, WA 98662 (the “Project”). The Loan is being deployed to remediate identified public health and negative economic impacts by providing financing for acquisition of the Project located in a disproportionately impacted geographic area, as identified in the Fourth Plain for All Investment Strategy for the purpose of deploying 98 Affordable Housing Units at or below 50% and 60% of Area Median Income (AMI) for the term of this Agreement, equal to at least 50 years (the “Affordability Period”).

If Borrower breaches this Agreement, the Subordinate Deed of Trust (the “Deed of Trust”), or the Affordable Housing Covenant (collectively, the “Loan Documents”), the loan must be repaid to City.

PROJECT ACQUISITION

The City will provide the Borrower with a junior property acquisition loan in an amount not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000.00) for purposes of acquiring the project described herein (the “Loan”). The use of these funds shall be expressly limited to the activities described in this Agreement.

FUNDING TERMS

The Loan shall be funded in full upon the acquisition of the Project. In accordance with the terms of the Loan Documents, if the Affordable Housing Units are not operated as required throughout the Affordability Period, the Loan becomes due and payable in full immediately.

The Borrower shall provide supporting documentation to the City upon request for any request for advance, such as invoices and receipts.

All City provided funds shall be accounted separately from other funds received by the Borrower.

The Borrower agrees to repay any loaned funds to the entity that originated the Loan at the time the Project becomes non-compliant, including if such Project ceases to satisfy the requirements to be a qualified low-income housing project (as defined in section 42(g) of the Internal Revenue Code of 1986 (the Code)) or a qualified residential rental project (as defined in section 142(d) of the Code), or if such Project fails to comply with any of the requirements of the extended low-income housing commitment that are described in section 42(h)(6)(B)(i)-(iv) of the Code.

The Borrower agrees as a condition for accepting such a loan, to waive any right to request a qualified contract (as defined in section 42(h)(6)(F) of the Code).

TERM OF AGREEMENT

This Agreement is in effect for a period of 50 years, unless terminated as described under the **TERMINATION** section of the General Terms and Conditions.

CERTIFICATE OF OCCUPANCY

Borrower agrees to use commercially reasonable efforts to obtain certificates of occupancy for the Affordable Housing Units within 6 months of the date of this Agreement. Time is of the essence, and failure to rent the ninety percent (90%) of the Affordable Housing Units on or before December 31, 2025, is a material breach of this Agreement.

PUBLIC NOTIFICATION

Borrower agrees to work with the City to provide information about the Project to the public, including need for and use of Affordable Housing Funds. Borrower is required to install signage during construction notifying the public that the Project is supported by the Affordable Housing Fund. Other examples of public notification efforts, which will be undertaken by Borrower using commercially reasonable efforts, include but are not limited to, groundbreaking events, open houses, and/or distribution of print or online materials.

The City will also provide information about the Project, including location, property owner, contract amount, and number of designated Affordable Housing Units, to the public through the City of Vancouver website.

DOCUMENTS INCORPORATED BY REFERENCE

Each of the documents listed below are by this reference incorporated into this Agreement as though fully set forth herein, including any amendments, modifications or supplements thereto:

1. Current version of Affordable Housing Fund income limits (50% and 60% of Area Median Income provided by HUD).
2. Secured Promissory Note
3. Deed of Trust
4. Affordable Housing Covenant

PROJECT COMPLETION

Project completion means that:

1. Borrower acquires fee simple title to the Property on or before February 28, 2025;
2. The Loan closing has occurred on or before February 28, 2025;
3. The Project complies with the requirements of this Agreement; and
4. 90% of the Affordable Housing Units are occupied by eligible tenants on or before December 31, 2025.

RENTAL PROPERTY REQUIREMENTS

AFFORDABILITY PERIOD

The Project will carry the requirement that the ARPA-assisted units remain affordable throughout the affordability period to people who are at or below 50% and 60% (calculated annually) of the area median income (AMI) established by HUD.

During the Affordability Period, all ARPA requirements, as set forth in the Affordable Housing Covenant, must be met and the City will be required to monitor the assisted units annually for compliance.

The City of Vancouver will ensure the Affordability Period and requirements are met by recording the Deed of Trust and Affordable Housing Covenant. These documents include details on affordability requirements, loan terms, restrictions regarding foreclosure, deed in lieu of foreclosure, and transfer of ownership and are incorporated into this Agreement by reference.

In the event of a prepayment of the Loan, including the entire balance with all interest accrued thereon, the Affordable Housing Covenant and Borrower's obligations regarding the affordable housing restrictions shall immediately terminate.

UNIT DESIGNATION

The designated Affordable Housing Units will consist of 98 units (20 at 50% AMI and 78 at 60% AMI). All will be floating units meaning that units originally designated as Affordable Housing Fund-assisted units may change over time. **During the Affordability Period, the number of units set aside as Affordable Housing Units in the project may never be less than 98 units (subject to rules for over-income tenants set forth herein and in the Affordable Housing Covenant).** The units must be comparable, in size, features, and number of bedrooms to those units originally identified as Affordable Housing Units.

AFFORDABLE RENTAL HOUSING QUALIFICATION

Affordable Housing Units in a rental housing project must only be occupied by households that are eligible low-income families at the time of initial occupancy and the tenant portion of rent may not exceed what is affordable to households at 50% or 60% AMI. Units must meet the following requirements to qualify as affordable housing:

1. **Rent Limitation and Utility Allowances:**
 - a. The City of Vancouver will issue the Affordable Housing Fund rent limits annually. The information is available at www.cityofvancouver.us/affordablehousingfund.
 - b. Only the utility allowance provided by the Housing Authority of the City of Vancouver shall be used.
2. **Rent Schedule Approval:** Prior to occupancy, the City shall review and approve rents proposed by the Borrower. The tenant portion of rent must not exceed the maximum Affordable Housing Fund rent minus the monthly allowances for utilities and services.
3. **Nondiscrimination against rental assistance subsidy holders.** The Borrower cannot refuse to lease designated Affordable Housing Units to a holder of a Section 8 or other comparable tenant assistance voucher.
4. **Tenant Income.**
 - a. All funds used for rental housing shall assist households who have an annual income that is 50% or 60% of the area median income (AMI) or less at the time of initial occupancy.
 - b. The City of Vancouver shall provide the HUD income limits annually. The most current HUD income limits can be found at www.cityofvancouver.us/affordablehousingfund.

- c. The income of each tenant must be determined initially and annually in accordance with the City of Vancouver Affordable Housing Fund Policies and Procedures.
5. Over-Income Tenants. Tenant income must be monitored annually. If an over-income tenant is residing in a designated Affordable Housing Unit, the next available unit must be rented to an income eligible tenant.

REPORTING

Properties are required to report on Affordable Housing Units annually in December for the duration of the Affordability Period. Reports should be submitted to the City of Vancouver Economic Prosperity and Housing Department, Attention: Patrick Quinton, using the Excel reporting form provided by the City.

Required information:

- Address and name of project
- Total number of units
- For each Affordable Housing Unit:
 - Unit number
 - Number of bedrooms
 - Monthly rent payment
 - Utility allowance
 - Renter gross income
 - Household size

INSPECTIONS

Prior to initial occupancy of an Affordable Housing Unit, the City will perform onsite housing quality standard inspections. The City agrees to perform onsite housing quality standard inspections within 30-days of the certificate of occupancy being issued for the Property. During the Affordability Period, the City will perform on-site inspections of Affordable Housing Units upon not less than seventy-two (72) hours prior written notice to Borrower, annually. Borrower shall be entitled to attend any such inspection or have a representative present.

ACQUISITION BUDGET

By signing below Borrower acknowledges the review and approval of the budget listed above.

CASCARA VANCOUVER, LLLP

a Washington limited liability limited partnership

By: Vancouver Housing Authority

Its: General Partner

Date

Date

GENERAL TERMS AND CONDITIONS

1. Fair Housing.

This Project is subject to federal fair housing regulations. Title VIII of the Civil Rights Act of 1968 (Fair Housing Act), as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability.

2. Relation of Parties.

The Borrower, its subcontractors, agents and employees are independent Borrower's performing professional services for City and are not employees of City. The Borrower, its subcontractors, agents and employees, shall not, as a result of this Agreement, accrue leave, retirement, insurance, bonding or any other benefits afforded to City employees. The Borrower, subcontractors, agents and employees shall not have the authority to bind City in any way except as may be specifically provided herein.

3. E-Verify.

Borrower 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 Agreement. Borrower shall ensure all Borrower employees and any sub-borrowers(s) assigned to perform work under this Agreement are eligible to work in the United States. Borrower shall provide verification of compliance upon City request. Failure by Borrower to comply with this subsection shall be considered a material breach.

4. Delays and Extensions of Time.

If the Borrower is delayed at any time from complying with the requirements covered by the Agreement, by any causes beyond Borrower's control, the time for performance may be extended by such time as shall be mutually agreed upon by Borrower and 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 City.

5. Loan Closing.

The loan shall be funded in full upon the acquisition of the Project.

6. Termination.

In the event the Borrower does not acquire the Project on or before February 28, 2025, this Agreement shall terminate and the Loan shall be due and payable immediately.

7. Evaluation and Compliance with the Law.

The Borrower shall have the authority to control and direct the performance and details of the work described herein. The Borrower agrees to comply with all relevant, federal, state and municipal laws, rules and regulations.

8. Business Entity Formation and Authorization.

Borrower represents and warrants to City that Cascara Vancouver, LLLP is organized as a limited liability limited partnership and validly existing under the laws of the State of Washington and that Borrower has all requisite power and authority to execute, deliver and perform its obligations under this Agreement, and when executed and delivered by Borrower, this Agreement will constitute legal, valid and binding agreements of the Borrower enforceable against it.

9. City Business and Occupation License.

In most cases, Borrowers will be required to get a business license when contracting with the City of Vancouver, unless allowable exemptions apply. Businesses/Borrowers shall contact the State of Washington Business License Service (BLS) at: <http://bls.dor.wa.gov/file.aspx>, telephone 800-451-7985, or www.cityofvancouver.us/businesslicense, to determine whether a business license is required pursuant to VMC Ch. 5.04.

10. Liability and Hold Harmless.

Borrower 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, reasonable 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 grossly 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 Borrower or subcontractors or agent even if Borrower is thus otherwise immune from liability pursuant to the workers' compensation statute, Title 51 RCW, except to the extent that such liability arises from the concurrent negligence of both the City and the Borrower, such cost, fees and expenses shall be shared between the City and the Borrower in proportion to their relative degrees of negligence. Borrower specifically acknowledges the provisions contained herein have been mutually negotiated by the parties and it is the intent of the parties that Borrower provide the broadest scope of indemnity permitted by RCW 4.24.115. Borrower is an independent Borrower and responsible for the safety of its employees.

11. Insurance.

Borrower 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 Agreement whether such work shall be by the Borrower, subcontractors or anyone directly or indirectly employed by either the Borrower or subcontractor.

a. **Liability Insurance.** Borrower shall maintain commercial general liability insurance with a limit of not less than one million dollars (\$1,000,000) for each occurrence. The policy shall include coverage for bodily injury, broad form property damage, personal injury, products and completed operation and blanket contractual coverage including, but not limited to, the liability assumed under the indemnification provisions of this Agreement. All liability insurance required herein shall be under a comprehensive or commercial general liability and business, policies.

b. **City Listed as an Additional Insured:** The City of Vancouver must be named as an additional insured on the commercial general liability policy and shown on the certificate as an additional insured. A copy of the additional insured endorsement 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.

c. **The commercial general liability policy must be endorsed to include "Washington Stop Gap" insurance.** The limits and aggregates referenced must apply to the Stop Gap coverage as well. This must be indicated on the certificate.

d. **Umbrella Liability.** The Borrower shall provide umbrella liability coverage at limits of not less than five million dollars (\$5,000,000) per occurrence and annual aggregate. This umbrella liability coverage shall apply, at a minimum, to both the commercial general and auto insurance policy coverage. This

requirement may be satisfied instead through the Borrower's primary commercial general and automobile liability coverage, or any combination thereof.

e. Professional Liability. The Borrower shall obtain and keep in force during the entire term of this Agreement, professional liability insurance (errors and omissions) against any and all claims for damages to person or property which may arise out of the performance of this Agreement whether such work shall be by the Borrower, sub-contractors or anyone directly or indirectly employed by either the Borrower or a sub-contractors. The amount of coverage provided by such insurance shall be not less than five hundred thousand dollars (\$500,000) combined single limit.

f. Fidelity/Employee Dishonesty Bond. The Borrower shall obtain and keep in force during the entire term of this Agreement, a fidelity/employee dishonesty bond against any and all claims which may arise out of the performance of this Agreement whether such work shall be by the Borrower, sub-contractors or anyone directly or indirectly employed by either the Borrower or a sub-contractors. The amount of coverage provided by such insurance shall be not less than ten thousand dollars (\$10,000).

g. Employment Security. The Borrower 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.

h. The City of Vancouver shall be listed on the certificate as the certificate holder.

i. Coverage Trigger. The insurance must be written on a "occurrence" basis. This must be indicated on the certificate. Claims made policies will be accepted for professional liability coverage only.

Borrower 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.

12. Notices.

All notices which are given or required to be given pursuant to this Agreement shall be hand delivered or mailed postage paid as follows:

City:

Patrick Quinton
City of Vancouver
415 W 6th Street
P O Box 1995
Vancouver WA 98668-1995

Borrower:

Cascara Vancouver, LLLP
c/o Vancouver Housing Authority
4902 NE 94th Ave.
Vancouver, WA 98662

13. Amendments.

All changes to this Agreement, including changes to the statement of work and Loan payments, must be made by written amendment and signed by all parties to this Agreement.

14. 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.

15. Ratification.

Acts taken pursuant to this Agreement but prior to its effective date are hereby ratified and confirmed.

16. 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. The Borrower shall have legal authority to enter into this Agreement and be at least 18 years of age. Any action or suit brought in connection with this Agreement shall be brought in the Superior Court of Clark County, Washington.

17. Public Disclosure Compliance.

The parties acknowledge that the City is an “Agency” within the meaning of the Washington Public Records Act, Ch 42.56 RCW, and that materials submitted by the sub-recipient 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 Sub recipient, 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 Sub recipient 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 Ch 42.56 RCW for withholding or delaying public disclosure of such information.

18. Records.

Borrower shall ensure that records generated in connection with the Project, including but not limited to, financial transactions, are maintained and retrievable pursuant to the applicable City retention period. The City shall be granted access to any such records it deems necessary to satisfy oversight responsibilities and any other legal requirements, and shall be granted the right to copy any such records necessary to fulfill these obligations. The Borrower shall provide access to these records upon request in a timely manner.

EXHIBIT B
SECURED PROMISSORY NOTE

AFFORDABLE HOUSING SECURED PROMISSORY NOTE

\$2,500,000.00

December ____, 2024
Vancouver, Washington

Maker: Cascara Vancouver, LLLP, a Washington limited liability limited partnership

Lender: City of Vancouver, Washington, a Washington municipal corporation

Funding Source: City of Vancouver American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds, Fourth Plain for All Investment Strategy

FOR VALUE RECEIVED, and upon and subject to the terms and conditions set forth herein, Cascara Vancouver, LLLP, a Washington limited liability limited partnership (the “Maker”), promises to pay to the order of the City of Vancouver, Washington, a Washington municipal corporation (the “Holder”), at PO Box 1995, Vancouver, WA 98668-1995, ATTN: ARPA, the principal sum of Two Million Five Hundred Thousand and No/100 Dollars (\$2,500,000.00), with interest thereon from the date of this Affordable Housing Secured Promissory Note (“Note”) on the unpaid principal at the rate of one percent (1%) per annum, compounding annually, as follows:

- Affordable Housing Restrictions. The principal of this Note is funded by City of Vancouver American Rescue Plan Act (ARPA) State and Local Fiscal Recovery dollars, with disbursement of the loan and use of the principal solely for the purpose of providing affordable housing units through Holder’s acquisition of certain Property and development of certain Affordable Housing Units thereon. The subject real property is located at 4902 NE 94TH AVE, VANCOUVER, WA 98662, with the Clark County Assessor’s tax parcel number 159793000, and the abbreviated legal description #42 THOMAS NERTON DLC 1A (the “Property”). The “Affordable Housing Restrictions” consist of Maker providing at least 98 units to tenants income-qualifying with 50% (20 units) and 60% (78 units) or less of the Area Median Income (AMI) (the “Affordable Housing Units”) on the Property, with rent rates for the Affordable Housing Units restricted to affordable housing rent limits based on unit size, all as set forth annually by the City of Vancouver, Washington Affordable Housing Fund Income and Rent Limits and as specified in the Loan Documents for the Term of this Note. Holder must obtain certificates of occupancy for the Affordable Housing Units within 6 months following the date of this Note.
- Installment Payments. No installment payments of principal or interest are required.
- Term. The Term of this Note is 50 years from the date made, expiring on December ____, 2074 (the “Term”).
- Maturity Date. The entire balance of this Note together with any and all interest accrued thereon shall be due and payable on the expiration of the Term.
- Events of Default. If Maker fails to comply with the Affordable Housing Restrictions, breaches any of the Loan Documents; or if any material statement or representation made by Maker to Holder shall prove to be false or misleading (each individually and collectively “Events of Default”); Holder shall give Maker (and any priority lender and Maker’s limited partner) written notice of such Event of Default. Maker shall have thirty (30) days after notice from Holder to cure such Event of Default; provided, however, if the nonperformance is of such a nature that it cannot reasonably be cured within thirty (30) days, then it shall not constitute an Event of Default so long as Maker promptly commences and

thereafter diligently prosecutes a cure to completion; provided, however, that the default must be cured no later than ninety (90) days after notice from Holder of nonperformance. Thereafter, in the event that the Event of Default remains uncured, the entire indebtedness evidenced hereby shall at the option of Holder become immediately due and payable, without notice or demand.

6. Default Interest. After maturity, unless extended, or any Events of Default, the unpaid principal shall accrue at the interest rate of three and one-half percent (3.5%) per annum during such period of Maker's default under this Note.
7. Allocation of Payments. Each payment shall be credited first to any late charge due, second to interest, and the remainder to principal.
8. Prepayment. Maker may prepay all or part of the balance owed under this Note at any time without penalty.
9. Currency. All principal and interest payments must be made in lawful money of the United States.
10. DUE ON SALE. This Note is secured by a Deed of Trust and the Property, described in such security instrument, may not be sold or transferred without the Holder's consent, which consent shall be based on Holder's evaluation of the proposed transferee's multifamily affordable housing experience and financial capacity but shall not be unreasonably withheld, delayed or conditioned. Upon breach of this provision, Holder may declare all sums due under this Note immediately due and payable, unless prohibited by applicable law.

/_____
MAKER (Initials)

HOLDER (Initials)

11. Attorneys' Fees and Costs. Maker shall pay all costs incurred by Holder in collecting sums due under this Note following an Event of Default, including reasonable attorneys' fees, whether or not suit is brought. If Maker or Holder sues to enforce this Note or obtain a declaration of its rights hereunder, the prevailing party in any such proceeding shall be entitled to recover its reasonable attorney's fees and costs incurred in the proceeding (including those incurred in any bankruptcy proceeding or appeal) from the non-prevailing party.
12. Waiver of Presentments. Maker waives presentment for payment, notice of dishonor, protest and notice of protest.
13. Nonwaiver. No failure or delay by Holder in exercising Holder's rights under this Note shall be a waiver of such rights.
14. Severability. If any clause or any other portion of this Note is determined to be void or unenforceable for any reason, such determination will not affect the validity or enforceability of any other clause or portion of this Note, all of which will remain in full force and effect.
15. Loan Documents. This Note is issued contingent upon the Affordable Housing Covenant and the related loan obligations documented in the Loan Agreement and Subordinate Deed of Trust entered into by Maker and Holder. This Note, the Loan Agreement, the Deed of Trust, the Affordable Housing Covenant, and all other documents and instruments executed in connection with or to secure this Note are collectively referred to as the "Loan Documents".
16. Integration. Except as provided in the written Loan Documents, there are no verbal or other agreements which modify or affect the terms of this Note. This

Note may not be modified or amended except by written agreement signed by Maker and Holder.

17. Execution. Each Maker executes this Note as a principal and not as a surety. If there is more than one Maker, each such Maker shall be jointly and severally liable under this Note.
18. Affordable Housing Property. Maker represents and warrants to Holder that the sums represented by this Note are being used solely for to fulfill the Affordable Housing Restrictions and not for any other commercial, business, investment, personal, family, or household purposes.

_____ /	_____
MAKER (Initials)	HOLDER (Initials)

19. Governing Law. This Note is made in accordance with the laws of the State of Washington, not including and notwithstanding rules governing conflicts of law. Jurisdiction over and venue of any action to enforce, interpret, construe or otherwise in connection herewith may, at the City of Vancouver’s option, be held in a court located in Clark County, Washington.
20. ORAL AGREEMENTS. ORAL AGREEMENTS OR ORAL COMMITMENTS TO LOAN MONEY, TO EXTEND CREDIT, OR TO FOREBEAR FROM ENFORCING REPAYMENT OF A DEBT ARE NOT ENFORCEABLE UNDER WASHINGTON LAW.
21. SECURITY. This Note is secured by a Deed of Trust of even date herewith.
22. NONRECOURSE. This Note is a nonrecourse obligation of the Maker. Neither Maker nor any of its general or limited partners shall have any personal liability for repayment of the amounts due under this Note, the sole recourse of the Holder under this Note, the Deed of Trust described in Section 21, and the other documents entered into in connection with the Note shall be the exercise by Holder of its rights against the Project and related security thereunder.

IN WITNESS WHEREOF, this Note and the Deed of Trust securing this Note have been duly executed by the undersigned Borrower, as of the date above written.

MAKER:

CASCARA VANCOUVER, LLLP
a Washington limited liability limited partnership

By: Housing Authority of the City of Vancouver,
 a public body corporate and politic of the State of Washington

By:_____

Name/Title: Andy Silver, Chief Executive Officer

Maker Mailing Address:
2500 Main Street
Vancouver, WA 98660

DO NOT DESTROY THIS NOTE

WHEN PAID IN FULL this original Note, together with the Deed of Trust securing the same, must be surrendered to the Trustee for cancellation and retention before any reconveyance can be processed.

EXHIBIT C
SUBORDINATE DEED OF TRUST

When Recorded Return To:
City of Vancouver
PO Box 1995
Vancouver, WA 98668-1995
ATTN: Patrick Quinton, Director of Economic Development

DEED OF TRUST

GRANTOR: CASCARA VANCOUVER, LLLP, a Washington limited liability limited partnership
2500 Main Street
Vancouver, WA 98660

TRUSTEE: <TBD>

BENEFICIARY: CITY OF VANCOUVER, WASHINGTON, a Washington municipal corporation
PO Box 1995
Vancouver, WA 98668-1995

PROPERTY: That certain real property located in Clark County, Washington, with the following described street address, assessors tax parcel number, and abbreviated legal description (ABL), with the full legal description attached hereto as **EXHIBIT A:**

Address: 4902 NE 94th Ave. Vancouver, WA 98662
Parcel #: 159793000
ABL: #42 THOMAS NERTON DLC 1A

THIS DEED OF TRUST (this “Deed of Trust”) is made on December ____, 2024 between CASCARA VANCOUVER, LLLP, a Washington limited liability limited partnership (“Grantor”) and CITY OF VANCOUVER, WASHINGTON, a Washington municipal corporation (“Beneficiary”) whereby Grantor hereby bargains, sells, and conveys to Trustee in trust, with power of sale, the property located at 4902 NE 94th Ave., Vancouver, WA and further described herein (the “Property”), which Property is not used principally for agricultural or farming purposes, together with all the tenements, hereditaments, and appurtenances now or hereafter thereunto belonging or in any wise appertaining, including those which may later be found to belong or appertain, all structures and improvements now or hereafter erected on the property, and any and all fixtures upon the property at the time of the execution of this Deed of Trust or at any time during the term of this Deed of Trust, and the rents, issues, and profits thereof.

This Deed of Trust is for the purpose of securing performance of each agreement of Grantor contained in this Deed of Trust, and payment of the sum of Two Million and Five Hundred Thousand and No/100 Dollars (\$2,500,000.00) with interest, in accordance with the terms of the Secured Promissory Note of even date herewith, payable to Beneficiary as “Holder” and made by Grantor as “Maker” in favor of Beneficiary (the “Note”) and all renewals, modifications, and extensions thereof, and also such further sums as may be advanced or loaned by Beneficiary to Grantor, or any of Grantor’s successors or assigns, together with interest thereon at such rate as shall be agreed upon, to have and to hold the property as so described, until such time as any and all indebtedness represented by the Note is extinguished, all conditions of this Deed of Trust are satisfied, and written acknowledgment of such satisfaction is provided by Beneficiary.

DATE OF MATURITY

The date of maturity of the indebtedness secured by this Deed of Trust is the earliest of the dates of the following: (1) expiration of the Term specified in the Note; (2) failure to comply with the Affordable Housing Restrictions; (3) the sale or transfer of all or any part of the Property or any interest in the Property absent Beneficiary's written consent (except as otherwise permitted herein); (4) Grantor's breach of any covenant or failure to satisfy any condition in either the Note, the Covenant, or this Deed of Trust; (5) the cessation of operations by the Grantor; or (6) payment in full of the indebtedness secured by this Deed of Trust.

AFFORDABLE HOUSING RESTRICTIONS

To comply with the use and lending restrictions on the source of funds for the indebtedness of the Note, Grantor covenants and agrees that the loan proceeds will be subject to certain Affordable Housing Restrictions (as hereinafter defined) and the Property will be used to provide a minimum number of housing units provided to households earning at or below 50% or 60% of Area Median Income (AMI) and subject to certain rent limits (the "Affordable Housing Units") as specified below, described in the Note, and as evidenced in that certain Affordable Housing Covenant of even date herewith (the "Covenant") recorded against the Property (the "Affordable Housing Restrictions").

1. The Property is located within the Beneficiary's Fourth Plain for All Investment Strategy geographic area and development of the Affordable Housing Units is central to increasing the supply of deed restricted affordable housing.
2. The number of designated Affordable Housing Units is 98.
3. All Affordable Housing Units on the Property will be floating units meaning that specific units originally designated as Affordable Housing Units may change over time and must be comparable in size, features, and number of bedrooms to those units originally identified as Affordable Housing Units.
4. Grantor must obtain certificates of occupancy for all Affordable Housing Units within 6 months following the date of this Deed of Trust.
5. The designated Affordable Housing Units may not initially be rented to a household whose income exceeds 50 or 60% of AMI adjusted for family size as determined annually by the United States Department of Housing and Urban Development (HUD). Adjusted income shall be calculated according to the HUD guidelines and Grantor may reference the City of Vancouver, Washington Affordable Housing Fund Income and Rent Limits issued annually for this information. Grantor shall on an annual basis collect and review tenant income information for the Affordable Housing Units and provide a copy to the Beneficiary. If upon annual income review an over-income tenant is residing in a designated Affordable Housing Unit, the next available unit must be rented to an income eligible tenant.
6. Rent charged for the Affordable Housing Units shall be equal to or less than the rent limits based on unit size as set forth annually by the City of Vancouver, Washington Affordable Housing Fund. The maximum allowable Affordable Housing Unit rent shall be reduced if the tenant pays utilities. Only utility allowances prepared and used by the Housing Authority of the City of Vancouver (VHA) shall be used.
7. Grantor shall reexamine and verify the income of each tenant household living in the Affordable Housing Units at least annually. Any increase in rent for these units is subject to the provisions of outstanding leases, and in any event, tenants of these units must be given not less than ninety (90) days prior written notice of any rent increase, or the amount of notice required under the Washington Residential Landlord-Tenant Act, whichever is longer.
8. The Grantor shall not refuse leasing to a holder of a certificate for family participation under 24 CFR Part 882, or a rental voucher under 24 CFR Part 887, or to the holder of a

comparable document evidencing participation in a HOME tenant-based assistance program because of the status of the prospective tenant as a holder of such certificate.

UNIFORM COVENANTS

To protect the security of this Deed of Trust, Grantor covenants and agrees:

1. That Grantor is lawfully seized of the estate hereby conveyed and has the right to grant and convey the Property, is the legal owner of the Property, and now has a valid fee simple title thereto, and that the Grantor will warrant and defend said title against all claims and demands of all other persons.
2. That Grantor will promptly pay the Note according to the terms of the Note, and will promptly pay any other indebtedness secured hereby in accordance with its terms. Payments are deemed received by Beneficiary when received at the location designated in the Note or at such other location as may be designated by Beneficiary in writing from time to time.
3. Grantor will perform all of Grantor's obligations under any security instrument which has priority over this Deed of Trust, including Grantor's covenants to make payments when due. Beneficiary and Grantor each recognize that provisions in this Deed of Trust give Beneficiary certain rights with respect to the Property and to the receipt of certain funds, including the right to receive payment of insurance proceeds and other proceeds and the use and application of the proceeds, including the right to hold and disburse the proceeds, and that these rights are subject to the terms of any security instrument recorded against the Property which has priority over this Deed of Trust.
4. That so long as this Deed of Trust shall remain in force, Grantor will timely pay all taxes, assessments, charges, fines, liens, fees, and other charges or impositions attributable to the Property which can attain priority over this Deed of Trust, or which may be levied or assessed against the Property or this Deed of Trust or the indebtedness hereby secured.
5. That Grantor shall keep the Property in good repair; not permit or commit waste of the Property; complete any building, structure or improvement thereon which may be damaged or destroyed; not move or demolish any of the improvements on the Property without the Beneficiary's written consent, which consent shall not be unreasonably withheld, delayed or conditioned; and comply with all laws, ordinances, regulations, covenants, conditions and restrictions affecting the Property.
6. That Grantor will keep all existing and hereafter erected structures and improvements that are part of the Property insured against loss or damage by fire, and other hazards included within the term "extended coverage perils," and any other hazards including, but not limited to earthquakes and floods, by a company or companies acceptable to the Beneficiary and for the benefit of the Beneficiary, in the amount of one hundred percent (100%) of the insurable value of the structure and improvements, and will allow the Beneficiary to examine all policies and renewals upon request
7. That Grantor hereby absolutely and irrevocably assigns to Beneficiary, for the period of this Deed of Trust, all of Grantor's rights, title, and interest in and to all proceeds from any insurance policy, whether or not required by Beneficiary, that are due, paid or payable with respect to any damage to the Property, whether the policy was in effect before, on, or after the date of this Deed of Trust. In the event of loss or damage to the Property, Grantor shall give prompt written notice to insurance carrier, Beneficiary, and Trustee. Insurance proceeds shall be applied to restoration or repair of the Property, provided such restoration or repair is economically feasible. If such restoration or repair is not economically feasible or if the security of this Deed of Trust would be impaired, the insurance proceeds shall be applied to the sums secured by this Deed of Trust, with the excess, if any, paid to Grantor. If the Property is abandoned by Grantor, or if Grantor fails to respond to Beneficiary within thirty (30) days from the date notice is mailed by Beneficiary to Grantor that the insurance carrier offers to settle a claim for insurance benefits, Beneficiary is authorized to collect

and apply the insurance proceeds at Beneficiary’s option either to restoration or repair of the Property or to the sums secured by this Deed of Trust.

- 8. That Beneficiary shall have the right, upon not less than seventy-two (72) hours prior written notice to Grantor, to inspect the Property from time to time.
- 9. That Grantor will comply with all federal, state and local laws prohibiting discrimination on the basis of age, sex marital status, race, creed, color, national origin, handicap, or familial status. These requirements are specified in Section 109 of the Housing and Community Development Act of 1974; Civil Rights Act of 1964, Title VI; Civil Rights Act of 1968, Title VIII; Executive Order 11063; Executive Order 11246; Architectural Barriers Act of 1968; and Americans with Disabilities Act.
- 10. That, in accordance with applicable law, Beneficiary may from time to time appoint a successor to the Trustee appointed hereunder. Without conveyance of the Property, the successor Trustee shall succeed to all the title, power and duties conferred upon the Trustee herein and by applicable law.
- 11. **DUE ON SALE:** THE NOTE SECURED BY THIS DEED OF TRUST IS DUE AND PAYABLE IMMEDIATELY UPON THE CHANGE OF USE OF THE PROPERTY OR THE SALE OR TRANSFER OF ALL OR ANY PART OF THE PROPERTY, OR ANY INTEREST IN THE PROPERTY, OR UPON GRANTOR’S BREACH OF ANY COVENANT OR FAILURE TO SATISFY ANY CONDITION IN THE NOTE, THE COVENANT, OR THIS DEED OF TRUST. UPON BREACH OF THIS PROVISION, BENEFICIARY MAY DEMAND PAYMENT IN FULL OR IN PART OF THE AMOUNT DUE UNDER THE NOTE SECURED BY THIS DEED OF TRUST AND PAYMENT SHALL BE DUE, UNDER CONDITIONS CONTAINED IN THIS DEED OF TRUST.

GRANTOR (Initials)

BENEFICIARY (Initials)

IT IS MUTUALLY AGREED THAT THE FOLLOWING PROVISIONS APPLY TO THIS DEED OF TRUST:

TRANSFER, SALE, OR CHANGE IN USE

As used in this Deed of Trust, “interest in the Property” shall mean any legal or beneficial interest in all or any part of the Property. If all or any part of the Property or any interest in the Property is sold or transferred, or if there is a change of use or other transfer, including but not limited to any contract for sale of the Property over time, any assumption of the loan by a transferee of the Grantor, any assignment by Grantor for the benefit of creditors, failure of the Grantor to continue to comply with the Affordable Housing Requirements, appointment of a receiver for Grantor, the filing of a petition for voluntary or involuntary bankruptcy of Grantor, a foreclosure of any nature against Grantor, transfer of any interest in the Property for purposes of a gift, or the death or divorce of the Grantor or Grantors, and if such action or failure to act occurs without prior written consent of Beneficiary, Beneficiary may require immediate payment in full of all sums secured by this Deed of Trust, unless prohibited by applicable law. These terms shall not include any transfer by way of encumbrance.

Notwithstanding anything to the contrary in this Deed of Trust and the other documents entered into in connection with the loan (the “Loan Documents”), the following shall not be considered a transfer, sale or change of use and shall not trigger Beneficiary’s right to declare any amounts secured by this Deed of Trust due and payable:

- 1. The transfer of a security interest in the Property for purposes of financing or refinancing done with the knowledge and consent of Beneficiary, which shall not be unreasonably withheld, delayed or conditioned; provided that the Beneficiary’s consent shall not be required for a refinancing of the senior tax-exempt bond loan on the Property at its maturity with a new loan in a principal amount not exceeding the outstanding balance of the senior tax-exempt bond loan; or

2. Removal of the Grantor's general partner or co-general partner for cause and replacement with another general partner or co-general partner acceptable to Beneficiary, which shall not be unreasonably withheld, delayed or conditioned; provided, however, that the Beneficiary's consent shall not be required for the removal of such general partner or co-general partner and replacement thereof with an affiliate of the Beneficiary's limited partner or its affiliate; or
3. The transfer of any limited partner interest in the Grantor (or of the beneficial ownership interests in any such limited partner of Grantor); or
4. The grant of easements or licenses entered into in the ordinary course of business in the operation of the Property; or
5. Transfer of the Property upon written consent by Beneficiary, which consent shall be based on Beneficiary's evaluation of the proposed transferee's multifamily affordable housing experience and financial capacity, which consent shall not be unreasonably withheld, delayed or conditioned.

RETURNED PAYMENT

If a payment of the indebtedness secured by this Deed of Trust is returned because of insufficient funds or any other reason, Beneficiary may require that any or all subsequent payments due under the Note and this Deed of Trust be made in one or more of the following forms, at Beneficiary's sole discretion: (a) cash; (b) money order; (c) certified check, bank check, treasurer's check, or cashier's check, provided any such check is drawn upon an institution whose deposits are insured by a federal agency; or (d) Electronic Funds Transfer.

PARTIAL PAYMENT

Beneficiary may return any payment or partial payment if the payment or partial payment is insufficient to bring the Grantor current in its obligations under the Note and this Deed of Trust. Beneficiary may accept any payment or partial payment insufficient to bring Grantor's current in its obligations under the Note and this Deed of Trust without waiver of any rights hereunder or prejudice to its rights to refuse such payment or partial payments in the future, but Beneficiary is not obligated to apply such payments at the time such payments are accepted.

FAILURE TO PERFORM

A failure by the Grantor to perform the covenants or satisfy the conditions in this Deed of Trust shall give to either the Beneficiary or the Trustee the option to declare the unpaid balance due on the Note, and any other indebtedness secured hereby, at once due and payable, and this Deed of Trust may be foreclosed at any time thereafter.

INSURANCE

In the event that Grantor fails to provide or maintain insurance as provided herein, Beneficiary may obtain insurance coverage, at Beneficiary's option and Grantor's expense. Beneficiary is under no obligation to purchase any particular type or amount of coverage, therefore such coverage might insure Beneficiary against loss, but might or might not insure Grantor. Any amounts that Beneficiary pays as insurance premiums under this provision shall become additional debt of Grantor secured by this Deed of Trust shall relate back to the original debt, and shall bear interest at the Note rate from the date Beneficiary pays a premium until Grantor repays that amount in full, and shall be payable immediately upon written notice to Grantor from Beneficiary.

HAZARDOUS SUBSTANCES

Grantor shall not knowingly cause, allow, or permit the presence, use, disposal, storage, or release of any Hazardous Substances, or threaten to release any Hazardous Substances on or in the Property. As used herein, "Hazardous Substances" are those substances defined as toxic or hazardous substances, pollutants, or wastes by state or federal law and the following substances: gasoline, kerosene, other flammable or toxic petroleum products, toxic pesticides and herbicides, volatile solvents, materials containing asbestos or formaldehyde, and radioactive materials. The preceding requirement does not apply to the presence, use, or storage on the Property of small quantities of Hazardous Substances both of kinds and of amounts that are generally recognized to be appropriate to normal residential uses and to maintenance of the Property, including but not limited to Hazardous Substances commonly found in consumer products. Grantor shall promptly give Beneficiary written notice of any investigation, claim, citation, demand, lawsuit, charge, or

any other action that is commenced or threatened against it by any governmental agency or private party concerning Hazardous Substances on the Property.

ACCELERATION AND FORECLOSURE

The Beneficiary is authorized by the Grantor (in accordance with the foregoing) to declare at its option all or any part of the indebtedness secured by this Deed of Trust due and payable upon: (1) the Beneficiary's discovery of either the Grantor's failure to disclose any fact deemed by the Beneficiary to be material to the making of the loan or material to any of the agreements entered into by the Grantor with the Beneficiary (including, but not limited to, the Note and Deed of Trust), or any material misrepresentation by, on behalf of, or for the benefit of, the Grantor during the entire term of this Deed of Trust; (2) the change of use of the Property from multifamily housing; (3) the sale or other transfer of all or any part of the Property or of any interest in the Property without the consent of the Beneficiary, except as otherwise permitted under this Deed of Trust; or (4) any other material breach of the terms of this Deed of Trust or the Note (each, an "Event of Default"). Beneficiary shall give Grantor (and any priority lender and Grantor's limited partner) written notice of such Event of Default. Grantor shall have thirty (30) days after notice from Beneficiary to cure such Event of Default; provided, however, if the nonperformance is of such a nature that it cannot reasonably be cured within thirty (30) days, then it shall not constitute an Event of Default so long as Grantor promptly commences and thereafter diligently prosecutes a cure to completion; provided, however, that the default must be cured no later than ninety (90) days after notice from Beneficiary of nonperformance. This Deed of Trust may be foreclosed by advertisement and sale in accordance with prevailing law of the State of Washington at the time of foreclosure. In the event of such foreclosure, the Beneficiary shall be entitled to recover its reasonable expenses, trustee fees and, as provided herein, attorney fees. Any priority lender and Grantor's limited partner shall each have the right, but not the obligation, to cure any default or Event of Default hereunder or under any of the other Loan Documents within the same timeframe as provided to the Grantor and such cure shall be accepted or rejected on the same basis as if tendered by such priority lender or limited partner. Notices to Grantor's limited partner shall be provided at the following addresses, or such other addresses as designated in writing by Grantor or Grantor's limited partner by notice to Beneficiary:

c/o RBC Community Investments, LLC
600 Superior Avenue
Suite 2300
Cleveland, Ohio 44114
Attention: President and General Counsel
E-mail: RBCCI.GP.NOTICE@RBCCM.COM

RECONVEYANCE

Upon payment of all sums secured by this Deed of Trust, and Grantor's satisfaction and performance of all conditions and covenants of this Deed of Trust and compliance with all other provisions of the Note and this Deed of Trust, Beneficiary shall request Trustee to reconvey the Property and shall surrender to Trustee this Deed of Trust and the Note evidencing the debt secured by this Deed of Trust. Trustee shall reconvey the Property without warranty to the person or persons legally entitled to it. Beneficiary or Trustee may charge the person or persons legally entitled to the Property a commercially reasonable fee for the reconveyance, subject to applicable law.

SUBSTITUTE TRUSTEE

In accordance with applicable law, Beneficiary may from time to time appoint a successor to any Trustee appointed hereunder who has ceased to act as such. Without conveyance of the Property, the successor Trustee shall succeed to all the title, power and duties conferred upon the Trustee herein.

VENUE AND CHOICE OF LAW

This Deed of Trust shall be governed and enforced in accordance with the laws of the State of Washington, not including and notwithstanding rules governing conflicts of law. Jurisdiction over and venue of any suit to enforce, interpret, construe or otherwise in connection herewith may, at Beneficiary's option, be in Clark County, Washington.

ATTORNEYS' FEES

In the event of any proceeding, suit or action to enforce, interpret, or foreclose this Deed of Trust, and if, and only if Beneficiary prevails in such action, Beneficiary shall be entitled to recover its reasonable attorneys' fees and costs, including without limitation any attorneys' fees incurred by Beneficiary in any bankruptcy proceeding. In the event of any kind of appeal, the losing party on appeal agrees to pay all reasonable costs and fees, including attorneys' fees and costs incurred in connection with the appeal.

EMINENT DOMAIN

Grantor further agrees that in the event any portion or all of the Property is taken under right of eminent domain or condemnation, Beneficiary shall have the right to require that the compensation be paid to Beneficiary and applied, first, to the Beneficiary's reasonable costs and attorney fees and second, to the indebtedness secured by this Deed of Trust.

CONSTRUCTION

In construing this Deed of Trust, it is understood that if the context so requires, the singular shall be taken to mean and include the plural, and that references to Beneficiary or Grantor include any transferee, to whatever extent transfer is permitted under this Deed of Trust. The section titles provided herein are meant as references only and for ease of reading, and are not intended to carry any legal significance.

[REMAINDER OF PAGE INTENTIONALLY BLANK – SIGNATURE PAGE FOLLOWS]

BY SIGNING BELOW, Grantor expressly accepts and agrees to the terms and covenants contained in this Deed of Trust and any other documents recorded in conjunction with it, as mentioned herein:

GRANTOR:

CASCARA VANCOUVER, LLLP
a Washington limited liability limited partnership

By: Housing Authority of the City of Vancouver,
a public body corporate and politic of the State of Washington

By:_____

Name/Title: Andy Silver, Chief Executive Officer

NOTARY

STATE OF WASHINGTON)
)ss
COUNTY OF CLARK)

On this ____ day of December, 2024 before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared Andy Silver, known to me as the Chief Executive Officer of Housing Authority of the City of Vancouver, public corporate and politic of the State of Washington, as the General Partner of Cascara Vancouver, LLLP, a Washington limited liability limited partnership, who executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of the said entity, for uses and purposes therein mentioned, and on oath stated that they are authorized to execute this instrument on behalf of the said entity.

WITNESS my hand and official seal hereto the day and year in the certificate above written.

Signed:_____
NOTARY PUBLIC in and for the State of Washington,

My Commission Expires: _____

FORM OF
REQUEST FOR FULL RECONVEYANCE

Do not execute at recording. To be used only when Note has been paid.

TO: _____, TRUSTEE:

The undersigned Beneficiary, City of Vancouver, Washington, a Washington municipal corporation, as Holder, is the legal owner and holder of all indebtedness and other obligations evidenced by that certain Promissory Note made on December ____, 2024 by Grantor, Cascara Vancouver, LLLP, a Washington limited liability limited partnership, as Maker, and secured by that certain Deed of Trust made on December ____, 2024 by Grantor in favor of Beneficiary, recorded as Auditor's fee/file No. _____, records of Clark County, Washington; and pursuant to which you are the Trustee.

YOU ARE HEREBY DIRECTED, on payment to you of any sums owing to you under the terms of said Deed of Trust or pursuant to statute, to reconvey, without warranty, to the party or parties entitled thereto by the terms of said Deed of Trust, the estate now held by you under the same.

All sums due and other obligations secured by said Deed of Trust have been fully paid and satisfied, and you are directed to cancel all evidence of indebtedness secured by said Deed of Trust (which are delivered to you herewith together with said Deed of Trust).

Dated: _____

CITY OF VANCOUVER, WASHINGTON

By:[FORM ONLY – DO NOT SIGN]_____
(Signed)

By:_____
(Print Name)

Title: City Manager, or Designee

STATE OF WASHINGTON)
)ss
COUNTY OF CLARK)

On this ____ day of _____, ____ before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared _____, to me known to be the _____ of the City of Vancouver, Washington, the entity that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of the said entity, for uses and purposes therein mentioned, and on oath stated that she is authorized to execute the said instrument on behalf of the said entity.

WITNESS my hand and official seal hereto the day and year in the certificate above written.

[FORM ONLY – DO NOT SIGN]_____
NOTARY PUBLIC in and for the State of Washington,

My Commission Expires: _____

DEED OF TRUST – EXHIBIT A
PROPERTY LEGAL DESCRIPTION

That portion of the Northwest quarter of Section 16, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington, lying within the Thomas Nerton Donation Land Claim, described as follows:

BEGINNING at a point in the center of Glenwood Road which is South 5°4' West 1035.8 feet from the South line of the right of way of North Coast Power Company (said point being the Southeasterly corner of the H.E. Williams tract as conveyed by deed recorded under Auditor's File No. F 66662, records of said County); thence North 84°56' West along the South line of said tract, 292.25 feet; thence South 5°4' West parallel to the Glenwood Road, 160 feet; thence South 84°56' East 292.25 feet to the center line of the Glenwood Road; thence Northerly. along the center line of said road, 160 feet to the Point of Beginning.

EXCEPT any portion within County Road.

EXHIBIT D
AFFORDABLE HOUSING COVENANT

When Recorded Return To:
City of Vancouver
Economic Prosperity and Housing
PO Box 1995
Vancouver, WA 98668-1995
ATTN: Patrick Quinton, Economic Development Director

**CITY OF VANCOUVER, WASHINGTON
AFFORDABLE HOUSING COVENANT**

GRANTOR: CASCARA VANCOUVER, LLLP
a Washington limited liability limited partnership
2500 Main Street
Vancouver, WA 98660

BENFICIARY: CITY OF VANCOUVER, WASHINGTON,
a Washington municipal corporation
PO Box 1995
Vancouver, WA 98668-1995

HOUSING INCENTIVE: Affordable Housing Property Below Market-Rate Loan

PROPERTY: That certain real property located in Clark County, Washington,
with the following described street address, assessors tax parcel
number, and abbreviated legal description (ABL), with the full
legal description attached hereto as **EXHIBIT A:**

Address: 4902 NE 94th Ave. Vancouver, WA 98662
Parcel #: 159793000
ABL: #42 THOMAS NERTON DLC 1A

This Affordable Housing Covenant (this “Covenant”) is made effective on December __, 2024 by and between Cascara Vancouver, LLLP, a Washington limited liability limited partnership (“Grantor”) and City of Vancouver, Washington, a Washington municipal corporation (“Beneficiary”) in consideration for certain affordable housing incentives provided to Grantor by the City of Vancouver in the form of a below market-rate affordable housing loan for acquisition of the Property, as evidenced by the Loan Agreement, Secured Promissory Note, and Subordinate Deed of Trust between the parties, all of even date herewith (the “Affordable Housing Loan”).

AFFORDABLE HOUSING INCENTIVE

Grantor is receiving the Affordable Housing Loan, which is funded by the City of Vancouver Fourth Plain for All Investment Strategy housing allocation for income-based housing investments to support the creation and retention of affordable housing opportunities and remediate identified public health and negative economic impacts by providing financing for acquisition of real property located at 4902 NE 94TH AVE, VANCOUVER, WA 98662, with the Clark County Assessor’s tax parcel number 159793000 (the “Property”), which Property is located in a disproportionately impacted geographic area for the purpose of deploying the Affordable Housing Units, defined herein.

The Affordable Housing Loan is an implementation of the Housing Strategy of the Fourth Plain for All Investment Strategy to “Support the Creation and Retention of Affordable Housing Opportunities”, Action 1.1 “Identify and implement investments that support the development of new affordable housing and preserve existing affordable housing stock” and will serve to preserve and modernize the existing housing stock while adding to the supply of deed restricted affordable housing.

AFFORDABILITY PERIOD

This Covenant will be filed and recorded in the official public land records of Clark County, Washington and shall run with the land and constitute a restriction upon the use of the Property described herein, subject to and in accordance with the terms of this Covenant as a condition for Grantor to obtain the Affordable Housing Loan. This Covenant shall terminate 50 years from the date of this Covenant (the “Affordability Period”).

COVENANTS

The covenants contained herein are to be taken and construed as covenants running with the land and shall pass to and be binding upon the Grantor, its successors and assigns, heirs, grantees, or lessees of the Property for the duration of the Affordability Period. Each and every contract, deed or other instrument covering or conveying the Property, or any portion thereof, shall be conclusively held to have been executed, delivered and accepted subject to such covenants during the Affordability Period, regardless of whether such covenants are set forth in such contract, deed, or other instruments.

NOW, THEREFORE, it is hereby covenanted, that during the Affordability Period:

1. Grantor will develop and preserve 98 units in this Property as long-term affordable rental residential units with 20 units for households whose income, at the time of initial occupancy, is fifty percent (50%), and 78 units for household whose income, at the time of initial occupancy, is sixty percent (60%) or less of the area median income (AMI) in Clark County, Washington, adjusted for family size, as estimated annually by the United States Department of Housing and Urban Development (HUD) (the “Affordable Housing Units”). The Affordable Housing Units are subject to unit size, rent limits, and tenant income requirements described herein.
2. As of the date of this Covenant, Grantor is the legal owner of the Property, and now has a valid fee simple title thereto. Grantor will warrant and defend said title against all claims and demands of all other persons.
3. Grantor will timely pay all taxes, assessments, charges, fines, liens, fees, and other charges or impositions attributable to the Property which can attain priority over this Covenant, or which may be levied or assessed against the Property or this Covenant.
4. Grantor shall keep the Property in good repair; not permit or commit waste of the Property; complete any building, structure, or improvement thereon which may be damaged or destroyed; not move or demolish any of the improvements on the Property without the Beneficiary’s written consent; and comply with all laws, ordinances, regulations, covenants, conditions, and restrictions affecting the Property.
5. Grantor will keep all existing and hereafter erected structures and improvements that are part of the Property insured against loss or damage by fire, and other hazards by a company or companies acceptable to the Beneficiary and for the benefit of the Beneficiary, in the amount of one hundred percent (100%) of the insurable value of the structure and improvements, and will allow the Beneficiary to examine all policies and renewals upon request.
6. Beneficiary shall have the right, upon not less than seventy-two (72) hours prior written notice to Grantor, to inspect the Property from time to time. Grantor shall be entitled to attend any such inspection or have a representative present.
7. Grantor will comply with all federal, state, and local laws prohibiting discrimination on the basis of age, sex, marital status, race, creed, color, national origin, handicap, or familial status. These requirements are specified in Section 109 of the Housing and Community Development Act of 1974; Civil Rights Act of 1964, Title VI; Civil Rights Act of 1968, Title VIII; Executive Order 11063; Executive Order 11246; Architectural Barriers Act of 1968; and Americans with Disabilities Act.

8. Grantor shall not refuse leasing to a holder of a certificate for family participation under 24 CFR Part 882, or a rental voucher under 24 CFR Part 887, or to the holder of a comparable document evidencing participation in a tenant-based assistance program because of the status of the prospective tenant as a holder of such certificate.
9. In accordance with applicable law, Beneficiary may from time to time appoint a successor to the Trustee appointed hereunder. Without conveyance of the Property, the successor Trustee shall succeed to all the title, power and duties conferred upon the Trustee herein and by applicable law.

UNIT DESIGNATION

The designated Affordable Housing Units will consist of 98 units.

All will be floating units meaning that units originally designated as Affordable Housing Units may change over time. During the Affordability Period, the number of Affordable Housing Units in the project may never be less than 98 units. The Affordable Housing Units must be comparable in size, features, and number of bedrooms to those units originally identified as Affordable Housing Units.

RENT LIMITS

Affordable Housing Units must only be occupied by households that are income-eligible at the time of initial occupancy and the tenant portion of rent may not exceed what is affordable to households at 50% and 60% AMI (the “Affordable Housing Rent”). The City of Vancouver will issue Affordable Housing Rent limits annually. The tenant portion of rent must not exceed the maximum Affordable Housing Rent less tenant-paid utility costs based on established utility allowance for the unit. Only the utility allowance provided by the Housing Authority of the City of Vancouver (VHA) shall be used.

TENANT INCOME

All designated Affordable Housing Units will be rented to households with an annual income that is 50% or 60% AMI or less at the time of initial occupancy. The income of each tenant must be determined initially and annually thereafter. If an over-income tenant is residing in a designated Affordable Housing Unit, the next available unit must be rented to an income-eligible tenant. The City of Vancouver will provide updated HUD income limits annually. If HUD ceases to provide such estimates of median income, then median income shall mean such comparable figures for Clark County, Washington published or reported by a federal, state, or local agency as the County shall reasonably select.

RECORDS

In keeping with the responsibility that accompanies the use of public funds, Grantor shall keep all records and make any reports relating to compliance with this Covenant that the Beneficiary may reasonably require. In addition, Grantor agrees that Beneficiary, by and through the City of Vancouver staff, may at any reasonable time and upon reasonable notice review Grantor for matters consistent with this Covenant, in accordance with applicable law.

REPORTING

During the Affordability Period, Grantor will report annually, in writing, to the City of Vancouver Economic Prosperity and Housing department the following required information with respect to the Affordable Housing Units:

- Address and name of project
- Total number of units
- For each designated Affordable Housing Unit:
 - Unit number
 - Number of bedrooms

- Monthly rent payment
- Utility allowance
- Renter gross income
- Household size

Such reporting information may be submitted electronically upon direction and confirmation of receipt by Beneficiary.

DEFAULT

If any breach of this Covenant occurs (an “Event of Default”), Beneficiary shall give Grantor (and any priority lender and Grantor’s limited partner, at the address set forth in the Deed of Trust) written notice of such Event of Default. Grantor shall have thirty (30) days after notice from Beneficiary to cure such Event of Default; provided, however, if the nonperformance is of such a nature that it cannot reasonably be cured within thirty (30) days, then it shall not constitute an Event of Default so long as Grantor promptly commences and thereafter diligently prosecutes a cure to completion (the “Corrective Action”); provided, however, that the default must be cured no later than ninety (90) days after notice from Beneficiary of nonperformance (the “Corrective Action Period”).

Upon an Event of Default and Grantor’s failure to take Corrective Action, Beneficiary may institute and prosecute any proceeding at law or equity to enjoin any such violation or to compel specific performance by the Grantor of its obligations hereunder; provided that, the Grantor shall not be required by any provision herein to evict a residential tenant. No delay in enforcing the provisions hereof as to any breach or violation shall impair, damage, or waive the rights of the Beneficiary to enforce the provisions hereof or to obtain relief against or recover for the continuation or repetition of such breach or violations or any similar breach or violation hereof at any later time.

SEVERABILITY

The invalidity of any clause, part, or provision of this Covenant shall not affect the validity of the remaining portions thereof.

NOTICES

Any notice issued pursuant to this Covenant shall be in writing and shall be given by depositing the same in the United States mail, postage paid to the addresses noted above, as may be updated by the parties from time to time, or by delivering the same in person to an officer or principal of such party. Notices deposited in the mail in the manner hereinabove described shall be effective upon mailing.

GOVERNING LAW

This Covenant shall be governed by the laws of the State of Washington.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS HEREOF, Grantor expressly accepts and agrees to the terms and obligations contained in this Affordable Housing Covenant.

GRANTOR:

CASCARA VANCOUVER, LLLP
a Washington limited liability limited partnership

By: Housing Authority of the City of Vancouver,
a public body corporate and politic of the State of Washington

By:_____

Name/Title: Andy Silver, Chief Executive Officer

NOTARY

STATE OF WASHINGTON)
)ss
COUNTY OF CLARK)

On this ____ day of December, 2024 before me, the undersigned, a Notary Public in and for the State of Washington, personally appeared Andy Silver, known to me as the Chief Executive Officer of Housing Authority of the City of Vancouver, public corporate and politic of the State of Washington, as the General Partner of Cascara Vancouver, LLLP, a Washington limited liability limited partnership, who executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of the said entity, for uses and purposes therein mentioned, and on oath stated that they are authorized to execute this instrument on behalf of the said entity.

WITNESS my hand and official seal hereto the day and year in the certificate above written.

Signed:_____
NOTARY PUBLIC in and for the State of Washington,

My Commission Expires: _____

AFFORDABLE HOUSING COVENANT – EXHIBIT A
PROPERTY LEGAL DESCRIPTION

Insert legal description

EXHIBIT E
LOAN AGREEMENT

That portion of the Northwest quarter of Section 16, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington, lying within the Thomas Nerton Donation Land Claim, described as follows:

BEGINNING at a point in the center of Glenwood Road which is South 5°4' West 1035.8 feet from the South line of the right of way of North Coast Power Company (said point being the Southeasterly corner of the H.E. Williams tract as conveyed by deed recorded under Auditor's File No. F 66662, records of said County); thence North 84°56' West along the South line of said tract, 292.25 feet; thence South 5°4' West parallel to the Glenwood Road, 160 feet; thence South 84°56'

East 292.25 feet to the center line of the Glenwood Road; thence Northerly. along the center line of said road, 160 feet to the Point of Beginning.

EXCEPT any portion within County Road.

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

To: Mayor and City Council
From: City Manager
Date: December 2, 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.
- The attached Resolution further includes all parcels adjacent to the boundaries (i.e., both sides of the street) as well as a designated portion extending east to Reserve Street.

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.

This Resolution was initially presented to Council on its November 18, 2024, Consent Agenda, but was returned to Staff to ensure that (1) area west of Interstate 5 and south of West 6th Street was included, as well as area east of the intersection of Fort Vancouver Way and East Evergreen Boulevard to Reserve Street, and (2) the District included parcels on both sides of the streets forming the boundaries. The attached Resolution amends the boundaries of the current Vancouver Arts District to encompass the areas described above as more specifically delineated in the map exhibit attached.

Advantage(s)

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

Challenge(s)

None

Budget Impact

None

Prior Council Review

Various budget workshops in 2024 in the context of the Culture and Arts Sales Tax investments. Remanded back to staff on the November 18, 2024, City Council Consent Agenda.

Action Requested

On Monday, December 2, 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

12/2/2024

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, to include all land parcels located between and adjacent to the boundaries below stated, 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
- South on Columbia Street to West 3rd Street
- East on West 3rd Street to Washington Street
- North on Washington Street to West 5th Street
- East on West 5th Street to its end west of Interstate 5
- End of West 5th Street located west of Interstate 5 on a straight line to the west end of East 5th Street located east of Interstate 5
- West end of East 5th Street located east of Interstate 5 east to Fort Vancouver Way
- North on Fort Vancouver Way to East Evergreen Boulevard
- East on East Evergreen Boulevard to East Reserve Street
- North on East Reserve Street to Officers Row

- West on Officers Row to the southeast corner of the parcel located at 1007 East Mill Plain Boulevard, which is the location of the Vancouver Innovation Technology and Arts Elementary;
- North around the parcel of the VITA Elementary to the northeast corner of the same abutting East Mill Plain Boulevard;
- 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 C Street;
- North on C Street to West 16th Street;
- West on West 16th Street to Main Street;
- South on Main Street to West 15th Street;
- West on West 15th Street to Franklin Street.

All of which is as identified in Exhibit “A” to this Resolution and incorporated herein by reference.

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

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

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

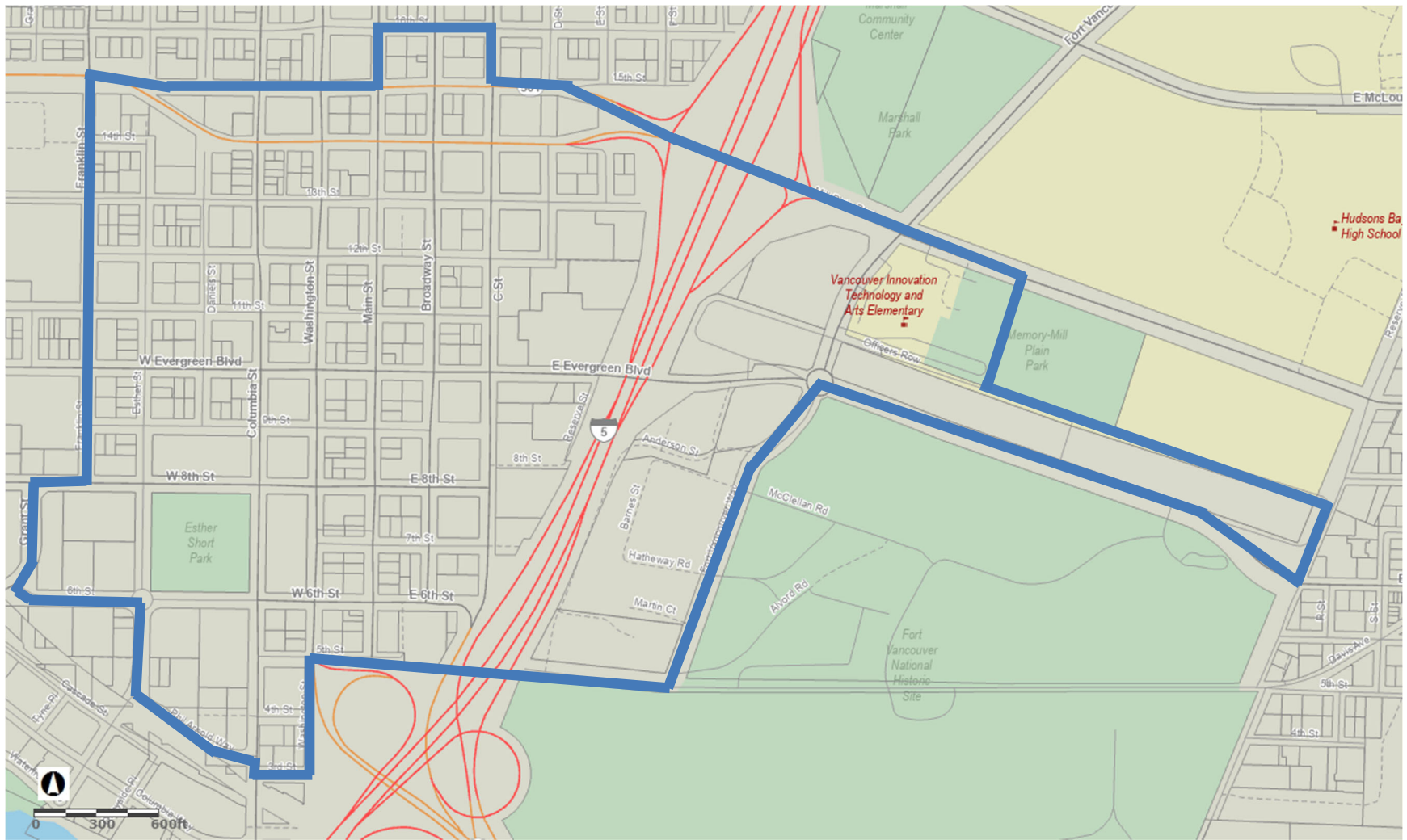


EXHIBIT A

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.

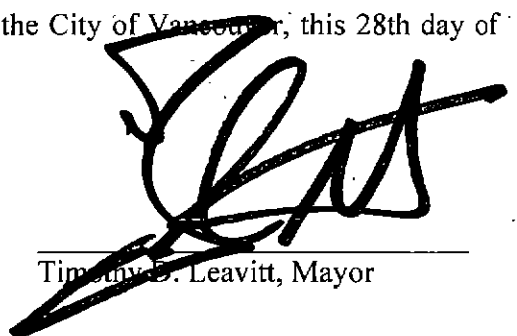
Section 2. That as recommended in SR 045-14, the Vancouver City Council hereby designates a portion of downtown Vancouver as the "Vancouver Arts District".

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.

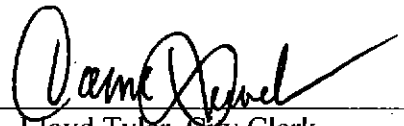
Section 5. This resolution shall be effective immediately upon adoption.

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



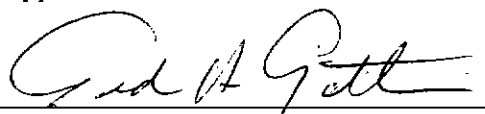
Timothy B. Leavitt, Mayor

Attest:



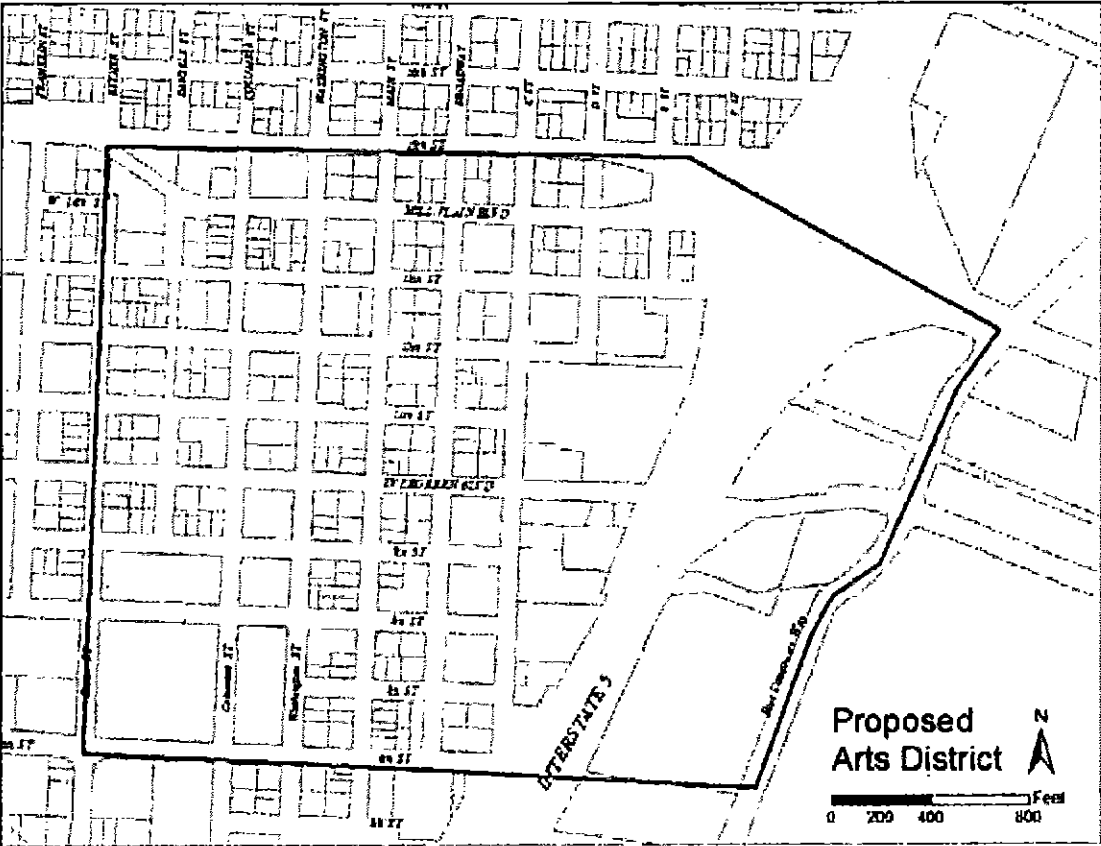
R. Lloyd Tyler, City Clerk
By: Carrie Lewellen, Deputy City Clerk

Approved as to form:



Ted H. Gathe, City Attorney

EXHIBIT A



AN ORDINANCE relating to Vancouver Municipal Code (VMC) Title 20 concerning the regulation of Critical Areas within the City; Amending VMC 20.150 and VMC 20.740; providing for severability; and establishing an effective date.

Staff Report: 253-24

To: Mayor and City Council
From: City Manager
Date: December 2, 2024

Subject

Critical Areas Ordinance

Key Points

- Critical Area regulations play a key part in protecting the natural environment within the City of Vancouver. The proposed updates are necessary to comply with state agency guidance, requirements of the Growth Management Act (GMA) and incorporate the latest best available science.
- The City aims to advance the statutory requirement "no net loss" of ecological functions by updating regulations related to wetlands, geologically hazardous areas, and fish and wildlife habitats. The updates incorporate recent state level guidance on wetland buffering, riparian area management, as well as new protections from the Washington Department of Fish and Wildlife on Priority White Oak Habitat. The new regulations include more stringent protections for geologic hazard areas as well.
- The new regulations will provide increased clarity for the general public, property owners applying for critical area permits, and the City staff responsible for reviewing and implementing the regulations.

Strategic Plan Alignment

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

Climate and Natural Systems – environmental stewardship and efforts to address climate change to ensure a sustainable future

Present Situation

Critical areas act as valuable assets to our community, through enhancing environmental quality, providing critical ecological functions, and protecting the community and public and private property from threats resulting from natural hazards. The Growth Management Act (GMA) requires all cities and counties in the state of Washington to adopt development regulations that protect critical areas – which are further broken down into five categories: wetlands, critical aquifer recharge areas (CARAs), frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas. The City regulates most Critical Areas under Vancouver Municipal Code Section 20.740, except for CARAs which are regulated in Section 14.26 under water resources protection.

The Growth Management Act requires Counties and Cities to ensure no net loss of ecological functions within their critical area regulations. Impacts to high-quality critical areas should be

prohibited except in limited circumstances. Impacts to other critical areas must be avoided and minimized. When impacts cannot be avoided, new development must replace the lost functions and values through compensatory mitigation measures. The Growth Management Act also requires Counties and Cities to utilize Best Available Science (BAS) in the development of their critical area regulations to ensure new policies and regulations that designate and protect Critical Areas are based on reliable scientific information. As part of the CAO update, the City has documented BAS in a formalized report, based on findings from local, state and federal regulatory agencies. Non-scientific factors (legal, social, cultural, economic, and political) used for the development of Critical Areas regulations are required to:

- Identify information on record that supports its decision in departing from science-based recommendations;
- Explain rationale for its departure from science-based recommendations; and
- Identify potential risks to a critical area or an area's function and values, and any reduction in risks with additional measures.

The City first adopted its Critical Area Ordinance under Vancouver Municipal Code (VMC) 20.740 in 2005, and completed it's most recent update in 2020, which was a minor technical update in response to a new model flood ordinance released from the Federal Emergency Management Agency (FEMA). More substantive changes occurred to the Wetlands rating systems during a 2019 update. Many components of the Critical Areas Ordinance have been updated or amended during various time periods as highlighted below:

Critical Area Ordinance Section	Year of Most Recent update
Geologic Hazard Areas	2007 (Ord M-3844)
Fish & Wildlife Habitat Conservation Areas	2009 (Ord M-3931)
Wetlands	2019 (Ord M-4289): Updated wetlands rating system
Frequently Flooded Areas	2020 (Ord M-4325): Minor updates in response to model flood ordinance
Critical Aquifer Recharge Areas (CARAs)	2009 (Ord M-3920)

The sections below highlight the proposed changes reflected in the current draft of the Critical Areas Ordinance.

Overall Summary of Changes:

- 20.150 Definitions - Modified definitions to comply with new state guidance and standards.
- 20.740.010 Purpose - Minor text edits for language clarification.
- 20.740.020 General Provisions - Minor text edits for language clarification.
- 20.740.030 Applicability and Exemptions from Requirement to Obtain Permit. - Reduced process for applications where only Critical Area is Soil Erosion Hazard, defer to Erosion Control Section of VMC 14.24. Minor exemptions for loss of single white oak on single family residence.
- 20.740.040 Approval Process - Minor text edits for language clarification.
- 20.740.050 Submittal Requirements - Minor text edits for language clarification.
- 20.740.060 Approval Criteria - Added language for rectifying and reducing impacts.

Clarification that mitigation must be provided to address anticipated loss of critical area functions – equal to no net loss.

- 20.740.070 Minor Exceptions - Minor text edits for language clarification.
- 20.740.080 Reasonable Economic Use Exceptions - Title changed to Economic Use Exception.
- 20.740.090 Unauthorized Critical Areas Alterations and Enforcement - Removal of Critical Areas Restoration fund – outdated language to fund that was never established.
- 20.740.100 Designation Process for Habitats of Local Importance - Re-titled as Designation Process for Habitats of Local Importance. Specifies designation process is intended to cover areas and habitats not otherwise protected under other critical area regulations.
- 20.740.110 Fish and Wildlife Habitat Conservation Areas - Updated Graphics. Removal of former Table 20.740.110-1, Riparian Management Area (RMA) buffer set to 100', Riparian Buffer (RB) set to 85' for all stream type classifications, in response to Best Available Science. Additional standards and requirements for Critical Area reports
- 20.740.120 Frequently Flooded Areas - No changes proposed – last updated during 2023 annual updates to comply with new FEMA guidance.
- 20.740.130 Geologic Hazard Areas - Several text edits for language clarification.
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Scope of Changes

The proposed updates will not have an impact on the way that Critical Area permits are currently processed. During the pre-application process, the City typically identifies whether or not a particular property may be covered under Critical Area regulations. Aside from the minor exemptions circumstances under 20.740.070, if the applicant proceeds forward with development within a Critical Area, they would be required to obtain a Critical Area permit consistent with the requirements of VMC 20.740.

The changes outlined above will generally increase the amount of land that is covered under Critical Area regulations in the City and increase protections and impose additional site-specific best management practices where issues are identified in a Critical Areas Report. The greatest extent of changes will come from increased distances for wetland buffers, and for increased widths in the Riparian Management Area (RMA) and Riparian Buffer (RB) for lower order streams that have downstream impacts on fish habitat and quality. An analysis was conducted of the proposed regulations, and found that increasing setbacks as proposed for wetlands and riparian areas would include a modest, yet noticeable impact on developable citywide.

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Current Area encumbered by regulations	6,294 acres (19% of total land area)	4,088 acres (12% of total land area)
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The analysis was based off the existing Clark County Wetland inventory, as well as a hydrology dataset from the Washington Department of Natural Resources. Exhibit E provides a full City-wide map of Critical areas in the City, and the extent that potential areas will be affected by new regulations. The following aspects are mapped within this exhibit:

- Fish and Wildlife Habitat Conservation Areas
- Geohazards
- Soil Types and Ground shaking Amplification Risk
- Riparian Management Zones
- Wetland Buffers

Wetlands: Wetlands are areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands are fragile ecosystems that serve a number of important beneficial functions. Wetlands reduce the impacts of erosion, siltation, flooding, ground and surface water pollution, and provide habitats for wildlife, plant and fisheries. Wetlands destruction or impairment may result in increased habitat degradation and public and private costs or property losses from flooding or erosion.

Wetlands are currently regulated under VMC Section 20.740.140. Based on the significance of the wetland, a buffer is put in place from the edge of the wetland, where development activity is restricted (except for minor allowances defined under 20.740.140(c)(a)). Wetland buffers tend to be one of the most common aspects of review under the CAO permitting process and tend to have the greatest impact on the overall site planning process for development when a significant wetland is in place. The current regulatory system determines a buffer width based on the wetland category (see definitions below) and the intensity of the proposed land use, based on a score of low, medium or high.

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In October 2022, the department of Ecology released new guidance offering three different approaches to establishing protective buffers, and modifying rating systems that cities can choose from while updating their Critical Areas regulations. Feedback from City Council, Planning Commission and the initial round of stakeholder engagement emphasized the need to put in the greatest buffer widths to provide protections, and ensuring flexibility and options are present in the

code for applicants in an equitable manner. In response, the current approach in the draft ordinance establishes a minimum setback based on wetland rating system only (option #3 in the Department of Ecology Guidance document).

Table 20.740.140-1. WETLAND BUFFER WIDTH REQUIREMENTS

Wetland Category	Buffer Width (Feet)
I	300
II	300
III	225
IV	50

The draft provides two alternative options if applicants aren't able to implement the full buffer widths and are able to demonstrate (by providing site plans for two additional site configurations) that impacts cannot be avoided or reduced. These alternative options determine setback distances by wetland category and habitat score and allow for lesser setbacks if the applicant provides a habitat corridor as a mitigation measure.

Category of Wetland	Habitat Score 3 to 5 Points	Habitat Score 6 to 7 Points	Habitat Score of 8 to 9 Points	Buffer width Based on Special Characteristics
Category I: Bogs and Wetlands of High Conservation Value	NA	NA	^a 225'	^a 190', ^b 250'
Category I: Forested	^a 75', ^b 100'	^a 110', ^b 150'	^a 225'	NA
Category I or II: Based on rating of wetland functions (and not listed above)	^a 75', ^b 100'	^a 110', ^b 150'	^a 225'	NA
Category III: All types	^a 60', ^b 80'	^a 110', ^b 150'	^a 225'	NA
Category IV: All Types	^a 40'	^a 40'	^a 40'	NA

* **a**: habitat corridor provided, **b**: no habitat corridor provided.

In order for applicants to use the reduced setbacks shown in the table above (values denoted with a only), they will be required to implement a habitat corridor of at least 100' on the site, that includes impact minimization measures. Measures include best management practices (BMP's) to address impacts from light, noise, toxic runoff, stormwater, runoff, disturbances from humans and pets, and dust impacts.

In addition, several edits have been made to the draft regarding mitigation options. Table 2740.140-5 has been simplified to remove unnecessary sections, with the mitigation ratios remaining generally unchanged. The updates also include prioritizing mitigation options in the following order:

- Mitigation Banking – allows applicants to compensate for loss by purchasing credits for a

bank.

- In-lieu fee credits – third party compensation to agency or organization tasked with enhancing, protecting, or creating new wetlands.
- Permittee responsible mitigation – applicant-initiated mitigation efforts.

Geologically Hazardous Areas: These are defined as areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns. This includes Erosion hazard areas, which contain soil types that are more prone to erosion, and landslide and seismic hazard areas, which are at high risk of mass movement, landslides and liquefaction during a seismic event. Geologically Hazardous areas are regulated under VMC 20.740.130, and haven't been substantially updated since 2007.

The majority of this section remains relatively unchanged, except for re-organization and language changes to align with recent guidance. Some relatively minor changes are included to comply with Best Available Science and policy direction from the Department of Ecology. Proposed changes are as follows:

- Updating the following definitions:
 - Geologically Hazardous Area – to include areas that are susceptible to other types of geological events.
 - Landslide Hazards – defining landslide hazard areas as areas with slopes that meet the following criteria:
 - Greater than 15% slope;
 - Hillside with permeable sediment overlying bedrock; and
 - Groundwater seepage

The current definition lists slopes greater than 25%, effectively increasing the number of slopes within the City that are defined as Critical Areas.

- Seismic Hazard – includes areas that are likely to become unstable during a seismic event, such as steep slopes, bluffs, and areas with unstable soils.
- A revised buffer width for landslide hazard areas of 2 times the height of the slope, or an amount determined by a qualified geotechnical engineer as part of the Critical Areas report, whichever is greater.

Fish and Wildlife Habitat Conservation Areas (FWHCA's)

The Growth Management Act requires cities and counties across the state to address land use issues that directly and indirectly impact fish and wildlife habitat. Fish and wildlife habitat conservation is the management of land to ensure sufficient habitat quality, quantity, and connectivity to support long term, viable populations of fish and wildlife species and prevent the creation of isolated subpopulations within their natural geographic distribution.

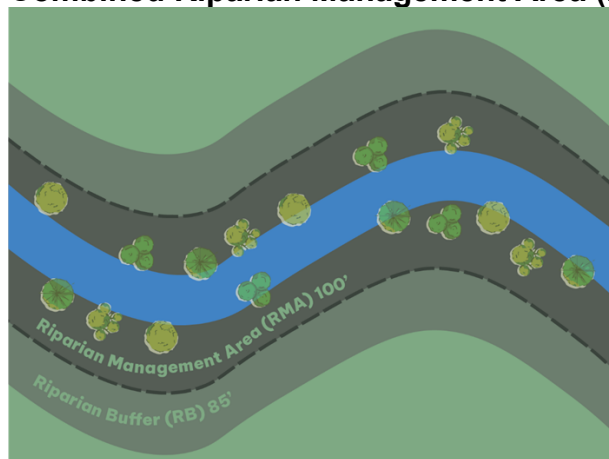
FWHCA's are regulated under VMC 20.140.110, and last updated in 2009. The primary regulatory mechanism in this portion of the code to protect FWHCA's are through placing buffers from shorelines, lakes, streams, rivers, and riparian areas. In 2020, the Washington Department of Fish and Wildlife (WDFW) conducted new mapping of riparian area buffers based on best available science. This science recommends placing buffer widths based on preserving high functioning ecological areas and incentivizing restoration and basing the width of riparian management zone on a measurement called Site Potential Tree Height, which is the average maximum height of the tallest

dominant tree species in a riparian area. Ultimately, this will mean all stream order types will see an increase in buffer widths if implemented in accordance with WDFW guidance.

In the current ordinance, riparian buffers are regulated by stream type (F, N, S, U, see table below). In the new ordinance, to accommodate best available science and provide greater protections, all stream order classifications will be regulated with a Riparian Management Area (RMA) of 100', and a Riparian Buffer of 85', for a total combined setback of 185'. The table below shows the proposed increase in setbacks for all stream order types from the existing requirements.

Stream Type	Existing Requirement(ft)	Average of SPTH (ft)	Average % of Change (ft)
F (lakes, streams, and rivers that contain fish habitat)	175	185	+10
N (Streams and rivers that are not shorelines of the state, and do not contain fish habitat)	125	185	+60
S (Shorelines of the State)	175	185	+10
U (un-typed)	125	185	+60

Combined Riparian Management Area (RMA) and Riparian Buffer (RB)



Alt text description: image showing an 100' buffer from the edge of the ordinary high water mark, which is called the "Riparian Management Area (RMA)", and an additional 85' buffer called the "Riparian Buffer (RB)"

In circumstances where the applicant is not able to implement the full buffer width of the combined RMA and RB, the applicant may defer to using WDFW’s mapping tool for Site Potential Tree height, which may potentially result in a smaller width. Additional standards and requirements were added to the draft specifying that evaluation of habitat functions must be included in the Critical Areas report, specifications for a monitoring program when a mitigation plan is required, and requirements for detailing any clearing activities in the Critical Areas report.

Oregon White Oak (Regulated Under Fish and Wildlife Habitat Conservation Areas)

City staff received significant input from Planning Commission, City Council, and individuals during the initial round of stakeholder engagement about the need to prioritize preservation of priority White Oak habitat. In January of 2024, the Washington Department of Fish and Wildlife issued new guidance to Cities in Washington State for mitigating impacts to Oregon White Oak priority habitat. The new code adopts this guidance fully by reference and all subsequent amendments and requires that applicants demonstrate compliance within their Critical Areas reports if priority habitat is present

on site, as well as demonstrating mitigation consistent with the guidance.

In the event that mitigation of impacts on site is not practicable, the applicant would be required to provide a minimum of two alternative site designs and layouts to demonstrate no other options are available to avoid or lessen impacts and demonstrate mitigation measures satisfactory to the guidance and demonstrate no net loss of ecological functions. Authority is given to the Planning Official to determine whether proposed mitigation efforts are satisfactory to address impacts, and may impose additional requirements as measures as needed to lessen impacts.

An exemption has also been added under 20.740.030 to allow for situations where a single standalone white oak (not part of a larger grove) is removed on a property where the development or expansion of a single-family residence is allowed.

Draft Changes in Response to Public Comment Period

The City held a 45-day public comment period on the draft regulations. Formal comment letters were received from the following entities:

- Department of Natural Resources
- Washington Department of Ecology
- Washington Department of Fish and Wildlife
- The Port of Vancouver
- Wapato Oak Bank

Below is a summary of the key changes made to the draft ordinance based in response to the comments received:

- In section 20.740.010(a), language was added for clarification purposes. Additionally, section 20.150 now includes a new definition for "Best Available Science," ensuring clarity and consistency when applying scientific standards in decision-making processes.
- Several sections were revised to emphasize impact avoidance and the use of Best Available Science. For instance, section 20.740.060 was restructured to prioritize a sequence of actions: avoiding, minimizing, rectifying, reducing, and compensating for impacts. A provision for monitoring was also added, alongside a requirement that all proposed mitigation measures be based on the best available scientific data at the time of permit submission.
- Revisions were made to the criteria for exemptions from permit requirements. For example, in section 20.740.030(c.1.a.i), the maximum allowable expansion exemption was reduced to 200 feet on a cumulative basis. Furthermore, in section 20.740.030(c.1.e), it was specified that the Planning Official must utilize all procedures and criteria outlined to ensure adverse impacts are avoided before granting an exemption.
- In section 20.740.030(b), it was stipulated that proposed uses must demonstrate compliance with the mitigation sequence before obtaining a statement of exemption.
- Significant changes were made to provisions concerning wetlands and wildlife. Section 20.740.140(c.1.a) removed language that allowed for various infrastructure developments in wetland areas, replacing it with a stricter requirement that utilities can only be located in wetlands if it is infeasible to place them elsewhere and with appropriate federal and state authorization. Trails and wildlife viewing structures were also restricted to the outer 25% of wetland buffers.
- In section 20.740.110, revisions provided greater clarity on functional isolation, including an updated graphic and a requirement for consultation with the Washington Department of Fish and Wildlife (WDFW) to determine whether an area qualifies as functionally isolated.
- Several sections now require consultation with external agencies for better oversight and environmental protection. For example, section 20.740.110(c.b.i) mandates consultation with

WDFW for projects that could impact Priority Habitats and Species. Additionally, section 20.740.040(a.3) allows for consultation with state agencies for a preliminary review of mitigation proposals.

- Section 20.740.020 saw expansions related to geologic hazards, with additional hazard categories such as Bank Erosion Hazard Area, Fault Rupture Hazard Area, and Soil Erosion Hazard Area being added. It was also clarified which standards apply to temporary versus permanent markers in frequently flooded and seismic hazard areas.
- Section 20.740.110(d) removed the requirement to evaluate habitat functions using a habitat evaluation tool approved by WDFW, simplifying some processes related to habitat assessments.

These revisions enhance the ordinance's clarity, reinforce the need to avoid environmental impacts through the mitigation sequencing process, and ensure the use of the best available science while minimizing impacts on development.

Review Criteria and Findings

The proposed changes to the Critical Areas Ordinance respond directly to the following Vancouver Comprehensive Plan Policies:

- EN-1 – Environmental Protection: Protect, sustain and provide for healthy and diverse ecosystems.
 - The ordinance strengthens ecosystem health by increasing wetland buffer regulations, ensuring vegetative restoration, and integrating best available science for mitigation, minimizing human impacts.
- EN-6 – Habitat: Protect riparian areas, wetlands, and other fish and wildlife habitat. Link fish and wildlife habitat areas to form contiguous networks. Support sustainable fish and wildlife populations.
 - The Ordinance further protects critical habitats like wetlands and Oregon White Oak ecosystems, enhancing habitat corridors and connectivity through buffer regulations and preservation requirements. It emphasizes sustainable wildlife populations by prioritizing habitat function and mitigation.
- EN-7 – Endangered Species: Protect habitat for salmonids and other listed species and facilitate recovery. Encourage and support actions that protect other species from becoming listed.
 - The Ordinance Protects habitat for listed species like salmonids by prioritizing wetland buffers and riparian buffers, and requires consultation with Washington Department of Fish and Wildlife (WDFW) for projects affecting priority habitats.
- EN-9 – Trees and Other Vegetation: Conserve and restore tree and plant cover, particularly native species, throughout Vancouver. Promote planting using native vegetation. Protect historic and other significant trees. Work towards the Vancouver Urban Forestry Program goal of covering 28% of Vancouver's surface area with tree canopy.
 - The Ordinance promotes the conservation of native trees within wetland and riparian buffers and implements new state guidance on preservation for priority white oak. The ordinance's emphasis on vegetative buffers aligns with Vancouver's tree canopy goals.
- EN-11 – Hazard Areas: Manage development in geologically hazardous areas and floodplains to protect public health and safety.
 - The Ordinance provides further protection and increased requirements for development within Geologically Hazardous areas within the City, enhancing public safety, and reducing the risk of property loss and diminution from natural disasters.

SEPA Determination

Pursuant to the State Environmental Policy Act (SEPA) and WAC 197-11, the City of Vancouver as lead agency has determined that the proposed Critical Areas Ordinance Updates will not have a probable significant adverse impact on the environment. A Determination of Non-significance (DNS) was published on September 20, 2024, in the Columbian with a 24-day comment period, which expired at 5 p.m. on October 14, 2024. Copies were emailed to state and local agencies, media representatives, concerned citizens whose names were on the master SEPA list, stakeholders and neighborhood associations. (See Exhibits C and D)

Procedural appeals to the SEPA determination shall be filed in writing within 14 calendar days following the last day of the comment period (October 14, 2024). Substantive SEPA appeals shall be filed in writing within 14 calendar days of the issuance of Council's decision. As of the writing of this report, no SEPA comments had been filed.

Staff Analysis and Findings

Based on the evaluation of the proposed regulations, staff recommends adopting the proposed changes to the Critical Areas Ordinance (CAO) as outlined in this staff report. These updates are necessary to align with the most recent state guidance, best available science, and regulatory requirements under the Growth Management Act (GMA). The revised CAO enhances the protection of critical areas, including wetlands, fish and wildlife habitats, and geologically hazardous areas.

The updates also reflect new best practices for preserving critical areas, including increased buffer widths for wetlands and riparian areas, expanded compensatory mitigation options, and updated provisions for geologically hazardous areas. The ordinance prioritizes environmental protection while providing reasonable flexibility for property owners and developers. Key revisions, such as simplified wetland rating systems and habitat corridor requirements, will improve clarity, reduce complexity in the review process and administration of applications, and ensure effective mitigation strategies. The new ordinance also adopts state guidance on protecting Oregon white oak habitats, further strengthening Vancouver's conservation efforts.

The updated ordinance introduces more rigorous standards for assessing geological risks and managing development in hazardous areas, thus improving public safety and resilience against natural disasters. These measures align with Vancouver's goals to conserve natural resources, support sustainable wildlife populations, and protect public health and property from natural hazards.

Planning Commission

On November 12, The Planning Commission held a public hearing on the draft ordinance and voted unanimously to forward Council a recommendation for adoption. During their deliberations, discussion focused on the following:

- Confirming that options for off-site mitigation for impacted critical areas would be permitted when on site mitigation isn't feasible;
- Understanding the scale of the new proposed regulations citywide;
- Understanding how property owners become aware that their property is designated as a Critical Area and how City development review staff help them navigate the permitting process when this is the case;
- Clarifying the types of uses that are allowed within riparian and wetland buffer areas;
- Confirming that there are no current mitigation banking options in City limits, and off-site mitigation often relies on the Wapato Oak Bank near Ridgefield;
- Clarifying that code prefers on-site mitigation, but recent state guidance has increased the scale of mitigation requirements, making the ability to mitigate all impacts on-site more challenging to achieve;
- Understanding the level of overall community engagement and clarifying that the majority of

substantive comments received during the public comment period were from regulatory agencies and entities like the Port of Vancouver that most directly interface with the regulations.

Overall, the Planning Commission was supportive of the changes, recognizing the net benefit they would have on ecosystem health in the community, and that they are required to comply with state regulations.

Advantage(s)

1. The proposed Critical Area Ordinance updates adequately respond to the Best Available Science, address recent guidance issues by the Washington Departments of Natural Resources, Fish and Wildlife, and Ecology, and meet the statutory requirements of no net loss.
2. The regulations provide greater protection for wetlands providing high ecological function within the city, will improve downstream water quality for fish bearing streams and salmonid populations, and will ensure greater protections for future landslide and geohazard risk, and minimize property loss and damage.

Challenge(s)

No identified disadvantages.

Budget Impact

No additional budget impact is associated with this request.

Prior Council Review

- December 18, 2023: City Council Workshop reviewing high level overview of issues, overall approach to addressing regulations in response to Best Available Science.
- July 8, 2024: City Council Workshop reviewing the draft ordinance prior to release for public comment.

Action Requested

On Monday, November 4, advance the ordinance amending Vancouver Municipal Code Sections 20.150 and 20.740, setting a second reading and public hearing on November 18, 2024.

Staff Contact

Domenique Martinelli, Senior Planner, Keith Jones, Senior Planner,
domenique.martinelli@cityofvancouver.us, keith.jones@cityofvancouver.us

Attachments:

1. Attachment A - Presentation
2. Attachment B - Ordinance
3. Attachment C - BAS Report
4. Attachment D - Updated Definitions 20.150 Clean
5. Attachment E - Updated Critical Area Regulations 20.740 Clean

6. Attachment F - Critical Areas Mapping - 1
7. Attachment F - Critical Areas Mapping - 2
8. Attachment F - Critical Areas Mapping - 3
9. Attachment G - Public Comment Letters

AN ORDINANCE relating to Vancouver Municipal Code (VMC) Title 20 concerning the regulation of Critical Areas within the City; Amending VMC 20.150 and VMC 20.740; providing for severability; and establishing an effective date.

Staff Report: 253-24

To: Mayor and City Council
From: City Manager
Date: December 2, 2024

Subject

Critical Areas Ordinance

Key Points

- Critical Area regulations play a key part in protecting the natural environment within the City of Vancouver. The proposed updates are necessary to comply with state agency guidance, requirements of the Growth Management Act (GMA) and incorporate the latest best available science.
- The City aims to advance the statutory requirement "no net loss" of ecological functions by updating regulations related to wetlands, geologically hazardous areas, and fish and wildlife habitats. The updates incorporate recent state level guidance on wetland buffering, riparian area management, as well as new protections from the Washington Department of Fish and Wildlife on Priority White Oak Habitat. The new regulations include more stringent protections for geologic hazard areas as well.
- The new regulations will provide increased clarity for the general public, property owners applying for critical area permits, and the City staff responsible for reviewing and implementing the regulations.

Strategic Plan Alignment

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

Climate and Natural Systems – environmental stewardship and efforts to address climate change to ensure a sustainable future

Present Situation

Critical areas act as valuable assets to our community, through enhancing environmental quality, providing critical ecological functions, and protecting the community and public and private property from threats resulting from natural hazards. The Growth Management Act (GMA) requires all cities and counties in the state of Washington to adopt development regulations that protect critical areas – which are further broken down into five categories: wetlands, critical aquifer recharge areas (CARAs), frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas. The City regulates most Critical Areas under Vancouver Municipal Code Section 20.740, except for CARAs which are regulated in Section 14.26 under water resources protection.

The Growth Management Act requires Counties and Cities to ensure no net loss of ecological functions within their critical area regulations. Impacts to high-quality critical areas should be

prohibited except in limited circumstances. Impacts to other critical areas must be avoided and minimized. When impacts cannot be avoided, new development must replace the lost functions and values through compensatory mitigation measures. The Growth Management Act also requires Counties and Cities to utilize Best Available Science (BAS) in the development of their critical area regulations to ensure new policies and regulations that designate and protect Critical Areas are based on reliable scientific information. As part of the CAO update, the City has documented BAS in a formalized report, based on findings from local, state and federal regulatory agencies. Non-scientific factors (legal, social, cultural, economic, and political) used for the development of Critical Areas regulations are required to:

- Identify information on record that supports its decision in departing from science-based recommendations;
- Explain rationale for its departure from science-based recommendations; and
- Identify potential risks to a critical area or an area's function and values, and any reduction in risks with additional measures.

The City first adopted its Critical Area Ordinance under Vancouver Municipal Code (VMC) 20.740 in 2005, and completed it's most recent update in 2020, which was a minor technical update in response to a new model flood ordinance released from the Federal Emergency Management Agency (FEMA). More substantive changes occurred to the Wetlands rating systems during a 2019 update. Many components of the Critical Areas Ordinance have been updated or amended during various time periods as highlighted below:

Critical Area Ordinance Section	Year of Most Recent update
Geologic Hazard Areas	2007 (Ord M-3844)
Fish & Wildlife Habitat Conservation Areas	2009 (Ord M-3931)
Wetlands	2019 (Ord M-4289): Updated wetlands rating system
Frequently Flooded Areas	2020 (Ord M-4325): Minor updates in response to model flood ordinance
Critical Aquifer Recharge Areas (CARAs)	2009 (Ord M-3920)

The sections below highlight the proposed changes reflected in the current draft of the Critical Areas Ordinance.

Overall Summary of Changes:

- 20.150 Definitions - Modified definitions to comply with new state guidance and standards.
- 20.740.010 Purpose - Minor text edits for language clarification.
- 20.740.020 General Provisions - Minor text edits for language clarification.
- 20.740.030 Applicability and Exemptions from Requirement to Obtain Permit. - Reduced process for applications where only Critical Area is Soil Erosion Hazard, defer to Erosion Control Section of VMC 14.24. Minor exemptions for loss of single white oak on single family residence.
- 20.740.040 Approval Process - Minor text edits for language clarification.
- 20.740.050 Submittal Requirements - Minor text edits for language clarification.
- 20.740.060 Approval Criteria - Added language for rectifying and reducing impacts.

Clarification that mitigation must be provided to address anticipated loss of critical area functions – equal to no net loss.

- 20.740.070 Minor Exceptions - Minor text edits for language clarification.
- 20.740.080 Reasonable Economic Use Exceptions - Title changed to Economic Use Exception.
- 20.740.090 Unauthorized Critical Areas Alterations and Enforcement - Removal of Critical Areas Restoration fund – outdated language to fund that was never established.
- 20.740.100 Designation Process for Habitats of Local Importance - Re-titled as Designation Process for Habitats of Local Importance. Specifies designation process is intended to cover areas and habitats not otherwise protected under other critical area regulations.
- 20.740.110 Fish and Wildlife Habitat Conservation Areas - Updated Graphics. Removal of former Table 20.740.110-1, Riparian Management Area (RMA) buffer set to 100', Riparian Buffer (RB) set to 85' for all stream type classifications, in response to Best Available Science. Additional standards and requirements for Critical Area reports
- 20.740.120 Frequently Flooded Areas - No changes proposed – last updated during 2023 annual updates to comply with new FEMA guidance.
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code for applicants in an equitable manner. In response, the current approach in the draft ordinance establishes a minimum setback based on wetland rating system only (option #3 in the Department of Ecology Guidance document).

Table 20.740.140-1. WETLAND BUFFER WIDTH REQUIREMENTS

Wetland Category	Buffer Width (Feet)
I	300
II	300
III	225
IV	50

The draft provides two alternative options if applicants aren't able to implement the full buffer widths and are able to demonstrate (by providing site plans for two additional site configurations) that impacts cannot be avoided or reduced. These alternative options determine setback distances by wetland category and habitat score and allow for lesser setbacks if the applicant provides a habitat corridor as a mitigation measure.

Category of Wetland	Habitat Score 3 to 5 Points	Habitat Score 6 to 7 Points	Habitat Score of 8 to 9 Points	Buffer width Based on Special Characteristics
Category I: Bogs and Wetlands of High Conservation Value	NA	NA	^a 225'	^a 190', ^b 250'
Category I: Forested	^a 75', ^b 100'	^a 110', ^b 150'	^a 225'	NA
Category I or II: Based on rating of wetland functions (and not listed above)	^a 75', ^b 100'	^a 110', ^b 150'	^a 225'	NA
Category III: All types	^a 60', ^b 80'	^a 110', ^b 150'	^a 225'	NA
Category IV: All Types	^a 40'	^a 40'	^a 40'	NA

* **a:** *habitat corridor provided*, **b:** *no habitat corridor provided*.

In order for applicants to use the reduced setbacks shown in the table above (values denoted with a only), they will be required to implement a habitat corridor of at least 100' on the site, that includes impact minimization measures. Measures include best management practices (BMP's) to address impacts from light, noise, toxic runoff, stormwater, runoff, disturbances from humans and pets, and dust impacts.

In addition, several edits have been made to the draft regarding mitigation options. Table 2740.140-5 has been simplified to remove unnecessary sections, with the mitigation ratios remaining generally unchanged. The updates also include prioritizing mitigation options in the following order:

- Mitigation Banking – allows applicants to compensate for loss by purchasing credits for a

bank.

- In-lieu fee credits – third party compensation to agency or organization tasked with enhancing, protecting, or creating new wetlands.
- Permittee responsible mitigation – applicant-initiated mitigation efforts.

Geologically Hazardous Areas: These are defined as areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to siting commercial, residential, or industrial development consistent with public health or safety concerns. This includes Erosion hazard areas, which contain soil types that are more prone to erosion, and landslide and seismic hazard areas, which are at high risk of mass movement, landslides and liquefaction during a seismic event. Geologically Hazardous areas are regulated under VMC 20.740.130, and haven't been substantially updated since 2007.

The majority of this section remains relatively unchanged, except for re-organization and language changes to align with recent guidance. Some relatively minor changes are included to comply with Best Available Science and policy direction from the Department of Ecology. Proposed changes are as follows:

- Updating the following definitions:
 - Geologically Hazardous Area – to include areas that are susceptible to other types of geological events.
 - Landslide Hazards – defining landslide hazard areas as areas with slopes that meet the following criteria:
 - Greater than 15% slope;
 - Hillside with permeable sediment overlying bedrock; and
 - Groundwater seepage

The current definition lists slopes greater than 25%, effectively increasing the number of slopes within the City that are defined as Critical Areas.

- Seismic Hazard – includes areas that are likely to become unstable during a seismic event, such as steep slopes, bluffs, and areas with unstable soils.
- A revised buffer width for landslide hazard areas of 2 times the height of the slope, or an amount determined by a qualified geotechnical engineer as part of the Critical Areas report, whichever is greater.

Fish and Wildlife Habitat Conservation Areas (FWHCA's)

The Growth Management Act requires cities and counties across the state to address land use issues that directly and indirectly impact fish and wildlife habitat. Fish and wildlife habitat conservation is the management of land to ensure sufficient habitat quality, quantity, and connectivity to support long term, viable populations of fish and wildlife species and prevent the creation of isolated subpopulations within their natural geographic distribution.

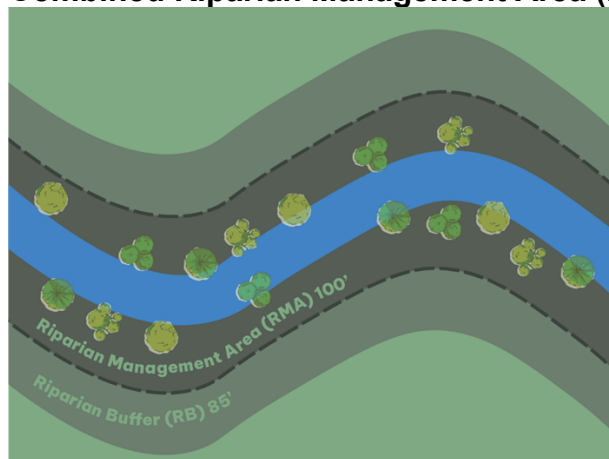
FWHCA's are regulated under VMC 20.140.110, and last updated in 2009. The primary regulatory mechanism in this portion of the code to protect FWHCA's are through placing buffers from shorelines, lakes, streams, rivers, and riparian areas. In 2020, the Washington Department of Fish and Wildlife (WDFW) conducted new mapping of riparian area buffers based on best available science. This science recommends placing buffer widths based on preserving high functioning ecological areas and incentivizing restoration and basing the width of riparian management zone on a measurement called Site Potential Tree Height, which is the average maximum height of the tallest

dominant tree species in a riparian area. Ultimately, this will mean all stream order types will see an increase in buffer widths if implemented in accordance with WDFW guidance.

In the current ordinance, riparian buffers are regulated by stream type (F, N, S, U, see table below). In the new ordinance, to accommodate best available science and provide greater protections, all stream order classifications will be regulated with a Riparian Management Area (RMA) of 100', and a Riparian Buffer of 85', for a total combined setback of 185'. The table below shows the proposed increase in setbacks for all stream order types from the existing requirements.

Stream Type	Existing Requirement(ft)	Average of SPTH (ft)	Average % of Change (ft)
F (lakes, streams, and rivers that contain fish habitat)	175	185	+10
N (Streams and rivers that are not shorelines of the state, and do not contain fish habitat)	125	185	+60
S (Shorelines of the State)	175	185	+10
U (un-typed)	125	185	+60

Combined Riparian Management Area (RMA) and Riparian Buffer (RB)



Alt text description: image showing an 100' buffer from the edge of the ordinary high water mark, which is called the "Riparian Management Area (RMA)", and an additional 85' buffer called the "Riparian Buffer (RB)"

In circumstances where the applicant is not able to implement the full buffer width of the combined RMA and RB, the applicant may defer to using WDFW’s mapping tool for Site Potential Tree height, which may potentially result in a smaller width. Additional standards and requirements were added to the draft specifying that evaluation of habitat functions must be included in the Critical Areas report, specifications for a monitoring program when a mitigation plan is required, and requirements for detailing any clearing activities in the Critical Areas report.

Oregon White Oak (Regulated Under Fish and Wildlife Habitat Conservation Areas)

City staff received significant input from Planning Commission, City Council, and individuals during the initial round of stakeholder engagement about the need to prioritize preservation of priority White Oak habitat. In January of 2024, the Washington Department of Fish and Wildlife issued new guidance to Cities in Washington State for mitigating impacts to Oregon White Oak priority habitat. The new code adopts this guidance fully by reference and all subsequent amendments and requires that applicants demonstrate compliance within their Critical Areas reports if priority habitat is present

on site, as well as demonstrating mitigation consistent with the guidance.

In the event that mitigation of impacts on site is not practicable, the applicant would be required to provide a minimum of two alternative site designs and layouts to demonstrate no other options are available to avoid or lessen impacts and demonstrate mitigation measures satisfactory to the guidance and demonstrate no net loss of ecological functions. Authority is given to the Planning Official to determine whether proposed mitigation efforts are satisfactory to address impacts, and may impose additional requirements as measures as needed to lessen impacts.

An exemption has also been added under 20.740.030 to allow for situations where a single standalone white oak (not part of a larger grove) is removed on a property where the development or expansion of a single-family residence is allowed.

Draft Changes in Response to Public Comment Period

The City held a 45-day public comment period on the draft regulations. Formal comment letters were received from the following entities:

- Department of Natural Resources
- Washington Department of Ecology
- Washington Department of Fish and Wildlife
- The Port of Vancouver
- Wapato Oak Bank

Below is a summary of the key changes made to the draft ordinance based in response to the comments received:

- In section 20.740.010(a), language was added for clarification purposes. Additionally, section 20.150 now includes a new definition for "Best Available Science," ensuring clarity and consistency when applying scientific standards in decision-making processes.
- Several sections were revised to emphasize impact avoidance and the use of Best Available Science. For instance, section 20.740.060 was restructured to prioritize a sequence of actions: avoiding, minimizing, rectifying, reducing, and compensating for impacts. A provision for monitoring was also added, alongside a requirement that all proposed mitigation measures be based on the best available scientific data at the time of permit submission.
- Revisions were made to the criteria for exemptions from permit requirements. For example, in section 20.740.030(c.1.a.i), the maximum allowable expansion exemption was reduced to 200 feet on a cumulative basis. Furthermore, in section 20.740.030(c.1.e), it was specified that the Planning Official must utilize all procedures and criteria outlined to ensure adverse impacts are avoided before granting an exemption.
- In section 20.740.030(b), it was stipulated that proposed uses must demonstrate compliance with the mitigation sequence before obtaining a statement of exemption.
- Significant changes were made to provisions concerning wetlands and wildlife. Section 20.740.140(c.1.a) removed language that allowed for various infrastructure developments in wetland areas, replacing it with a stricter requirement that utilities can only be located in wetlands if it is infeasible to place them elsewhere and with appropriate federal and state authorization. Trails and wildlife viewing structures were also restricted to the outer 25% of wetland buffers.
- In section 20.740.110, revisions provided greater clarity on functional isolation, including an updated graphic and a requirement for consultation with the Washington Department of Fish and Wildlife (WDFW) to determine whether an area qualifies as functionally isolated.
- Several sections now require consultation with external agencies for better oversight and environmental protection. For example, section 20.740.110(c.b.i) mandates consultation with

WDFW for projects that could impact Priority Habitats and Species. Additionally, section 20.740.040(a.3) allows for consultation with state agencies for a preliminary review of mitigation proposals.

- Section 20.740.020 saw expansions related to geologic hazards, with additional hazard categories such as Bank Erosion Hazard Area, Fault Rupture Hazard Area, and Soil Erosion Hazard Area being added. It was also clarified which standards apply to temporary versus permanent markers in frequently flooded and seismic hazard areas.
- Section 20.740.110(d) removed the requirement to evaluate habitat functions using a habitat evaluation tool approved by WDFW, simplifying some processes related to habitat assessments.

These revisions enhance the ordinance's clarity, reinforce the need to avoid environmental impacts through the mitigation sequencing process, and ensure the use of the best available science while minimizing impacts on development.

Review Criteria and Findings

The proposed changes to the Critical Areas Ordinance respond directly to the following Vancouver Comprehensive Plan Policies:

- EN-1 – Environmental Protection: Protect, sustain and provide for healthy and diverse ecosystems.
 - The ordinance strengthens ecosystem health by increasing wetland buffer regulations, ensuring vegetative restoration, and integrating best available science for mitigation, minimizing human impacts.
- EN-6 – Habitat: Protect riparian areas, wetlands, and other fish and wildlife habitat. Link fish and wildlife habitat areas to form contiguous networks. Support sustainable fish and wildlife populations.
 - The Ordinance further protects critical habitats like wetlands and Oregon White Oak ecosystems, enhancing habitat corridors and connectivity through buffer regulations and preservation requirements. It emphasizes sustainable wildlife populations by prioritizing habitat function and mitigation.
- EN-7 – Endangered Species: Protect habitat for salmonids and other listed species and facilitate recovery. Encourage and support actions that protect other species from becoming listed.
 - The Ordinance Protects habitat for listed species like salmonids by prioritizing wetland buffers and riparian buffers, and requires consultation with Washington Department of Fish and Wildlife (WDFW) for projects affecting priority habitats.
- EN-9 – Trees and Other Vegetation: Conserve and restore tree and plant cover, particularly native species, throughout Vancouver. Promote planting using native vegetation. Protect historic and other significant trees. Work towards the Vancouver Urban Forestry Program goal of covering 28% of Vancouver's surface area with tree canopy.
 - The Ordinance promotes the conservation of native trees within wetland and riparian buffers and implements new state guidance on preservation for priority white oak. The ordinance's emphasis on vegetative buffers aligns with Vancouver's tree canopy goals.
- EN-11 – Hazard Areas: Manage development in geologically hazardous areas and floodplains to protect public health and safety.
 - The Ordinance provides further protection and increased requirements for development within Geologically Hazardous areas within the City, enhancing public safety, and reducing the risk of property loss and diminution from natural disasters.

SEPA Determination

Pursuant to the State Environmental Policy Act (SEPA) and WAC 197-11, the City of Vancouver as lead agency has determined that the proposed Critical Areas Ordinance Updates will not have a probable significant adverse impact on the environment. A Determination of Non-significance (DNS) was published on September 20, 2024, in the Columbian with a 24-day comment period, which expired at 5 p.m. on October 14, 2024. Copies were emailed to state and local agencies, media representatives, concerned citizens whose names were on the master SEPA list, stakeholders and neighborhood associations. (See Exhibits C and D)

Procedural appeals to the SEPA determination shall be filed in writing within 14 calendar days following the last day of the comment period (October 14, 2024). Substantive SEPA appeals shall be filed in writing within 14 calendar days of the issuance of Council's decision. As of the writing of this report, no SEPA comments had been filed.

Staff Analysis and Findings

Based on the evaluation of the proposed regulations, staff recommends adopting the proposed changes to the Critical Areas Ordinance (CAO) as outlined in this staff report. These updates are necessary to align with the most recent state guidance, best available science, and regulatory requirements under the Growth Management Act (GMA). The revised CAO enhances the protection of critical areas, including wetlands, fish and wildlife habitats, and geologically hazardous areas.

The updates also reflect new best practices for preserving critical areas, including increased buffer widths for wetlands and riparian areas, expanded compensatory mitigation options, and updated provisions for geologically hazardous areas. The ordinance prioritizes environmental protection while providing reasonable flexibility for property owners and developers. Key revisions, such as simplified wetland rating systems and habitat corridor requirements, will improve clarity, reduce complexity in the review process and administration of applications, and ensure effective mitigation strategies. The new ordinance also adopts state guidance on protecting Oregon white oak habitats, further strengthening Vancouver's conservation efforts.

The updated ordinance introduces more rigorous standards for assessing geological risks and managing development in hazardous areas, thus improving public safety and resilience against natural disasters. These measures align with Vancouver's goals to conserve natural resources, support sustainable wildlife populations, and protect public health and property from natural hazards.

Planning Commission

On November 12, The Planning Commission held a public hearing on the draft ordinance and voted unanimously to forward Council a recommendation for adoption. During their deliberations, discussion focused on the following:

- Confirming that options for off-site mitigation for impacted critical areas would be permitted when on site mitigation isn't feasible;
- Understanding the scale of the new proposed regulations citywide;
- Understanding how property owners become aware that their property is designated as a Critical Area and how City development review staff help them navigate the permitting process when this is the case;
- Clarifying the types of uses that are allowed within riparian and wetland buffer areas;
- Confirming that there are no current mitigation banking options in City limits, and off-site mitigation often relies on the Wapato Oak Bank near Ridgefield;
- Clarifying that code prefers on-site mitigation, but recent state guidance has increased the scale of mitigation requirements, making the ability to mitigate all impacts on-site more challenging to achieve;
- Understanding the level of overall community engagement and clarifying that the majority of

substantive comments received during the public comment period were from regulatory agencies and entities like the Port of Vancouver that most directly interface with the regulations.

Overall, the Planning Commission was supportive of the changes, recognizing the net benefit they would have on ecosystem health in the community, and that they are required to comply with state regulations.

Advantage(s)

1. The proposed Critical Area Ordinance updates adequately respond to the Best Available Science, address recent guidance issues by the Washington Departments of Natural Resources, Fish and Wildlife, and Ecology, and meet the statutory requirements of no net loss.
2. The regulations provide greater protection for wetlands providing high ecological function within the city, will improve downstream water quality for fish bearing streams and salmonid populations, and will ensure greater protections for future landslide and geohazard risk, and minimize property loss and damage.

Challenge(s)

No identified disadvantages.

Budget Impact

No additional budget impact is associated with this request.

Prior Council Review

- December 18, 2023: City Council Workshop reviewing high level overview of issues, overall approach to addressing regulations in response to Best Available Science.
- July 8, 2024: City Council Workshop reviewing the draft ordinance prior to release for public comment.

Action Requested

On Monday, November 4, advance the ordinance amending Vancouver Municipal Code Sections 20.150 and 20.740, setting a second reading and public hearing on November 18, 2024.

Staff Contact

Domenique Martinelli, Senior Planner, Keith Jones, Senior Planner,
domenique.martinelli@cityofvancouver.us, keith.jones@cityofvancouver.us

Attachments:

1. Attachment A - Presentation
2. Attachment B - Ordinance
3. Attachment C - BAS Report
4. Attachment D - Updated Definitions 20.150 Clean
5. Attachment E - Updated Critical Area Regulations 20.740 Clean

6. Attachment F - Critical Areas Mapping - 1
7. Attachment F - Critical Areas Mapping - 2
8. Attachment F - Critical Areas Mapping - 3
9. Attachment G - Public Comment Letters



CITY OF
Vancouver
WASHINGTON

Public Hearing – Critical Areas Ordinance Update

Domenique Martinelli (she/her)

Senior Long Range Planner, City of Vancouver

Keith Jones (he/him)

Senior Planner, City of Vancouver

Agenda

- Background & Timeline
- Key Regulatory Changes of New Draft
- Input Received During Public Comment Period and how this was incorporated in the updated Critical Areas Ordinance.
- Applicable Review Criteria and Findings
- Staff Recommendation



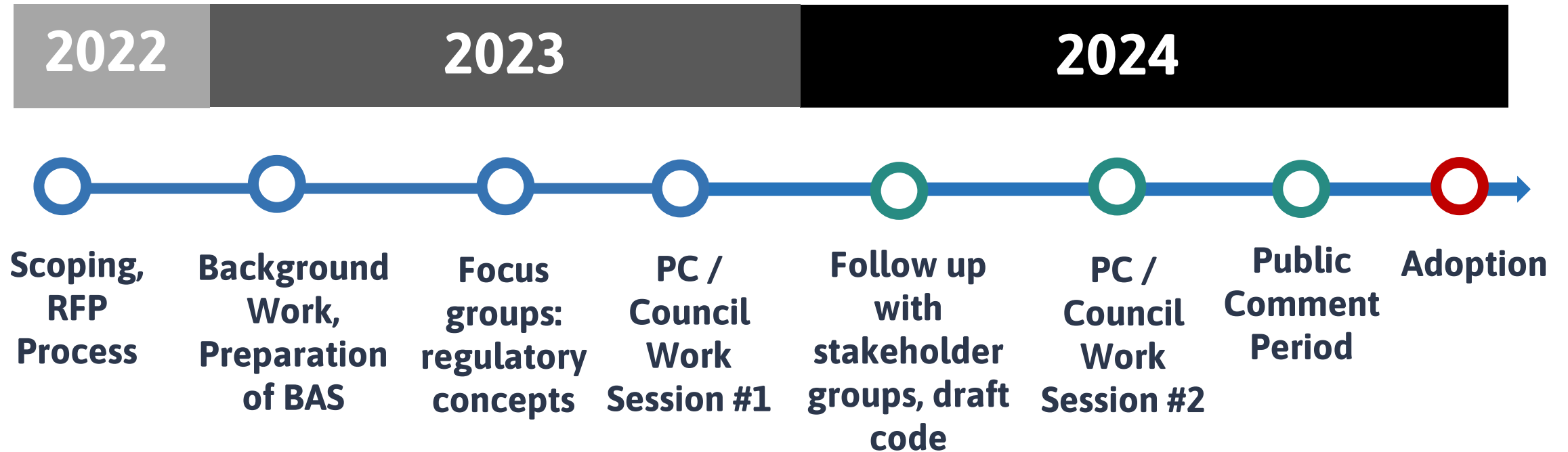
Background

- **GMA requires all Cities and Counties to designate and protect *Critical Areas* using Best Available Science (BAS) (RCW 36.70A.172)**
- **“No Net Loss of ecological functions”**
 - When impacts cannot be avoided, new activities must replace lost function and values through compensatory mitigation
- **Critical areas include:**
 - Wetlands
 - Fish and Wildlife Habitat Conservation Areas (FWHCAs)
 - *Critical Aquifer Recharge Areas (CARAs)
 - *Frequently Flooded Areas
 - Geologically Hazardous Areas
- **Ordinance last updated in 2019**

*covered in separate updates

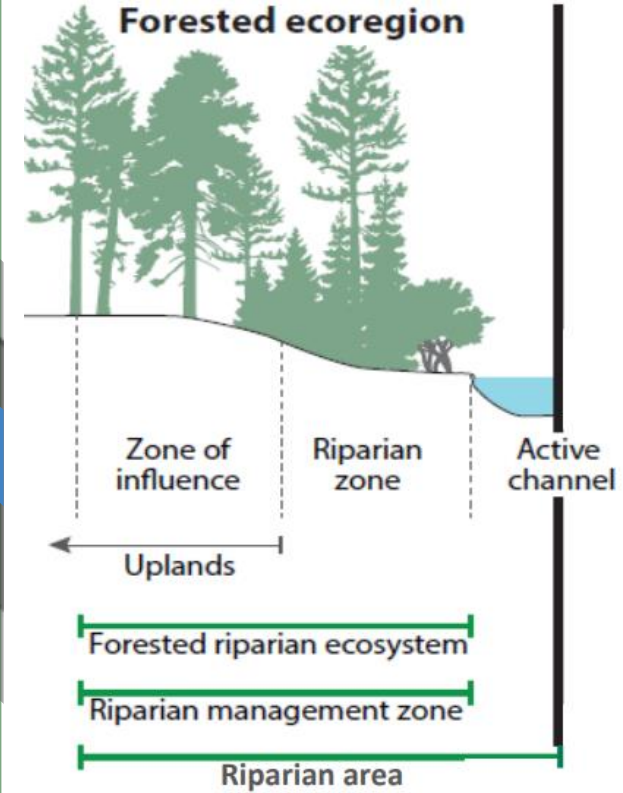
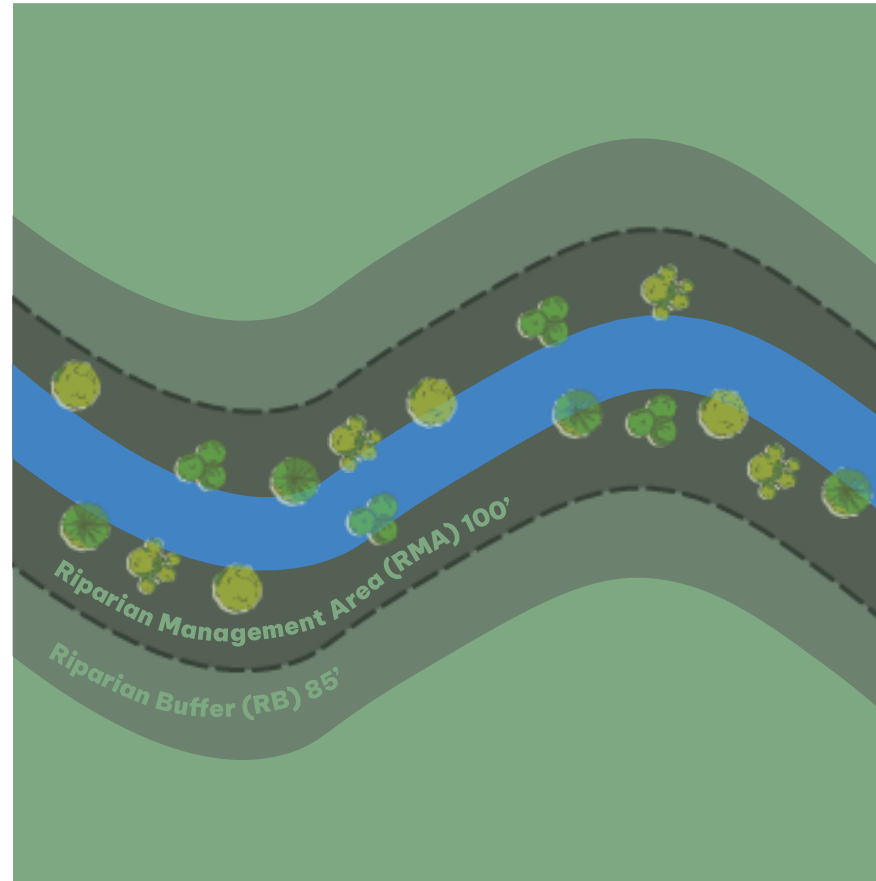


Timeline



Riparian Areas

- Based on new Site Potential Tree Height (SPTH) Best Available Science
 - Protects downstream water quality, habitat functions of riparian areas
 - SPTH is based on the height of a mature tree
- Development restricted in:
 - Riparian Management Area (100')
 - Land adjacent to a stream or lake
 - Riparian Buffer (85')
 - Extends outwards from the edge of the RMA



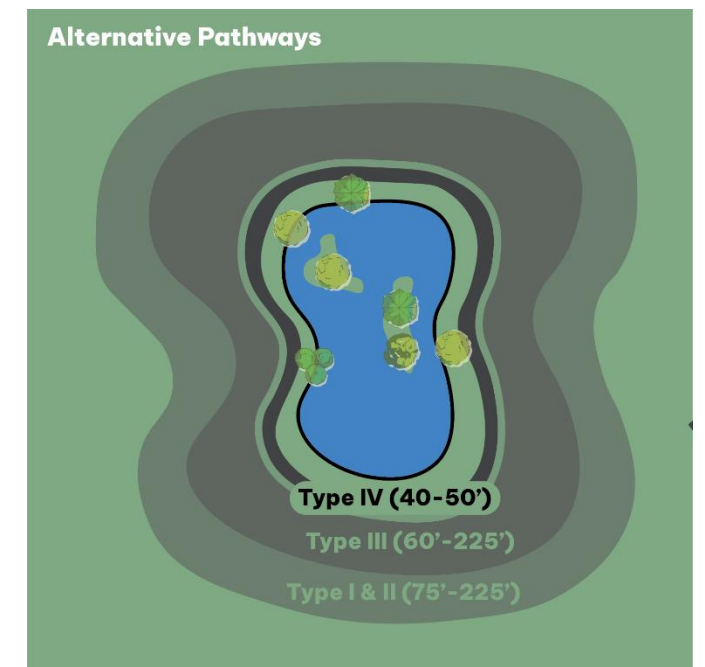
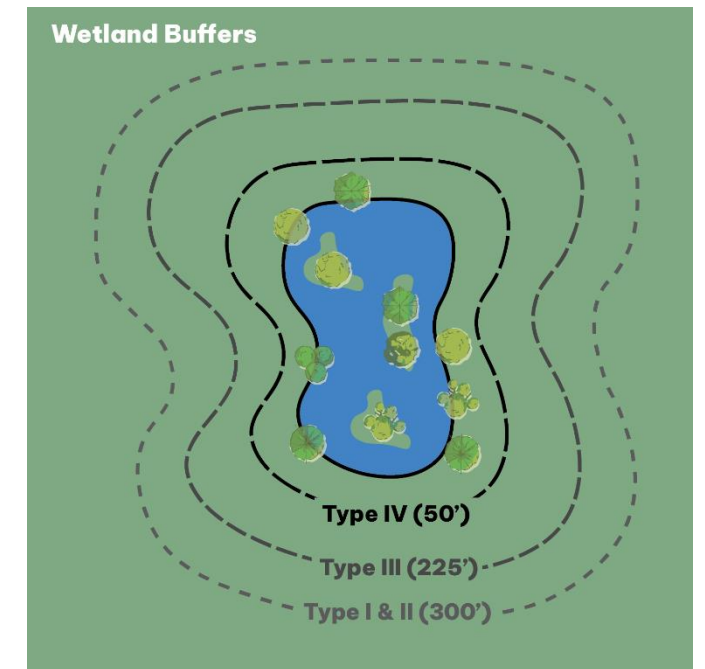
White Oak Preservation

- WDFW Guidance on White Oak Habitat adopted by reference
- Mitigation sequence for no-net loss of function: avoid, minimize, compensate.
- Must comply with WDFW guidance in Critical Areas report
 - Evaluate habitat functions, provide expected protection and mitigation for impacted oaks on site.
 - Temporal mitigation (enhancement): 1:1 to 10:1
 - Permanent mitigation (replanting): 50: 1 to 250: 1
 - Must provide alternative site configurations before off-site mitigation occurs.



Wetland Buffers

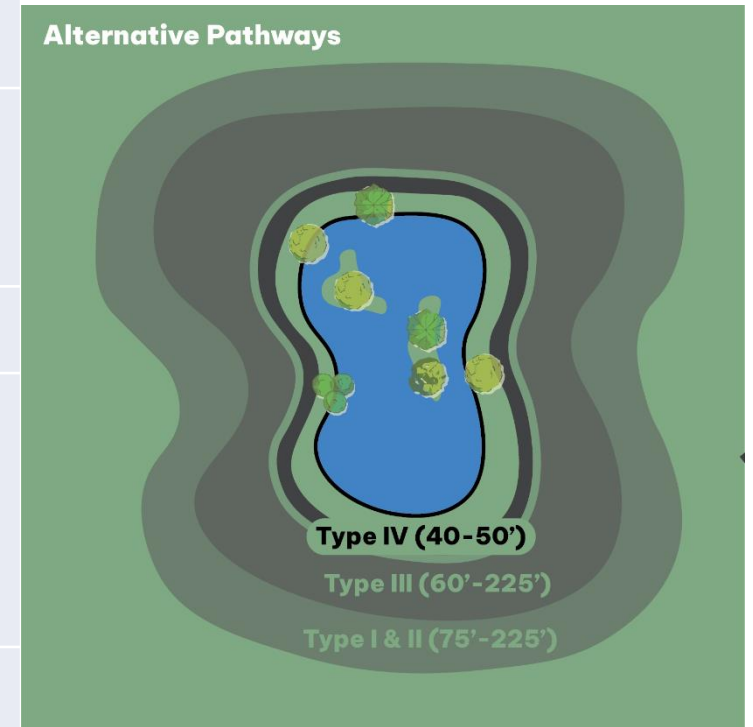
- Buffer widths based on wetland category
 - Type I & II : (Greatest ecological function) 300'
 - Type III: (Most common): 225'
 - Type IV: (Lowest ecological function): 50'
- Option for two alternative pathways
 - Applicant must demonstrate impacts cannot be avoided through alternative site designs
 - Allows for reduction in buffer widths if applicant can demonstrate low habitat scores or provide habitat corridor as mitigation
 - Criteria for habitat corridor specified in draft code



Alternative Pathways

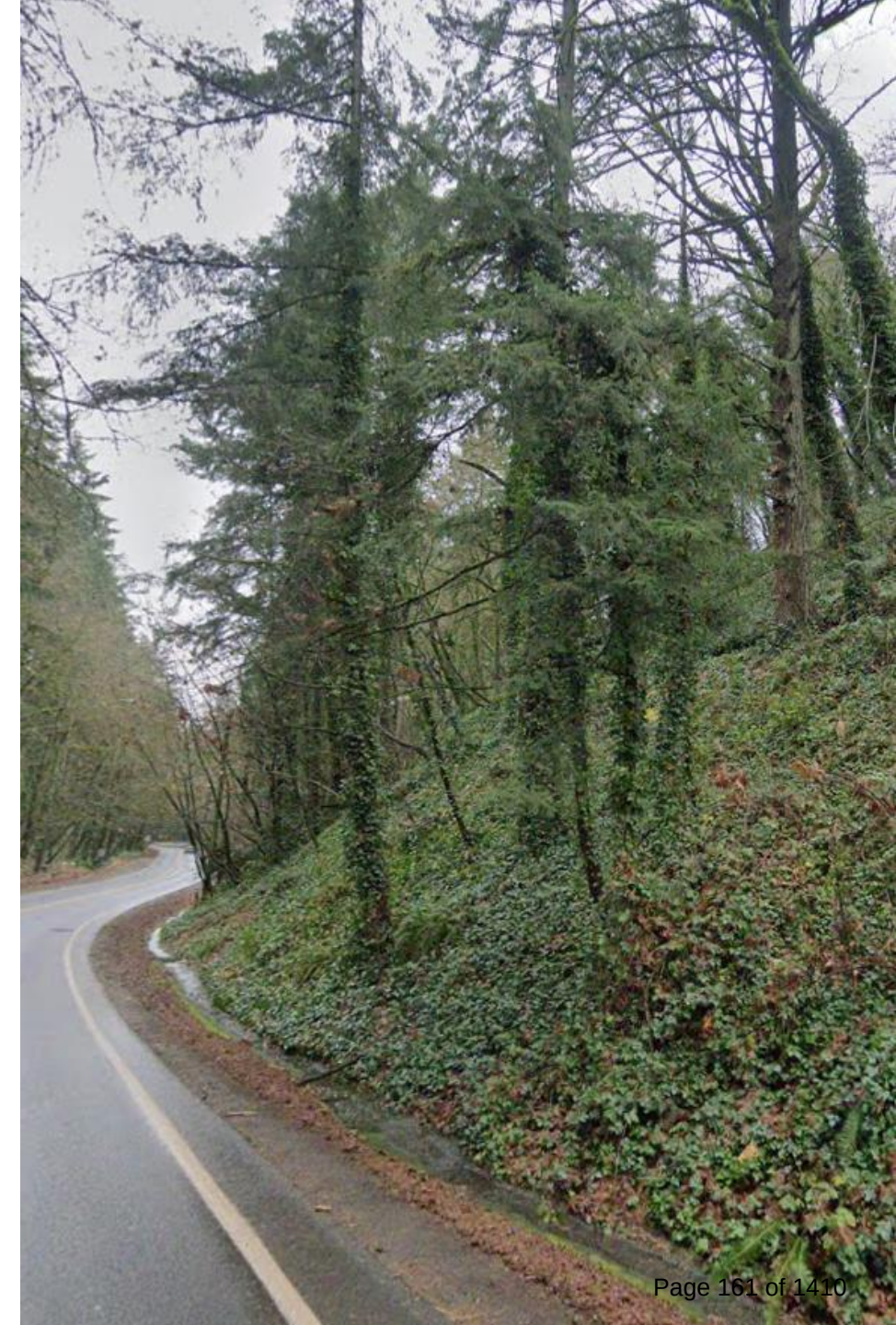
Category of Wetland	Habitat Score 3 to 5 Points	Habitat Score 6 to 7 Points	Habitat Score of 8 to 9 Points	Buffer width Based on Special Characteristics
Category I: Bogs and Wetlands of High Conservation Value	NA	NA	^a 225'	^a 190', ^b 250'
Category I: Forested	^a 75', ^b 100'	^a 110', ^b 150'	^a 225'	NA
Category I or II: Based on rating of wetland functions (and not listed above)	^a 75', ^b 100'	^a 110', ^b 150'	^a 225'	NA
Category III: All types	^a 60', ^b 80'	^a 110', ^b 150'	^a 225'	NA
Category IV: All Types	^a 40'	^a 40'	^a 40'	NA

a: with habitat corridor, b: without



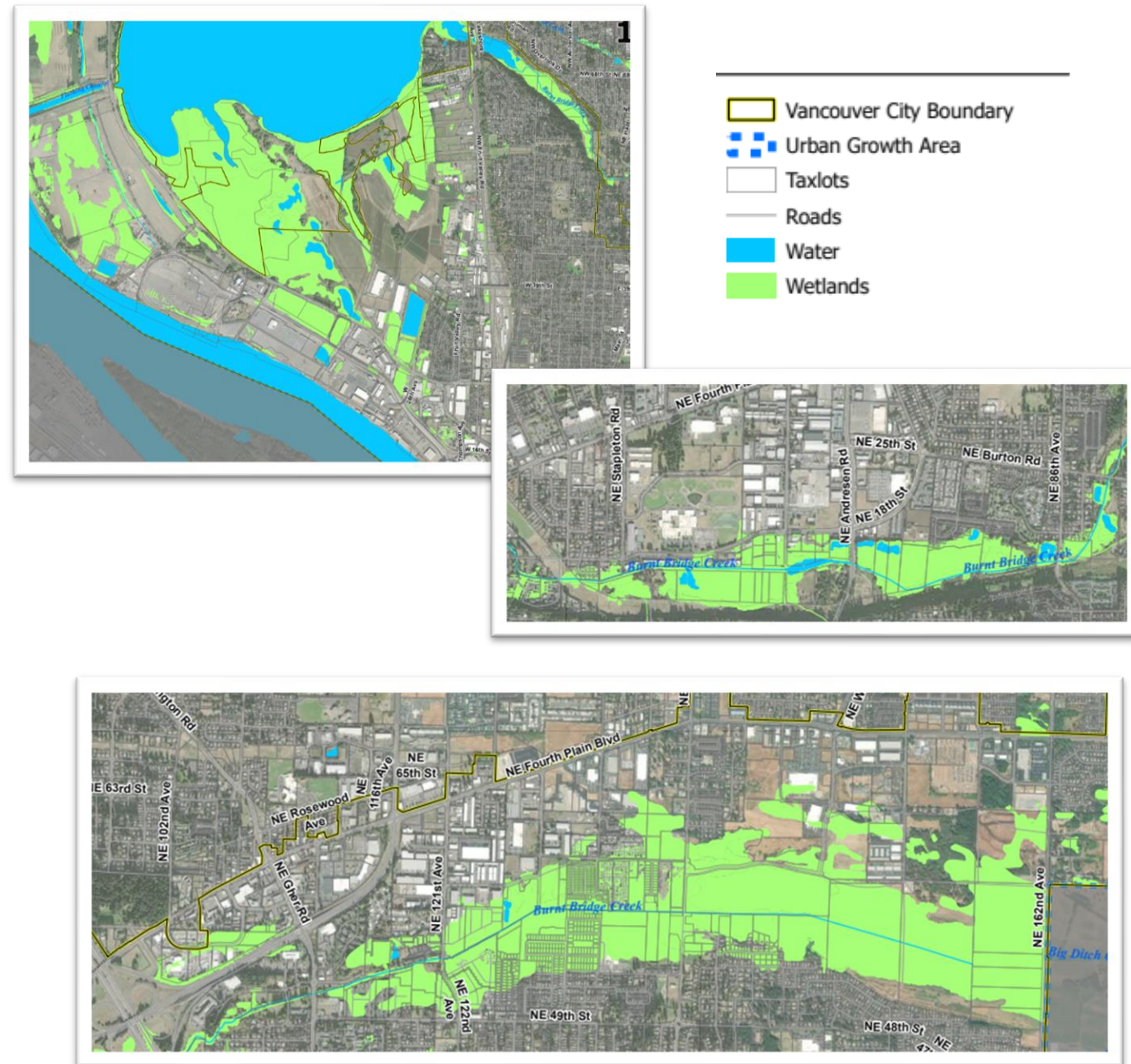
Geologic Hazard Areas

- Types regulated under CAO:
 - **Landslide** - Areas susceptible to landslides due to geologic, topographic, hydrological factors
 - Now defined as greater than 15% (in some circumstances), increased from 25%.
 - Seismic
 - Liquefaction – low density soils with shallow water table
 - Ground shaking amplification
 - Fault Rupture hazard – 100' within known or USGS mapped faults
 - Erosion hazard
 - Soil erosion hazard
 - Bank erosion hazard- areas along lakes, rivers, streams susceptible to erosion
- Setback Requirements
 - **Landslide hazard:** 2 times the slope height or amount approved in Critical Areas Report (applies to top and bottom of slope)
 - **Fault rupture:** 50', or 100' when critical facilities present
 - **All others:** distance recommended in Critical Areas report by qualified geotechnical engineer.



Impact of New Regs

- Analysis conducted of proposed impacts of new regulations
- Net increase of:
 - **Wetlands:** increase from 19% of land area encumbered to 23%
 - **Riparian Areas:** increase from 12% of land encumbered to 13%
 - Unable to assess impacts of **geohazards** – site specific geotechnical reports required.
- Analysis conducted based off Clark County Wetland Inventory, and Washington Department of Natural Resources hydrology dataset.





Additional Input

- 45-day comment period held from June 27 to August 19
 - Two virtual comment meetings held open to general public
 - More specific follow ups with stakeholder entities
 - Comments received from
 - WDFW
 - Dept of Ecology
 - Department of Natural Resources
 - Wapato White Oak Bank
 - Port of Vancouver



Draft edits based on Public Comments

- Clarified definitions and procedures: Added definitions for "Best Available Science," specific hazard areas, and provided clarity on functional isolation and adverse impacts in various sections.
- Clarified use allowances in Type I, II, III wetlands: *utilities that cannot be feasibly located outside of the wetland, and has received authorization from applicable federal and state regulating agencies.*
- Revised exemptions and mitigation requirements: Reduced maximum exemption for expansion, restructured mitigation preferences, and clarified requirements for using Best Available Science in permit processes.
- Strengthened consultation and approval processes: Required consultation with WDFW on functional isolation, Priority Habitats and Species, and expanded City-State agency coordination for mitigation review.
- Updated environmental standards: Revised language on allowable utility placements in wetlands, clarified buffer zones for trails, and updated geologic hazard lists and signage requirements.

Applicable Review Criteria and Findings

- Analysis conducted based on Policies within the Comprehensive Plan:
 - **EN-1 – Environmental Protection:** Protect, sustain and provide for healthy and diverse ecosystems.
 - **EN-6 – Habitat:** Protect riparian areas, wetlands, and other fish and wildlife habitat. Link fish and wildlife habitat areas to form contiguous networks. Support sustainable fish and wildlife populations.
 - **EN-7 – Endangered Species:** Protect habitat for salmonids and other listed species and facilitate recovery. Encourage and support actions that protect other species from becoming listed.
 - **EN-9 – Trees and Other Vegetation:** Conserve and restore tree and plant cover, particularly native species, throughout Vancouver. Promote planting using native vegetation. Protect historic and other significant trees. Work towards the Vancouver Urban Forestry Program goal of covering 28% of Vancouver’s surface area with tree canopy.
 - **EN-11 – Hazard Areas:** Manage development in geologically hazardous areas and floodplains to protect public health and safety.
- Analysis found proposed changes to CAO further each of the goals listed above.
- Increased buffer requirements for Wetlands, Riparian Areas, as well as new regulations for priority white oak habitat will have positive impacts community wide on retaining existing tree canopy, protecting wildlife habitat. Additional requirements for geologic hazard areas will increase public safety and reduce risk of property loss.

PC Summary and Recommendation

- On November 12, Planning Commission voted to forward the CAO to City Council a recommendation for adoption of the proposed amendments to VMC 20.150, and 20.740 as described in Attachment B.
- The discussion focused on:
 - Understanding the scale of new proposed regulations citywide
 - Understanding how property owners become aware of Critical Area Designations
 - Clarifying the allowance of uses that are allowed in Riparian Areas and Wetland Buffers
 - Understanding comments received during public comment period, and wanting more information on what questions the public had on Critical Areas.

Questions / Discussion



December 2, 2024 (Date of First Reading)
December 9, 2024 (Date of Public Hearing)

ORDINANCE NO. M- [Ordinance Number]

AN ORDINANCE relating to Vancouver Municipal Code (VMC) Title 20 concerning the regulation of Critical Areas within the City; Amending VMC 20.150 and VMC 20.740; providing for severability; and establishing an effective date.

WHEREAS, the Washington State Growth Management Act (GMA) requires local governments to designate and protect critical areas, including wetlands, fish and wildlife habitat conservation areas, critical aquifer recharge areas, frequently flooded areas, and geologically hazardous areas, and to periodically review and revise these designations and regulations to ensure their effectiveness; and

WHEREAS, the city is obligated to perform a periodic review of its existing Comprehensive Plan, including updates to its Critical Areas Regulations to occur on or before December 31, 2025; and

WHEREAS, critical areas provide essential environmental functions, including maintaining water quality, reducing flood risks, preserving biodiversity, preventing erosion, and supporting fish and wildlife habitats, all of which are vital to the health, safety, and well-being of the community; and

WHEREAS, the City of Vancouver, in updating its Critical Areas Ordinance, has reviewed and considered best available science (BAS) in accordance with the requirements of

the Growth Management Act, ensuring that new regulations are grounded in the most current and reliable scientific data available; and

WHEREAS, the updated regulations respond to recent guidance from the Washington State Department of Ecology, the Washington Department of Fish and Wildlife, and other applicable regulatory agencies, ensuring that the City's policies are consistent with state and federal environmental protection goals and standards; and

WHEREAS, the City's commitment to protecting critical areas is reflected in its efforts to apply the latest science to ensure that the ecological functions of wetlands, riparian zones, fish-bearing streams, wildlife habitat conservation areas, and other sensitive areas are preserved and enhanced for future generations; and

WHEREAS, the updated Critical Areas Ordinance advances the principle of "no net loss" of ecological function, requiring that any potential environmental impacts from development be mitigated through avoidance, minimization, restoration, or compensatory measures, based on the latest scientific understanding of ecological processes; and

WHEREAS, the City recognizes that state agencies, such as the Department of Ecology and Department of Fish and Wildlife, provide crucial guidance on issues such as habitat connectivity, species recovery, water quality protection, and climate change adaptation, which have been integrated into the City's revised ordinance; and

WHEREAS, the updated ordinance incorporates best practices and recommendations from state agencies to strengthen protections for fish-bearing streams, wetlands, and wildlife

corridors, ensuring compliance with state conservation priorities and federal requirements for endangered species recovery; and

WHEREAS, the revised regulations reflect a more cohesive approach to addressing the impacts of climate change on critical areas, incorporating updated guidance on floodplain management, habitat restoration, and the long-term resilience of ecosystems; and

WHEREAS, the updated ordinance enhances provisions for monitoring, enforcement, and adaptive management, based on best available science, to ensure that developments adhere to critical area protections and that mitigation efforts are successful in maintaining or enhancing ecological functions over time; and

WHEREAS, public engagement and stakeholder input, combined with technical guidance from state and federal regulatory agencies, have informed the development of these new regulations, ensuring that the City's approach balances environmental protection with responsible development.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Findings and Conclusions. The Planning Commission findings and conclusions as set forth in the staff report for the October 22, 2024, public hearing is hereby adopted as the City Council's findings of fact.

Section 2. Critical Areas Ordinance Text Changes. Revisions to the following sections of the Vancouver Municipal Code are denoted as ~~strike throughs~~ for removed language, and underlined for added language.

A. VMC 20.150 is amended as indicated:

Sections:

- 20.150.010 Meaning of Words Generally.**
- 20.150.020 Meaning of Common Words.**
- 20.150.030 Common Acronyms.**
- 20.150.040A Meanings of Specific Words and Terms A through D.**
- 20.150.040B Meanings of Specific Words and Terms E through H.**
- 20.150.040C Meanings of Specific Words and Terms I through L.**
- 20.150.040D Meanings of Specific Words and Terms M through P.**
- 20.150.040E Meanings of Specific Words and Terms Q through T.**
- 20.150.040F Meanings of Specific Words and Terms U through Z.**

20.150.010 Meaning of Words Generally.

General. All of the terms in this title have their commonly accepted dictionary meaning unless they are specifically defined in this chapter, or the context in which they are used clearly indicates to the contrary. (Ord. M-3692 § 8, 02/28/2005; Ord. M-3643, 01/26/2004)

20.150.020 Meaning of Common Words.

- A. *Tense*. All words used in the present tense include the future tense.
- B. *Singular/plural*. All words used in the plural include the singular, and all words used in the singular include the plural unless the context indicates to the contrary.
- C. *Gender*. All words used in the masculine gender include the feminine gender.
- D. *Use of shall, should, will and may*. The words shall and will are mandatory, the word should is directory, and the word may is permissive.
- E. *Use of building and structure*. The word building includes the word structure.

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

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

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

I. *Use of person.* The word person shall include persons, association, firm, partnership or corporation, as well as the individual. (Ord. M-3891 § 3, 11/03/2008 – Effective 12/3/08; Ord. M-3692 § 8, 02/28/2005; Ord. M-3643, 01/26/2004)

20.150.030 Common Acronyms.

ADA The Americans with Disability Act

ADA Also, Average Daily Attendance

ADT Average Daily Traffic

ADU Accessory Dwelling Unit

BAS Best Available Science

BFE Base Flood Elevation

BMPs Best Management Practices

CAP Critical Areas Permit

CAR Critical Areas Report

CARAs Critical Aquifer Recharge Areas

CDD Community Development Department

CFR Code of Federal Regulations

CMZ Channel Migration Zone

CRZ Critical Root Zone

CUP Conditional use permit

DAHP Washington State Department of Archaeology and Historic Preservation

DBH Diameter at Breast Height

DFIRM Digital Flood Insurance Rate Map

DNS Determination of Non-Significance

DNR Washington State Department of Natural Resources

DOE or Ecology Washington State Department of Ecology

DS Determination of Significance

EIS Environmental Impact Statement

ESA The Federal Endangered Species Act

FAA Federal Aviation Administration

FAR Floor Area Ratio

FBFM Flood Boundary-Floodway Maps

FCC Federal Communications Commission

FEMA Federal Emergency Management Agency

FIRM Flood Insurance Rate Map

FIS Flood Insurance Study

FTE Full-time Equivalent

FWHCAs Fish and Wildlife Habitat Conservation Areas

GLA Gross Leaseable Area

GMA The Washington State Growth Management Act of 1990

gsf Gross Square Feet

HGM Hydrogeomorphic

LOS Level of service

MDNS Mitigated Determination of Non-Significance

NAICS The North American Industrial Classification System

ORDINANCE - 6

NFIP National Flood Insurance Program

OHWM Ordinary High Water Mark

PHS Priority Habitats and Species

PUD Planned Unit Development

RCW Revised Code of Washington

RMA Riparian Management Area

RB Riparian Buffer

SEPA State Environmental Policy Act

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

SPTH Site Potential Tree Height

SRO Single-Room Occupancy

SWCCA Southwest Washington Clean Air Agency (formerly SWAPCA)

TDL Total Developable Land

USC United States Code

USGS U.S. Geological Survey

VMC Vancouver Municipal Code

WAC Washington Administrative Code

WDFW Washington Department of Fish and Wildlife (Ord. M-4402 § 3(C), 2023; Ord. M-4017 § 10, 2012; Ord. M-3692 § 8, 2005; Ord. M-3643, 2004)

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

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

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

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

Accessory Dwelling Unit (ADU). One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling or in a detached building on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance.

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

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

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

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

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

Addition. Means the same as enlargement.

Adjacent. Abutting or located directly across a street right-of-way.

Adjoin. Means the same as abutting.

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

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

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

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

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

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

Width of approach surface: 500' at inner end, 4,000' at outer end (inner end begins at end of primary surface)

Length of approach surface: 10,000 feet

Slope of approach surface: 34:1 (one foot vertically for every 34 feet horizontally)

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

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

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

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

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

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

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

Altered. Structurally changed.

Alternative Mode. Refers to any means of commute transportation other than that in which the single-occupant vehicle is the dominant mode.

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

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

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

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

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

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

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

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

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

Apartment. A dwelling unit in a multiple-family building.

Apartment House. Means the same as Dwelling, Multiple-Family.

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

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

Applicant. A person submitting an application for development.

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

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

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

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

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

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

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

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

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

Archaeological Site, Potentially Significant. An archaeological site which:

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

Archaeologist, Professional. "Professional archaeologist" means a person with qualifications meeting the federal secretary of the interior's standards for a professional archaeologist. Archaeologists not meeting this standard may be conditionally employed by working under the supervision of a professional archaeologist for a

period of four years provided the employee is pursuing qualifications necessary to meet the federal secretary of the interior's standards for a professional archaeologist. During this four-year period, the professional archaeologist is responsible for all findings. The four-year period is not subject to renewal. RCW [27.53.030\(8\)](#).

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

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

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

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

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

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

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

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

Average. The arithmetic mean.

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

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

Bank Erosion Hazard Area. Areas subject to regression or retreat, where the natural erosion of river or stream banks poses a risk to adjacent land and infrastructure, often exacerbated by flooding or human disturbance.

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

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

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

Basement. A portion of a building included between a floor, with its level 2 feet or more below the level from which the height of the building is measured, and the ceiling next above said floor. For the purposes of VMC 20.740.120, Frequently Flooded Areas, basement means any area of a building having its floor subgrade (below ground level) on all sides.

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

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

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

Best Available Science. Refers to current, peer-reviewed scientific information and expert knowledge that is used to inform and guide policies and regulations for the protection of Critical Areas, as required by the Washington Growth Management Act.

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

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

Bike Lane. Lanes on an improved street which are designated for use by cyclists and separated from vehicular traffic either by striping or small concrete barrier.

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

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

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

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

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

Bog. A type of wetland where (1) organic (peat or muck) soil layers comprise at least 16 of the first 32 inches of the soil profile; or (2) there is more than 70% cover of mosses at ground level and more than 30% of the total shrub and herbaceous cover consists of species listed in Table 3 – Characteristic Bog Species in Washington State found in Hruby, 2004, Washington State Wetlands Rating System for Western Washington, Ecology publication #0423-06-025009, or as revised by Ecology. Many bogs have soils classified as peat or muck, are nutrient poor, have a low pH (acidic), and are fed largely by rainfall rather than streams or groundwater.

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

Breezeway. A roofed structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.

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

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

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

Building Height. The vertical distance from the average grade to the average height of the roof peak of the building, except in a shoreline jurisdictional area, in which case the height shall be measured from average existing grade (prior to development) to the highest point of a structure (see also WAC 173-27-030). For exceptions subject to airport height limits located within the approach, transitional and horizontal surfaces refer to Airport definitions and Sections 20.570 and 20.630.050 VMC.

Building, Main. A building within which is conducted the principal use permitted on the lot, as provided in this title.

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

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

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

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

Canopy, Auto Dealership Plan District. A structure, enclosure, or shelter constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects, and open without sidewalls or drops on 75% or more of the perimeter, consistent with Vancouver Fire Code Title 16, Section 16.04.060 and the International Fire Code (IFC).

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

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

Central Business District. This area is the section of Vancouver defined as the commercial business district bounded by 4th Plain Boulevard to the north, Columbia River to the south, I-5 to the east, and Lincoln Avenue to the west. This can apply to other areas as developed in the city, with similar zoning.

Certificate of Concurrency. A document issued by the transportation manager pursuant to Section 20.980.120 VMC indicating: the location or other description of the property on which a development is proposed; the type of development application for which the certificate of concurrency is issued; an identification of any affected transportation corridor and TMZ; the specific uses, densities, intensities, and any transportation system improvements, strategies, or other mitigation measures that were considered in the determination to issue the certificate, and which are authorized or required for development of the property; the amount of capacity within the affected transportation corridor or TMZ that is reserved for the development described in the certificate, and a statement that the reservation of capacity is nontransferable to other development(s); any conditions required pursuant to Section 20.980.120 VMC; and an effective date.

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

Channel Migration Zone (CMZ): The area within which a river channel is likely to migrate and occupy over a specified time period.

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

City. The City of Vancouver, Washington.

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

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

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

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

1. Carbon-free fuels that generate no carbon emissions including green hydrogen or fuels that are certified by state or federal responsible agencies as net-zero carbon emissions.
2. Any credit-generating fuel under the Washington State Low Carbon Fuel Standard (HB 1091 2021-2022) as allowed by the Washington State Department of Ecology.
3. Any biomass renewable fuels approved by the federal Environmental Protection Agency under the federal Renewable Fuel Standard ([40 CFR Part 80](#)) as regulation exists or may hereafter be amended and meeting any future federal renewable fuels regulations.
4. Alcohol fuels meeting the requirements of RCW [19.112.010\(1\)](#) as that statute exists or may hereafter be amended.
5. Biodiesel fuel meeting the requirements of RCW [19.112.010\(3\)](#), and renewable diesel meeting the requirements of RCW [19.112.010\(9\)](#), as those statutes exist or may hereafter be amended.
6. E85 motor fuel which meets the requirements of RCW [19.112.010\(2\)](#) exclusively for the propulsion of motor vehicles upon the roads, or RCW [19.112.010\(6\)](#) for other motors, as those statutes exist or may hereafter be amended.
7. Alternative fuels that are not fossil fuels and that produce low or no carbon that meet state or federal requirements not otherwise listed above.

Clearing. The destruction or removal of vegetation from a site by physical, mechanical, chemical or other means. This does not include landscape maintenance or pruning consistent with accepted horticultural

practices, such as those recommended by the Washington State University Extension Service, which does not impair the health or survival of the trees or native vegetation.

Closed Record Approval Hearing. An administrative hearing to approve or deny a project permit that is on the record to the City Council following an open record predecision hearing as defined by WAC [197-11-775](#) before the planning commission or hearings examiner.

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

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

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

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

Compatible Design. A building and/or site design which blends with the surrounding area. This might include a pitched roof of a similar pitch to surrounding roofs, trim, shutters or other architectural window detail; horizontal siding and/or brick exterior; and similar unit size or scale.

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

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

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

Contiguous. Means the same as abutting.

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

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

Conversion Option Harvest. A timber harvest as established in ~~Washington State Department of Natural Resources~~ ~~DNR's~~ Forest Practices Regulations and Chapter [20.770](#) VMC, Tree Conservation, whereby a property owner is allowed to harvest a limited amount of timber from their property within the City of Vancouver, while still maintaining the rights to convert their property to a use inconsistent with growing timber.

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

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

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

Court Height. A measurement from the floor level of the lowest story in the building in which there are windows from rooms served by the court, to the highest point of the enclosing walls of the court.

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

Critical Areas. Critical areas include ~~fish~~ FWHCAs, Wetlands, Frequently Flooded Areas, CARAs, and ~~wildlife habitat conservation areas, wetlands, frequently flooded areas, critical aquifer recharge areas, and geologic hazard areas~~ Geologic Hazard Areas as defined by the Washington State Growth Management Act. Critical aquifer recharge areas are regulated under VMC [14.26](#). The others are regulated under VMC [20.740](#).

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

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

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

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

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

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

DAHP. Washington State Department of Archaeology and Historic Preservation.

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

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

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

Deed. A legal document conveying ownership of real property.

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

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

Density, Net. The development density derived by dividing the net buildable area of the subject property (gross area less the total aggregate area required by the city for public or private streets, schools or other public facilities, not including parks and public or private recreation facilities dedicated or created as an integral part of the development) by the applicable lot size or area per unit.

Density, Gross. The development density derived by dividing the gross area of the subject property by the applicable minimum lot size. Gross density is used to determine the maximum number of lots that may be achieved on a parcel being developed.

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

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

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

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

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

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

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

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

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

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

Regarding critical areas, a pronounced, temporary change in environmental conditions within an ecosystem. Disturbances often act quickly and can alter ecosystem composition, structure, and function.

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

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

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

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

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

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

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

Dwelling, Efficiency Living Unit. Any room having cooking facilities, and used for combination living, dining, and sleeping purposes for not more than two persons, and designed as a separate apartment, not merely rooming accommodations. Each efficiency living unit shall be provided with a separate bathroom meeting the requirements of the Building Code.

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

Dwelling, Multiple-Family. A building or portion thereof designed or used as a residence by three or more households and containing three or more dwelling units.

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

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

Dwelling, Two-Family, or Duplex. A building designed or used for residence purposes by not more than two households and containing two dwelling units. (Ord. M-4438 § 4(A), 2023; Ord. M-4402 § 3(C), 2023; Ord. M-4380 § 2, 2022; Ord. M-4325 § 3, 2020; Ord. M-4289 § 4, 2019; Ord. M-4179 § 61, 2016; Ord. M-4170 § 5, 2016; Ord. M-4034 § 2, 2012; Ord. M-4024 § 4, 2012; Ord. M-4024 § 3, 2012; Ord. M-4017 § 11, 2012; Ord. M-4002 § 2, 2011; Ord. M-3959 § 3, 2010; Ord. M-3922 § 2, 2009; Ord. M-3868 § 2, 2008; Ord. M-3844 § 3, 2007; Ord. M-3840 § 3, 2007; Ord. M-3832 § 1, 2007; Ord. M-3733 § 2, 2006; Ord. M-3709 § 2, 2005; Ord. M-3701 § 2, 2005; Ord. M-3692 § 8, 2005; Ord. M-3667 § 2, 2004; Ord. M-3663 § 2, 2004; Ord. M-3643, 2004)

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

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

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

Ecology. The Washington State Department of Ecology.

Egress. An exit from a building or site.

Electric Vehicle. Any on-road vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for locomotive purpose. “Electric vehicle” includes: 1) a battery electric vehicle; 2) a plug-in hybrid electric vehicle; 3) a neighborhood electric vehicle; 4) a medium-speed electric vehicle; and/or (5) a battery-powered scooter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Equity Value. The amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property.

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

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

Erosion hazard. These are areas containing soils which, according to the U.S. Department of Agriculture Natural Resources Conservation Service Soil Survey Program, may experience significant erosion. Erosion

hazard areas also include channel migration zones. See VMC 20.740.130 for designation of erosion hazard areas.

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

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

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

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

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

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

Extraordinary hardship. Extraordinary hardship occurs when strict application of the provisions of 20.775 VMC Wetlands and Water Bodies Protection would prevent all reasonable economic use of the subject parcel.

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

Face. To front upon.

Family. See Household.

Fault Rupture Hazard Area. Areas with the potential to cause ground displacement along fault lines during an earthquake, leading to both surface disruption and structural damage to structures and infrastructure.

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

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

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

Fish and Wildlife Habitat Conservation Areas. ~~Fish and Wildlife Habitat Conservation Areas~~ **(FWHCAs).** FWHCAs are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and that, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements, including seasonal ranges, breeding habitat, winter range, and movement corridors, and areas with high relative population density or species richness, including locally designated important habitats and species. These areas also include habitat for Endangered, Threatened and Sensitive species; Priority Habitats and areas associated with Priority Species; Riparian Management Areas; Habitats of Local Importance, and water bodies,; water bodies; forage fish spawning areas; naturally occurring ponds less than 20 acres; waters of the state; natural area preserves; natural resource conservation areas; and state wildlife areas. Fish and Wildlife Habitat Conservation Areas do not include artificial features or constructs such as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.

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

Flood or Flooding.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
 - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection (1)(b) of this definition and are akin to a river of liquid and flowing mud on

the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (1)(a) of this definition.

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

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

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

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

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

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

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

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

Floor Area, Gross. The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls and including halls, stairways, elevator shafts at each floor level, service

mechanical equipment rooms, habitable basement or attic areas, and structured (not surface) areas for vehicle parking and loading.

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

Frequently Flooded Areas. Areas of special flood hazards.

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

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

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

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

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

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

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

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

Functions or Functions and Values of Fish and Wildlife Habitat Conservation Areas,FWHCAs. Functions or functions and values are the beneficial roles served by Fish and Wildlife Habitat Conservation Areas. Fish and Wildlife Habitat Conservation AreasFWHCAs. FWHCAs provide habitat for breeding, rearing, foraging, protection and escape, migration, and over-wintering. Fish and Wildlife Habitat

~~Conservation Areas~~FWHCAs affect the quality of habitat by providing complexity of physical structure, supporting biological diversity, regulating stormwater runoff and infiltration, removing pollutants from water, and maintaining appropriate temperatures.

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

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

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

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

Geologic Hazard Areas. Geologic hazard areas include landslide, seismic, and erosion hazard areas designated pursuant to VMC [20.740.130\(A\)](#), and are defined as areas that are not generally suitable for the siting of commercial, residential, or industrial development consistent with public health or safety concerns unless determined otherwise with a critical areas report provided by a qualified professional in accordance with VMC 20.740.130(B) and in compliance with the performance standards of VMC 20.740.130(C).

Grab Sample. Regarding solid waste regulations, a single sample which is taken from a waste stream without regard to the flow in the waste stream and without consideration of time.

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

Grading. Any excavation, filling or combination thereof.

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

Gross Floor Area. Means the same as floor area.

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

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

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

Guest House Dwelling. A detached accessory building designed, constructed and used for the purpose of providing temporary living accommodations for guest, or for members of the same household as that occupying the main structure, and containing no kitchen or kitchen facilities.

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

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

Habitats of Local Importance. ~~Fish and Wildlife Habitat Conservation Areas~~ **Habitat Corridor.** Habitat corridors are areas of relatively undisturbed and unbroken tracts of vegetation that connect Fish and Wildlife Habitat Conservation Areas, priority habitats, areas identified as biologically diverse, or valuable habitats within a city or urban growth area. Habitat corridors as required for Option 3A wetland buffers must meet the specific requirements outlined in VMC 20.740.140.

Habitats of Local Importance. FHWCA's which are not designated as Priority Habitats and Species by the Washington Department of Fish and Wildlife but are designated as locally significant by the city.

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

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

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

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

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

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

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

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

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

Heritage Tree. A tree or group of trees designated as such by the city in Chapter [20.770](#) VMC, Tree Conservation.

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

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

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

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

Home Occupation. A use conducted entirely within a residential building, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and complies with the criteria established by [20.860](#) VMC Home Occupations.

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

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

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

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

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

Hydrophytic Vegetation. Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Wetlands Delineation Manual defined in this chapter. (Ord. M-4325 § 3, 2020; Ord. M-4179 § 62, 2016; Ord. M-4034 § 2, 2012)

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

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

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

Impact, Indirect. Impacts resulting from activities in the environs of a designated critical area, its buffer or a sensitive resource. Indirect impacts can result from construction activities nearby (e.g., producing sediment

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

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

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

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

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

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

Infill Development. Development that occurs on underutilized or challenged parcels.

Infill Development Plan. A plan that is required to be submitted with infill development which identifies the existing and proposed lot characteristics, including applicable standards and incentives.

Infill Land Division. The division of an infill parent parcel using some or all of the standards contained in the Infill Development Ordinance.

Infill Parcels. Parcels that meet the eligibility criteria of this chapter or those parcels created by the land division of an infill parent parcel through the application of the standards in the Infill Ordinance.

Infill Parent Parcel. Regarding Infill Development, the larger parcel of land from which infill parcels are divided.

Ingress. Access or entry.

Inordinate Light Source. Lighting source that is exceptionally bright or outside normal industry standards as found by the planning official.

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

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

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

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

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

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

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

Landscaping. To beautify or improve a section of ground by contouring the land and planting flowers, shrubs or trees. Landscaping may also include nonvegetative improvements such as courtyards, fountains, pedestrian walkways, plazas, and medians.

Landslide hazard areas. Areas subject to landslides based on a combination of geologic, topographic, and hydrologic factors, including areas susceptible to landslide because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors; this includes, at a minimum, the following:

1. Areas of historic failures, such as:
 - a. Areas delineated by the U.S. Department of Agriculture Natural Resources Conservation Service as having a significant limitation for building site development;
 - b. Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey (USGS) or DNR;
 - c. Areas with all three of the following characteristics:
 - i. Slopes steeper than 15 percent;
 - ii. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - iii. Springs or groundwater seepage.
2. Areas that have shown movement during the Holocene epoch (from 10,000 years ago to the present) or that are underlain or covered by mass wastage debris of this epoch.
3. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;
4. Slopes having gradients steeper than 80 percent subject to rockfall during seismic shaking;
5. Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action, including stream channel migration zones;
6. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and
7. Any area with a slope of 40 percent or steeper and a vertical relief of 10 or more feet except areas composed of bedrock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.

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

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

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

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

Liquefaction Hazard Areas. Liquefaction hazard areas are areas typically underlain by cohesionless soils of low density, usually in association with a shallow groundwater table, that lose substantial strength during earthquakes.

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

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

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

Lot Area. The computed area contained within the lot lines; said area to be exclusive of street or alley rights-of-way or access easements, Bonneville Power Administration (BPA) easements, water detention/retention ponds, wetlands and wetland buffers which are delineated and recorded on plats and short plats.

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

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

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

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

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

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

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

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

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

Lot Line, Rear. A lot line not abutting a street that is opposite and most distant from the front lot line.

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

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

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

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

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

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

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

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

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosed area below the base flood elevation, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of VMC 20.740.120(J)(8)(c), (J)(10)(d), or (J)(11)(e).

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

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

Low Noise Impact. Interior noise levels of Ldn 45 or less, considered for the purposes of Chapter 20.520 VMC, Noise Impact Overlay District, as acceptable for residential purposes. (Ord. M-4179 § 63, 2016; Ord. M-4154 § 2, 2016; Ord. M-4034 § 2, 2012)

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

Main. See Water Main.

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

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

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

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

Manufactured Home, Designated – means a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes. Conforms to federal Manufactured Home Construction and Safety Standards (HUD Code – “Red Label”) rather than to the Building Code (“Gold Label”) requirements.

Manufactured Home, Mobile – Means a structure transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. (Generally built before June 15, 1976). "Mobile manufactured homes" are not "recreational vehicles".

Manufactured Home, Modular – Means any home built in modules at a factory. Modular homes conform to all state and local building codes. Modules are transported on truck beds, and then joined together at the site. They are inspected by local officials. (Regulated under the IBC standards – State Building Code).

Manufactured Home, New – means any manufactured home required to be titled under Title 46 RCW, which was not titled to retail purchaser before July 1, 2005, and was not a “used mobile home” as defined in RCW 82.45.032. (Regulated under the HUD construction and safety standards).

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

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

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

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

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

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

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

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

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

4. ~~d.~~—Reducing or eliminating the impact over time by preservation, and maintenance operations during the life of the action;

5. ~~e.~~—Compensating for the impact by replacing, enhancing or providing substitute resources or environments; and/or

6. ~~f.~~—Monitoring the impact and taking appropriate corrective measures.

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

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

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

Moderate-Intensity Land Use. Land uses which are associated with moderate levels of human activity or substantial habitat impacts including Open Space Parks and Open Space Greenways: General zoning districts.

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

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

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

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

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

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

New Construction. For the purposes of VMC 20.740.120, Frequently Flooded Areas, "new construction" means structures for which the "start of construction" commenced on or after September 5, 2012.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Oregon white oak woodland(s). In accordance with WDFW’s Priority Habitat & Species (PHS) List, these are stands of oak or oak/conifer associations where canopy coverage of the oak component of the stand is twenty-five percent, or where total canopy coverage of the stand is less than twenty-five percent, but oak accounts for at least fifty percent of the canopy coverage. The latter is often referred to as oak savanna. In non-

urbanized areas west of the Cascades, priority oak habitat consists of stands less than one acre in size. In urban or urbanizing areas, single oaks or stands less than one acre may also be considered a priority when found to be particularly valuable to fish and wildlife.

Ordinary high water mark. (OHWM). That mark which is found by examining the bed and banks of a water body and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years that the soils and vegetation have a character distinct from that of the abutting upland area. It also can also be established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, it shall be the line of mean high water in areas adjoining fresh water. [WAC 173-22-030(11)]

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

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

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

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

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

Ownership Interest. A property interest in an existing single-family residence under a recorded deed or under a contract of purchase, recorded mortgage, recorded deed of trust or recorded lease by which the applicant is responsible under penalty of forfeiture, foreclosure or default for payment of real property taxes and/or local improvement district assessments. The term shall also include a share ownership in a cooperative housing

association, corporation or partnership if the applicant can establish that his or her share represents the specific unit or portion of such structure in which he or she resides.

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

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

Parking Space. A permanently surfaced and marked area not less than that specified in Chapter 20.945 VMC Parking and Loading, excluding paved area necessary for access, for the parking of a motor vehicle.

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

Partition. See subdivision.

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

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

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

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

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

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

Person with Functional Disabilities. A person who, because of a recognized chronic physical, mental condition or disease, is functionally disabled to the extent of:

1. needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living;
2. needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible;

3. having a physical or mental impairment which substantially limits one or more of such person's major life activities;
4. having a record of having such an impairment;
5. being regarded as having such an impairment, but such term does not include current, illegal use of or active addiction to a controlled substance.

Pervious Surface. Pervious surface is a surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

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

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

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

Planned Action Project or Development Application. A project or application for a project which meets the criteria for designation as a planned action under the provisions of Section [43.21.031](#) RCW, Section [197-11-164](#) WAC, Section [20.790.630](#), and the particular planned action ordinance for the planned action subarea in which the project is located.

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

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

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

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

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

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

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

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

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

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

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

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

Preserved. Leaving in the present condition.

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

Priority Area: The area within a Priority Species’ natural geographic distribution within which protective measures and/or management actions are need to (1) support viable populations over the long term and (2) avoid creating isolated subpopulations.

Priority Habitat: A State of Washington habitat type with unique or significant value to many species; an area with one or more of the following attributes: (1) comparatively high fish and wildlife density; (2) comparatively high species diversity; (3) important breeding habitat; (4) important seasonal ranges; (5) important movement corridors; (6) limited availability; (7) high vulnerability to habitat alteration; or (8) unique or dependent species. Examples of Priority Habitats include, but are not limited to, instream, riparian, Oregon white oak woodlands, and freshwater wetlands.

Priority Habitats and Species. (PHS). Priority Habitats and Species are important fish and wildlife species and habitats as determined by the Washington State Department of Fish and Wildlife. Priority Habitats include habitats of state endangered, threatened, sensitive, candidate, and federal-listed vulnerable species as well as other important species and habitats deemed priorities of WDFW and reflective of best available science.

Priority Species. A State of Washington fish or wildlife species requiring protective measures and/or management actions to ensure its survival. A Priority Species fits one or more of the following criteria: (1) is a State-listed endangered, threatened, sensitive, or candidate species; (2) has vulnerable aggregations; or (3) is of recreational, commercial, and/or tribal importance. Examples of Priority Species include, but are not limited, to steelhead/rainbow trout, bull trout/Dolly Varden, great blue heron, cavity-nesting ducks, fisher, and elk.

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

Process Type. Shall mean the process by which a land use decision is rendered.

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

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

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

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

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

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

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

Public Facilities. Regarding the Public Facilities Master Plan Ordinance:

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

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

Public Place of Amusement, Public Amusement/Entertainment, and Public Entertainment. An amusement, diversion, entertainment, show, performance, exhibition, display or like activity, for the use or benefit of a member or members of the public, or advertised for the use or benefit of a member or members of the public, held, conducted, operated or maintained for a profit, either direct or indirect. (Ord. M-4402 § 3(C), 2023; Ord. M-4380 § 3, 2022; Ord. M-4325 § 3, 2020; Ord. M-4179 § 64, 2016; Ord. M-4170 § 6, 2016; Ord. M-4034 § 2, 2012)

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

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

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

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

- a. ~~1.~~—A qualified professional for frequently flooded areas or a ~~geologic hazard~~ must be a registered professional engineer, ~~geologist, engineering geologist~~ or hydrogeologist licensed in the State of Washington with experience in the analyses required for the relevant hazard(s). ~~For frequently flooded areas, a~~ qualified professional may also be an architect where provided by state or federal law.
- b. ~~2.~~—A qualified professional or specialist for wetlands must have a minimum of five years experience in wetland science, including experience preparing wetland reports for review by regulatory agencies or professional certification (Professional Wetland Scientist Certification).
- c. A qualified professional for Fish and Wildlife Habitat Conservation Areas must be a qualified ecologist; biologist; or person with an environmental science degree, professional experience, certification, and/or licensure related to the relevant type of habitat in question.
- d. A qualified professional for Geologic Hazard Areas must be a Washington-licensed geologist or engineering geologist or a Washington-registered professional geotechnical engineer.

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

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

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

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

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

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

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

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

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

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

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

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

Right-of-Way, Public. The property held by the city or other governmental jurisdiction for existing and/or future public access including land occupied or intended to be occupied by a street, crosswalk, pedestrian and bike paths, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, street trees or other special use. The usage of the term right-of-way for land division purposes shall mean that every right-of-way hereafter established and shown on a plat or map is to be separate and distinct from the

lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

Riparian area. The area adjacent to aquatic systems with flowing water (e.g., rivers, perennial or intermittent streams, seeps, springs, or lakes) that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other. Riparian areas are three dimensional: longitudinal up and down streams, lateral to the width of the riparian ecosystem, and vertical from below the water table to above the canopy of mature site-potential trees. Riparian areas are defined differently in and for the purposes of the Vancouver Shoreline Management Master Program.

~~**Riparian Management Area and Riparian Buffer.** The regulated areas that include the land from the ordinary high water mark to a specified distance as measured horizontally in each direction. The~~ The Riparian Buffer is the area extending from the Riparian Management Area is adjacent to the lake, stream or river, and outward a specified distance and functions to protect the Riparian Buffer is adjacent to Management Area and stream, river, or lake. In situations where a channel migration zone (CMZ) is present, this occurs within one site potential tree height (SPTH) measured from the edges of the CMZ. Together, the Riparian Management Area- and Riparian Buffer are the areas that have the potential to provide full riparian functions and combine to form the Riparian Area. See Figure 20.740-1 at VMC 20.740.110(A) or Figure 20.170.030-6.

Riparian Management Area. The regulated area that includes the land adjacent to a lake, stream, or river measured horizontally from the ordinary high water mark to a specified distance from the waterbody. Together, the Riparian Management Area and Riparian Buffer are the areas that have the potential to provide full riparian functions and combine to form the Riparian Area. See Figure 20.740-1 or Figure 20.170.030-6 at VMC 20.170.030(D).

Road. Means the same as street.

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

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

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

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

School. An institution primarily engaged in academic instruction for all or part of the K through 12 educational program, public, parochial or private, and recognized or approved as such by the state. A school may also include the following uses: common accessory uses such as associated meeting rooms, auditoriums, athletic

facilities and support facilities related to school district operations (e.g., offices, kitchens, counseling centers, head start, childcare, adult education, and family support centers) except for transportation, warehouse/storage, and maintenance facilities.

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

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

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

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

Seismic Hazard Area. These are areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, or debris flow. See VMC 20.740.140 for designation of seismic hazard areas.

Senior Housing. Housing limited to persons aged 62 years or older.

Sensitive Areas. For the purposes of Chapter [20.770](#) VMC Tree, Vegetation, and Soil Conservation, this includes streams, geologically hazardous areas, fish and wildlife habitat areas, wetlands, and their associated buffers.

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

1. Known archaeological and historical sites (to be recorded with the state);
2. Fish and Wildlife Habitat Conservation Areas (as identified in VMC [20.740.110](#));
3. Frequently Flooded Areas (as identified in VMC [20.740.120](#));
4. Geological Hazard Areas (as identified in VMC [20.740.130](#));
5. Wetlands (as identified in VMC [20.740.140](#)); and

6. Tree tracts, set aside for the preservation of tree groves, as defined in VMC [20.770](#) and approved by the city's Urban Forester; and
7. Riparian areas, as identified in the Vancouver Shoreline Management Master Program.
8. Natural soils and native vegetation preserved as part of a low impact development.

SEPA. State Environmental Policy Act, as amended.

SEPA Rules. Chapter [197-11](#) WAC, as adopted, revised, and amended by Ecology.

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

Serviceable. For the purposes of 20.775 VMC, Wetland and Water Bodies Protection, serviceable means presently usable.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sign, Flashing. Any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally-mounted intermittent light source. Time and temperature signs are excluded from this definition. For the purpose of this Title, EMC's (consistent with the standards of VMC Section [20.960.060](#) I and Section [20.960.070](#) I) shall not be considered flashing signs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Site Class. The classification of a site based on the productivity of its dominant tree species. Site classes vary based on local differences in soil nutrients and moisture, light and temperature regimes, and topography. Site classes are typically described as most productive (I) through least productive (V).

Site Potential Tree Height (SPTH). The average maximum height of the tallest dominant trees for a given age and site class.

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

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

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

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

Soil Erosion Hazard Area. Areas that are prone to the detachment and movement of soil due to wind, water, or human activity, potentially leading to land degradation and increased sedimentation.

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

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

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

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

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

Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget. This system was replaced by the North American Industrial Classification System (NAICS).

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

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

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

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

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

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

Stormwater Facility. A constructed component of a stormwater drainage system, designed or constructed to perform a particular function or multiple functions. Stormwater facilities include, but are not limited to, pipes,

swales, ditches, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, biofiltration swales, bioretention, permeable pavement, and vegetated roofs.

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

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

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

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

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

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

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

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

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

Structure. Anything constructed or built, any edifice, building of any kind or any piece of work artificially built-up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming pools, wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts and similar recreation areas. For the purposes of VMC [20.740.120](#), Frequently Flooded Areas, a structure is a walled and roofed building , or a gas or liquid storage tank that is principally above ground.

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

Subdivision, Short. The division, re-division or partition of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Transitional Zone. The areas beneath the transitional surfaces.

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

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

Tree Farm. See Commercial Nursery.

Tree, Hazard. Any tree with a combination of structural defect and/or disease and a proximity to persons or property which makes it subject to a high probability of failure, as recommended by a qualified arborist.

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

Tree, Nuisance. A tree that is causing physical damage to property or has been damaged by past maintenance practices, and for which horticultural practices cannot correct the problem.

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

Tree, Specimen. A tree that has been given greater than standard tree density value by the planning official through the evaluation process.

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

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

Tree Unit. A unit of measurement based upon the size of the tree as set forth in Chapter 20.770 VMC, Tree, Vegetation, and Soil Conservation.

Tree, Vegetation and Soil Plan. A plan that contains specific information pertaining to the protection of healthy soil, and the preservation, and planting of trees and native vegetation pursuant to Chapter 20.770 VMC, Tree, Vegetation, and Soil Conservation.

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

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

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

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

Truck, Medium. Trucks and similar vehicles other than truck tractors with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category. (Ord. M-4433 § 2(A) (Att. B), 2023; Ord. M-4402 § 3(C), 2023; Ord. M-4325 § 3, 2020; Ord. M-4179 § 65, 2016; Ord. M-4034 § 2, 2012)

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

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

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

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

Urban Area. For the purposes of 20.775 VMC, Wetlands and Water Bodies Protection, urban area means the area within the Vancouver urban growth boundary.

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

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

Use. An activity or purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

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

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

8. Transportation.

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

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

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

1. Administrative offices and operation centers;
2. Sewage treatment plants and lagoons;
3. Electric generation facilities including biomass generating facilities; and
4. Essential public facilities as defined in Chapter [20.855](#) VMC, Essential Public Facilities.

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

1. Transmission and distribution substations;
2. Pump stations;
3. Water towers and reservoirs;
4. Public wells;
5. Outfalls;
6. Telephone switching facilities;
7. Cable television receiver and transmission facilities, excluding wireless communications facilities as defined in Chapter [20.890](#) VMC Wireless Communications Facilities;
8. Catch basins, retention ponds and related facilities; and

9. Water treatment facilities.

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

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

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

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

Vehicle, Featured Display (Auto Dealership Plan District). Featured Vehicle Display is the "showcasing" of motor vehicles outdoors within the plan district.

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

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

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

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

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

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

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

Washington Heritage Register. The state listing of properties that are significant to the community, state or nation, but which do not meet the criteria of the National Register of Historic Places [Ord. [M-3243](#), 2 (part), [M-1996](#)].

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

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

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

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

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

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

Wetland. ~~An area~~ **or wetlands.** Areas that ~~is~~are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances ~~does~~do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created ~~(but not as mitigation for impacts to wetlands)~~ from ~~nonwetland~~non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands ~~shall~~may include those artificial wetlands intentionally created from ~~nonwetland~~non-wetland areas created to mitigate conversion of wetlands."

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

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

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

Wetland Preservation. The removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes activities commonly associated with the protection and maintenance of wetlands through the implementation of appropriate legal and physical mechanisms, such as recording conservation easements and providing structural protection like fences and signs. Preservation does not result in a gain of wetland acres or functions but may result in a gain in functions over the long term.

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

Wetland Rehabilitation. The manipulation of the physical, chemical or biological characteristics of a site with the goal of repairing natural or historic functions, and processes of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland or

breaking drain tiles and plugging drainage ditches. Rehabilitation results in a gain in wetland functions but not in wetland acres.

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

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

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

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

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

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

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

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

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

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

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

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

Zoning District. A geographic area which corresponds to a comprehensive plan designation and which specifies allowed and conditionally allowed uses and applicable standards for development within the district. Also referred to as Zone or District. (Ord. M-4380 § 4, 2022; Ord. M-4179 § 66, 2016; Ord. M-4176 § 4, 2016; Ord. M-4034 § 2, 2012)

B. VMC 20.740 is amended as indicated:

Chapter 20.740

CRITICAL AREAS PROTECTION

Sections:

- 20.740.010 Purpose.**
- 20.740.020 General Provisions.**
- 20.740.030 Applicability and Exemptions from Requirement to Obtain Permit.**
- 20.740.040 Approval Process.**
- 20.740.050 Submittal Requirements.**
- 20.740.060 Approval Criteria.**
- 20.740.070 Minor Exceptions.**
- 20.740.080 Reasonable Use Exceptions.**
- 20.740.090 Unauthorized Critical Areas Alterations and Enforcement.**
- 20.740.100 Designation Process for Habitats of Local Importance.**
- 20.740.110 Fish and Wildlife Habitat Conservation Areas.**
- 20.740.120 Frequently Flooded Areas.**
- 20.740.130 Geologic Hazard Areas.**
- 20.740.140 Wetlands.**

20.740.010 Purpose.

~~A.—The purpose of this chapter is to designate and protect ecologically sensitive and hazardous areas (critical areas) and their functions and values, while also allowing for reasonable use of property.~~

- ~~A. B.~~ As reasonable use of property. Critical areas are ecologically sensitive and hazardous areas and protecting them or mitigating any impacts to them is important for protection of the environment and quality of life for the citizens of Vancouver, and is mandated by the Washington Growth Management Act (GMA) (RCW 36.70A), this chapter 36.70A). The GMA requires Cities and Counties to develop Critical Area regulations based on Best Available Science. All regulations included herein have been developed in response to Best Available Science at the time of adoption.
- ~~B.~~ This chapter provides protection for the following critical areas of wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, and frequently flooded areas. Critical aquifer recharge areas are: Wetlands, Fish and Wildlife Habitat Conservation Areas, Geologically Hazardous Areas, and Frequently Flooded Areas. Critical Aquifer Recharge Areas are covered in VMC Chapter 14.26.
- ~~C. G.~~ This chapter implements the goals and policies of the Vancouver Comprehensive Plan, 2003-2023, under the Washington Growth Management Act GMA and other related state and federal laws. (Ord. M-3692, Added, 02/28/2005, Sec 2)

20.740.020 General Provisions.

- ~~A. A.~~ No Net Loss of Functions. Activity Development activity shall result in no net loss of the functions and values in the of critical areas. Since values are difficult to measure no net loss of functions and values means no net loss of functions. The beneficial functions provided by each type of critical areas area include, but are not limited to, water quality:
1. Fish and Wildlife Habitat Conservation Areas. Providing habitat for breeding, rearing, foraging, protection and enhancement; fish and wildlife habitat; food chain support; flood storage; conveyance; escape, migration, and over-wintering; and providing complexity of physical structure, supporting biological diversity, regulating stormwater runoff and infiltration, providing wave attenuation, removing pollutants from water, and maintaining appropriate water temperatures.
 2. Frequently Flooded Areas. Providing flood storage, conveyance, and attenuation of flood waters; ground water recharge and discharge; erosion control; and wave attenuation. These beneficial functions are not listed in order of priority. This chapter is also intended to protect residents from hazards and minimize risk minimizing the amount of injury or property damage development at risk in such areas to protect human life and safety, including reducing damage to homes, places of business, public facilities, and utilities; and minimizing business interruptions.
 3. Geologic Hazard Areas. Providing erosion control and protecting public safety, including people, structures, and infrastructure, from damage during seismic events, landslides, significant erosion, debris flows, and rock falls
 4. Wetlands. Providing carbon sequestration, cleansing surface water, storing and conveying floodwater, and providing fish and wildlife habitat.

B. Temporary and Permanent Markers and Signs. With the exception of Frequently Flooded Areas and Seismic Hazard Areas, temporary and permanent markers and signs shall be installed for critical areas as follows:

1. Temporary Sign Requirements. The location of the outer perimeter of the critical area(s) and buffer(s) shall be marked in the field and approved by the Planning Official prior to the commencement of permitted activities and maintained throughout the duration of the construction.
2. Permanent Sign Requirements.
 - a. A permanent physical demarcation along the outer/upland boundary of the critical area buffer(s) shall be installed and thereafter maintained. Such demarcation may consist of fencing, hedging, or other prominent physical marking that allows wildlife passage, blends with the critical area environment, and is approved by the Planning Official. If the function and values of the critical area would be degraded by the existing or proposed activity, such as the presence of grazing animals, a fence shall be erected and maintained.
 - b. Permanent signs are posted at intervals of one every 50 feet, or, if this interval cannot be met, an interval of one per lot for single-family residential uses or at a maximum interval of 200 feet, or as otherwise determined by the Planning Official, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the Planning Official: "The area beyond this sign is a critical area or critical area buffer. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."
3. Applicability. Applicants will be responsible for signage and demarcation within land that falls on the subject property included within the application for a Critical Areas Permit.
4. Additional standards for temporary and permanent marking of geologic hazards are contained in VMC 20.740.130.

C. Relationship to Other Regulations.

~~A. B. Relationship to Other Regulations.~~

- ~~1. These The critical areas regulations shall apply in addition to zoning and other regulations adopted by the city.~~
- ~~2. Any individual critical area that overlaps another type of critical area shall meet the requirements that provide the most protection to the critical areas involved.~~

- ~~2.~~ 3.—When more than one critical area is located on a project site, regulations protecting each critical area apply to the site. Where critical areas overlap (e.g., a wetland buffer and a riparian buffer), the most restrictive regulations that provide the most protection for the critical areas present establish the outer boundary of the regulated critical areas. Mitigation will be required for impacts to each critical area to ensure no net loss.
- 3.—When there is a conflict between any provisions of this chapter ~~or~~ and any other regulations, the requirement that ~~which~~ provides the most protection to the ~~subject~~ critical area shall apply. ~~(s)~~ applies.
- ~~4.~~—Conditions of approval of a project affecting critical areas may be supplemented by a review under the State Environmental Policy Act (SEPA), as locally adopted.
- ~~4.~~ 5.—Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements. The applicant is responsible for complying with other state and federal requirements in addition to the requirements of this chapter. (for example, Shoreline Substantial Development Permits, Hydraulic Project Approval [HPA] permits, Section 106 of the National Historic Preservation Act, U.S. Army Corps of Engineers Section 404 permits, or National Pollution Discharge Elimination System permits). ~~The applicant is responsible for complying with other state and federal requirements in addition to the requirements of this chapter.~~ Obtaining all applicable state and federal permits shall be made a condition of a Critical Areas Permit. Such permits shall be obtained prior to issuance of permits for development, construction or site disturbance except under the circumstances set forth in VMC 20.740.040(f).

D. ~~C.~~—*Jurisdiction.*

1. ~~1.~~—All areas within the city meeting the ~~definition~~ definitions within Chapter 20.150 and descriptions within 20.740.020(a) of one or more critical areas and their buffers, whether mapped or not, are hereby designated critical areas and ~~with their buffers~~ are subject to the provisions of this chapter.
- ~~2.~~—Watersheds (Chapter ~~20.150~~ VMC) are those most recently identified and mapped by Clark County Public Works. Watershed maps are available from the planning official. Burnt Bridge Creek, Columbia Slope, and Vancouver Lake/Lake River are the primary watersheds in Vancouver.

~~D.~~—*Warning and Disclaimer of Liability.* The standards established herein are minimum standards. The standards are established for regulatory purposes only. Minimum compliance with these standards may not be sufficient protection from identified or unidentified hazards. City establishment of these minimum standards is not a representation that these standards are sufficient protection from any hazard. Critical areas development should be based on sound scientific and engineering considerations that may be more stringent than those

presented in this chapter. The ~~city~~City assumes no liability if these established standards prove to be insufficient protection.

~~E. Interpretation of Critical Area Boundaries.~~ The planning official shall be authorized to interpret the exact location of the critical area boundary. Final designations shall be based on site conditions and other available data or information. A person who disagrees with the interpretation may appeal the interpretation pursuant to VMC ~~20.255.020(D)~~. (Ord. M 4017 § 4, 07/16/2012; Ord. M 3844 § 2, 10/01/2007; Ord. M 3692, Added, 02/28/2005, Sec 2)

~~20.740.030 Applicability and Exemptions from Requirement to Obtain Permit.~~

~~A. of property Applicability.~~

~~E. 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~~the environment.

20.740.030 Applicability and Exemptions from Requirement to Obtain Permit.

~~2. The provisions of this chapter shall apply whether or not a permit or authorization is required.~~

A. 3. Applicability.

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.

~~1. 4. The Critical Areas Permit, whether or not a permit is required pursuant to this chapter shall be obtained prior to undertaking any activity or development regulated by this chapter, unless exempted by this chapter.~~

~~B. B. Statements of Exemption Process.~~ For ~~exempt~~ activities listed in subsection (C)(1) of this section, a written Statement of Exemption from ~~securing the requirement to obtain~~ a Critical Areas Permit ~~must be obtained~~is required prior to undertaking ~~any development~~the activity. Activities ~~exempt from~~listed in subsection (C)(2) of this section do not require a statement of exemption. Those seeking an exemption under this chapter are required to demonstrate compliance with the mitigation sequence outlined in 20.740.060.

~~1. All exempt activities are still~~Exempt activities are not required to obtain a Critical Areas Permit. However, all activities in critical areas, including exempt activities, are subject to the policies and regulations of this chapter. The planning official shall If a land use permit is not required, the

~~Planning Official may attach Critical Areas Ordinance conditions to the building and engineering permits and other permits and approval, as necessary, to enforce the policies and regulations provisions of this chapter.~~

The request for the Statement of Exemption shall be in writing, on forms required by the ~~planning official~~Planning Official, and include the information required by the ~~planning official~~.

- ~~2. The planning official shall issue a decision on a request for a Statement~~Planning Official. Statements of Exemption in writing within 21 calendar days of receiving the request shall be processed as a Type I procedure per Chapter 20.210 Decision Making Procedures.

~~C. C.—Exemptions from Requirement to Obtain a Critical Areas Permit.~~

- ~~1. 1.—Activities for which requiring a Statement of Exemption is required. The following activities shall obtain a Statement of Exemption under subsection B of this section:~~

~~a. a.—Existing Structure Remodel – Impervious Surface Increase Less than 500 of 200 Square Feet or Less.~~ Development or clearing, ~~outside areas of special flood hazards and other than tree removal, as minimally inside a Critical Area or buffer as necessary to remodel an existing structure, provided:~~

~~i. i.—The activity will increase the footprint of structures including with impervious surfaces by less than 500 a maximum of 200 square feet from the footprint size at the time of the adoption of this chapter; and cumulatively;~~

~~ii. ii.—If the structure or impervious surface is within a critical area or buffer, the The distance from the nearest structure or impervious surface to lakes, streams, rivers, wetlands or geological hazards a critical area is not decreased; and~~

~~iii. iii.—All native vegetation disturbed as a result of the development shall be replaced one-to-one, except that trees shall be replaced using tree units derived from VMC Chapter 20.770-VMC, Tree, Vegetation, and Soil Conservation. Native vegetation shall be used where feasible;~~

~~iv. iv.—Impacts to critical areas and buffers shall be minimized and mitigated, in accordance with the City’s critical areas approval criteria; and~~

~~v. b.—No adverse impacts to priority Oregon white oak trees may result.~~

~~b. No Impervious Surface Increase in the Riparian Management Area (RMA) or Riparian Buffer- (RB) and Located outside Frequently Flooded Areas.~~ Development activity on a site within the portions footprint of sites with existing structures or impervious surfaces

~~which~~that does not increase the impervious surface area ~~within~~in the ~~Riparian Management Area~~RMA or ~~Riparian Buffer~~RB, not located in Frequently Flooded Areas, and ~~which~~that is not otherwise exempt under subsection B of this section shall be exempt from the provisions of VMC 20.740.110 (Fish and Wildlife Habitat Conservation Areas).

The applicant is encouraged to provide enhancement to the extent feasible. ~~The applicant is encouraged to provide enhancement to the extent feasible.~~ Such enhancement activities may include, but are not limited to, landscaping using native plants, additional treatment of stormwater as appropriate, and implementation of best management practices (BMPs) that would enhance habitat functions.

c. Approved Subarea Plan with EIS. Development activity covered by and in compliance with all the conditions of an approved subarea plan that contains:

- i. Baseline information on existing critical areas and their functions at the level of detail required for an Environmental Impact Statement (EIS) under the State Environmental Policy Act (SEPA);
- ii. An analysis of the impacts of full development at the level of detail required for an EIS under SEPA and in keeping with the plan; and

~~a. c. Approved Subarea Plan with EIS. Development activity covered by and in compliance with all the conditions of an approved subarea plan that contains:~~

- ~~i. i. Baseline information on existing critical areas and their functions at the level of detail required for an Environmental Impact Statement (EIS) under the State Environmental Policy Act (SEPA);~~
- ~~i. ii. An analysis of the impacts of full development at the level of detail required for an EIS under SEPA and in keeping with the plan; and~~
- iii. ~~iii.~~—Mitigation for those impacts consistent with the requirements of this chapter.

d. ~~d.~~—Fence. A fence may be installed in a critical area buffer (not in a critical area) where:

- i. ~~i.~~—The fence is necessary for safety and security;
- ii. ~~ii.~~—The property was developed prior to the effective date of VMC Chapter 20.740 VMC (April 29, 2005); and/or
- iii. The fence is designed and installed in a manner that protects the critical area and buffer functions and blends with the critical area environment.

~~i. iii. The fence is designed and installed in a manner that protects the critical area and buffer functions and blends with the critical area environment.~~

e. ~~e.—On-site Critical Area will be~~Will Be Avoided. Development may be permitted on a site containing a critical area or buffer ~~not also subject to state or federal permits where~~when the Planning Official determines that ~~the~~impacts to critical areas and buffers will be ~~clearly avoided using the following~~. In making this determination, the Planning Official shall utilize all of the procedures and criteria listed below to determine that the adverse impacts will be avoided.

i. ~~The planning official has visited the site;~~

i. ~~ii.—The critical area(s) and buffer(s) has/have been identified in the field and,~~
clearly mapped by a qualified professional ~~through an approved, and~~
documented by a limited-scope Critical Areas Report ~~critical areas report~~ (for example, a wetland boundary delineation without categorization or functional assessment, but with the minimum documentation necessary to justify the boundary location); ~~except that for a single-family or duplex residential development on a property with a stream not regulated under the state Shoreline Management Act, its Riparian Management Area or Riparian Buffer, the planning official may accept an aerial photo overlain with two-foot contour lines from the Clark County Digital Atlas with the required information drawn to scale by someone other than a qualified professional;).~~

ii. ~~iii.—The site plan and final preliminary plat show a development envelope within which that demonstrates that all development activity will take place, and a note identifying the development envelope and its purpose is placed on the face of the site plan and the final plat; outside critical areas and buffers.~~

iii. The boundaries of the development envelope are clearly outside of all maximum critical areas and all maximum buffers. ~~iv. The boundaries of the development envelope are clearly outside of all maximum critical areas and all maximum buffers. The maximum critical area and maximum buffer are the greatest that may be applied under any circumstances. (For example, under this chapter, the maximum wetland buffer that could be applied under any circumstance is 300 feet; the maximum Riparian Management Area is 100 feet, and the maximum Riparian Buffer is~~

Maintaining 75 feet from the outer boundary of the Riparian Management Area.)

f. ~~f.— Fire-Defensible Space~~. Maintaining fire-defensible space around a structure to reduce fire hazards, involving regular maintenance of existing trees at least ~~six-inch~~6 inches in

diameter at breast height, grasses, and underbrush, not tree removal or other ground-disturbing or soil-destabilizing activities. Creating fire-defensible space ~~(see VMC 20.740.040(H))~~ or undertaking other development requires a Critical Areas Permit ~~under VMC 20.740.040(A)(2)(f)~~ per the critical areas approval process and could require other permits as well.

i. Pruning trees, grasses, and brush within a critical area or buffer to maintain fire-defensible space around a structure may be permitted when one or more of the following criteria are met:

~~i. Pruning trees, grasses, and brush within a critical area or buffer to maintain fire-defensible space around a structure may be permitted when one or more of the following criteria are met:~~

(A) A.—The structure nearest the property line is within 30 feet of a slope of at least 25 percent (also designated as a ~~landslide hazard area~~ Landslide Hazard Area under this chapter);

(B) B.—The nearest structure is within 30 feet of a forested area;

(C) C.—The vegetation within 30 feet of the structure is comprised of less than 50 percent native species;

(D) D.—The vegetation within 30 feet of the structure is higher than 12 inches;

(E) E.—Trees are crowded within 30 feet of the structure or overhanging the structure's roof; or

(F) F.—The structure is located in an area designated by the Fire Marshal as a "Wildfire Safety Area."

ii. ii.—When maintenance of a fire-defensible space is permitted, the following standards shall apply:

Trees may be pruned or limbed-up to mitigate a hazard, but trees may not be removed without a Critical Areas Permit and any other necessary permit(s). ~~A. Trees may be pruned or limbed-up to mitigate a hazard, but trees may not be removed without a Critical Areas Permit and any other necessary permit(s). (See VMC 20.740.040(A)(2)(f) and 20.740.040(H) on creating fire-defensible space.)~~

(A) B.

(B) Topping trees is prohibited.

(C) Grasses and underbrush shall be maintained between eight inches and 12 inches in height.

~~(A) C. Topping trees is prohibited.~~

(D) D.—Any debris from pruning shall be disposed of promptly and properly.

g. 2.—Development Located within Soil Erosion Hazard Areas Only. When no other type of critical area, including other types of geologic hazards is present, development within Soil Erosion Hazard Areas shall meet the requirements of VMC Chapter 14.24, Erosion Control, including preparation of . a Stormwater Report, if required,. In addition, the applicant shall file a limited scope Geotechnical Report prepared by a qualified professional as defined by VMC Chapter 20.150, which shall be provided to the Planning Official for review at the earlier of development application, engineering document review, or building permit review. Upon review of the limited scope Geotechnical Report, the Planning Official may exempt the development from the need for a Critical Areas Permit.

h. Development/Expansion of a Single-Family Residence with a Loss of a Single, Standalone Oregon white oak. The loss of a single, standalone Oregon white oak tree that meets the WDFW PHS status (must not be part of a woodland that includes off-site trees) and in accordance with the definition listed in VMC 20.150.150(D) that is equal to or less than 6 inches dbh for the purpose of developing a single-family residence or expansion of an existing single-family residence structure (does not include expansion of detached garages, outbuildings, accessory dwellings, decks, gardens, etc.).

2. Activities for which a Statement of Exemption is not required. Reasonable methods shall be used to avoid potential impacts to critical areas. Any damage to, or alteration of, a critical area that is not a necessary outcome of the exempt activity shall be corrected at the property owner's expense.

The following activities are exempt from needing a Critical Areas Permit and do not require a statement of exemption:

a. a.—Emergencies. Those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of property damage and that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter, so long as all of the following apply:

i. i.—The emergency action uses reasonable methods to address the emergency.

~~ii. ii.~~—The emergency action must have the minimum possible impact to the critical area or its buffer.

~~iii. iii.~~—The property owner, person, or agency undertaking such action shall notify the ~~city~~City within ~~one~~10 working ~~day~~days following commencement of the emergency activity.

~~iv. iv.~~—Within 14 days the ~~planning official~~Planning Official shall determine if the action taken was within the scope of the emergency actions allowed in this section. If the ~~planning official~~Planning Official determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then the critical areas enforcement provisions of VMC 20.740.090 shall apply.

~~v. v.~~—After the emergency, the property owner, person or agency undertaking the action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved Critical Areas Report and mitigation plan. The property owner, person or agency undertaking the action shall apply for review. The alteration, Critical Areas Report, and mitigation plan shall be reviewed by the ~~city~~City in accordance with the review procedures contained in this chapter.

~~vi. vi.~~—Restoration and/or mitigation activities must be initiated within three months of the date of ~~the emergency or an approved Critical Areas Report and mitigation plan~~or as otherwise determined by the ~~planning official~~Planning Official and completed in a timely manner.

~~b. Valid Critical Areas Permit. Any development proposed on property pursuant to a currently valid Critical Areas Permit, provided all conditions and requirements of the Critical Areas Permit are met and the proposed activity is within the scope of the original permit.~~

~~b. e.~~—*Hazard Tree.* Emergency or hazard tree removal (as defined in VMC Chapter 20.770 VMC) conducted so that critical area impacts are minimized.

~~c. d.~~—*Landscape Maintenance.* Landscape maintenance (other than tree removal ~~or use of pesticides, herbicides, fungicides or fertilizers applied into or within 25 feet of water bodies~~) consistent with accepted horticultural practices, such as those recommended by the Washington State University Extension Service, within the boundaries of an existing lawn, garden or landscaped area and not associated with development.

~~d. e.~~—*Noxious or Invasive Plants.* Clearing of noxious or invasive plants using hand-held equipment such as a weed-whacker, provided (1) fueling and maintenance take place

outside the critical area and buffer; (2) all cleared vegetation is taken away and disposed of properly; and (3) denuded soils are stabilized with native vegetation. The ~~city~~City of Vancouver's Noxious or Invasive Plants List and Native Plant Species List are available from the ~~planning official~~Planning Official.

~~e. f.—Pesticides, Herbicides, Fungicides, or Fertilizers 25 feet from Critical Area.~~

Application of pesticides, herbicides, fungicides, or fertilizers ~~farther than 25 feet from any wetland, pond, lake, stream or river or, when done as directed in a manner specified in a valid permit~~the package instructions as required by state and federal laws.

~~f. g.—State or Federally Approved Conservation or Preservation.~~ State or federally approved conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife that does not entail changing the structure or functions of the existing critical area or buffer.

~~g. h.—Harvesting Wild Crops.~~ The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops or other native vegetation and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the critical area or buffer by changing existing topography, water conditions or water sources.

~~h. i.—Passive Activities.~~ Passive outdoor recreation, education, and scientific research activities such as fishing, hiking, and bird watching that do not degrade the critical area or buffer.

~~i. j.—Land surveys, soil sampling, percolation tests, and other related activities.~~ In every case, impacts to the critical area or buffer shall be minimized and disturbed areas shall be stabilized and replanted immediately.

~~j. k.—Navigational Aids and Boundary Markers.~~ Construction or modification of navigational aids and boundary markers. Impacts to the critical area or buffer shall be minimized and disturbed areas shall be restored within 72 hours.

~~k. l.—Agricultural Activities.~~ Existing and ongoing agricultural activities protected under the federal Food Security Act occurring in wetland areas.

Existing and ongoing agriculture within ~~fish~~Fish and ~~wildlife habitat conservation areas~~Wildlife Habitat Conservation Areas so long as livestock and application of pesticides, herbicides, fungicides, and fertilizers ~~are kept 25 feet from any water body~~is done in accordance with package instructions.

~~l. m.~~—*State or Federally Approved Restoration or Enhancement Project.* Implementation of a state or federally approved restoration or enhancement project not related to any development project.

~~m. n.~~—*Operation, Repair and Maintenance.* Operation, repair and maintenance of existing structures, infrastructure, roads, sidewalks, railroads, trails, dikes, or levees or water, sewer, stormwater, power, gas, telephone, cable, or fiber optic facilities if the activity does not further increase the impact to, or encroach farther within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, repair, or maintenance.

~~o. Areas with only ground shaking or liquefaction hazards.~~ In areas with only ground shaking or liquefaction hazards, repair or construction of roads, sidewalks or trails (except where there are structures), or water, sewer, stormwater, gas, power, cable, or fiber optic facilities shall be exempt from the ground shaking and liquefaction permitting requirements.

~~n. p.~~—*Public Improvement Projects.* Public improvement projects located within existing impervious surface areas.

~~o. q.~~—*City, State or Federally Approved Stand-alone “Critical Area” Creation Project.* Implementation of a ~~city, state~~ City, State or federally approved stand-alone “critical area” creation project that is not mitigation. A “Critical Area” created under these circumstances that would not otherwise have met the definition of that type of critical area is exempt from the provisions of this chapter. Also see the definition of “Wetlands” at in VMC Chapter 20.150-VMC.

~~p. r.~~—*Clearing in Frequently Flooded AreaAreas and/or Seismic Hazard AreaAreas Only.* Clearing vegetation within the floodplain and within a Seismic Hazard Area, but outside the Riparian Management Area or Riparian Buffer (see VMC 20.740.040(A)(2)(f)). other types of critical areas.

~~q. Vegetation Clearing.~~ Clearing vegetation in critical areas that are only seismic hazard areas (see VMC 20.740.040(A)(2)(f)). Seismic Hazard Areas

~~r. s.~~—*Fence Repair.* Maintenance, repair, and in-kind replacement of existing fences.

~~s. t.~~—*SeismicLiquefaction Hazard Areas and Ground Shaking Amplification Hazard Areas Only.* Sites identified as located within only a SeismicLiquefaction and Ground Shaking Amplification Hazard Area (VMC 20.740.130 – Geologic Hazard Areas) shall be exempt from needing to obtain a ~~critical areas permit.~~Critical Areas Permit. All projects within the SeismicLiquefaction and Ground Shaking Amplification Hazard Area must comply with the Building Code at time of building permit review, including providing a

~~geotechnical report~~ Geotechnical Report. (Ord. M-4034 § 23, 12/03/2012; Ord. M-4017 § 5, 07/16/2012; Ord. M-3931 § 22, 11/02/2009; Ord. M-3922 § 36, 07/06/2009; Ord. M-3844 § 2, 10/01/2007; Ord. M-3692, Added, 02/28/2005, Sec 2)

20.740.040 Approval Process.

A. A. ~~Critical Areas Permit Process.~~

1. 1. ~~Pre-application Conference Required.~~ A pre-application meeting or waiver per VMC Chapter 20.210 VMC is required prior to submitting a ~~critical areas permit~~. ~~Provided, pre~~ Critical Areas Permit. ~~Pre-application conferences shall not be required for the following:~~

~~a. Proposed activities within only ground shaking and/or liquefaction areas.~~

~~a. b.~~ Activities and developments listed as exempted from critical areas standards and permits.

~~b.~~ Proposals involving only an addition to an existing single-family home or duplex house, including accessory structures, such as accessory dwelling units, attached and detached garages, and/or carports, shops, and sheds.

~~c. e.~~ Other minor improvements determined by the ~~planning official~~ Planning Official to not warrant a pre-application meeting or waiver.

2. 2. ~~Critical Areas Permit. All~~ Critical Areas Permit. If a proposed development activity is determined not to be exempt per the listed critical areas exemptions, the applicant and/or owner shall obtain a Critical Areas Permit prior to commencing the development activity. Critical Areas Permits ~~as determined to be necessary under Chapter 20.740 VMC and as stated below shall~~ shall be processed as a Type I permit ~~or, when submitted with another land use application, no other permits are filed concurrently or reviewed according to the procedures of the underlying land use application pursuant to VMC Chapter 20.210 VMC.~~

~~a. New single family and duplex residences, alterations to existing single family and duplex residences, or new accessory structures located within a critical area or buffer, or on a property containing a critical area or buffer.~~

~~b. Application of pesticides, herbicides, fungicides or fertilizers within 25 feet of ponds, lakes, streams, rivers or wetlands.~~

~~c. Approval of agricultural activities within 25 feet of ponds, lakes, streams or rivers.~~

~~d. Critical Area restoration or enhancement projects not related to any development project; and establishment of mitigation banks.~~

~~e. Public improvement projects located entirely within the previously improved portion of the right-of-way, not otherwise exempted by this chapter.~~

~~f. Clearing vegetation within a critical area or buffer, including: (i) grading, uprooting or other activities that impair the soil stabilization function of vegetation in landslide hazard areas (VMC 20.740.130); (ii) removal of downed woody vegetation from wetlands, lakes, streams or rivers; and (iii) removal of trees, grasses, or brush to create fire defensible space (subsection H of this section). However, clearing vegetation within the area of special flood hazard outside of the Riparian Management Area and Buffer and in seismic hazard areas shall not require a permit (see VMC 20.740.030).~~

~~g. Approval of programmatic permits (subsection G of this section) for activities within critical areas or buffers.~~

3. 3.—Review Procedure. The ~~planning official~~ Planning Official shall make a determination as to whether the proposed activity and mitigation, if any, are consistent with the ~~provisions of VMC Title 20. The planning official's determination shall be based on the approval criteria of VMC 20.740.060. The Critical Areas Permit shall be valid for as long as the underlying land use permit or as otherwise specified by the planning official~~ critical areas approval criteria of VMC Chapter 20.740 and in compliance with the performance standards for the type(s) of critical area(s) involved. The city may consult with State Agencies for preliminary review of mitigation.

4. B.—Expiration of Permit. The Critical Areas Permit shall be valid for as long as the underlying land use permit is in effect or as otherwise specified by the Planning Official.

B. Notice on Title – Covenant and Tracts.

~~1.—Covenants.~~ This section applies to all nonexempt projects that involve critical areas and buffers:

1. a.—In order to inform subsequent purchasers of real property, with the exception of the existence of critical areas, the Frequently Flooded Areas.

a. The owner of any property containing a critical area or buffer on which a development proposal is approved shall file a covenant with the county records and elections division according to the direction of the city City. The covenant shall state the presence of the critical area and/or buffer on the property, the application of this chapter to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist. The covenant shall “run with the land.”, including that the area(s) within the conservation covenant be maintained in a natural state without disturbance to vegetation or other features unless otherwise approved by the City. The covenant shall “run with the land” in

perpetuity. The covenant shall include a map and legal description of the critical area, with wording in the notice substantially similar to the following:

b. —“Prior to and during the course of any grading, building construction or other development activity on this property containing or abutting a critical area, the area of development activity must be fenced or otherwise marked to the satisfaction of the City. The critical area shall be maintained in its natural state without disturbance to vegetation or other features, except as provided for by VMC Chapter 20.740 , Critical Areas Protection. Yard waste, debris, fill, equipment, vehicles, and materials shall not be placed in the critical area.”

b. The applicant shall submit proof that the covenant has been filed for public record before the ~~city~~City approves any site development or construction for the property or, in the case of subdivisions, short subdivisions, planned unit developments, binding site plans, and other developments that involve platting, at or before recording of the plat.

c. 2.—Any modifications to an established and recorded conservation covenant shall be consistent with the standards of this chapter and the originally issued Critical Areas Permit that established the subject conservation covenant. The modification shall be processed as under a Type I review process. Any modification of the covenant that is inconsistent with the originally issued Critical Areas Permit or with the standards of this chapter shall be subject to a review and receive a Critical Areas Permit consistent with the standards of this chapter.

2. Tracts. This section applies in addition to subsection (B)(1) of this section, to projects that involve platting on properties containing ~~fish~~Fish and ~~wildlife habitat conservation areas,~~ ~~wetlands~~Wildlife Habitat Conservation Areas, Wetlands, Geologic Hazard Areas, and their buffers. ~~The planning official may also apply this section to developments that involve platting on properties containing geologic hazard areas and their buffers. The location of the tract, critical area(s), and buffer(s) shall be shown on the face of the plat. See subsection (B)(2)(b) of this section for exceptions.~~

a. a.—The property owner shall place the subject critical areas and buffers in one or more nondevelopable tracts except when: the responsible official determines that a tract cannot be provided given the constraints of the site, such as size of the property in question, while meeting all other standards of VMC Title 20.

i. ~~Creation of a nonbuildable tract would result in violation of minimum lot depth standards; or~~

ii. ~~The responsible official determines a tract is impractical.~~

~~b. b.~~—When ~~an~~the exception in subsection (B)(2)(a) of this section applies, residential lots may extend into the critical area(s) or buffer(s) provided:

~~i. The location of the outer perimeter of the critical area(s) and buffer(s) is marked in the field and approved by the planning official prior to the commencement of permitted activities and maintained throughout the duration of the permit.~~

~~ii. A permanent physical demarcation along the outer/upland boundary of the critical area buffer(s) is installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the critical area environment, and is approved by the planning official.~~

~~a. iii. Permanent signs are posted at an interval of one per lot for single family residential uses or at a maximum interval of 200 feet, or as otherwise determined by the planning official, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the planning official: “The area beyond this sign is a critical area or critical area buffer. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information.”~~

~~i. C.~~—Temporary and permanent markers and signs are installed in compliance with the requirements of VMC 20.740.020, General Provisions.

~~i. The applicant records a conservation covenant protecting the critical area in perpetuity in conformance with VMC 20.740.040(B)(1).~~

C. Financial Assurances.

~~1. 1.~~—When mitigation required pursuant to a development proposal is not completed prior to the ~~city~~City’s final permit approval, such as final plat approval or final building inspection, the ~~city~~City shall require the applicant to provide security in a form and amount deemed acceptable by the ~~city~~city. ~~If the development proposal is subject to mitigation, the applicant shall provide security in a form and amount deemed acceptable by the city City, including to ensure that mitigation is fully functional (including but not limited to taking into account remaining construction, maintenance, and monitoring).~~

~~2. 2.~~—The security shall be in the amount of 125 percent of the estimated cost of restoring the functions of the critical area that are at risk.

~~3. 3.~~—The security ~~authorized by this section~~ shall remain in effect until the ~~city~~City determines, in writing, that the ~~applicable standards for which the security is required~~ have been met. ~~Bonds or other~~The security shall be held by the ~~city~~City for a minimum of five years to ensure ~~that the~~

~~required fully functional mitigation has been fully implemented and demonstrated to function, and may be held for longer periods when necessary.~~

~~4. 4.~~ Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.

~~5. 5.~~ Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed in the project budget or capital improvement budget for mitigation, maintenance, monitoring, or restoration.

~~6. 6.~~ Failure to satisfy any critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within 30 days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default, and the ~~city~~City may demand payment of any financial guarantees or require other action authorized by the ~~city~~City code or any other law.

~~7. 7.~~ Any funds recovered pursuant to this section shall be used to complete the required mitigation. Excess funds shall be returned to the applicant.

~~D. D.~~ *Critical Area Inspections.* Reasonable access to the site shall be provided to the ~~city, state~~City, State, and federal agency review staff for the purpose of inspections during any proposal review, delineation, restoration, emergency action, or monitoring period.

Burden of Proof. ~~E. Reconsideration of planning official's determination.~~ If, within five days following the date of mailing of a Critical Areas Permit, new information relevant to the decision is made available, any party may request that the decision be reconsidered. If the new information is found to be substantial and relevant to the critical area review, the planning official may reopen the critical area review and make a new determination based on the revised report. The Critical Areas Permit shall not be considered final and subject to appeal until the decision on the request for reconsideration, if applied for, has been issued.

~~E. F.~~ The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the exemption, Critical Areas Permit, Minor Exception, Reasonable Use Exception, or any other approval requested under this chapter.

~~F.~~ *Appeals.* Any decision to approve, condition, or deny a development proposal or other activity based on the requirements of this chapter may be appealed according to VMC 20.210.130.

~~G. G.~~ *Programmatic Permits.* The purpose of a programmatic permit is to provide for ongoing, routine maintenance, operation, or repair activities on sites containing critical areas or buffers (1) so as not to impair an agency's or business's ability to operate effectively and efficiently by requiring separate Critical Areas Permits for each activity; and (2) at the same time protect critical areas and buffers in accordance with this chapter.

1. ~~1.~~ 4.—In addition to the submittal requirements in VMC 20.740.050, and any additional Critical Areas report requirements under VMC 20.740.110-140, applicants for a programmatic permit shall submit a proposed management plan. The management plan shall contain:
 - a. ~~a.~~—A narrative explaining the need for the programmatic permit;
 - b. ~~b.~~—A list of the ongoing, routine, maintenance, operation, or repair activities that impact or potentially impact critical areas and buffers;
 - c. ~~c.~~—A description of the potentially impacted critical area and buffer functions;
 - d. ~~d.~~—Proposed measures and standards for avoiding impacts to critical area and buffer functions and, where unavoidable, ~~minimizing and~~ mitigating those impacts to achieve no net loss of functions; and
 - e. ~~e.~~—A training program ensuring that all employees, contractors, and individuals under the supervision of the applicant who are involved in permitted activities understand and perform them in accordance with the terms of the permit.
2. ~~2.~~ 2.—A programmatic permit may be approved for up to seven years. The permit duration may be tied to other permits or processes.
3. ~~3.~~ 3.—Every two years ~~within for the duration of the programmatic permit~~ 30 days ~~of prior to the anniversary original date of permit issuance for the duration of the permit~~, the applicant shall submit a report to the ~~planning official~~ Planning Official summarizing activities undertaken ~~under the programmatic permit including any issues to be resolved~~. The report shall also document the training provided in accordance with subsection (G)(1)(e) of this section.
4. ~~4.~~ 4.—The applicant or the ~~city~~ City may initiate an amendment to the programmatic permit ~~to respond to if anticipated activities, terms, or conditions of the programmatic permit performance issues will change~~. An amendment shall be considered through a Type 1 process following a pre-application conference.
5. ~~5.~~ 5.—An application for reauthorization of a programmatic permit shall be submitted at least 90 days prior to the date the current permit expires. Programmatic permits may be reauthorized through a Type 1 process following a required pre-application conference. Permit standards and conditions may be modified to conform to the current codes, policies, and standards or based on past performance. Where the review of the reauthorization application will extend beyond the expiration date of the current programmatic permit, the ~~planning official~~ Planning Official may extend the duration of the current permit for ~~30~~ up to 60 days at a time, not to exceed 180 days.

~~H. Trees, grasses, and brush in a critical area or buffer may be pruned or removed to create fire-defensible space around a structure (see subsection (A)(2)(f) of this section) when one or more of the criteria in VMC 20.740.030(C)(1)(f)(i)(A) through (C)(1)(f)(i)(F) are met. When creating fire-defensible space is permitted, the following standards shall apply:~~

- ~~1. Grasses and underbrush shall be maintained between eight inches and 12 inches in height.~~
- ~~2. Trees may be pruned, limbed-up, or removed. Topping trees is prohibited.~~
- ~~3. Removal of vegetation in a landslide hazard area is prohibited during the wet season (November 1st to May 1st). The area must be immediately replanted to ensure soil stability. The property owner shall maintain the newly planted vegetation to ensure its survival.~~
- ~~4. Any debris from vegetation removal shall be disposed of promptly and properly.~~
- ~~5. Required replantings shall be of native, fire-resistant species. A list of native, fire-resistant species is available from the planning official.~~

~~A. I. Development may be permitted on a site containing a critical area(s) or buffer(s) which may also be subject to state or federal permits prior to all necessary state or federal permits being obtained when all of the following criteria are met:~~

- ~~1. A phased master plan is submitted under Chapter 20.260 or 20.268 VMC as appropriate, demonstrating:~~
 - ~~a. a. How the maximum critical area(s) and maximum buffer(s) will be clearly avoided until all local, state, or federal permits are obtained;~~
 - ~~a. b. How each phase could be permitted as an individual project not relying on development of any other phases in any way;~~
 - ~~c. How each phase could be developed regardless of whether any or all of the pending state or federal permits are ever obtained;~~
 - ~~d. No net loss of critical area functions for each phase and for the project as a whole, regardless of whether any or all of the pending state or federal permits are ever obtained.~~

~~1. 2. Development is permitted only in the area that clearly avoids (VMC 20.740.030(B)(2)(f)(i)(A)) the maximum critical area(s) and buffer(s). (Ord. M 4105 § 3, 11/17/2014; Ord. M 4017 § 6, 07/16/2012; Ord. M 3959 § 37, 07/19/2010; Ord. M 3931 § 23, 11/02/2009; Ord. M 3844 § 2, 10/01/2007; Ord. M 3692, Added, 02/28/2005, See 2)~~

20.740.050 Submittal Requirements.

~~A. A.~~ *Preparation by Qualified Professional.* Any required ~~Critical Areas Report~~ critical areas report shall be prepared by a qualified professional as defined ~~herein~~ in VMC Chapter 20.150.

~~B. B.~~ *General Critical Areas Report Contents.* At a minimum, the ~~Critical Areas Report~~ critical areas report shall contain the following:

- ~~1. 1.~~ The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;
- ~~2. 2.~~ A copy of the site plan for the development proposal, including:
 - ~~a. a.~~ A map to scale depicting critical areas, buffers, the development proposal, and any areas to be ~~cleared~~ altered or developed; and
 - ~~b. b.~~ ~~Proposed~~ A proposed stormwater management and sediment control plan for the development, including a description of any impacts to drainage alterations; and
 - ~~c. A digital map of the geographic information required pursuant to the applicable provisions of this chapter for each critical area and buffer on site. The digital map(s) must be based on the same coordinate system as the Clark County GIS database: state plane coordinates using the NAD 1983 datum and the Washington South zone (also referred to as the FIPS Zone 4602). The digital map(s) must also conform to other Clark County GIS digital mapping standards and specifications available from the Planning Official or directly from Clark County's Department of Assessment and GIS.~~
- ~~3. 3.~~ The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site. Critical Areas Reports shall be prepared by a qualified professional for the type of critical area involved;
- ~~4. 4.~~ *Identification and scientific characterization of all critical areas and buffers.* The scientific characterization shall include a detailed assessment of the functional characteristics of the critical areas;
- ~~5. 5.~~ An assessment of the probable impacts to critical areas and buffers and risk of injury or property damage including permanent, temporary, ~~temporal~~, and indirect impacts resulting from development of the site and the operations of the proposed development;
- ~~6. 6.~~ A written response to each of the approval criteria in VMC 20.740.060;
- ~~7. 7.~~ Plans for adequate mitigation, as needed, to offset any impacts, in accordance with VMC 20.740.050(F) Mitigation Plan Requirements; and

8. ~~C.~~ C.—Additional Information. Any additional information required for the specific critical areas and buffers as specified in VMC 20.740.110 Fish and Wildlife Habitat Conservation Area, VMC 20.740.120 Frequently Flooded Areas, VMC 20.740.130 Geologic Hazard Areas, and VMC 20.740.140 Wetlands.

~~C.~~ D.—Other Reports or Studies. Unless otherwise provided, a Critical Areas Report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the ~~planning official.~~ Planning Official. Provided, the site conditions shall not have changed since the earlier report or study was completed.

~~D.~~ E.— Critical Areas Report – Modifications to Requirements. ~~Modifications to Required Contents.~~ The applicant may consult with the ~~planning official.~~ Planning Official prior to or during preparation of the Critical Areas Report ~~to obtain city approval of modifications to when the required contents of the report where, in the judgment of Planning Official determines and a qualified professional, more or recommends that less information is required necessary to adequately address the potential impacts to any critical areas or buffers and the required mitigation. The planning official~~ In such case the Planning Official may also initiate allow a modification to the required report contents by requiring either additional or less information, when determined to be necessary to the review of the proposed activity in accordance with this chapter, reduced scoped critical areas report.

~~E.~~ F.—Mitigation Plan Requirements. When mitigation is required, the applicant shall submit a mitigation plan as part of the Critical Areas Report. The mitigation plan shall include:

1. ~~1.~~ 1.—Mitigation rationale: A discussion of the rationale for the proposed mitigation that includes other mitigation options and why the proposed method best achieves the approval criteria in 20.740.060 as compared with other forms and locations for mitigation.

2. Detailed Construction Plans. The mitigation plan shall include descriptions and plans of the mitigation proposed, such as:

a. ~~a.~~ a.—The proposed construction sequence, timing, and duration;

b. ~~b.~~ b.—Grading and excavation details;

c. ~~c.~~ c.—Erosion and sediment control features;

d. ~~d.~~ d.—A planting plan specifying plant species, quantities, locations, size, spacing, and density; and

e. ~~e.~~ e.—Measures to protect and maintain plants until established; and

f. ~~These written descriptions shall be accompanied by detailed~~Detailed site diagrams, scaled cross sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.

3. ~~Adaptive Management. 2.~~The mitigation plan shall include identification of potential courses of action and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.

4. ~~Monitoring Program. Monitoring Program.~~The mitigation plan shall include a program for monitoring construction of the mitigation project and for assessing a completed project.

a. A protocol shall be included outlining the schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met.

b. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the mitigation project. The mitigation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five (5) years. ~~For example, ten (10) years or more of monitoring are typically needed for forested wetlands or scrub shrub communities.~~years or more than 10 years, unless otherwise specified in this code.

c. When the applicant believes that the conditions of the monitoring plan are met, the applicant shall contact the City and request that the City ~~verify and~~certify so in writing. The City shall conduct an on-site assessment as part of the verification process. ~~The applicant shall provide reasonable access to the property as necessary for verification and certification.~~

d. When the City has verified and certified that the conditions of the monitoring plan have been met, the critical area shall no longer be considered as mitigation, but as a ~~naturally-occurring~~critical area when processing a future development permit application(s).

3. ~~Adaptive Management.~~The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met. (Ord. M 3931 § 24, 11/02/2009; Ord. M 3844 § 2, 10/01/2007; Ord. M 3692, Added, 02/28/2005, Sec 2)

F. Development may be permitted on a site containing a critical area(s) or buffer(s) which may also be subject to state or federal permits prior to all necessary state or federal permits being obtained when all of the following criteria are met:

1. A phased master plan is submitted under VMC Chapter 20.260 or Chapter 20.268 as appropriate, demonstrating:
 - a. How the maximum critical area(s) and maximum buffer(s) will be clearly avoided until all local, state, or federal permits are obtained;
 - b. How each phase could be permitted as an individual project not relying on development of any other phases in any way;
 - c. How each phase could be developed regardless of whether any or all of the pending state or federal permits are ever obtained; and
 - d. The applicant demonstrates that there will be no net loss of critical area functions for each phase or for the project as a whole even if state and/or federal permits are not obtained.
2. Development is permitted only in the area that clearly avoids the maximum critical area(s) and buffer(s). (Ord. M-4105 § 3, 11/17/2014; Ord. M-4017 § 6, 07/16/2012; Ord. M-3959 § 37, 07/19/2010; Ord. M-3931 § 23, 11/02/2009; Ord. M-3844 § 2, 10/01/2007; Ord. M-3692, Added, 02/28/2005, Sec 2)

20.740.060 Approval Criteria.

Any activity or development subject to this chapter, ~~unless otherwise provided for in this chapter,~~ shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria. The ~~city~~City may condition the proposed activity as necessary to mitigate impacts to critical areas and their buffers and to conform to the standards required by this chapter. ~~Activities shall protect the functions of the critical areas and buffers on the site.~~

~~A. A.~~ Mitigation Sequence: Applications for a Critical Area Permit shall demonstrate avoidance of impacts to the greatest extent practicable. The measures below are listed in order of preference:

1. Avoid Impacts. The Applicant shall first seek to avoid ~~all~~ impacts altogether that degrade the functions and values of (a) critical area(s). This may include not taking a certain action or parts of an action, or necessitate a redesign of the proposal. The applicant shall provide sufficient evidence to demonstrate no practicable alternative exists that results in less impacts before proceeding through the rest of the mitigation sequence.
2. ~~B. B.~~ Minimize Impacts. Where avoidance is not feasible, the applicant shall adequately demonstrate why impacts could not be avoided, then minimize the impact of the activity by limiting the degree or magnitude of the action and mitigate to the extent necessary to achieve the activity's purpose and the purpose of this ordinance its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.

3. ~~C. —Rectifying.~~ Rectify the impact by repairing, rehabilitating, or restoring the affected environment.
4. ~~Reducing.~~ Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action.
5. ~~Compensatory Mitigation.~~ ~~The~~After the applicant has demonstrated why impacts could not be minimized, the applicant shall compensate for the unavoidable impacts by replacing each of the affected functions to the extent feasible. The compensatory mitigation shall be designed to achieve the functions as soon as practicable. Compensatory mitigation shall be in-kind and on-site, when feasible, and sufficient to maintain the functions of the critical area, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area. Compensatory mitigation priority for wetlands is specified in VMC 20.740.140(C)(3)(b). Compensatory mitigation shall offset both permanent and temporal impacts. Fish and Wildlife Habitat Conservation Areas are subject to additional compensatory mitigation requirements under 20.740.110(c)(1)(b).
- B. ~~D. —No Net Loss.~~ The proposal protects the critical area functions and values and results in no net loss of critical area functions and values. If loss of critical area functions are expected, adequate mitigation is provided to offset impacts of anticipated loss.
- C. ~~E. —Incorporate Best Available Science.~~ The proposal shall demonstrate measures to protect, avoid, and mitigate impacts to the Critical Area functions and values consistent with Best Available Science known at the time of permit submittal.
- D. ~~Monitoring.~~ The proposal demonstrates adequate measures to monitor the impacts, and measure the effectiveness of proposed mitigation measures. When corrective action is required to ensure no net loss of functions, the proposal outlines the methods by which such correction shall occur.
- E. ~~Consistency with General Purposes.~~ The proposal is consistent with the general purposes of this chapter and does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site.
- F. ~~F. —Performance Standards.~~ The proposal meets the specific performance standards of VMC 20.740.110 Fish and Wildlife Habitat Conservation Areas ~~VMC 20.740.110,~~ VMC 20.740.120 Frequently Flooded Areas ~~VMC 20.740.120,~~ VMC 20.740.130 Geologic Hazard Areas ~~VMC 20.740.130,~~ and VMC 20.740.140 Wetlands ~~VMC 20.740.140,~~ as applicable. (Ord. M 4017 § 7, 07/16/2012; Ord. M 3692, Added, 02/28/2005, Sec 2)

20.740.070 Minor Exceptions.

A. ~~A.~~ *Minor Exceptions Authorized.* Minor exceptions of no greater than 10% percent from the numeric standards of this chapter may be authorized by the ~~city~~ City in accordance with the Type II procedures set forth in VMC Chapter 20.210.050, Type II Applications. Minor exceptions shall not be combined with buffer averaging ~~[(20.740.140(C)(1)(b)(ii))]~~ or buffer reduction ~~(20.740.140(C)(1)(b)(iii))~~ for Fish and Wildlife Habitat Conservation Areas or Wetlands. Minor exceptions from the ~~NFIP~~ National Flood Insurance Program development standards of VMC 20.740.120, Frequently Flooded Areas, are prohibited ~~(VMC 20.740.120(K)).~~

B. ~~B.~~ *Minor Exception Criteria.* A minor exception from the standards of this chapter may be granted only if the applicant demonstrates that the requested action conforms to all of the following criteria:

1. ~~1.~~ Unusual conditions or circumstances exist that are ~~peculiar~~ specific to the intended use, the land, the lot, or something inherent in the land, and that are not applicable to all other lands in the same vicinity or zoning district;
2. ~~2.~~ The unusual conditions or circumstances do not result from the actions of the applicant;
3. ~~3.~~ Granting the minor exception requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings under similar circumstances;
4. ~~4.~~ The minor exception is necessary for the preservation and enjoyment of a substantial property right of the applicant such as is possessed by the owners of other properties in the same vicinity or district;
5. ~~5.~~ The minor exception requested is the least necessary and no greater than 10% percent of the subject standard to relieve the unusual circumstances or conditions identified in Subsection VMC 20.740.070(B)(1) above;
6. ~~6.~~ The granting of the minor exception or the cumulative effect of granting more than one minor exception is consistent with the general purpose and intent of the City of Vancouver Comprehensive Plan, this ~~Title~~ title, this chapter, and the underlying zoning district;
7. ~~7.~~ Degradation of the functions (including public health and safety) of the subject critical areas and any other adverse impacts resulting from granting the minor exception will be avoided, minimized and mitigated to the extent feasible in accordance with the provision of this chapter;
8. ~~8.~~ Granting the minor exception will not otherwise be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property; and
9. ~~9.~~ The proposed development complies with all other applicable standards.

~~C. C.~~ *Conditions May Be Required.* In granting any minor exception, the ~~city~~City may attach such conditions and safeguards as are necessary to secure adequate protection of critical areas and developments from adverse impacts, and to ensure conformity with this chapter.

~~D. Time Limit.~~ The city shall prescribe a time limit within which the action for which the minor exception is required shall be begun, completed, or both. Failure to begin or complete such action within the established time limit shall void the minor exception.

~~E. Burden of Proof.~~ The burden of proof shall be on the applicant to bring forth evidence in support of the application and upon which any decision has to be made on the application. (Ord. M 4017 § 8, 07/16/2012; Ord. M 3844 § 2, 10/01/2007; Ord. M 3692, Added, 02/28/2005, Sec 2)

20.740.080 Reasonable Economic Use Exceptions.

~~A. A.~~ *Exception Request and Review Process.* If the application of this chapter would deny all reasonable economic use of the subject property, the ~~city~~City shall determine if compensation is an appropriate action, or the property owner may apply for an exception pursuant to this section. Exceptions from the standards of this chapter may be authorized by the ~~city~~City in accordance with the Type III procedures set forth in VMC 20.210.060, ~~Type III Applications.~~

An application for a reasonable economic use exception shall be made to the ~~city~~City and shall include a Critical Areas Report, ~~including with a~~ mitigation plan, ~~if necessary~~; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (RCW 43.21C). The ~~planning official~~Planning Official shall prepare a recommendation to the Hearings Examiner based on review of the submitted information, a site inspection, and the proposal's ability to comply with the critical areas reasonable use exception criteria in VMC ~~20.740.080(B).~~

~~B. B.~~ *Reasonable Use Review Criteria.* The ~~city~~City shall approve applications for reasonable use exceptions when all of the following criteria are met:

- ~~1. 1.~~—The application of this chapter would deny all reasonable economic use of the property;
- ~~2. 2.~~—No other reasonable economic use of the property has less impact on the critical area;
- ~~3. 3.~~—The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;
- ~~4. 4.~~—The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of this chapter, or its predecessor;
- ~~5. 5.~~—The proposal does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;

~~6. 6.—The proposal mitigates for the loss of critical area functions to the greatest extent feasible; and contributes to the Critical Areas Restoration Fund for any impacts that cannot be mitigated.~~

~~7. 7.—The proposal is consistent with other applicable regulations and standards.~~

~~C. Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application. (Ord. M 3692, Added, 02/28/2005, Sec 2)~~

20.740.090 Unauthorized Critical Areas Alterations and Enforcement.

A. A.—Enforcement.

~~1. 1.—It shall be unlawful to violate the provisions of VMC Chapter 20.740. Any violation of this chapter shall constitute a public nuisance.~~

~~2. 2.—VMC Title 22 shall provide the enforcement provisions for VMC Chapter 20.740. VMC Title 22 may impose any of the remedies, requirements or corrective actions contained in this chapter. In lieu of or in addition to the enforcement provisions contained in VMC Title 22, the cityCity may also seek injunctive or other relief from any court of competent jurisdiction.~~

~~3. The city shall deposit all monetary penalties collected pursuant to VMC Title 22 into the Critical Areas Restoration Fund. Accrued monies in the Critical Areas Restoration Fund shall be used to protect and restore critical areas within the City of Vancouver.~~

~~B. B.—Requirement for Restoration Plan. In the event the cityCity initiates enforcement action under VMC Title 22 or files a complaint in court, the cityCity may require a restoration plan consistent with the requirements of this chapter. Such a plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the minimum performance standards for restoration requirements described in VMC 20.740.090(C). The planning officialPlanning Official shall, at the violator's expense, seek expert advice in determining whether the plan restores the affected area to its pre-existing condition or, where that is not possible, restores the functions of the affected area. Inadequate plans shall be returned to the applicant or violator for revision and re-submittal.~~

C. C.—Minimum Performance Standards for Restoration.

~~1. 1.—For alterations to frequently flooded areas, wetlandsFrequently Flooded Areas, Wetlands, and fishFish and wildlife habitat conservation areasWildlife Habitat Conservation Areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:~~

- a. ~~a.~~—The structure and functions of the critical area or buffer prior to violation shall be restored, including water quality and habitat functions;
- b. ~~b.~~—The soil types and configuration prior to violation shall be replicated;
- c. ~~c.~~—The critical area and buffers shall be replanted with native vegetation (a list of native species is available from the Planning Official). If the critical area or buffer is on a site that meets the criteria of VMC 20.740.030(C)(1)(f)(i), the vegetation for replanting must be not only native but also fire-resistant. A list of native, fire-resistant species is available from the Planning Official; and
- d. ~~d.~~—Information demonstrating compliance with ~~the requirements in VMC 20.740.050(F)~~ this chapter's Mitigation Plan Requirements shall be submitted to the ~~planning official~~ Planning Official.

2. ~~2.~~—For alterations to ~~frequently flooded~~ Frequently Flooded and ~~geologic hazard areas~~ Geologic Hazard Areas, the following minimum performance standards shall be met for the restoration of a critical area or buffer, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:

- a. ~~a.~~—The hazard shall be reduced to a level equal to, or less than, the pre-violation hazard;
- b. ~~b.~~—The risk of personal injury resulting from the alteration shall be eliminated or minimized;
- c. ~~c.~~—Drainage patterns shall be restored to those existing before the alteration; and
- d. ~~d.~~—The hazard area and buffers shall be replanted consistent with pre-violation conditions with native vegetation sufficient to minimize the hazard. If the critical area or buffer is on a site that meets the criteria of VMC 20.740.030(C)(1)(f)(i), the vegetation for replanting must be not only native but also fire-resistant. A list of native, fire-resistant species is available from the Planning Official.

D. ~~D.~~—*Site Investigations*. The ~~planning official~~ Planning Official is authorized to make site inspections and take such actions as are necessary to enforce this chapter. ~~As a condition of the restoration plan, the applicant shall grant reasonable access to the property.~~

E. ~~E.~~—*Noncompliance in Frequently Flooded Areas*. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction be subject to enforcement under subsection A of this section. Nothing

herein contained shall prevent the ~~city of Vancouver~~City from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. M-4325 § 3, 2020; Ord. M-3844 § 2, 2007; Ord. M-3692 § 2, 2005)

20.740.100 Designation Process for Habitats of Local Importance.

A. ~~A.~~—*Eligibility and Approval Criteria.* Habitats of Local Importance are Fish and Wildlife Habitat Conservation Areas ~~which that~~ are not designated as ~~Priority Habitats and Species by the state under VMC 20.740.110,~~ but are designated as locally significant by the ~~city~~City. Criteria for designation include all of the following:

- ~~1.~~ 1.—A need for protection exists due to a high diversity of fish or wildlife species, declining populations, scarcity of the habitat type, sensitivity to disturbance from human activity or development, or other unique local habitat functions.
- ~~2.~~ 2.—The area is sufficient in size to support the species or habitat functions for which it is designated.
- ~~3.~~ 3.—The designation will not compromise the ability of the ~~city~~City to achieve the goals of the Comprehensive Plan.
- ~~4.~~ 4.—There is a proposed management strategy describing how the functions of the habitat will be protected after designation.
- ~~5.~~ B.—The area and habitat are not otherwise protected under other critical areas regulations.

B. *Designation Process.* Habitats of Local Importance may be proposed by the property owner or the ~~city~~City and shall be designated according to a Type IV legislative procedure (VMC ~~Chapter 20.210.070~~). (Ord. M-3692, Added, 02/28/2005, Sec 2)

20.740.110 Fish and Wildlife Habitat Conservation Areas.

A. ~~A.~~—*Designation and Location.*

- ~~1.~~ 1.—The City designates the following identified areas as Fish and Wildlife Habitat Conservation Areas. Final designations shall be based on site conditions and other available data or information (~~See VMC 20.740.020(C)(1).~~ ~~There are established in the city the following identified Fish and Wildlife Habitat Conservation Areas:).~~
- ~~a.~~ a.—Habitat used by any life stage of state or federally designated Areas where endangered, threatened, and sensitive fish or wildlife species. ~~A current list of federally and state identified species is available from the planning official.~~

a. ~~b. *Priority Habitats and*~~ have a primary association, including priority habitats and areas associated with *Priority Species*. Current lists of Priority Habitats and Species and applicable Management Recommendations promulgated priority species as defined by the Washington Department of Fish and Wildlife are available from the planning official (WDFW) PHS List. Within the city, these areas and species primarily include, but may not be limited to, the following:

i. ~~e. *Water bodies including lakes, streams, rivers,*~~ Riparian areas composed of Riparian Management Areas (RMA's) and naturally Riparian Buffers (RB's);

ii. Priority Oregon white oak habitat;

iii. Biodiversity areas;

iv. Waterfowl concentrations; and

v. Aquatic habitat.

b. Forage fish spawning areas;

c. Naturally occurring ponds- under 20 acres and their submerged aquatic beds that provide fish and wildlife habitat;

d. Waters of the state;

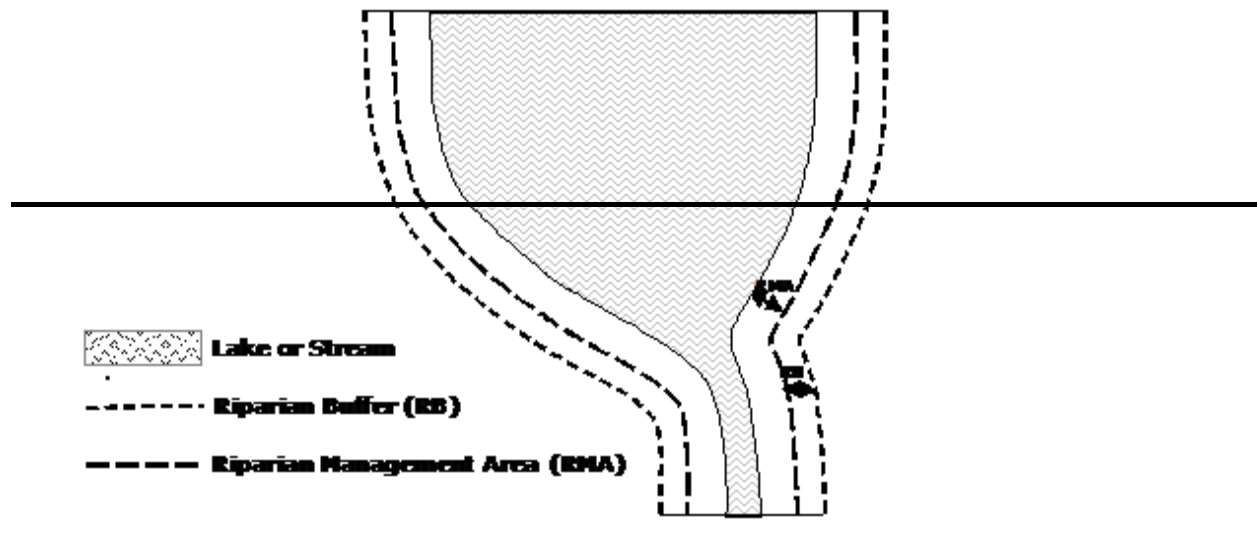
e. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;

f. State natural area preserves, natural resource conservation areas, and state wildlife areas; and

g. ~~d. *Habitats and Species of Local Importance.*~~ Fish and Wildlife Habitat Conservation Areas which are not designated as Priority Habitats and Species by the state but or individual species that are designated as locally significant by the city City in accordance with VMC 20.740.100.

e. ~~*Riparian Management Areas and Riparian Buffers.*~~ The regulated areas include the land from the ordinary high water mark to a specified distance as measured horizontally in each direction. The Riparian Management *Fish and Wildlife Habitat Conservation Area* is adjacent to the lake, stream or river, and the Riparian Buffer is adjacent to the Riparian Management Area.

**Figure 20.740.110-1
Riparian Management Area and Riparian Buffer**



(1) The Riparian Management Areas and Riparian Buffers are as follows:

Table TABLE 20.740.110-1. RIPARIAN MANAGEMENT AREAS & BUFFERS

DNR/Vancouver Stream Type	Description	Land Use Intensity¹	RMA	RB²
S	Shorelines of the State	High/Moderate/Low	100'	75'
F	Lakes, streams, and rivers that contain fish habitat	High/Moderate/Low	100'	75'
Np or Ns, large	Streams and rivers that: (1) are not shorelines of the state; (2) do not contain fish habitat; (3) are wider than 5' between the ordinary high water marks on the banks.	High/Moderate/Low	100'	75'

DNR/Vancouver Stream Type	Description	Land Use Intensity¹	RMA	RB²
Np, small, connected	Streams and rivers that: (1) are not shorelines of the state; (2) do not contain fish habitat; (3) are not more than 5' wide; (4) do connect via surface water to another stream or river (whether perennial or seasonal) even if the connection traverses a culvert, wetland, or other feature; and (5) are perennial	High/Moderate Low	100' 100'	50' 25'
Ns, small, connected	Streams and rivers that: (1) are not shorelines of the state; (2) do not contain fish habitat; (3) are not more than 5' wide; (4) do connect via surface water to another stream or river (whether perennial or seasonal) even if the connection traverses a culvert, wetland, or other feature; and (5) are seasonal	High/Moderate Low	100' 100'	25' 0'
Np or Ns, small, not connected	Streams and rivers that: (1) are not shorelines of the state; (2) do not contain fish habitat; (3) are not more than 5' wide;	High/Moderate/Low	25'	0'

DNR/Vancouver Stream Type	Description	Land Use Intensity¹	RMA	RB²
	(4) do not connect via surface water to another stream or river; and (5) are either perennial or seasonal			

¹ Refer to Table 20.740.140-1.

² The RB is the distance shown or the full extent of the 100-year floodplain, whichever is farther landward.

(A) When impervious surfaces from previous development completely functionally isolate the Riparian Management Area or the Riparian Buffer from the waterbody, the regulated riparian area shall extend from the ordinary high water mark to the impervious surfaces. If the waterbody is not completely physically isolated, but is completely functionally isolated, the Planning Official may adjust the regulated riparian area to reflect site conditions and sound science.

g. 2. Habitat Location Information: Locations. Information on the approximate location and extent of Fish and Wildlife Habitat Conservation Areas is available from the planning official, following sources:

The habitat location information is based on:

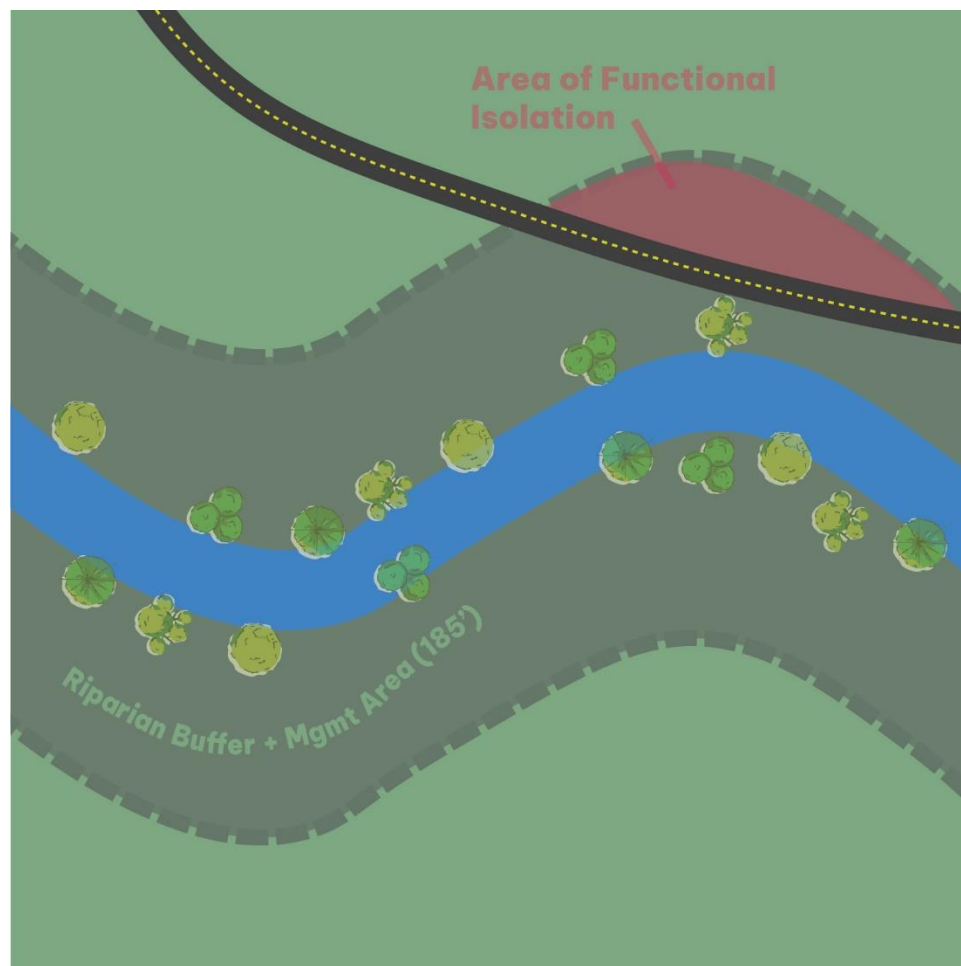
- h. a. Washington Department of U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA) Fisheries species list;
- i. a. WDFW Priority Habitat and Species Maps;
- j. b. Washington Department of Fish and Wildlife WDFW Anadromous and Resident Salmonid Distribution Maps in the Salmon and Steelhead Habitat Inventory Assessment Program (SHIAP);
- k. c. StreamNet.org maps from the Pacific States Marine Fisheries Commission;
- l. Washington State Department of Natural Resources (DNR) Official Water Type Reference Maps; and
- d. City designated Habitats of Local Importance;
- m. e. Other information acquired by the city City such as site-specific or area-specific delineations or studies.

~~B. Additional Critical Areas Report Requirements.~~

B. Development activities that functionally or physically isolate the RMA or RMB buffer.

When existing impervious surfaces or other built structures functionally or physically isolate the RMA or RB buffer from the waterbody, the regulated RMA or RB wetland buffer shall extend landward from the ordinary high water mark (OHWM) or channel migration zone (CMZ), whichever is greater and terminate at the waterward edge of the impervious surface or manmade structure. Development activities that occur within the area of functional isolation, or further landward, are exempt from the requirement to obtain a Critical Areas Permit.

Figure 20.740.110-1.— A Critical Areas Report for a Riparian Management Area or Riparian Buffer shall include evaluation of the habitat: **Functional Isolation**



The obstruction causing the physical isolation shall be significant enough in size and stature that protective buffers or other mitigation measures cannot reasonably restore ecological

~~functions using the Clark County Habitat Conservation Ordinance Riparian Habitat Field Rating Form or another habitat evaluation tool approved by or benefits. The Planning Official may rely on a site visit, aerial photographs, other evidence provided by the applicant or the applicant's qualified professional, and consultation with the Washington Department of Fish and Wildlife (WDFW) in making a determination to reduce the width of the RMA, RB, or wetland buffer based on functional and/or physical isolation. The following obstructions shall not constitute functional isolation:~~

~~a. In addition to the standards of (VMC 20.740.050(F)), where a mitigation plan is required as part of the Critical Areas Report for a fish and wildlife habitat conservation area that involves a water body, Riparian Management Area or Riparian Buffer, the monitoring program protocol shall include where relevant to the impacted functions:~~

- ~~1. Observations and measurements of riparian integrity and quality (buffer width, riparian corridor continuity or fragmentation, species diversity, stand age, plant survival rates)~~
- ~~2. Large woody debris surveys~~
- ~~3. Streamflow monitoring~~
- ~~4. Water quality monitoring to detect pollution impacts~~
- ~~5. Biological monitoring (including fish surveys and benthic macroinvertebrate sampling)~~

~~2. If the clearing or development activity is in the Riparian Management Area, the Critical Areas Report shall contain the following information, if applicable, in addition to the general Critical Areas Report requirements of VMC 20.740.050:~~

- ~~a. How the clearing or development activity constitutes a water dependent, water related or water-enjoyment use; or~~
- ~~b. How the clearing or development activity cannot feasibly be located on the site outside of the Riparian Management Area; and~~
- ~~c. How the proposal meets the Riparian Management Area width averaging standard (VMC 20.740.110(C)(2)(c)); and~~

- ~~1. d. Trails, paths, or sidewalks;~~
- ~~2. Minor Accessory structures;~~
- ~~3. Driveways or drive aisles;~~
- ~~4. Subsurface utilities.~~

Note: RMA's and RB's are measured from the OHWM or the edge of a channel migration zone (CMZ), whichever is further landward. However, no CMZs have been identified within the city limits as of the date this chapter was adopted.

~~a. How the proposal will not adversely affect the connectivity of habitat functions.~~

C. ~~C.~~ Performance Standards.

~~1. General.~~

1. ~~a.~~ Development Standards

a. Development and Clearing Activities.

i. Development or clearing activities shall protect the functions of the Fish and Wildlife Habitat Conservation Areas on the site. ~~The activity and shall result in no net loss of functions. Protection can be provided by avoiding (the preferred protection) or minimizing and mitigating as described in the general critical areas, as required by the approval criteria (VMC 20.740.060). Functions include:~~ of this chapter.

~~1. Providing habitat for breeding, rearing, foraging, protection and escape, migration, and over-wintering; and~~

~~2. Providing complexity of physical structure, supporting biological diversity, regulating stormwater runoff and infiltration, removing pollutants from water, and maintaining appropriate temperatures.~~

b. ~~An applicant shall replace any lost functions preferably by restoring or if not, then by enhancing other habitat functions, so long as the applicant demonstrates that enhancement of the other functions provides no net loss in overall functions and maintains habitat connectivity. An example of unavoidable loss of function would be interruption of a travel corridor in a Riparian Management Area or Buffer. To the maximum extent feasible, enhancement shall be undertaken on-site.~~

ii. ~~c.~~ e. ~~If development or clearing activity is within a Priority Habitat and Species area, the applicant shall follow Washington Department of Fish and Wildlife WDFW Management Guidelines, Management Recommendations or other standards approved by the Washington Department of Fish and Wildlife. Where there are no guidelines, recommendations, or other standards, development or clearing may occur provided that:~~ approved by WDFW.

~~1. The development or clearing results in no net loss of habitat function on the site; and~~

~~2. Functionally significant habitat, defined as habitat that cannot be replaced or restored within 20 years, shall be preserved.~~

~~d. Signs for Fish and Wildlife Conservation Areas~~

~~1. Temporary markers. The location of the outer perimeter of the fish and wildlife habitat conservation area shall be marked in the field, and such marking shall be approved by the planning official prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.~~

~~2. Permanent signs. Permanent signs shall be posted on public and private properties at an interval of one per lot for single family residential uses or at a maximum interval of 200 feet or as otherwise determined by the planning official, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the planning official: "The area beyond this sign is a fish and wildlife habitat conservation area. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."~~

~~2. Riparian Management Areas and Riparian Buffers.~~

~~In addition to the standards in VMC 20.740.060 and VMC 20.740.110(C)(1) the standards in this section shall apply in Riparian Management Areas and Buffers.~~

~~a. Riparian Buffer. Development or clearing activity may occur in the Riparian Buffer, providing that:~~

~~1. The planned mitigation results in no net loss of riparian habitat functions on the site, and~~

~~iii. 2. Functionally significant habitat, defined as habitat that cannot be replaced or restored within 20 years, shall be preserved unless the activity meets the conditions of VMC ~~20.740.110(C)(2)(b)~~ 20.740.110(B)(2)(b). An example of habitat that cannot be replaced within 20 years would be a stand of mature trees or a peat bog.~~

~~b. b. Mitigation.~~

~~i. Mitigation for impacts within Fish and Wildlife Habitat Conservation Areas shall follow the sequence specified in this chapter's approval criteria. WDFW shall be consulted when a project may potentially impact Priority Habitats and Species (PHS) on or adjacent to the project area.~~

~~ii. Disrupted functions and values shall be mitigated on site as a first priority, and off site thereafter.~~

iii. An up-to-date science-based guide, such as applicable watershed, fish recovery, sub-basin, or other science-based plans should be used to guide the proposed mitigation. Any science used to guide mitigation actions, whether on site or off site, must meet the criteria and characteristics of best available science listed in WAC 365-195-905 (Criteria for determining which information is the “best available science”), or the state standards in effect at the time of application.

c. Signs for Fish and Wildlife Conservation Areas.

i. Temporary and permanent markers and signs shall be installed as required by this chapter’s General Provisions.

2. Standards for RMAs RBs.

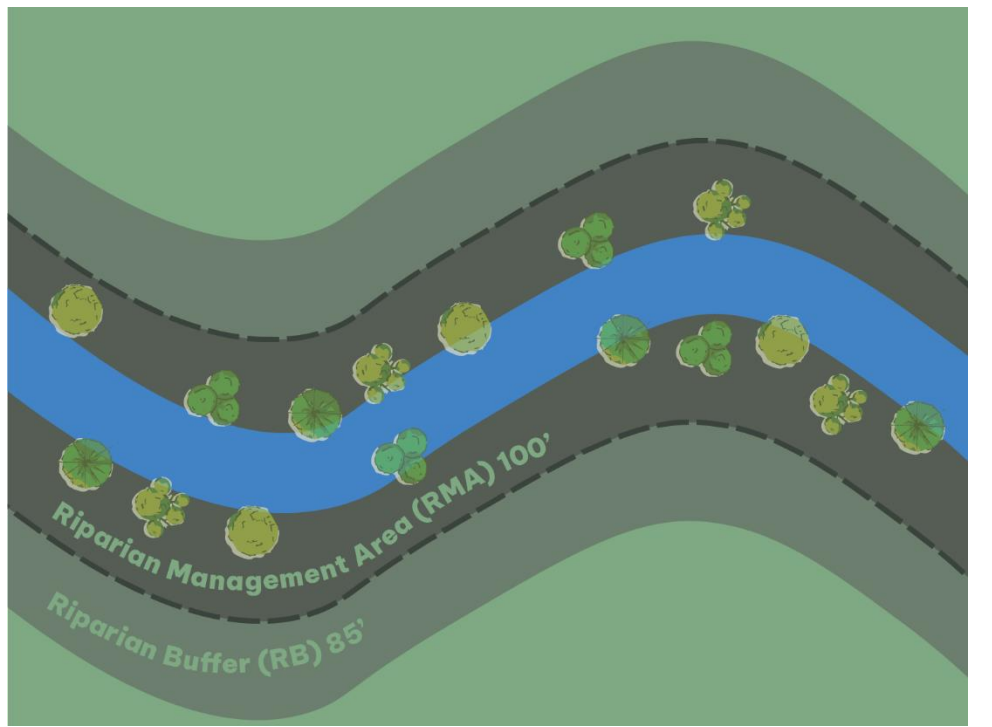
a. RMA and RB Location and Width.

i. Standard Width. Standard RMA widths are 100 feet for Shorelines of the State (Type S), for both fish-bearing and non-fish-bearing waterbodies and for unclassified streams. The RB is 85 feet for all classified and unclassified waterbody types. The RMA and RB widths shall be combined for a total regulated riparian area width of 185 feet.

ii. Site Potential Tree Height (SPTH) RMA and RB Width. If the applicant cannot accommodate the standard-width RMA and RB on the project site for the proposed development, , applicants may use the 200-year SPTH mapping tool referenced in WDFW’s Riparian Ecosystems, Volume 2: Management Recommendations and justify a lesser-width RMA and/or RB in the project’s Critical Areas Report. For project locations with multiple SPTH values, the largest SPTH value shall be used to establish the riparian area width. If the tool does not have data available to establish SPTH, the minimum combined RMA and RB width shall be the standard width as established in subsection (2)(a)(i).

iii. Measurement. Whether the standard or SPTH RMA and RB is used, the RMA is measured horizontally from the OHWM of the stream, river, or lake or from the CMZ, where present, to the specified width. The RB is measured horizontally from the landward boundary of the RMA as shown in Figure 20.740.110-1.

Figure 20.740.110-2



b. Riparian Management Area Width Averaging. The width of the RMA may be modified (see VMC 20.170.080[B][1]) if all the following are met:

- i. The total square footage of the Riparian Management Area RMA (VMC 20.740.110[B][2][a][i]) is not reduced;
- ii. There is no net loss of functions as a result of the averaging; and
- iii. ~~Area.~~The reduction of the Riparian Management Area RMA width at any location is no greater than 25 percent of the required standard or SPTH width under VMC 20.740.110(2)(a)(i or ii).

c. Permitted Development and Uses within RMAs and RBs and Development Standards.

- i. Development and Uses within the Riparian Buffer. Development or clearing activity is permitted in the RB that meets the general performance standards in VMC 20.740.110(B).
- ii. Development and Uses within the RMA . No development or clearing activity is allowed within the ~~Riparian Management Area~~ RMA unless such activity is:

(A) ~~1.~~ 4.—A water-dependent, water-related or water-enjoyment activity ~~wherefor which~~ there are no feasible alternatives that would have a less adverse impact on the ~~Riparian Management Area or Riparian Buffer. The applicant shall minimize the impact and mitigate for any unavoidable impact to functions; Cost may be considered, but shall not be overriding; or~~ RMA ;

(B) ~~2.~~ 2.—A road, railroad, trail, dike, or levee or a water, sewer, stormwater conveyance, gas, power, cable, fiber optic, or telephone facility Infrastructure or utilities that cannot feasibly be located outside of the ~~Riparian Management Area~~ wetland, that minimizes ~~impacts, and the impact,~~ that mitigates for any unavoidable impact to functions. ~~Cost may be considered, but shall not be overriding; or, and has received authorization from applicable federal and state regulating agencies;~~

(A)(C) ~~3.~~ 3.—Mitigation for activities allowed by this chapter, providing the activity ~~provides results in~~ no net loss of riparian habitat functions on the site; or

(B)(D) Trails and wildlife viewing structures, provided that the trails and structures minimize the impact and are constructed so that they do not interfere with hydrology of the waterbody and do not result in increased sediment entering the waterbody.

c. ~~Modification of the Riparian Management Area Width.~~ The width of the Riparian Management Area may be modified (See VMC ~~20.170.080(B)(1)~~) if all the following are met:

1. ~~The square footage of the area meeting the performance standards of the Riparian Management Area (VMC 20.740.110(C)(2)(b)) is not reduced;~~ Trails and

~~i. 2. There is no net loss of functions as a result of the averaging; and~~

3. ~~Notwithstanding any other provision, the reduction of the Riparian Management Area width at any location may be no greater than 25%.~~

d. ~~Owners of developed properties within the Riparian Management Area or Riparian Buffer are encouraged to enhance the area by planting native plants and to apply integrated pest management.~~

e. ~~Agricultural activities in the Riparian Management Area or Riparian Buffer are encouraged to develop farm conservation plans. (Ord. M 3931 § 25, 11/02/2009; Ord. M 3844 § 2, 10/01/2007; M 3692, Added, 02/28/2005, Sec 2)~~

iii. Modifications to Existing Development. When replacing or removing existing development within an RMA or RB, the applicant shall implement the following, where applicable, during site construction:

- (A) Evaluate the RMA and RB to pinpoint the best sites to restore and consider connectivity and adjacency to other priority habitats;
- (B) Improve aquatic connectivity by replacing culverts and removing barriers to movement;
- (C) Revegetate with native plants and consider improvements for wildlife by integrating structures necessary for nesting, breeding, and foraging;
- (D) As existing development is remodeled or replaced, incorporate additional setbacks for streams;
- (E) Control access to RMAs and RBs during construction to limit soil compaction. Avoid operating equipment near waterbodies to reduce sedimentation and soil compaction; and
- (F) Avoid using chemicals in the RMA and RB that are not approved by the Washington State Department of Ecology (Ecology).

iv. Mitigation. When mitigating on-site impacts, the following guidelines, where applicable, shall be implemented when designing mitigation for impacted riparian areas, if a restoration opportunity is available on site and within the RMA or RB:

- (A) Protect riparian functions that remain, especially in places that are high functioning and implement actions that enhance degraded functions;
- (B) Increase riparian width in areas of high function; and
- (C) Prioritize opportunities to maintain and restore in-stream and riparian connectivity.

D. Additional Critical Areas Report Requirements.

1. A Critical Areas Report for an RMA or RB shall include:
 - a. The SPTH riparian area width in the mapping tool referenced in WDFW's Riparian Ecosystems, Volume 2: Management Recommendations document, if the applicant is not proposing to use the standard-width RMA and RB.
 - b. In addition to the standards of VMC 20.740.050(F), where a mitigation plan is required as part of the Critical Areas Report for a Fish and Wildlife Habitat Conservation Area that involves a waterbody, RMA, or RB, the monitoring program protocol shall include, where relevant to the impacted functions:
 - i. Observations and measurements of riparian integrity and quality (buffer width, riparian corridor continuity or fragmentation, species diversity, stand age, plant survival rates);
 - ii. Large woody debris surveys; and
 - iii. Streamflow monitoring.
 - iv. Water quality monitoring to detect pollution impacts.
 - v. Biological monitoring (including fish surveys and benthic macroinvertebrate sampling.
2. If the clearing or development activity is in the RMA, the Critical Areas Report shall contain all the following information, if applicable:
 - a. How the clearing or development activity constitutes a water-dependent, water-related, or water-enjoyment use;
 - b. How the clearing or development activity cannot feasibly be located on the site outside of the RMA;
 - c. How the proposal meets the RMA width averaging standard (VMC 20.740.110(B)(2)(b)); and
 - d. How the proposal will not adversely affect the connectivity of habitat functions.
3. For land use and development-related activities on a site with PHS-designated priority Oregon white oak woodland habitat, the applicant shall be required to demonstrate compliance with WDFW's latest guidance: *Best Management Practices for Mitigating Oregon White Oak Priority Habitat* (January 2024) the Washington Department of Fish and Wildlife WDFW's latest

guidance: Best Management Practices for Mitigating Oregon White Oak Priority Habitat (January 2024) and any subsequent revisions. The report shall include mapping and an evaluation of the habitat functions.

- a. The critical areas report shall also identify protection and mitigation for the impacted Oregon white oaks on the site. In circumstances where it is demonstrated that preservation or mitigation of impacts on-site is not practicable, the applicant shall provide a minimum of two alternative site designs and layouts to demonstrate that impacts cannot be avoided or be reduced to result in less impacts. The planning director may approve reductions to numerical standards including parking and setbacks under the minor exception process in VMC 20.740.070 to avoid or reduce impacts.
- b. If compensation is determined to be the only available option for the proposed impact, the report shall include the quantity and method of mitigation to compensate for permanent and temporal impacts in accordance with WDFW's Best Management Practices for Mitigating Impacts to Oregon White Oak Priority Habitat, including the following:
 - i. Assessment of priority Oregon white oak woodlands and individuals to determine if they meet the designation criteria for priority habitat and species, the size of each woodland or individual, and the level of ecological function provided;
 - ii. Analysis of the physical and temporal loss of the impacted Oregon white oak woodland habitat;
 - iii. The corresponding mitigation ratios for both physical and temporal loss of the impacted Oregon white oak habitat and the location of such mitigation; and
 - iv. Description of monitoring as outlined by WDFW's guidance.

20.740.120 *Frequently Flooded Areas.*

This section shall apply to all special flood hazard areas within the boundaries of the city of Vancouver.

A. *Designation.* Frequently flooded areas are the areas of special flood hazards identified by the Federal Insurance Administrator and the Federal Emergency Management Agency (FEMA), respectively, in scientific and engineering reports entitled Flood Insurance Study: Clark County, Washington and Incorporated Areas, Volumes 1 and 2 (Numbers 53011CV001A and 53011CV002A, respectively) effective September 5, 2012,

and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs and their digital version, DFIRMs) and any revisions thereto, which are hereby adopted by reference and declared to be part of this chapter. The Flood Insurance Study (FIS), FIRMs and DFIRMs are available from the planning official, 415 West 6th Street, Vancouver, WA 98660. (See VMC [20.150.040](#), Meanings of Specific Words and Terms, for definitions for “areas of special flood hazards,” “floodplain,” “floodway,” and “frequently flooded areas.”)

When base flood elevation (BFE) data has not been provided in frequently flooded areas (Zone A), the planning official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this chapter. This best available information for flood hazard area identification shall be the basis for regulation until a new FIRM/DFIRM is issued.

B. *Compliance.* All development within special flood hazard areas is subject to the terms of this chapter and other applicable regulations.

C. *Penalties for Noncompliance.* See VMC [20.740.090](#).

D. *Abrogation and Greater Restrictions.* This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

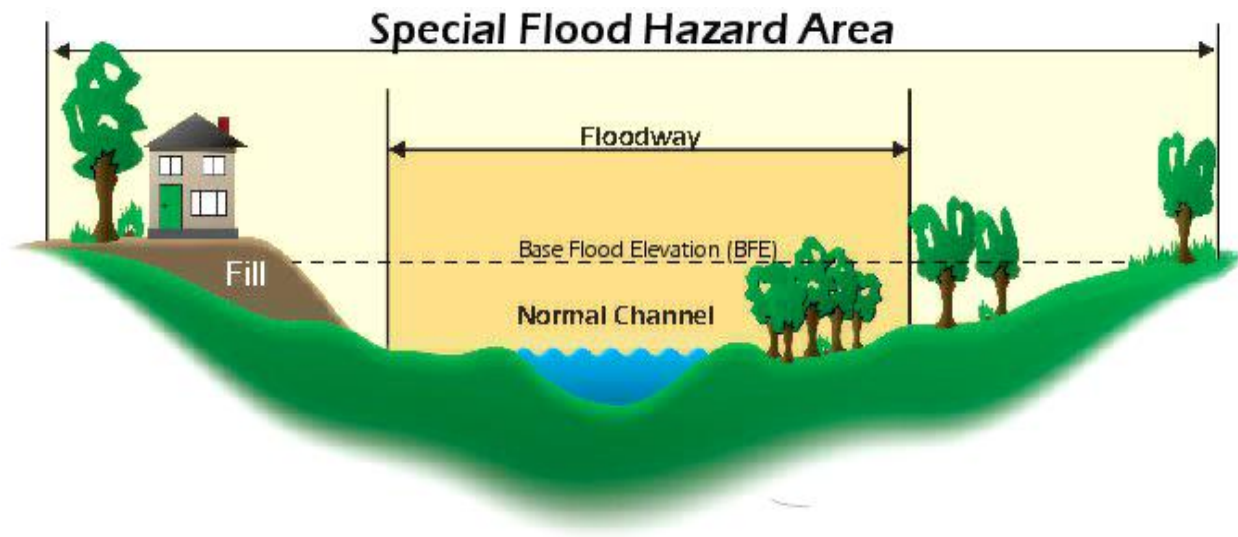
E. *Interpretation (Not Mandatory).* In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

F. *Warning and Disclaimer of Liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Vancouver, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

G. *Severability.* This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

Figure 20.740.120-1. Frequently Flooded Areas/Areas of Special Flood Hazards



Adapted from Floodplain Management: A Local Administrator's Guide to the National Flood Insurance Program, Fifth Edition, FEMA Region 10

H. *Designation of the Floodplain Administrator (44 CFR 59.22(b)(1))*. The land use program manager is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accordance with its provisions. The floodplain administrator may delegate authority to implement these provisions.

1. *Duties and Responsibilities of the Floodplain Administrator*. Duties of the floodplain administrator shall include, but not be limited to:

a. *Development Review*. Review all proposed developments to:

- i. Determine whether a floodplain permit is required;
- ii. Make interpretations where needed as to the exact location of special flood hazard area boundaries, with respect to the flood insurance study maps and zoning district boundaries.

b. *Permit Review*. Review all development permits to determine that:

- i. The permit requirements of this chapter have been satisfied;
- ii. All other required state and federal permits have been obtained;
- iii. The site is reasonably safe from flooding;

iv. The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 5.4-1 are met;

v. Notify FEMA when annexations occur in the special flood hazard area.

I. *Additional Critical Areas Report Requirements.* In addition to the critical areas report requirements in VMC [20.740.050](#), the following information shall be submitted. Elevation data shall reference the NAVD 1988 Datum.

1. Base (100-year) flood elevation in relation to mean sea level. When base flood elevation has not been provided or is not available from an authoritative source, it shall be generated by the applicant for developments which contain at least 50 lots or five acres, whichever is less.
2. Elevation in relation to mean sea level, of the lowest floor (including basement) of all existing and proposed structures.
3. Elevation in relation to mean sea level to which any structure's lowest floor (including basement) is raised to be at least one foot above the base flood elevation or for nonresidential flood-proofed structures, the elevation in relation to mean sea level to which any structure is flood-proofed.
4. Location of the channel migration zone. See the Clark County Shoreline Inventory & Characterization Report, Volume 1, Lewis and Salmon-Washougal Watersheds and Rural Areas, Map 27, Potential Channel Migration Zone (CMZ) Areas for general locations of channel migration zones. The actual location of the channel migration zone on site must be identified by a qualified professional and mapped in accordance with the submittal requirements of VMC [20.740.050](#).
5. Description of strategies taken to avoid, minimize, and mitigate unavoidable impacts to public safety. When the base flood elevation has not been provided or is not available from an authorized source (subsection [A](#) of this section), the critical areas report shall include a discussion of how and whether the proposed development would be reasonably safe from flooding. Historical data, high water marks, photographs of past flooding and other available information will be used as the basis for this discussion and conclusion.
6. Certification, documentation, and demonstration by a qualified professional of how the applicable standards of subsection [J](#) of this section will be met. To support the "no rise" analyses required in subsection [\(J\)\(1\)](#) of this section, the documentation required in the most recently updated or amended FEMA Region 10 publication, Floodplain Management: A Local Floodplain Administrator's Guide to the National Flood Insurance Program shall be submitted.

J. *Performance Standards.* Except as noted, the following standards apply to all structures and development (including but not limited to the placement of manufactured homes, substantial improvement, roads, railroads, trails, dikes, levees, or water, sewer, stormwater conveyance, gas, power, cable, fiber optic or telephone

facilities) in all areas of special flood hazards and channel migration zones (CMZs). Additional restrictions apply in the floodway.

1. *Encroachments.*

a. *Designated Floodway: Prohibited Encroachments.* The following are prohibited in the floodway:

- i. Water wells (subsection [\(J\)\(4\)\(a\)](#) of this section).
- ii. On-site waste disposal systems (subsection [\(J\)\(5\)\(a\)](#) of this section).
- iii. Residential structures or other structures for human habitation including but not limited to:
 - A. Building envelopes within subdivisions (subsection [\(J\)\(9\)\(a\)](#) of this section);
 - B. New construction or reconstruction of residential structures (subsection [\(J\)\(10\)\(b\)\(i\)](#) of this section);
 - C. Placement or replacement of manufactured homes (all types) (subsection [\(J\)\(10\)\(b\)\(ii\)](#) of this section);
 - D. Critical facilities housing vulnerable populations and emergency services (subsection [\(J\)\(12\)\(a\)](#) of this section); and
 - E. Recreational vehicles (subsection [\(J\)\(13\)\(a\)](#) of this section).

b. *Designated Floodway: Allowed Encroachments.* In areas where the base flood elevation has been provided and a regulatory floodway has been designated, other encroachments including but not limited to fill, new construction, replacement structures, substantial improvements and other development shall be prohibited unless:

- i. Certification by a qualified professional (in this case, a registered professional engineer) is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in a net increase in base flood elevation (less than 0.00 feet, rounded) or flood velocity during the occurrence of the base flood discharge. At a minimum, such “no rise” analyses shall include a step-backwater analysis and a conveyance compensation analysis as required in the most recently updated or amended FEMA Region 10 publication, Floodplain Management: A Local Floodplain Administrator’s Guide to the National Flood Insurance Program; and
- ii. The applicable standards of subsections [\(J\)\(2\)](#) through [\(J\)\(15\)](#) of this section are also met.

c. *No Designated Floodway: Allowed Encroachments.* In areas where the base flood elevation has been provided but a regulatory floodway has not been designated, no encroachments including but

not limited to new construction, substantial improvement, or other development (including fill) shall be permitted, unless:

- i. The applicant has demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point; and
- ii. The applicable standards of subsections [\(J\)\(2\)](#) through [\(J\)\(15\)](#) are also met.

d. *Other Areas of Special Flood Hazards and CMZs.* In areas of special flood hazards except the floodway or where the BFE has not been provided, or in channel migration zones, encroachments, including but not limited to fill, new construction, replacement structures, substantial improvements and other development shall be prohibited, unless:

- i. A qualified professional provides certification demonstrating that the proposed project would not result in a net loss of flood storage capacity; and
- ii. The applicable standards of subsections [\(J\)\(2\)](#) through [\(J\)\(15\)](#) of this section are also met.

2. *Property Damage.* Development shall not result in adverse impacts to other properties either upstream or downstream.

3. *Drainage.* Drainage paths around structures and on slopes shall be adequate to guide floodwaters around and away from proposed structures and adjacent properties.

4. *Water.*

- a. Water wells are prohibited in the floodway.
- b. In areas of special flood hazards except the floodway and in CMZs, water wells shall be constructed to withstand a 100-year flood without adversely impacting groundwater quality (WAC [173-160-171](#)).
- c. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

5. *Waste.*

- a. On-site waste disposal systems are prohibited in the floodway.
- b. In areas of special flood hazards except the floodway and in CMZs, on-site waste disposal systems shall be located to avoid flood damage to them or release of contaminants from them during a base flood event.

- c. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

6. *Construction Materials and Methods.*

- a. Construction methods and practices shall minimize flood damage.
- b. Construction materials and utility equipment shall be resistant to flood damage. For guidance on flood-resistant materials see the most current FEMA Technical Bulletin 2, Flood-Resistant Materials Requirements.
- c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during a base flood event. For guidance on the placement of building utility systems, see the most current FEMA Publication #348, Protecting Building Utilities from Flood Damage.

7. *Anchoring.* All new construction including substantial improvements and all types of manufactured homes shall:

- a. Be elevated on a permanent foundation and securely anchored to an adequate foundation system to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
- b. Be installed or placed using methods and practices that minimize flood damage. Manufactured home placement shall follow the guidance in the most current FEMA P-85, Protecting Manufactured Homes from Floods and Other Hazards.

8. *Enclosed Areas Below the Base Flood Elevation.*

- a. Enclosed areas below the base flood elevation shall be used only for vehicle parking, building access, or storage.
- b. New or substantially improved enclosed areas below the base flood elevation shall be constructed in accordance with:
 - i. Subsection [\(J\)\(7\)](#) of this section, Anchoring;
 - ii. Subsection [\(J\)\(10\)\(c\)\(ii\)](#) and [\(d\)](#) of this section, Residential Construction;
 - iii. Subsections [\(J\)\(6\)\(b\)](#) and [\(J\)\(6\)\(c\)](#) of this section, Construction Materials and Methods.
- c. Enclosed areas below the BFE shall not be considered to be the lowest floor when they are not part of a basement and meet the requirements of subsection [\(J\)\(10\)\(d\)](#) of this section.

d. *Crawlspace Construction.* Crawlspaces are a type of enclosed area below the BFE. Crawlspaces constructed at or above the lowest adjacent exterior grade are preferred. (Note: Insurance premiums for structures with below-grade crawlspaces will be higher than those with the interior elevation at or above the lowest adjacent exterior grade.) Refer to the most current FEMA Technical Bulletin 11, *Crawlspace Construction for Buildings Located in Special Flood Hazard Areas* (available from the planning official) for more information. Crawlspaces:

- i. Are prohibited in areas with flood velocities greater than five feet per second unless designed by a qualified professional (in this case an architect or professional engineer).
 - ii. Shall meet the requirements of subsections [\(J\)\(8\)\(a\)](#) through [\(J\)\(8\)\(c\)](#) of this section, Enclosed Areas Below the Base Flood Elevation.
3. Shall not be considered “basements” for the purposes of this section when constructed according to the following standards:
- a. The interior grade of a crawlspace below the base flood elevation must not be more than two feet below the lowest adjacent exterior grade.
 - b. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point.
 - c. The crawlspace must be equipped with a drainage system that removes floodwaters from the interior area of the crawlspace in a reasonable period of time after a base flood event.

9. *Subdivisions.*

- a. All subdivisions shall be designed:
 - i. To ensure that no residential structure or other structures for human habitation are located in the floodway even though lots may extend into the floodway;
 - ii. To avoid placement of any structures in areas of special flood hazards and in CMZs;
 - iii. Where it is not possible to design a subdivision in a manner to avoid placement of any structures in areas of special flood hazards or CMZs, the subdivision shall be designed to minimize or eliminate potential flood damage.
- b. All subdivisions shall have facilities such as sewer, gas, power, cable, fiber optic, telephone, stormwater and water systems located and constructed to minimize or eliminate flood damage. (See subsection [\(J\)\(2\)](#) of this section, Property Damage; subsection [\(J\)\(4\)](#) of this section, Water;

subsection [\(J\)\(5\)](#) of this section, Waste; subsection [\(J\)\(6\)](#) of this section, Construction Materials and Methods; and subsection [\(J\)\(7\)](#) of this section, Anchoring.)

c. All subdivisions shall have adequate drainage provided to reduce exposure to flood damage. (See subsection [\(J\)\(3\)](#) of this section, Drainage.)

10. *Residential Construction (Including Manufactured Homes).*

a. *Residential Construction in the Floodway.*

- i. New construction and reconstruction of residential development including placement and replacement of all types of manufactured homes is prohibited in the floodway, unless sited as a temporary use in accordance with requirements listed in this section.
- ii. Existing residential structures and manufactured homes in the floodway are nonconforming, but may be repaired or improved, provided:
 - A. The repair or improvement does not increase the ground floor area of the structure; and
 - B. The repair or improvement does not result in adverse impacts to other properties either upstream or downstream; and
 - C. The cost of the repair or improvement does not exceed 50 percent of the market value of the structure either:
 1. Before the start of repair or improvement where there is no damage to the structure; or
 2. Before flood or other damage to the structure occurred.
 - D. Any project for improvement of a structure to correct existing violations of local health, sanitary, or safety code specifications which have been identified by the planning official and which are the minimum necessary to assure safe living conditions may be excluded from the 50 percent.
 - E. Any project for improvement to a structure identified as a historic place may be excluded from the 50 percent.

b. *Residential Construction in Other Areas of Special Flood Hazards and CMZs.* In areas of special flood hazards except the floodway and in channel migration zones:

- i. New residential construction and reconstruction, including all types of manufactured homes and other structures for human habitation shall meet all the provisions of this chapter, including subsections [\(J\)\(8\)](#) and [\(J\)\(10\)\(c\)](#) through [\(J\)\(10\)\(d\)](#) of this section.
- ii. New placement or replacement of all types of manufactured homes shall meet the standards of subsection [\(J\)\(7\)](#) of this section, Anchoring.
- iii. *Repair or Substantial Improvement.* All provisions of this chapter (including the elevation standards of subsections [\(J\)\(8\)](#), [\(J\)\(10\)\(c\)](#) and [\(J\)\(10\)\(d\)](#) of this section), all state and local health, sanitary, safety codes, and where applicable, historic preservation codes shall be met when the cost of repair or improvement of an existing residential structure exceeds 50 percent of the market value of the structure either:

- A. Before the start of repair or improvement where there is no damage to the structure; or
- B. Before flood or other damage to the structure occurred.

c. *Elevation.*

- i. *BFE Established.* The lowest floor (including basement) of new residential structures (including but not limited to reconstruction, substantial improvement, the placement or replacement of all types of manufactured homes) shall be elevated at least one foot above base flood elevation. Structures shall be elevated using means other than fill (such as extended foundation or other enclosure walls, piles, or columns) whenever feasible. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.
- ii. *No BFE.* In areas where the base flood elevation has not been provided or is not available from an authorized source (subsections [A](#) and [\(I\)\(5\)](#) of this section) and the critical areas report demonstrates to the satisfaction of the planning official that the proposed development would be reasonably safe from flooding, new residential construction (including but not limited to substantial improvement and the placement of manufactured homes) shall be elevated at least two feet above the highest adjacent grade. (Note: Failure to elevate at least two feet above the highest adjacent grade may result in higher insurance rates.)

d. *Fully Enclosed Areas Below Lowest Floor.* Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a qualified professional (in this case, a registered professional engineer or architect), or must meet or exceed the following minimum criteria:

- i. Contain a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding;

- ii. The bottom of all openings are no higher than one foot above grade; and
- iii. Openings permit the automatic entry and exit of floodwaters even when equipped with screens, louvers, or other coverings or devices.

For guidance on flood openings, see FEMA Technical Bulletin 1-93, Openings in Foundation Walls.

- iv. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for automatic entry and exit of floodwaters.

11. *Nonresidential Construction.* New construction and substantial improvement of any nonresidential structure shall either be elevated (subsection [\(J\)\(11\)\(a\)](#) or [\(J\)\(11\)\(b\)](#) of this section) or flood-proofed (subsection [\(J\)\(11\)\(c\)](#) of this section):

a. *Be Elevated: BFE Established.*

- i. Have the lowest floor, including basement, elevated at least one foot above the base flood elevation or elevated as required by ASCE 24, whichever is greater;
- ii. Meet the same standards for space below the lowest floor as described in subsections [\(J\)\(8\)\(d\)](#) and [\(J\)\(10\)\(d\)\(i\)](#) through [\(J\)\(10\)\(d\)\(iii\)](#) of this section; and
- iii. Have mechanical equipment and utilities waterproofed or elevated at least one foot above the BFE, or as required by ASCE 24, whichever is greater.

b. *Be Elevated: No BFE.*

- i. In areas where the base flood elevation has not been provided or is not available from mapped data from federal or state sources and the critical areas report demonstrates to the satisfaction of the planning official that the proposed development would be reasonably safe from flooding, new nonresidential construction shall be elevated at least two feet above the highest adjacent grade. Failure to elevate at least two feet above the highest adjacent grade may result in higher insurance rates; and
- ii. Meet the same standards for space below the lowest floor as described in subsections [\(J\)\(8\)\(d\)](#) and [\(J\)\(10\)\(d\)](#) of this section; or

c. *Be Flood-Proofed.* Together with attendant utility and sanitary facilities shall:

- i. Be flood-proofed so that below one foot (or more) above the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water or dry flood-proofed to the elevation required by ASCE 24, whichever is greater;

- ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the planning official as set forth in subsection [L](#) of this section.

12. *Critical Facilities.*

- a. Critical facilities housing vulnerable populations and emergency services shall be prohibited in the floodway.
- b. In areas of special flood hazards except the floodway and in CMZs, construction of new critical facilities shall be prohibited unless the applicant demonstrates that:
 - i. No feasible alternative site is available; and either:
 - A. The lowest floor, entrances, egresses, and to the extent feasible access routes are elevated to three feet above the base flood elevation or to the elevation of the 500-year flood, whichever is higher; or
 - B. The applicant demonstrates that other measures would ensure that in the event of a flood, the facility would remain safe and fully operational and that potentially harmful materials would not be displaced by or released into floodwaters. Such measures shall be conditions of approval of the critical areas permit.

13. *Recreational Vehicles.*

- a. Recreational vehicles shall be located outside the floodway.
- b. Recreational vehicles in areas of special flood hazard except the floodway and in CMZs shall either:
 - i. Be on the site for fewer than 180 consecutive days;
 - ii. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect-type water, sewer, stormwater, gas, power, cable, fiber optic, telephone, and security devices, and have no permanently attached additions; or
 - iii. Meet the requirements of subsection [\(J\)\(7\)](#) of this section, Anchoring; subsection [\(J\)\(8\)](#) of this section, Enclosed Areas below the Base Flood Elevation; and subsection [\(J\)\(10\)\(c\)](#) of this section, Elevation.

14. *Appurtenant Structures (Detached Garages and Small Storage Structures).* For A zones:

- a. Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:
 - i. Use of the appurtenant structure must be limited to parking of vehicles or limited storage;
 - ii. The portions of the appurtenant structure located below the BFE must be built using flood-resistant materials;
 - iii. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
 - iv. Any machinery or equipment servicing the appurtenant structure must be elevated or flood-proofed to or above the BFE;
 - v. The appurtenant structure must comply with floodway encroachment provisions in Section 5.4-1;
 - vi. The appurtenant structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with Section 5.2-1(5);
 - vii. The structure shall have low damage potential;
 - viii. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use; and
 - ix. The structure shall not be used for human habitation.
- b. Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 5.2-1.
- c. Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the floodplain administrator for verification.

15. *Alteration of Watercourse.*

- a. The planning official shall notify adjacent communities and the state coordinating agency, Washington State Department of Ecology, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator.
- b. Alteration or relocation of a watercourse shall be allowed only after:
 - i. Certification by a qualified professional that the alteration or relocation:

- A. Is the only feasible alternative or is part of a restoration project approved by the appropriate state or federal agencies;
 - B. Will not diminish the flood-carrying capacity of the watercourse;
 - C. Will not block side channels;
 - D. Will be accomplished using soft armoring techniques wherever possible;
 - E. Will avoid to the extent possible and then minimize and mitigate removal of vegetation including downed woody vegetation; and
 - F. Will not endanger development in the channel migration zone.
- ii. The applicant provides assurance acceptable to the planning official of maintenance of the relocated channel such that the flood carrying capacity of the watercourse is not diminished.

16. *Changes to Special Flood Hazard Area.*

- a. If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a letter of map change, then the project proponent shall initiate within 180 days of the information being made available, and receive approval of, a conditional letter of map revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.
- b. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the floodplain administrator to be attached to the floodplain development permit, including all required property owner notifications.

K. *Variances and Minor Exceptions.* Variances as interpreted in the National Flood Insurance Program are based on the principle that they pertain to a physical piece of property. They apply to the land and are not personal in nature, do not pertain to the structure, its inhabitants, or economic or financial circumstances. The development standards contained in this section are required by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program (NFIP) to protect life and property from flood damage.

Variances from the NFIP standards of this section shall meet the approval criteria and other requirements of this subsection in addition to any other applicable variance criteria or requirements (e.g., Chapter [20.290](#) or [20.760](#) VMC). Variances from the NFIP standards of this section shall be processed as Type I or II variances or shoreline variances as appropriate, not as minor exceptions (VMC [20.740.070](#)).

Variances or minor exceptions from other critical area standards (any standards of this chapter not in this section) shall meet the applicable criteria and follow the applicable procedures for the relief requested (VMC [20.740.070](#), or Chapter [20.290](#) or [20.760](#)VMC).

1. NFIP variances may be allowed:

a. For historic structures. NFIP variances may be issued for the repair, reconstruction, rehabilitation or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. This variance possibility is only available to those structures that are:

- i. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- ii. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- iii. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;
- iv. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - A. By an approved state program as determined by the Secretary of the Interior; or
 - B. Directly by the Secretary of the Interior in states without approved programs.
- v. The proposed development will not preclude the structure's continued designation as a historic structure.

b. From the elevation standard. An NFIP variance from the elevation standard may be issued for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood elevation. As the lot size increases the technical justification required for issuing the variance increases.

c. From the flood-proofing standard for nonresidential buildings. NFIP variances may be issued for nonresidential buildings to allow a lesser degree of flood-proofing than watertight or dry flood-proofing where it can be determined that such action:

- i. Will have low damage potential;
 - ii. Complies with all other NFIP variance criteria except subsection [\(K\)\(1\)\(a\)\(ii\)](#) of this section;
 - iii. Complies with subsection [\(J\)\(4\)](#) of this section, Water; subsection [\(J\)\(5\)](#) of this section, Waste; subsection [\(J\)\(7\)](#) of this section, Anchoring; and subsection [\(J\)\(9\)](#) of this section, Subdivisions.
- d. For allowed development within the floodway. NFIP variances may be issued for development within a floodway only when the requirements of subsection [\(J\)\(1\)\(b\)](#) of this section are met.
2. *NFIP Variance Approval Criteria.* NFIP variances from elevation and flood-proofing standards, and for development in the floodway (subsections [\(K\)\(1\)\(a\)\(ii\)](#) through [\(iv\)](#) of this section may be granted only if the applicant demonstrates that the requested action conforms to all of the following criteria:
- a. The NFIP variance is the minimum necessary, considering the flood hazard, to afford relief.
 - b. The applicant has demonstrated good and sufficient cause.
 - c. Failure to grant the NFIP variance would result in exceptional hardship to the applicant. (Exceptional hardship for an NFIP variance is described in a FEMA memorandum dated July 22, 1986, entitled Resource Materials on NFIP Variance Criteria available from the planning official.)
 - d. Granting the NFIP variance will not result in increased flood heights or velocities, additional threats to public safety, significantly increased property damage potential, extraordinary public expense, or conflict with existing local laws or ordinances.
 - e. Demonstration that the following factors have been considered:
 - i. The danger that materials may be swept onto other lands to the injury of others;
 - ii. The danger to life and property due to flooding or erosion damage;
 - iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. The importance of the services provided by the proposed facility to the community;
 - v. The necessity to the facility of a waterfront location, where applicable;
 - vi. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. The compatibility of the proposed use with existing and anticipated development;

- viii. The relationship of the proposed use to the comprehensive plan;
- ix. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- x. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- xi. The costs of providing governmental services during and after flood conditions, including maintenance and repair of facilities such as sewer, gas, electrical, stormwater, and water systems, and streets and bridges.

3. *Notices Required.* A notice to the applicant is required whenever a variance is approved, approved with conditions, or denied. Such notice shall include the decision and the reasons for the decision. When a variance from the elevation standard is approved or approved with conditions, such notice shall state that the structure will be permitted to be built with a lowest floor elevation below that normally required with respect to the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

L. Information to Be Obtained and Maintained.

1. For all new and substantially improved structures and development, the planning official shall complete Section B of a current elevation certificate and obtain and record on that certificate:

- a. For elevated (rather than flood-proofed) structures and development, the actual (as-built) elevation in relation to mean sea level of the lowest floor (including basement), and whether or not the structure contains a basement.
- b. For nonresidential, flood-proofed structures, the elevation to which the structure was flood-proofed. All flood-proofing certifications shall also be maintained.
- c. Maintain all records pertaining to development in frequently flooded areas subject to the provisions of this chapter for public inspection.

2. *Records of Variance Actions.* The planning official shall keep records of all variance actions and report any approved variances to the Federal Insurance Administrator upon request.

3. *Records of Appeal Actions.* The planning official shall keep records of all appeal actions. (Ord. M-4438 § 4(J), 2023; Ord. M-4325 § 3, 2020; Ord. M-4020 § 2, 2012; Ord. M-4017 § 9, 2012; Ord. M-3844 § 2, 2007; Ord. M-3692 § 2, 2005)

20.740.130 Geologic Hazard Areas.

A. A.—Designation and Location.

1. Designated or potential Geologic Hazard Areas include Landslide, Seismic, and Erosion Hazard Areas. ~~Designated or potential Geologic Hazard Areas include Landslide, Seismic, and Erosion Hazard Areas.~~ ~~With the exception of bank erosion hazard areas and fault rupture hazard areas~~ Bank Erosion Hazard Areas and Fault Rupture Hazard Areas, their potential locations are shown on maps available from the ~~planning official~~ City of Vancouver, Clark County, and the State of Washington. Final designations shall be based on site conditions and other available data or information ~~[See VMC 20.740.020(C)(1)]~~ (see this chapter's General Provisions section).

~~1. Landslide Hazard Areas. Landslide Hazard Areas. Potential landslide hazard These areas are identified from the sources listed below.~~

subject to landslides due to a. Slopes greater than 25% on the property combination of geologic, topographic, and adjacent hydrologic factors. They include any areas within 100 feet, except engineered slopes such as cut and fill slopes along transportation routes (including trails), railroad and other berms, or dikes.

~~2. b. Areas~~ susceptible to landslide because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors as defined in VMC Chapter 20.150. Landslides are areas shown as "areas of historic or active landslides," "areas of potential instability, or," and "areas of older landslide debris identified on the 1975 map by Allen Fiksdal of the Washington State Department of Natural Resources entitled," on maps available from Clark County Maps Online ("Slope Stability: Clark County Washington as revised or superseded, or identified from other available data or in the field by a qualified professional of Clark County" report [1975] and "Geologic Map of Vancouver Quadrangle" map [1987]) and adjacent areas within 100 feet. maps available through the DNR's Geologic Information Portal, including but not limited to the "Washington Geologic Survey-Protocol Landslide Mapping" and "Other Compiled Landslide Mapping" layers.

~~3. 2. Seismic Hazard Areas.~~ Seismic Hazard Areas include Liquefaction or Dynamic Settlement, Ground Shaking Amplification, and Fault Rupture Hazard Areas. as designated below and defined in VMC Chapter 20.150.

~~a. a. Liquefaction or Dynamic Settlement.~~ Liquefaction Hazard Areas. Settlement and soil liquefaction conditions occur in areas underlain by cohesionless soils of low density, typically in association with a shallow groundwater table. The following are designated Liquefaction or Dynamic Settlement Hazard Areas:

~~i. 1. Areas with Low to Moderate, Moderate, Moderate to High, or High~~ liquefaction susceptibility or Peat Deposits as indicated on the Alternative Liquefaction Susceptibility Map of Clark County, Washington based on Swanson's Groundwater Model by Stephen P. Palmer, Sammantha L. Magsino,

~~James L. Poelstra, and Rebecca A. Niggemann, September, 2004, liquefaction susceptibility maps from the DNR Geologic Information Portal as revised or superseded.~~

~~2. Areas of fill (Fn) identified by the 1972 USDA Soil Conservation Service Soil Survey of Clark County Washington and by the planning official, based on other reliable evidence.~~

~~b. b.—Ground-Shaking Amplification Areas.~~ The following are designated Ground Shaking Amplification Hazard Areas:

~~Site Classes C to D, D, D to E, E and F as indicated on the Site Class Map of Clark County, Washington by Stephen P. Palmer, Sammantha L. Magsino, James L. Poelstra, and Rebecca A. Niggemann, September, 2004 as revised or superseded, as shown on the National Earthquake Hazard Reduction Program (NEHRP) Seismic Site Class layer available on the DNR Geologic Information Portal.~~

~~c. e.—Fault Rupture Hazard Areas.~~ Potential Fault Rupture Hazard Areas are faults identified ~~on geological maps prepared and maintained by the Washington Department of Natural Resources (DNR), U.S. Geological Survey (Geologic Information Portal “Seismogenic Folds, Known or Suspected” and “Active Faults, Known or Suspected” layers; USGS), on geologic maps available from the Oregon Department of Geology and Mineral Industries (DOGAMI), Clark County, Washington Maps Online, or identified from other available data or in the field by a qualified professional and adjacent areas within 100 feet.~~

~~4. 3.—Erosion Hazard Areas.~~ Erosion Hazard Areas include Soil Erosion and Bank Erosion Hazard Areas ~~and as defined in VMC Chapter 20.150. These are also areas that are likely to become unstable, such as bluffs, steep slopes, and areas with unconsolidated soils.~~

~~a. a.—Soil Erosion Hazard Areas.~~ The following are designated Soil Erosion Hazard Areas:

~~i. Severe or Very Severe Erosion Hazard Areas.~~ Areas with soils identified as having a severe or very severe erosion hazard by the 1972 U.S. Department of Agriculture (USDA) Soil Conservation Service Soil Survey of Clark County, Washington.

~~ii. b.—Bank Erosion Hazard Areas.~~ Bank Erosion Hazard Areas are areas along lakes, streams, and rivers that are subject to regression or retreat due to lacustrine or fluvial processes and adjacent land within 100 feet.

~~B. B.—Additional Critical Areas Report Requirements.~~ In addition to the requirements of Performance Standards.

~~VMC 20.740.050, the following are Critical Areas Report requirements for development proposals in potential geologic hazard areas. These requirements may be adjusted as appropriate by the planning official. The Critical Areas Report will result in a conclusion as to whether the potential geologic hazard area is an actual geologic hazard area (See VMC 20.740.130(B)(6)). If it is, the Critical Areas Report requires additional information, mapping, and analysis (See VMC 20.740.130(B)(7)).~~

- ~~1. Identification of the site and project area (defined at VMC 20.150), topography in 2-foot contours (or other increment at the discretion of the planning official), gas, power, cable, fiber optic, telephone, sewer, water, and stormwater management facilities, wells, on-site septic systems, dikes, levees, and existing structures on the site plan required by VMC 20.740.050; and~~
- ~~2. Detailed review of field investigations, published data and references, data and conclusions from past geologic studies or investigations, site-specific measurements, tests, investigations, or studies, and the methods of data analysis and calculations that support the results, conclusions, and recommendations; and~~
- ~~3. Field investigation and evaluation of the areas on site for liquefaction or dynamic settlement, ground shaking amplification, fault rupture, and soil erosion hazards; and on or within 100 feet of the site for landslide and bank erosion hazards; and~~
- ~~4. A description of the surface and subsurface geology, hydrology, drainage patterns, soils, and vegetation on site for liquefaction or dynamic settlement, ground shaking amplification, fault rupture, and soil erosion hazards; and on or within 100 feet of the site for landslide and bank erosion hazards; and~~
- ~~5. Identification of the hazard area indicators that were found (if any) on site for liquefaction or dynamic settlement, ground shaking amplification, fault rupture, and soil erosion hazards; and on or within 100 feet of the site for landslide and bank erosion hazards; and~~
- ~~6. Conclusion as to whether there is a geologic hazard area on site or for landslide and bank erosion hazards on or within 100 feet of the site; and~~
- ~~7. If a liquefaction, dynamic settlement, ground shaking amplification, fault rupture, or soil erosion hazard is found to exist on site or if a landslide or bank erosion hazard is found to exist on or within 100 feet of the site:~~

~~a. Label and show on the site plan required by VMC 20.740.050:~~

- ~~1. The location(s), extent, and type(s) of geologic hazard area(s) identified; and~~
- ~~2. The location(s) and extent of any area(s) that must be left undisturbed to protect the proposed development from damage or destruction and to protect the hazard area(s) from the impacts of the proposed development; and~~

~~3. The boundaries of the area that may be disturbed.~~

~~4. The dimension of the closest distance(s) between the geologic hazard area(s) and the project area.~~

~~5. The dimension of the closest distance(s) [See VMC 20.170.030(C)] between any nondisturbance area [VMC 20.740.130(B)(7)(a)(2)] and the project area.~~

~~For bank erosion hazard areas, show these areas, boundaries, and dimensions based upon natural processes and, if applicable, proposed bank stabilization measures.~~

~~b. Analysis of the erosion processes on site for soil erosion hazard areas and on or within 100 feet of the site for bank erosion hazard areas.~~

~~c. Evaluation of the impact of the geologic hazard area(s) on the proposed development, other properties, and other critical areas.~~

~~i. 1. Landslide hazard areas. The impact of the run-out hazard of landslide debris from both upslope and downslope shall be included in the evaluation.~~

~~i. 2. Bank erosion hazard areas. Evaluation of impacts on other properties shall include properties both upstream and downstream of the subject property.~~

~~d. Evaluation of the impact of the proposed development on the geologic hazard area(s).~~

~~a. c. Assessments and conclusions regarding geologic hazard(s) for both existing and proposed (post-development) site conditions. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.~~

~~a. f. Written discussion of:~~

~~1. The risk of damage or destruction from the geologic hazard(s) with respect to human health and safety; infrastructure; the proposed development; other properties (both upstream and downstream for bank erosion hazard areas); and other critical areas; and~~

~~i. 2. Whether and to what degree the proposed development would increase the risk from the geologic hazard(s), such as the occurrence of a landslide or the rate of regression.~~

~~g. Recommendations for mitigation of impacts to protect:~~

~~i. 1. Human health and safety;~~

- ~~2. Infrastructure;~~
- ~~3. The proposed development;~~
- ~~4. Other properties (both upstream and downstream for bank erosion hazard areas);~~
- ~~5. Other critical areas; and~~

~~i. 6. The hazard area during construction and for the anticipated life of the proposed development. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.~~

~~a. h. A demonstration of how the standards of VMC 20.740.130(C) applicable to each geologic hazard area will be met.~~

1. General Standards.

a. Critical facilities, as defined in VMC Chapter 20.150, are prohibited in the following areas unless there is no other location available, a mitigation proposal is included in the development plan, and a Critical Areas Report prepared by a qualified professional for geologically hazardous areas establishes that the area is safe for development for the type of facility proposed and the type of hazard:

i. Landslide Hazard Areas

ii. Bank Erosion Hazard Areas~~G.~~

iii. Fault Rupture Hazard Areas

b. Buffer width shall be measured on a horizontal plane from a perpendicular line established at all edges of the geologic hazard area (see VMC Chapter 20.170).

~~A. The Performance Standards.~~

~~1. Landslide, Soil Erosion, and Bank Erosion Hazard Areas. Development in nondisturbance areas (VMC 20.740.130(B)(7)(a)(2)) shall be prohibited. In other areas, development in landslide, soil erosion, and bank erosion hazard areas and their buffers [VMC 20.740.130(C)(1)(i)] shall be prohibited except where the applicant has demonstrated compliance with or satisfaction of the following standards or requirements:~~

~~c. a. The applicant has demonstrated~~shall demonstrate that, during construction and for the anticipated life of the proposed development, the proposed use(s), activity(ies), and structure(s):

~~1. Will not increase the threat of the geological hazard beyond pre-development conditions; and~~

~~2. Will not adversely impact other critical areas wherever feasible given the type of critical areas involved and the characteristics of the site; and~~

~~i. 3. Are designed so that the hazard to the proposed project is eliminated or mitigated to a level equal to or less than pre-development conditions; and~~

~~ii. 4. The Will not adversely impact other critical areas, if avoidable, given the type of critical areas involved and the characteristics of the site;~~

~~iii. Are designed to minimize or eliminate life safety risk is minimal or eliminated; and~~

~~iv. 5. Are certified by a qualified professional as safe as designed and under anticipated conditions.~~

2. Landslide Hazard and Erosion Hazard Areas. Development in non-disturbance areas shall be prohibited. In other areas, development in Landslide and Erosion Hazard Areas and their buffers shall be prohibited except where the applicant has demonstrated compliance with the following standards or requirements.

a. Landslide Hazard Areas may be eliminated able to be mitigated through grading based on a Critical Areas Report which that demonstrates that the slope will be stabilized prepared by a qualified professional (in this case a licensed Engineering Geologist or Professional Engineer) as described in Additional Critical Areas Report Requirements for Geologic Hazards.

i. The Critical Areas Permit shall be conditioned on a final inspection approval confirming that the grading and site are stable. At the applicant's expense, after site grading, (a) the qualified professional who prepared the Critical Areas Report shall provide inspection specifications; and (b) an inspector acceptable to the City Building Official shall inspect the grading and the site and submit a report to the City indicating whether the site is stable; the applicant shall:

b. A plan for revegetation and landscape maintenance to ensure soil stabilization shall be developed and implemented in accordance with the mitigation plan requirements of VMC 20.740.050(F).

(A) c. Provide inspection specifications from the qualified professional who prepared the Critical Areas Report; and

(B) Inspect the grading and the site using an inspector acceptable to the City Building Official and submit a report to the City indicating whether the site is stable.

ii. Clearing, grading, uprooting, or otherwise impairing the soil stabilizing function of vegetation shall be prohibited during the wet season (November 1~~st~~ to May 1~~st~~), except as authorized under a valid state or federal permit or a City Type I permit [VMC 20.740.040(A)(2)(f)].

b. ~~d.~~ Any required erosion mitigation work is to be performed by a certified erosion and sediment control lead in accordance with Ecology requirements.

c. The requirements of VMC Chapter 14.24, Erosion Control, shall be met.

d. Drainage patterns shall not be altered such that potential for damage or risk to the proposed project, the ~~geologic hazard area~~ Geologic Hazard Area, or other critical areas or buffers is increased.

e. The requirements of VMC 14.24, Erosion Control shall be met.

e. ~~f.~~ Trails shall be for pedestrian and nonmotorized vehicular use only and shall be the minimum width necessary to meet applicable regulations.

f. ~~g.~~ Roads in Landslide and Bank Erosion Hazard Areas. A road through or across a ~~landslide~~ Landslide or ~~bank erosion hazard area~~ Bank Erosion Hazard Area shall meet the standards of VMC 20.740.130(C)(1)(a) ~~(fB)(2)~~ and shall not be:

i. ~~1.~~ The sole access for a proposed subdivision (not including short subdivision) or critical facility;

ii. ~~2.~~ Longer than 200 feet; or

iii. ~~3.~~ Steeper than a 15% percent grade.

g. ~~h.~~ Markers and Signs in Landslide Hazard Areas.

1. The boundary at the outer edge of landslide area tracts and easements shall be delineated with permanent survey stakes, using iron or concrete markers as established by local survey standards.

i. ~~2.~~ The boundary at the outer edge of the furthest of the ~~landslide hazard area, nondisturbance area [VMC 20.740.130(B)(7)(a)(2)],~~ Landslide Hazard Area, non-disturbance area (see this chapter's additional Critical Areas Report requirements for Geologic Hazard Areas), or buffer shall be identified with temporary signs

prior to any site alteration. ~~Such temporary signs shall be replaced with permanent signs prior to occupancy or use of the site.~~

ii. ~~3.~~—These provisions may be modified by the ~~planning official~~ Planning Official as necessary to ensure protection of ~~sensitive features or wildlife needs~~ people and structures from the hazard.

~~h. i.~~ Bank Stabilization for Existing Development in Bank Erosion Hazard Areas.

i. ~~4.~~—Bank stabilization measures may be employed to protect an existing structure when a Critical Areas Report conclusively demonstrates all of the following:

(A) ~~a.~~—Bank erosion threatens an established use or existing structure(s); ~~and) within a three-year timeframe;~~

(B) ~~b.~~—The threatened ~~use or~~ structure(s) cannot be relocated landward of any ~~nondisturbance~~ non-disturbance area ~~{(VMC 20.740.130(B)(7)(a)(2)); and};~~

~~c.~~—Where applicable, bank stabilization measures are necessary to the operation and location of water dependent, water related, or water enjoyment activities consistent with the City of Vancouver Shoreline Management Master Program; and

(C) ~~d.~~—Bank stabilization measures will not cause a significant adverse impact on upstream or downstream properties or an impact that cannot be mitigated without developing bank stabilization measures for those properties; and

(D) ~~e.~~—Bank stabilization measures will not cause a significant adverse impact on ~~fish, wildlife, or their habitats~~ a Fish and Wildlife Habitat Conservation Area protected by this chapter.

i. ~~2.~~—When bank stabilization is allowed, it shall be accomplished using beach nourishment, bioengineering (soft armoring) techniques, or a combination of the two. Other techniques may be used when an approved Critical Areas Report demonstrates conclusively that beach nourishment, bioengineering (soft armoring) techniques, or a combination of the two will not provide sufficient protection for the remaining useful life of the structure(s) to be protected.

~~3.~~—When bank stabilization is allowed, the pertinent policies and regulations of the City of Vancouver Shoreline Management Master Program shall apply in addition to the requirements of this section. The terms and conditions of any other required state or federal permit or approval shall also apply.

j. ~~j.~~ ~~Buffer.~~ The following regulations apply to ~~landslide~~ Landslide and ~~bank erosion hazard area~~ Bank Erosion Hazard Area buffers:-;

i. Buffer widths

(A) No buffer is required for Soil Erosion Hazard Areas.

(B) The minimum buffer width from the top and bottom of slope for Landslide and Bank Erosion Hazard Areas shall be equal to two times the slope height or as recommended by a qualified professional in a geotechnical report.

(C) A larger buffer width may be required for Landslide and Bank Erosion Hazard Areas at the discretion of the Planning Official when:

(1) The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts;

(2) The area has a severe risk of slope failure or downslope stormwater drainage impacts;

(3) The area is directly adjacent to a riparian area, or wetland; or

(4) Recommended in an approved Critical Areas Report.

ii. ~~soil erosion hazard areas.~~ Buffers may be included in ~~non-disturbance~~ non-disturbance areas ~~{(VMC 20.740.130(B)(7)(a)(2))}~~ and required planting and maintenance activities may be undertaken within them.

~~1. Buffer width shall be measured on a horizontal plane from a perpendicular line established at all edges of the geologic hazard area [See VMC 20.170.030(B) and (K)].~~

iii. ~~2. A~~ The buffer around Landslide and Bank Erosion Hazard Areas shall be vegetated ~~buffer and~~ shall be maintained by the property owner. New plantings shall consist of native vegetation. ~~around all landslide and bank erosion hazard areas.~~

iv. No alteration to the buffer that involves clearing of vegetation shall be undertaken without an erosion control plan approved pursuant to the provisions of VMC 14.24, Erosion Control and this chapter. ~~New plantings shall consist of native vegetation. Maintenance shall be the responsibility of the property owner.~~

- ~~3. The minimum buffer width for bank erosion hazard areas shall be the distance recommended in an approved Critical Areas Report.~~
- ~~4. The minimum buffer width for landslide hazard areas shall be the greatest of the following distances:~~
- ~~a. 50 feet from all edges of the landslide hazard area; or~~
 - ~~b. A distance of 1/3 the height of the slope at the top of the slope and a distance of 1/2 the height of the slope at the bottom of the slope [See VMC 20.170.030(J)]; or~~
 - ~~c. The minimum distance(s) recommended in an approved Critical Areas Report.~~
- ~~5. A larger buffer width may be required for landslide and bank erosion hazard areas at the discretion of the planning official when:~~
- ~~a. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts; or~~
 - ~~b. The area has a severe risk of slope failure or downslope stormwater drainage impacts; or~~
 - ~~c. The area is directly adjacent to a riparian management area or wetland; or~~
 - ~~(1) d. Recommended in an approved Critical Areas Report.~~
- ~~6. The buffer width for landslide hazard areas may be reduced to as little as the smallest of the distances identified in VMC 20.740.130(C)(1)(j)(4) at the discretion of the planning official when the dimensions of the landslide hazard area are smaller than those distances.~~

3. 2. Seismic Hazard Areas.

- ~~a. a. Liquefaction or Dynamic Settlement and Ground Shaking Amplification Hazard Areas.~~ All building structures in liquefaction or dynamic settlement hazard areas Liquefaction or Ground Shaking Amplification Hazard Areas shall comply with the requirements of VMC Title 17, Building and Construction. No buffer is required for liquefaction Liquefaction or dynamic settlement hazard areas Ground Shaking Amplification Hazard Areas.
- ~~b. Ground Shaking Amplification Hazard Areas.~~ All building structures in ground shaking amplification hazard areas shall comply with the requirements of VMC Title 17, Building and Construction applicable to the NEHRP soil classification of the subject property. No buffer is required for ground shaking amplification hazard areas.

b. ~~c.~~—*Fault Rupture Hazard Areas.*

i. ~~1.~~—A road through or across a ~~fault rupture hazard area~~ Fault Rupture Hazard Area shall not be:

(A) ~~a.~~—The sole access for a proposed subdivision (not including short subdivision) or critical facility;

(B) ~~b.~~—Longer than 200 ~~feet~~; feet; or

(C) ~~c.~~—Steeper than a 15% percent grade.

~~2. Structures for human habitation and critical facilities shall be prohibited within fault rupture hazard areas and buffers.~~

ii. ~~3.~~—Buffer.

a. ~~Buffer width shall be measured on a horizontal plane from a perpendicular line established at all edges of the geologic hazard area [See VMC 20.170.030(B)].~~

(A) ~~b.~~—The buffer width shall be the greater of the following distances:

(1) ~~i.~~—50 feet from all edges of a ~~fault rupture hazard area~~ Fault Rupture Hazard Area, except where critical facilities are involved, the minimum buffer distance shall be 100 feet ~~[See (see VMC 20.170.030(L))];~~ or

(2) ~~ii.~~—The minimum distance recommended in an approved Critical Areas Report.

(B) ~~c.~~—A larger buffer width may be required when the ~~planning official~~ Planning Official determines that the buffer is not adequate to protect the proposed development. ~~(Ord. M-3844 § 2, 10/01/2007; Ord. M-3692, Added, 02/28/2005, Sec 2)~~

iii. New structures for human habitation shall be prohibited within Fault Rupture Hazard Areas and buffers.

C. Additional Critical Areas Report Requirements. In addition to the requirements of VMC 20.740.050, the following are Critical Areas Report requirements for development proposals in potential Geologic Hazard Areas. These requirements may be adjusted as appropriate by the Planning Official. The Critical Areas Report will result in a conclusion as to whether the potential geologic hazard area is an actual geologic hazard area and would be subject to a permit (see VMC 20.740.130[B][6]). If it is, the Critical Areas Report requires the following additional information, mapping, and analysis (see VMC 20.740.130[B][7]):

1. Identification of the site and project area (defined at VMC 20.150); topography of the site in 2-foot contours (or other increment at the discretion of the Planning Official); planned gas, power, cable, fiber optic, telephone, sewer, water, and stormwater management facilities, wells, on-site septic systems, dikes, levees; and existing structures on the site plan required by VMC 20.740.050;
2. Detailed review of field investigations, published data and references, data and conclusions from past geologic studies or investigations, site-specific measurements, tests, investigations, or studies, and the methods of data analysis and calculations that support the results, conclusions, and recommendations;
3. Field investigation and evaluation of the areas on Landslide, Erosion, Liquefaction or dynamic settlement, Ground Shaking Amplification, Bank Erosion Hazard Areas and Fault Rupture Hazard Areas on or within 100 feet of the site;
4. A description of the surface and subsurface geology, hydrology, drainage patterns, soils, and vegetation for Liquefaction or dynamic settlement, Ground Shaking Amplification, Fault Rupture, Soil Erosion Hazards, Landslide, and Bank Erosion Hazard Areas on or within 100 feet of the site;
5. Identification of any hazard area indicators that were found on site for Liquefaction or dynamic settlement, Ground Shaking Amplification, Fault Rupture, and Soil Erosion Hazards Areas and on or within 100 feet of the site for Landslide and Bank Erosion Hazard Areas;
6. Conclusion as to whether there is a Geologic Hazard Area on site or within 100 feet of the site; and
7. If a geologic hazard is found to exist on site or if a landslide or bank erosion hazard is found to exist on or within 100 feet of the site, the report must include the following:
 - a. Labeling and showing the following on the site plan required by VMC 20.740.050:
 - i. The location(s), extent, and type(s) of geologic hazard area(s) identified;
 - ii. The location(s) and extent of any area(s) that must be left undisturbed to protect the proposed development from damage or destruction and to protect the hazard area(s) from the impacts of the proposed development;
 - iii. The boundaries of the area that may be disturbed;
 - iv. The dimension of the closest distance(s) between the geologic hazard area(s) and non-disturbance area and the project area;

- v. For Bank Erosion Hazard Areas, show these areas, boundaries, and dimensions based upon natural processes and, if applicable, proposed bank stabilization measures; and
 - vi. The recommended buffer for Bank Erosion Hazard Areas.
- b. Analysis of the erosion processes on site for Soil Erosion Hazard Areas and on or within 100 feet of the site for Bank Erosion Hazard Areas;
- c. Evaluation of the impact of the Geologic Hazard Area(s) on the proposed development, other properties, and other critical areas, as follows:
- i. Landslide Hazard Areas. The impact of the run-out hazard of landslide debris from both upslope and downslope shall be included in the evaluation.
 - ii. Bank Erosion Hazard Areas. Evaluation of impacts on other properties shall include properties both upstream and downstream of the subject property.
- d. Evaluation of the impact of the proposed development on the Geologic Hazard Area(s);
- e. Assessments and conclusions regarding geologic hazard(s) for both existing and proposed (post-development) site conditions. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.
- f. Written discussion of:
- i. The risk of damage or destruction from the geologic hazard(s) with respect to human health and safety; infrastructure; the proposed development; other properties (both upstream and downstream for Bank Erosion Hazard Areas); and other critical areas; and
 - ii. Whether and to what degree the proposed development would increase the risk from the geologic hazard(s), such as the occurrence of a landslide or the rate of regression.
- g. Recommendations for mitigation of impacts to protect:
- i. Human health and safety;
 - ii. Infrastructure;
 - iii. The proposed development;

vi. The recommended buffer for Bank Erosion Hazard Areas.

b. Analysis of the erosion processes on site for Soil Erosion Hazard Areas and on or within 100 feet of the site for Bank Erosion Hazard Areas;

c. Evaluation of the impact of the Geologic Hazard Area(s) on the proposed development, other properties, and other critical areas, as follows:

i. Landslide Hazard Areas. The impact of the run-out hazard of landslide debris from both upslope and downslope shall be included in the evaluation.

ii. Bank Erosion Hazard Areas. Evaluation of impacts on other properties shall include properties both upstream and downstream of the subject property.

d. Evaluation of the impact of the proposed development on the Geologic Hazard Area(s);

e. Assessments and conclusions regarding geologic hazard(s) for both existing and proposed (post-development) site conditions. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.

f. Written discussion of:

i. The risk of damage or destruction from the geologic hazard(s) with respect to human health and safety; infrastructure; the proposed development; other properties (both upstream and downstream for Bank Erosion Hazard Areas); and other critical areas; and

ii. Whether and to what degree the proposed development would increase the risk from the geologic hazard(s), such as the occurrence of a landslide or the rate of regression.

g. Recommendations for mitigation of impacts to protect:

i. Human health and safety;

ii. Infrastructure;

iii. The proposed development;

iv. Other properties (both upstream and downstream for Bank Erosion Hazard Areas);

v. Other critical areas; and

vi. The hazard area during construction and for the anticipated life of the proposed development. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.

h. A demonstration of how the standards of VMC 20.740.130(C) applicable to each geologic hazard area will be met.

20.740.140 Wetlands.

A. A.—Designating and Rating Wetlands.

~~1.—Designating Wetlands. Wetlands are those areas, that have been~~ designated in accordance with the approved federal wetland delineation manual and applicable regional supplements, ~~that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.~~ 1987 Federal Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains Valleys and Coast Region Version 2.0 (2010 or as further updated) and are defined in VMC 20.150. Wetlands generally include swamps, marshes, bogs, and similar areas. ~~Wetlands do not include those artificial~~ are subject to a local government's regulatory authority if they meet the definition of wetlands intentionally created (but not as mitigation for impacts to wetlands) from nonwetland sites, including, ~~but not limited to, irrigation and drainage ditches, grass lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscape amenities or those wetlands created after July 1990 that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands shall include those artificial wetlands intentionally created from nonwetland areas to mitigate conversion of wetlands.~~

1. non-federally regulated (isolated) wetlands. Final designations shall be based on site conditions as documented in a Wetland Critical Areas Report, and other available data or information (see VMC 20.740.020(C)(1)).

2. —Wetland Ratings. Wetlands shall be rated according to the Washington State Department of Ecology (Ecology) wetland rating system, Ecology Publication No. 23-06-009, Washington State Wetland Rating System for Western Washington—; 2014 Update, Ecology Publication No. 14-06-029, October 2014 published July 2023, or as revised by Ecology. The rating system document

contains the definitions and methods for determining if the criteria below are met. The most recent version of the rating system form must be used.

a. a.—*Wetland Rating Categories.*

i. i.—*Category I. Category I ~~wetlands~~Wetlands* are:

A. A.—~~Relatively undisturbed estuarine wetlands larger than one acre;~~

(A) B.—Wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program of the ~~Department of Natural Resources~~DNR;

(B) C.—Bogs;

(C) D.—Mature and old-growth forested wetlands larger than one acre;

(D) E.—Wetlands that perform ~~many~~ functions ~~well~~ at a high level, scoring ~~twenty-three~~23 points or more. ~~These wetlands are those that:~~

~~1. Represent unique or rare wetland types;~~

~~2. Are more sensitive to disturbance than most wetlands;~~

~~3. Are relatively undisturbed and contain ecological attributes that are impossible to replace within a human lifetime; or~~

~~4. Provide a high level of functions.~~

ii. ii.—*Category II. Category II ~~wetlands~~Wetlands* function at a moderately high function and are difficult, though not impossible to replace, scoring between ~~twenty~~20 and ~~twenty-two~~22 points.

iii. iii.—*Category III. Category III ~~wetlands~~are:*

iii. A.—Wetlands ~~with~~have generally been disturbed in some way and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands. Category III wetlands:

(A) Have a moderate level of functions, scoring between ~~sixteen~~16 and ~~nineteen~~19 points; and

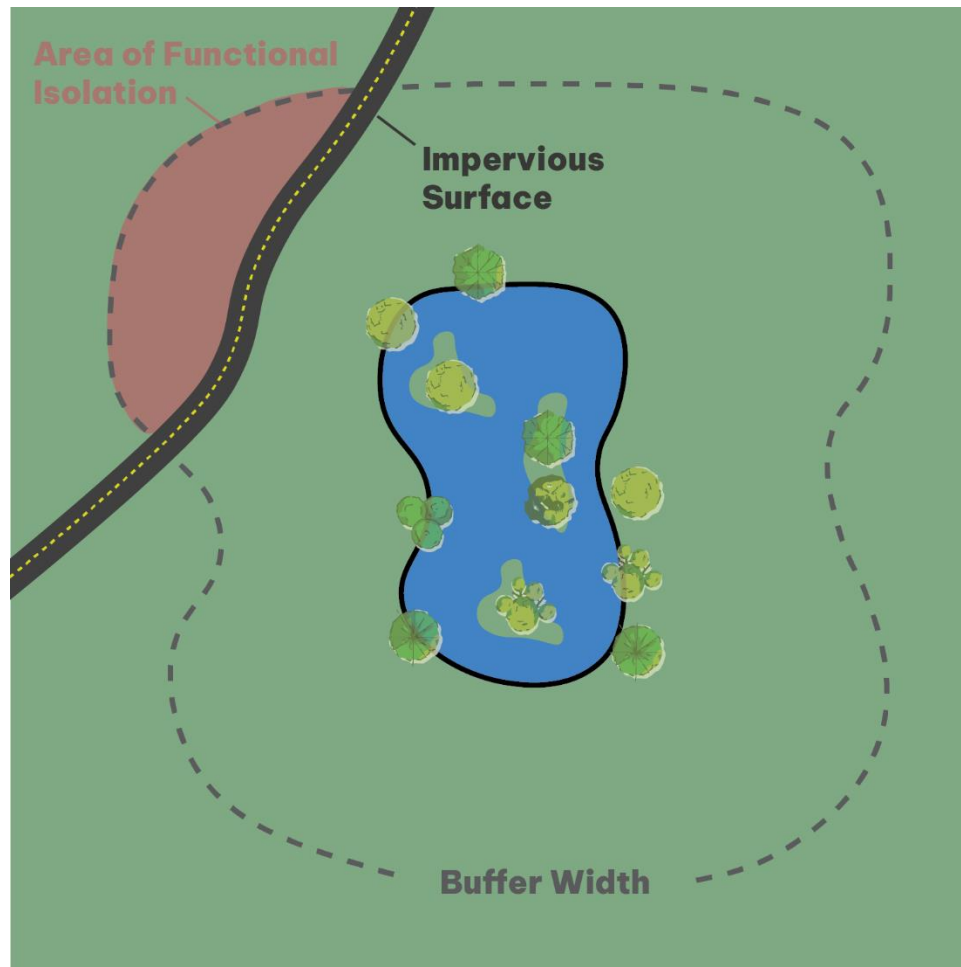
(B) B.—Can often be adequately replaced with a well-planned mitigation project.

~~iv.~~ ~~iv.~~—*Category IV. Category IV wetlands* Wetlands have the lowest levels of functions (scoring fewer than ~~sixteen~~16 points) and are often heavily disturbed. These are wetlands that should be able to be replaced, or in some cases improved. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions; and should be protected to some degree.

~~B.~~ ~~B.~~—*Development activities that functionally or physically isolate the wetland buffer.*

When existing impervious surfaces or other built structures functionally or physically isolate the wetland buffer from the waterbody or wetland, the regulated wetland buffer shall extend landward from the ordinary high water mark (OHWM) or channel migration zone (CMZ), whichever is greater and terminate at the waterward edge of the impervious surface or manmade structure. Development activities that occur within the area of functional isolation, or further landward, are exempt from the requirement to obtain a Critical Areas Permit.

Figure 20.740.140-1: Functional Isolation



The obstruction causing the physical isolation shall be significant enough in size and stature that protective buffers or other mitigation measures cannot reasonably restore ecological functions or benefits. The Planning Official may rely on a site visit, aerial photographs, other evidence provided by the applicant or the applicant's qualified professional, and consultation with the Washington Department of Fish and Wildlife (WDFW) in making a determination to reduce the width of the wetland buffer based on functional and/or physical isolation. The following obstructions shall not constitute functional isolation:

1. Trails, paths, or sidewalks;
2. Minor Accessory structures;
3. Driveways or drive aisles;
4. Subsurface utilities.

~~Additional Critical Areas Report Requirements.~~ A critical areas report for wetlands shall be prepared according to the Washington State Wetland Rating System for Western Washington—2014 Update, Ecology Publication No. 14-06-029, October 2014 or as revised by Ecology. The critical areas report shall contain an analysis of the wetlands including the following site and proposal related information:

1. A written assessment, data sheets and accompanying maps of any wetlands or buffers on the site including the following information:

~~a. a. Hydrogeomorphic (HGM) subclassification and Cowardin class;~~

~~b. Wetland category;~~

~~c. Wetland delineation and required buffers;~~

~~a. d. Existing wetland acreage;~~

~~a. c. Vegetative, faunal, and hydrologic characteristics;~~

~~f. Soil types and substrate conditions;~~

~~a. g. Topographic elevations, at one foot contours; and~~

~~h. A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge, evidence of water depths throughout the year—drift lines, algal layers, moss lines, and sediment deposits).~~

2. Functional evaluation for the wetland and buffer using Ecology's most current approved method and including the reference of the method and all data sheets.

3. Proposed mitigation, if needed, including a discussion of alternatives and trade-offs inherent in the various alternatives (for example, where enhancement for one function would adversely affect another), a written description and accompanying maps of the mitigation area, including the following information:

~~a. a. Existing and proposed wetland acreage;~~

~~a. b. Existing and proposed vegetative and faunal conditions;~~

~~c. Surface and subsurface hydrological conditions of existing and proposed wetlands and hydrologically associated wetlands including an analysis of existing hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;~~

~~d. Relationship to lakes, streams and rivers in the watershed;~~

~~e. Soil type and substrate conditions;~~

~~a. f. Topographic elevations, at one foot contours;~~

~~g. Required wetland buffers including existing and proposed vegetation;~~

~~a. h. Identification of the wetland's contributing area; and~~

~~i. A functional assessment of proposed mitigation to ensure no net loss of shoreline ecological function.~~

C. C.—Performance Standards.

1. 1.—General Requirements. Development or clearing activities shall protect the functions of wetlands and wetland buffers on the site. Activities shall result in no net loss of wetland or buffer functions. Protection may be provided by avoiding (~~the preferred protection~~) or minimizing and mitigating as described in the general critical areas performance standards (VMC 20.740.060).

a. a.—Uses in Wetlands.

i. i.—In Category I ~~wetlands~~ Wetlands, only the following activities may be allowed:

(A) A. A road, railroad, trail, dike, Infrastructure or levee or a water, sewer, stormwater conveyance, gas, power, cable, fiber optic or telephone facility utilities that cannot feasibly be located outside of the wetland, that minimizes the impact, ~~and~~ that mitigates for any unavoidable impact to functions. ~~Cost may be considered, but shall not be overriding; or, and has received authorization from applicable~~ federal and state regulating agencies;

(B) B.—Trails and wildlife viewing structures; provided, that the trails and structures minimize the impact, are located in the outer 25% of the buffer, and are constructed so that they do not interfere with wetland hydrology and do not result in increased sediment entering the wetland;

(C) ii.— Enhancement and restoration activities aimed at protecting the soil, water, vegetation, or wildlife; and

(D) Repair and maintenance of legally established non-conforming uses or structures, provided they do not increase the degree of nonconformity.

ii. In Category II ~~wetlands~~ Wetlands, only the following activities may be allowed:

~~(A) A.~~ Activities allowed in Category I ~~wetlands~~ Wetlands pursuant to subsection (C)(1)(a)(i) of this section;

~~B. Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife.~~

~~C. Within shoreline jurisdiction (VMC 20.760.020), A~~ water-dependent, water-related or water-enjoyment ~~activities~~ activity where there are ~~no~~ not feasible alternatives that would have a less adverse impact on the wetland, its buffers and other critical areas.

~~(B) D.~~ Where non-water-dependent, related, or enjoyment activities are proposed, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited unless the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and successfully avoid or result in less adverse impacts on a wetland on another site or sites in the ~~city of Vancouver~~ City or Vancouver urban growth area.

~~iii. iii.~~ In Category III ~~wetlands~~ Wetlands, only the following activities may be allowed:

~~(A) A.~~ Activities allowed in Category II ~~wetlands~~ Wetlands pursuant to subsection (C)(1)(a)(ii) of this section;

~~(B) B.~~ Stormwater management facilities. A Category III wetland can be physically or hydrologically altered to meet the requirements of a Low Impact Development (LID) methodology or Flow Control BMP, if all of the following criteria are met:

(1) If proposed, an LID BMP is determined to be feasible through a site-specific characterization;

(2) The wetland has a habitat score of 3 to 5 points;

(3) There will be no net loss of functions and values of the wetland;

(4) The wetland does not contain a breeding population of any native amphibian species;

(5) The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, and 5 of Chart 4 and questions 2, 3, and 4 of Chart 5 in Selecting Mitigation Sites Using a

Watershed Approach, (Western Washington) (Ecology Publication [#09-06-032 or #10-06-007], or as revised); or the wetland is part of a restoration plan intended to achieve restoration goals identified in the City of Vancouver's Shoreline Master Program or a local or regional watershed plan;

(6) The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing.

(7) All regulations regarding stormwater and wetland management are followed, including in this chapter and VMC 14.24, Erosion Control; and

(8) Modifications that alter the structure of a wetland or its soils will require permits. Existing functions and values that are lost will need to be compensated for in accordance with the requirements of this chapter.

(C) Other activities may be allowed if the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and avoid or result in less adverse impacts on a wetland or its buffer than alternative uses or designs (including reduction in the size, scope, configuration or density of the project).

iv. ~~iv.~~—In Category IV ~~wetlands~~Wetlands, activities and uses that result in impacts may be permitted in accordance with an approved ~~critical areas report~~Critical Areas Report and mitigation plan if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full mitigation for the loss of acreage and functions shall be provided under the terms established pursuant to subsection (C)(2) of this section.

(A) ~~b.~~—If stormwater management facilities are proposed, they must meet the requirements of an LID or flow control BMP as specified for Category III Wetlands.

b. Wetland Buffers.

i. ~~Standard~~Required Buffer Widths. Standard buffer widths are ~~those determined by Ecology~~measured in feet from the edge of the wetland (see VMC 20.170.030[B]) and described in ~~Freshwater Wetlands in Washington State, Volume 2: Managing and Protecting Wetlands, Ecology Publication No. 05-06-008, April 2005 or as revised by Ecology.~~

~~Buffer~~^[H]). Applicants are required to implement the wetland buffer widths ~~are based~~
~~only~~ ~~wetland category, wetland characteristics and land use intensity.~~

~~A. Land use intensities are as follows:~~

~~i. as shown in Table 20.740.140-1. **LAND USE INTENSITIES.**~~

~~ii. If the applicant is unable to implement the full width buffers from Table 20.740.140-1 and avoid impacts as a result of proposed development, the planning director shall permit the applicant to use the alternative buffer widths in subsection (v)(B) and (v)(C) below, if the Applicant has first demonstrated they have met the following criteria:~~

~~(A) The applicant has met the mitigation sequencing in VMC 20.740.060 (A-E).~~

~~(B) The applicant shall provide a minimum of two alternative site designs and layouts to demonstrate that impacts cannot be avoided or be reduced to result in less impacts. The planning director may approve reductions to numerical standards including parking and setbacks under the minor exception process in VMC 20.740.070 to avoid or reduce impacts.~~

~~iii. The required and alternative buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is un-vegetated, sparsely vegetated, and/or vegetated with invasive species that do not perform needed functions, the buffer must either be planted to create the appropriate native plant community or be widened to ensure that the buffer provides adequate functions to protect the wetland.~~

~~iv. If the buffer is functionally isolated by an existing impervious surface or built structure, the remaining buffer area must be revegetated with native species, but the buffer does not need to be widened to exceed widths greater than those listed in Tables 20.740.140-1, 20.740-140-2, and 20.740.140-4.~~

~~(A) Required Buffers Based on Wetland Category – see Table 20.740.140-1.~~

Table 20.740.140-1. WETLAND BUFFER WIDTH REQUIREMENTS

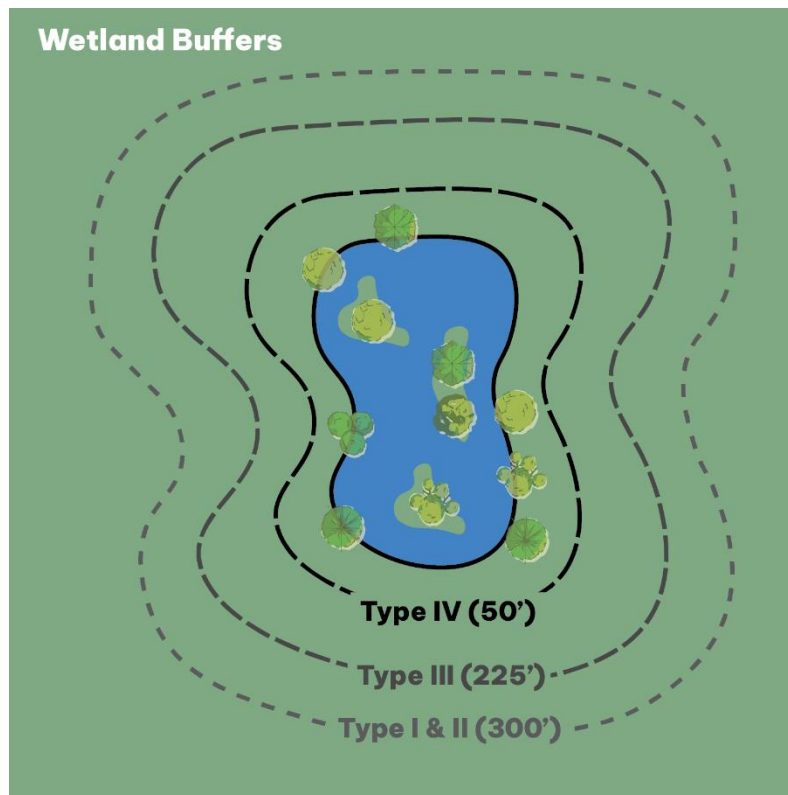
<u>Land Use</u>	<u>VMC Title 20 Zoning</u>
<u>IntensityWetland</u>	<u>DistrictsBuffer Width</u>

HighI	All Residential,
ModerateII	Open Space Park or Open
LowIII	Open Space Greenway:
IV	50

B. Level of function for habitat based on the Washington State Wetland Rating System is as follows:

Table 20.740.140-2. RATING SYSTEM

Figure 20.740.140-2. WETLAND BUFFER WIDTH REQUIREMENTS



(B) Alternative 1 Wetland Buffers: Buffers based on wetland category, wetland type, and habitat score and providing a habitat corridor and implementing minimization measures.

(1) In order for an applicant to use the buffer widths of Table 20.740.140-2, the applicant must provide a habitat corridor as outlined in this subsection and implement the impact minimization measures listed in Table 20.740.140-3. Not all

impact minimization measures are applicable. An undisturbed vegetated corridor at least 100 feet wide must be provided between the wetland and another priority area for preservation that meets the following:

- (a) A legally protected, high-functioning vegetated area (priority habitats; other compensation sites; wildlife areas/refuges; or national, county, and state parks that have management plans with identified areas designated as Natural, Natural Forest, or Natural Area Preserve);
- (b) An area that is the site of a Watershed Project identified within and fully consistent with a Watershed Plan, as these terms are defined by RCW 89-08-460;
- (c) An area where development is prohibited under the provisions of the local shoreline master program;
- (d) An area with equivalent habitat quality that has conservation status in perpetuity, in consultation with WDFW;
- (e) The corridor is permanently protected for the entire distance between the wetland and the legally protected area by a conservation easement, deed restriction, or other legal means;
- (f) Presence of the shoreline or Priority Habitat must be confirmed by a qualified biologist or the Planning Official;
- (g) If a wetland scores five or fewer habitat points, only the impact minimization measures listed in Table 20.740.140-3 are required, in order to use the buffers in Table 20.740.140-2;or
- (h) If an applicant does not apply the mitigation measures in Table 20.740.140-3 and is unable to provide a protected corridor, then the buffers in Tables 20.740.140-1 or 20.740.140-4 shall be used.

Table 20.740.140-2. ALTERNATIVE 1: WETLAND BUFFER WIDTH REQUIREMENTS

<u>Level</u> <u>Category</u> <u>of</u> <u>Function</u> <u>Wetland</u>	<u>Habitat Score</u> <u>in Rating</u> <u>System</u> <u>3 to 5</u> <u>Points</u> <u>(corridor not</u> <u>required)</u>	<u>Habitat Score 6</u> <u>to 7 Points</u>	<u>Habitat Score</u> <u>of 8 to 9 Points</u>	<u>Buffer width</u> <u>Based on Special</u> <u>Characteristics</u>
<u>High</u> <u>Category</u> <u>I: Bogs and</u> <u>Wetlands of</u> <u>High</u> <u>Conservation</u> <u>Value</u>	8—9 <u>NA</u>	NA	225 feet	190 feet
<u>Moderate</u> <u>Category</u> <u>I: Forested</u>	6—7 <u>75 feet</u>	110 feet	225 feet	NA
<u>Low</u> <u>Category I</u> <u>or II: Based on</u> <u>Rating of</u> <u>Wetland</u> <u>Functions (and</u> <u>not listed</u> <u>above)</u>	3—5 <u>75 feet</u>	110 feet	225 feet	NA
<u>Category III:</u> <u>All Types</u>	<u>60 feet</u>	<u>110 feet</u>	<u>225 feet</u>	<u>NA</u>
<u>Category IV:</u> <u>All Types</u>	<u>40 feet</u>	<u>40 feet</u>	<u>40 feet</u>	<u>NA</u>

~~C. Buffer widths are measured horizontally from the edge of the wetland (see VMC 20.170.030(B) and (H)) and are as follows:~~

~~1. Category I Wetlands.~~

Note: Special characteristics are defined in the Washington State Wetland Rating System for Western Washington: 2014 Update, published July 2023 or as revised by Ecology.

**Table 20.740.140-3. ~~CATEGORY I~~ IMPACT MINIMIZATION MEASURES
REQUIRED TO IMPLEMENT ALTERNATIVE 1 WETLAND BUFFER
WIDTHS~~BUFFERS~~.**

<u>Examples of Disturbance</u>	<u>Uses and Activities that Cause the Disturbance</u>	<u>Examples of Measures to Minimize Impacts</u>
Wetland Characteristics <u>Lights</u>	Land Use Intensity <u>Parking lots, warehouses, manufacturing, residential, recreational</u>	Buffer Width <u>Direct lights away from wetland.</u> <u>Only use lighting where necessary for public safety and keep lights off when not needed.</u> <u>Use motion-activated lights.</u> <u>Use full cut-off filters to cover light bulbs and direct light only where needed.</u> <u>Limit use of blue-white colored lights in favor of red-amber hues.</u> <u>Use lower-intensity LED lighting.</u> <u>Dim light to the lowest acceptable intensity.</u>
<u>Noise</u>	<u>Manufacturing and other industrial, residential, commercial, recreational</u>	<u>Locate activity that generates noise away from wetland.</u> <u>Construct a fence to reduce noise impacts on adjacent wetland and buffer.</u> <u>Plant a strip of dense shrub vegetation adjacent to wetland buffer.</u>
<u>Wetlands of High Conservation Value</u> <u>Toxic runoff</u>	<u>High</u> <u>Moderate</u> <u>Low</u> <u>Parking lots, roads, manufacturing, residential, application of agricultural or landscaping chemicals, landscaping</u>	<u>250'</u> <u>190'</u> <u>125'</u> <u>Route only treated runoff to a wetland and route untreated runoff away from wetland while ensuring wetland is not dewatered.</u> <u>Establish covenants limiting use of toxic chemicals within 150 feet of wetland.</u>

<u>Examples of Disturbance</u>	<u>Uses and Activities that Cause the Disturbance</u>	<u>Examples of Measures to Minimize Impacts</u>
		<u>Apply integrated pest management.</u>
Forested Wetlands High Habitat Function <u>Stormwater runoff</u>	High Moderate Low <u>Parking lots, roads, residential, commercial/industrial, recreational, landscaping/lawns, and other impermeable surfaces/compacted soils</u>	300' 225' 150' <u>Retrofit stormwater detention and treatment for roads and existing adjacent development.</u> <u>Prevent channelized or sheet flow from lawns that directly enters the buffer.</u> <u>Infiltrate or treat, detain, and disperse new runoff from impervious surfaces and lawns.</u>
Moderate Habitat Function <u>Change in water regime</u>	High Moderate Low <u>Impervious surfaces, lawns, tilling</u>	150' 110' 75' <u>Infiltrate or treat, detain, and disperse new runoff into buffer.</u>
Low Habitat Function <u>Pets and human disturbance</u>	High Moderate Low <u>Residential, recreational, commercial, industrial</u>	100' 75' 50' <u>Plant dense vegetation around buffer, such as rose or hawthorn, to delineate buffer edge and discourage disturbance.</u> <u>Place wetland and its buffer in a separate tract.</u> <u>Place signs around the wetland buffer every 50 to 200 feet and for subdivisions place signs at the back of each residential lot.</u> <u>When platting new subdivisions, locate greenbelts, stormwater facilities, and other</u>

<u>Examples of Disturbance</u>	<u>Uses and Activities that Cause the Disturbance</u>	<u>Examples of Measures to Minimize Impacts</u>
		<u>lower intensity uses adjacent to wetland buffers.</u>
Other Category I Wetlands High Habitat Function <u>Human disturbance</u>	High Moderate Low <u>Residential, commercial, industrial</u>	300' 225' 150' <u>Plant dense vegetation around buffer, such as rose or hawthorn</u>
Moderate Habitat Function <u>Dust</u>	High Moderate Low <u>Tilled fields, roads</u>	150' 110' 75' <u>Utilize best management practices BMPs to control dust.</u>
Low Habitat Function	High Moderate Low	100' 75' 50'

~~2. Category II Wetlands.~~

~~Table 20.740.140-4. CATEGORY II~~

~~(C) Alternative 2 Wetland Buffer Widths: Buffers based on wetland category wetland type, and habitat score (see Table 20.740.140-4) without providing a habitat corridor or minimization measures as outlined in subsection (B) above.~~

Table 20.740.140-4. ALTERNATIVE 2 WETLAND BUFFER WIDTHS
REQUIREMENTS

~~3. Category III Wetlands.~~

Table 20.740.140-5. CATEGORY III WETLAND BUFFER WIDTHS

Category of Wetland	Habitat Score 3 to 5 Points (corridor not required)	Habitat Score 6 to 7 Points	Habitat Score of 8 to 9 Points	Wetland <u>Buffer</u> width Based on <u>Special</u> Characteristics
High Habitat Function <u>Category I: Bogs and Wetlands of High Conservation Value</u>	High Moderate Low NA	300 ² 225 ² 150 ² <u>NA</u>	300 feet	250 feet
Moderate Habitat Function <u>Category I: Forested</u>	High Moderate Low 100 feet	150 ² 110 ² 75 ² <u>150 feet</u>	300 feet	NA
Low Habitat Function <u>Category I or II: Based on rating of wetland functions (and not listed above)</u>	High Moderate Low 100 feet	100 ² 75 ² 50 ² <u>150 feet</u>	300 feet	NA
<u>Category III: All types</u>	<u>80 feet</u>	<u>150 feet</u>	<u>300 feet</u>	<u>NA</u>
<u>Category IV: All Types</u>	<u>50 feet</u>	<u>50 feet</u>	<u>50 feet</u>	<u>50 feet</u>

Wetland Characteristics	Land Use Intensity	Buffer Width
Moderate Habitat Function	High	150'
	Moderate	110'
	Low	75'
Low Habitat Function	High	80'
	Moderate	60'
	Low	40'

~~4. Category IV Wetlands.~~

~~Table 20.740.140-6. CATEGORY IV WETLAND BUFFER WIDTHS~~

Wetland Characteristics	Land Use Intensity	Buffer Width
All Category IV Wetlands	High	50'
	Moderate	40'
	Low	25'

~~D. All buffers shall be measured from the wetland boundary as surveyed in the field.~~

~~E. Areas which are completely functionally separated from a wetland and do not protect the wetland from adverse impacts may be excluded from buffers otherwise required.~~

~~v. ii. Wetland Buffer Width Averaging. The shoreline administrator~~Planning Official may allow modification of the standard wetland buffer width in accordance with an approved ~~critical areas report on a case-by-case basis~~Critical Areas Report by averaging buffer widths. Buffer width averaging shall not be used in combination with buffer width reduction or a minor exception. ~~(VMC 20.740.070).~~ Averaging of buffer widths (see VMC 20.170.080(B)(2)) may only be allowed when implementing the impact minimization measures, as applicable, in Table 20.740.140-3 and where a qualified professional wetland scientist demonstrates that:

~~(A)~~ A.—Such averaging will not reduce wetland functions or functional performance; ~~and~~

~~(B)~~ B.—The wetland varies in sensitivity due to existing physical characteristics, or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places; ~~and~~

~~(C)~~ C.—The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; ~~and~~

~~D.~~—The buffer width is not reduced at any point by ~~no more than twenty-five~~ 25 percent of the standard width and ~~at is no point to less than twenty-five feet.~~

~~iii. Buffer Width Reduction Based on Reducing the Intensity of Impacts from Land Uses. Buffer widths required for high intensity land uses may be reduced to those required for moderate land use intensity under the following conditions:~~

~~A. For wetlands with moderate or high habitat function:~~

~~(D)~~ 1. A relatively undisturbed vegetated corridor at least one hundred 30 feet wide ~~is protected between the wetland and any other priority habitats and areas associated with priority species (VMC 20.740.110(A)(1)(b); and.~~

~~2. Measures to minimize the impacts of different land uses on wetlands are applied, as approved by the shoreline administrator. Such measures include, but are not limited to, the examples summarized below.~~

~~Table 20.740.140-7. EXAMPLES OF MEASURES TO MINIMIZE LAND USE IMPACTS~~

Examples of Disturbance	Uses and Activities that Cause the Disturbance	Examples of Measures to Minimize Impacts
Lights	Parking lots, warehouses, manufacturing, residential	Direct lights away from wetland

Examples of Disturbance	Uses and Activities that Cause the Disturbance	Examples of Measures to Minimize Impacts
Noise	Manufacturing, residential, commercial	Locate activity that generates noise away from wetland
Toxic runoff	Parking lots, roads, manufacturing, residential, application of agricultural or landscaping chemicals	Route only treated runoff to a wetland Establish covenants limiting use of toxic chemicals within 150' of wetland Apply integrated pest management
Change in water regime	Impervious surfaces, lawns, tilling	Infiltrate or treat, detain, and disperse new runoff into buffer
Pets	Residential	Plant dense vegetation around buffer, such as rose or hawthorn
Human disturbance	Residential, commercial, industrial	Plant dense vegetation around buffer, such as rose or hawthorn
Dust	Tilled fields	Utilize best management practices to control dust

~~B.~~ For wetlands with low habitat function measures to minimize the impacts of different land uses on wetlands (subsection ~~(C)(1)(b)(iii)(A)(2)~~ of this section) are applied.

~~C.~~ Buffer width reduction shall not be used in combination with buffer width averaging (subsection ~~(C)(1)(b)(ii)~~ of this section) or a minor exception (VMC 20.740.070).

~~vi.~~ iv. *Buffer Maintenance.* Except as otherwise specified or allowed in accordance with this chapter, wetland buffers shall be maintained and fully vegetated according to the approved ~~critical areas permit~~ Critical Areas Permit.

~~vii. v.~~ Buffer Uses. The following uses may be permitted within a wetland buffer in accordance with the review procedures of this chapter; provided, they are not prohibited by any other applicable ~~law~~laws or ~~regulation~~regulations and they are conducted in a manner so as to minimize impacts to the buffer and the wetland:

~~(A) A.~~ A.—Activities allowed under the same terms and conditions as in the associated wetlands pursuant to subsection (C)(1)(a) of this section; provided trails shall be located in the outer twenty-five percent to fifty percent of the buffer when feasible and consistent with the public access provisions of this program;

~~(B) B.~~ B.—Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife;

~~(1) C.~~ C.—Removal of invasive plant species shall be restricted to hand removal. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the City's Noxious Weed list should be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.

~~(C)~~ Passive recreation facilities, including trails and wildlife viewing structures; provided, that the trails and structures are constructed with a surface that does not interfere with wetland hydrology;

~~(1) D.~~ D.—Trails shall be located in the outer 25 to 50 percent of the buffer, when feasible.

~~(D)~~ Stormwater management facilities are not allowed in buffers of Category I or II wetlands. Wetland buffers. Stormwater management facilities, limited to detention must meet the requirements of an LID or flow control BMP as specified for uses in Category III wetlands.

~~(E)~~ Educational and scientific research activities;

~~(F)~~ Normal and routine maintenance and repair of any existing public or private facilities, constructed wetlands, stormwater dispersion outfalls and bioswales, may be constructed in accordance with an approved critical areas report within the buffers of Category III or IV wetlands; an existing right-of-way, provided, that the maintenance

or repair does not increase the footprint or use of the facility or right-of-way;

~~1. No other location is feasible; and~~

~~2. The location of such facilities will not degrade the functions of the wetland or buffer.~~

~~c. *Signs and Fencing of Wetlands.*~~

~~i. The location of the outer perimeter of the wetland and buffer shall be marked in the field, and such marking shall be approved by the shoreline administrator prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.~~

~~ii. A permanent physical demarcation along the upland boundary of the wetland buffer shall be installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the wetland environment, and is approved by the shoreline administrator.~~

~~iii. Permanent fencing of the wetland buffer on the outer perimeter shall be erected and thereafter maintained when there is a substantial likelihood of the presence of domestic grazing animals within the property unless the shoreline administrator determines that the animals would not degrade the functions of the wetland or buffer.~~

~~iv. Permanent signs shall be posted at an interval of one per lot for single family residential uses or at a maximum interval of two hundred feet, or as otherwise determined by the shoreline administrator, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the shoreline administrator: "The area beyond this sign is a wetland or wetland buffer. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."~~

(G) 2.—The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided that the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources; and

(H) Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary, provided that the drilling does not alter the ground water connection to

the wetland or percolation of surface water down through the soil column.

- (1) Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column would be disturbed.

c. Temporary and permanent markers and signs for wetlands.

- i. Temporary and permanent markers and signs are installed in compliance with the requirements of VMC 20.740.020, General Provisions.

2. Compensatory Mitigation. Compensatory mitigation for impacts to wetlands shall be provided pursuant to VMC 20.740.060 and shall be consistent with ~~the Department of Ecology~~ Ecology's Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance, Version 2, Ecology Publication No. 21-06-003 April 2021, and Part 2: Developing Mitigation Plans, Version 1, Ecology Publication No. ~~06-06-011a~~ 06-011b, March 2006, or as revised by Ecology. Watersheds are defined in VMC 20.740.020(C)(2) and Chapter 20.150 VMC.

- a. ~~a.~~ Mitigation for Lost or Affected Functions. Compensatory mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement and shall provide ~~similar~~ wetland or buffer functions ~~as similar to~~ those lost, except when:

- i. ~~i.~~ The lost wetland or buffer provides minimal functions as determined by a site-specific ~~function~~ functional assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limited within a watershed through a formal Washington State watershed assessment plan or protocol; or
- ii. ~~ii.~~ Out-of-kind replacement will best meet formally identified watershed goals, such as replacement of historically diminished wetland types.

b. Mitigation Actions.

- b. ~~i.~~ Compensatory Mitigation Actions. If, through mitigation sequencing in accordance with VMC 20.740.060, it is determined that compensatory mitigation is necessary, the applicant must provide an alternative approach to compensation. Compensation is prioritized as follows:

- i. Mitigation bank credits: Allows applicants to compensate for wetland loss by purchasing credits from a bank that is commissioned to restore, create, enhance,

or preserve wetland areas in providing compensatory mitigation for authorized impacts to wetlands;

ii. *In-lieu fee program credits*: Allows applicants to compensate for wetland losses by paying a fee to a third party, such as a government agency or conservation organization, where the fee is used to ensure protection, creation, and enhancement of wetlands;

iii. *Permittee-responsible mitigation (PRM)* under a watershed approach;

iv. *PRM* that is on site and in-kind;

v. *PRM* that is off site and/or out-of-kind.

c. PRM includes the following approaches:

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

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

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

iv. ~~iv.~~ *Preservation*. The removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes activities commonly associated with the protection and maintenance of wetlands through the implementation of appropriate legal and physical mechanisms (such as recording conservation easements and providing structural protection like

fences and signs). Preservation does not result in a gain of wetland area and functions (but may result in a gain in functions over the long term).

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

~~c. Type and Location of Mitigation. Compensatory mitigation for ecological functions shall be in kind. Compensatory mitigation shall be on site or within the impacted wetland's: (i) contributing area; (ii) stream reach; (iii) sub watershed; or (iv) watershed. (Sub watersheds and watersheds are identified on the Clark County Digital Atlas.) The mitigation site shall be where the greatest level of wetland functions can be achieved. Mitigation actions may be conducted in a different watershed when:~~

- ~~i. Based on a determination of the natural capacity of the potential mitigation sites to mitigate for the impacts, there are no reasonable on-site or in watershed opportunities, or those opportunities do not have a high likelihood of success. Consideration shall include: anticipated wetland mitigation replacement ratios, buffer conditions and proposed widths; hydrogeomorphic classes of on-site wetlands when restored, proposed flood storage capacity, and potential to impact riparian fish and wildlife habitat including connectivity; or~~
- ~~ii. Watershed goals for water quality, flood or conveyance, habitat or other wetland functions have been established and strongly justify location of mitigation at another site; or~~
- ~~iii. Credits from a certified wetland mitigation bank are used as mitigation and the use of credits is consistent with the terms of the bank's certification.~~

vi. d. ~~Mixed Compensatory Mitigation.~~ Involves more than one of the listed types of compensatory mitigation.

d. Mitigation Ratios.

i. i. ~~Replacement Ratios.~~

(A) ~~A.~~—The replacement ratios shall apply to wetland mitigation that: (1) is for the same hydrogeomorphic subclass (e.g., riverine flow-through, depressional outflow, or flats), and Cowardin class (e.g., palustrine emergent, palustrine forested or estuarine wetlands); (2) is on site; (3) is in the same category; (4) is implemented prior to or concurrent with alteration; and (5) has a high probability of success.

~~B.~~—The replacement ratios are based on replacing the affected wetland with a compensation wetland of the same category, and hydrogeomorphic (HGM) subclass and Cowardin class.

~~C.~~—The replacement ratios do not apply to the use of credits from a state-certified wetland mitigation bank. When credits from a certified bank are used, replacement ratios should be consistent with the requirements of the bank's certification.

(B) ~~D.~~—*Mitigation Ratios.* Mitigation ratios are as follows (see subsection ~~(C)(2)(b)~~ of this section for definitions of mitigation actions):

Table 20.740.140-85. MITIGATION REPLACEMENT RATIOS

Wetland Category and Type	Reestablishment or Creation		Rehabilitation	Reestablishment or Creation (R/C) plus Rehabilitation (RH) <u>Preservation</u>	Reestablishment or Creation (R/C) plus Enhancement (E)
Category I Bog	Not Considered Possible	6:1 Rehabilitation of a Bog	R/C Not Considered Possible	R/C Not Considered Possible	Case-by-Case
Category I Natural Heritage Site	Not Considered Possible	6:1 Rehabilitation of a Natural Heritage Site	R/C Not Considered Possible	R/C Not Considered Possible	Case-by-Case
Category I Forested <u>forested</u>	6:1		12:1	1:1 R/C and 10:1 RH <u>24:1</u>	1:1 R/C and 20:1 E <u>24:1</u>

Wetland Category and Type	Reestablishment or Creation		Rehabilitation	Reestablishment or Creation (R/C) plus Rehabilitation (RH) <u>Preservation</u>	Reestablishment or Creation (R/C) plus Enhancement (E)
<u>Bog</u>	<u>NA</u>		<u>NA</u>	<u>24:1</u>	<u>NA</u>
<u>Wetlands of High Conservation Value</u>	<u>Consult with DNR</u>		<u>Consult with DNR</u>	<u>24:1</u>	<u>Consult with DNR</u>
Category I Based on Score for Functions II	4 3:1		1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16 12:1
Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category III	2:1		4:1	1:1 R/C and 2:1 RH <u>8:1</u>	8:1
Category IV	1.5:1		3:1	1:1 R/C and 1:1 RH <u>6:1</u>	6:1

ii.

ii. Adjustment of Replacement Ratios. The ~~shoreline administrator~~ Planning Official may adjust the replacement ratios to compensate for deviations from the requirements under ~~subsection (C)(2)(d)(i)(A)~~ of this section, subject to the following:

(A) A.—In most cases, adjustments to the replacement ratios will increase the required amount of mitigation. The required mitigation may be decreased under exceptional circumstances, —for example, if programmatic out-of-kind mitigation yields watershed-scale benefits

that would not be realized from in-kind mitigation, or if out-of-kind mitigation would protect irreplaceable wetlands.

~~e. e.~~ *Mitigation Timing.* The mitigation shall be implemented prior to or concurrent with alterations. If mitigation is implemented after alteration is allowed, the ~~planning official~~ Planning Official may require additional mitigation to compensate for temporal losses of wetland functions.

~~f. f.~~ *Buffers for Mitigation Wetlands.* Refer to Wetland Buffer Tables 20.740.140-1, 20.740.140-31, 20.740.140-2, and through 20.740.140-64.

~~g. g.~~ *Wetland Mitigation Banks.*

~~i. i.~~ Credits from a wetland mitigation bank may be approved for use as mitigation for unavoidable impacts to wetlands when:

~~(A) A.~~ The bank is certified under Chapter 173-700 WAC;

~~(B) B.~~ The ~~shoreline administrator~~ Planning Official determines that the wetland mitigation bank provides appropriate mitigation for the authorized impacts; and

~~(C) C.~~ The proposed use of credits is consistent with the terms and conditions of the bank's certification.

~~ii. ii.~~ Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.

~~iii. iii.~~ Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.

E. Additional Critical Areas Report Requirements. A Critical Areas Report for wetlands shall be prepared according to the Washington State Wetland Rating System for Western Washington – 2014 Update, Ecology Publication No.23-06-009, Washington State Wetland Rating System For Western Washington: 2014 Update, published July 2023October 2014 or as revised by Ecology. The Critical Areas Report shall contain an analysis of the wetlands including the following site- and proposal-related information:

1. A written assessment, data sheets, and accompanying maps of any wetlands or buffers on the site, including the following information:

a. Hydrogeomorphic (HGM) subclassification and Cowardin class;

- b. Wetland category;
 - c. Wetland delineation and required buffers;
 - d. Existing wetland acreage;
 - e. Vegetative, faunal, and hydrologic characteristics;
 - f. Soil types and substrate conditions;
 - g. Topographic elevations, at one-foot contours; and
 - h. A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge, or evidence of water depths throughout the year, including drift lines, algal layers, moss lines, and sediment deposits).
- 2. Functional evaluation for the wetland and buffer using Ecology's most current approved data sheets, method and including the reference of the method and all data sheets.
- 3. Proposed mitigation, if needed, including a discussion of alternatives and trade-offs of the various alternatives (for example, where enhancement for one function would adversely affect another) and a written description and accompanying maps of the mitigation area, including the following information:
 - a. Existing and proposed wetland acreage;
 - b. Existing and proposed vegetative and faunal conditions;
 - c. Surface and subsurface hydrological conditions of existing and proposed wetlands and hydrologically associated wetlands, including an analysis of existing hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;
 - d. Relationship to lakes, streams, and rivers in the watershed;
 - e. Soil type and substrate conditions;
 - f. Topographic elevations, at one-foot contours;
 - g. Required wetland buffers including existing and proposed vegetation;
 - b-h. Identification of the wetland's contributing area; and
 - e-i. A functional assessment of proposed mitigation to ensure no net loss of shoreline ecological function

Section 3. 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.

Section 4. Effective date. This ordinance is effective on January 8, 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 Concerning the regulation of Critical Areas within the City; Amending VMC 20.150 and VMC 20.740 to reflect recently available Best Available Science, new state guidance, process and review updates intended to make the regulations easier to understand and administer, provide greater protections for Wetlands, Fish and Wildlife Habitat Conservation Areas, Oregon White Oak Habitat, enhance public safety, and minimize property loss from Geologic Hazard Areas.

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](#).

Technical Report

Best Available Science Research Vancouver Critical Areas Ordinance Update

Submitted to

**City of Vancouver
Vancouver, Washington**

September 23

Submitted by

**WSP USA
210 East 13th Street, Suite 300
Vancouver, Washington 98660-3231**

31000436.000

TECHNICAL REPORT
Best Available Science Research
Washougal Critical Areas Ordinance Update

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LIST OF ACRONYMS AND ABBREVIATIONS

ASCE	American Society of Civil Engineers
ASFPMP	Association of State Floodplain Managers, Inc.
BAS	best available science
BMP	best management practice
CAO	critical areas ordinance
CARA	critical aquifer recharge area
City	City of Vancouver
CMZ	channel migration zone
CRS	community rating system
DNR	Washington State Department of Natural Resources
DOH	Washington State Department of Health
Ecology	Washington State Department of Ecology
EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
FEMA	Federal Emergency Management Agency
FIRM	flood insurance rate map
GMA	Growth Management Act
I-5/I-205	Interstate 5/Interstate 205
I-Codes	International Codes (2018, 2015, 2012, and 2009)
LIDAR	light detection and ranging
LWD	large woody debris
NAI	No Adverse Impact
NEHRP	National Earthquake Hazard Reduction Program
NFIP	National Flood Insurance Program
NOAA	National Oceanic and Atmospheric Administration
NRC	National Research Council
PHS	priority habitats and species
PRM	permittee-responsible mitigation
RCW	Revised Code of Washington
RMZ	riparian management zone
SEPA	State Environmental Policy Act
SFHA	special flood hazard area
SMA	Shoreline Management Act
SPTH ₂₀₀	200-year site potential tree height
SR 14/SR 500	State Route 14/State Route 500
UGA	urban growth area
USACE	U.S. Army Corps of Engineers
USDA-NRCS	U.S. Department of Agriculture Natural Resources Conservation Service
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
VMC	Vancouver Municipal Code
WAC	Washington Administrative Code
WDFW	Washington Department of Fish and Wildlife
WSDOT	Washington State Department of Transportation

1.0 INTRODUCTION

As a fully planning county, Clark County and all municipalities within it, including the City of Vancouver (City), are required to periodically update their critical areas ordinance (CAO) on the schedule set out in the Growth Management Act (GMA) (see Revised Code of Washington [RCW] Sections 36.70A.130 and 36.70A.172). The CAO update needs to comply with the GMA, State Environmental Policy Act (SEPA), and must also meet requirements of the Shoreline Management Act (SMA) for regulation of critical areas within shorelines. The Washington Administrative Code (WAC) provides additional requirements for designation of critical areas in WAC 365-190. The deadline for the update of the CAO, other regulations as necessary, and the Comprehensive Plan of the City of Vancouver is June 30, 2025.

Critical areas in Vancouver are currently protected by the City's CAO (Vancouver Municipal Code [VMC] 20.740), first adopted in 2005, as required by RCW 36.70A.172. The protection of these critical areas is important to preserve the ecological functions and values of the City's natural environment and for the protection of public health, safety, and welfare of Vancouver's residents. Critical areas include habitats of local importance, fish and wildlife habitat conservation areas, frequently flooded areas, geologically hazardous areas, wetlands, and critical aquifer recharge areas (CARAs). CARAs are regulated under VMC 14.26, "Water Resources Protection," separately from the City's other critical areas provisions contained in VMC 20.740.

The CAO was most recently updated in 2020, specifically an amendment to Frequently Flooded Areas. Evolving best available science (BAS) for critical areas means the City's CAO may not reflect the latest science or guidance from the State of Washington. BAS is defined in WAC 365-195 (see further discussion below under Section 3.0 of this report). As an example, the City's CAO needs to be updated to meet the most recent riparian management guidance from the Washington Department of Fish and Wildlife (WDFW) – *Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications* (Quinn et al. 2020) and *Riparian Ecosystems, Volume 2: Management Recommendations* (Rentz et al. 2020). City staff have also mentioned that they would prefer that the CARA regulations in VMC 14.26 be integrated with the other critical areas regulations in VMC 20.740.

This report consists of a background of the City's existing critical areas landscape, review of BAS and critical area resource documents, and guidance that provide BAS-based approaches to protecting the functions and values of critical areas. The BAS review includes peer-reviewed literature, gray literature, expert opinion and the anecdotal experience of professionals that is relevant to the City, documents prepared for other jurisdictions, guidance prepared by state and federal agencies, and research from across the country regarding the effectiveness of existing standards and the state of the science. This document presents the findings of the review and **Appendix B** lists the literature, data, and reports used to review the state of BAS for each regulated critical area.

2.0 VANCOUVER'S CRITICAL AREAS LANDSCAPE

The geography of Vancouver's critical areas is discussed in this section. As a supplement to this section, see the critical areas maps contained in Appendix A. Together, the description and maps provide the general distribution of Vancouver's critical areas. Also discussed below are how critical areas are designated areas as per the City's CAO and any differences in designation compared with WAC 365-190.

2.1 HABITATS OF LOCAL IMPORTANCE

Habitats of Local Importance (VMC 20.740.100) are critical areas for fish and wildlife habitat that are not designated as priority habitats and species by the State, but are designated as locally significant by the City. These are determined by a need for protection due to existing high diversity of fish or wildlife species, declining populations, habitat scarcity, areas sensitive to disturbance from human activity or development, or other unique local habitat functions. Designated areas also need to be sufficient in size to support the species or habitat functions and this designation will not compromise the ability of the City to achieve Comprehensive Plan goals. A habitat of local importance must also have a proposed management strategy that describes how the functions of the habitat will be protected after designation. Vancouver has not designated any habitats of local importance and they are, therefore, not discussed further in this report.

2.2 WETLANDS

Wetlands are areas that support vegetation adapted to life in saturated soil conditions under normal circumstances (VMC 20.740.140). Wetlands must be designated in accordance with the definition in RCW 36.70A.030 and in accordance with the federal wetland delineation manual and regional supplements (WAC 173-22-035). Wetlands include swamps, marshes, bogs, and similar areas, but do not include artificial wetlands intentionally created (e.g., irrigation and drainage ditches, canals, and detention facilities). Counties and cities must adopt a rating system for wetlands. The rating system most frequently used (also used by Vancouver) is the joint rating system developed by the Washington State Department of Ecology (Ecology) and the U.S. Army Corps of Engineers (USACE).

Areas in the City that have prevalent wetland areas are along the banks of the Columbia River, Vancouver Lake, Burnt Bridge Creek, Fisher Creek, and Love Creek; areas between Vancouver Lake and the Columbia River; Curtin Springs Wildlife Habitat; Vancouver Lake Park; Centerpointe Park; areas west of Northeast Padden Parkway and Northeast Andresen Road; areas in the Port of Vancouver; and other mapped areas as shown in Appendix A.

2.3 CRITICAL AQUIFER RECHARGE AREAS

CARAs are areas where rainfall and surface water can infiltrate into the subsurface and recharge aquifers used for potable water. CARAs are regulated under VMC 14.26, which was recently updated in City Ordinance M-4372 codified in August 2022. The purpose of this code is to protect the City's water resources by reducing risks of groundwater contamination by establishing development regulations and minimum standards (VMC 14.26). Aquifer areas must be classified according to

the vulnerability of an aquifer, which is determined by the combined effect of hydrogeological susceptibility to contamination and the potential contaminant releases that may impact the aquifers (WAC 365-190-100). The entire area within the City's jurisdictional boundaries is designated as CARA under VMC 14.26.115.B. The City further identifies Special Protection Areas within the citywide CARA that are those areas within 1,900 feet of any municipal water supply well.

2.4 GEOLOGICALLY HAZARDOUS AREAS

Landslide, seismic, and erosion hazard areas are geologically hazardous areas (VMC 20.740.130). Coal mine and volcanic hazards also qualify as geologically hazardous areas (WAC 365-190-120), but these do not occur in Vancouver.

Landslides: Landslide areas are generally characterized by the following identifying potential factors per the City's CAO: slopes greater than 25 percent on a property and adjacent areas within 100 feet and areas of historic or active landslides. WAC 365-190-120 defines landslide areas as areas delineated by the U.S. Department of Agricultural Natural Resources Conservation Service (USDA-NRCS) as having significant limitations for building development; coastal areas mapped as Classes u (unstable), uos (unstable old slides), and urs (unstable recent slides) in Ecology's Coast Atlas; or areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey (USGS) or Washington State Department of Natural Resources (DNR). Also, it includes areas with slopes steeper than 15 percent; hillsides intersecting geological contacts with a permeable sediment overlaying an impermeable sediment or bedrock; and springs or groundwater seepage. WAC goes further in defining landslides as areas that have shown movement during the Holocene epoch or which are underlain or covered by mass wastage debris from this epoch; slopes parallel or subparallel to planes of weakness in subsurface materials; slopes having gradients steeper than 80 percent subject to rockfall during seismic shaking; areas potentially unstable as a result of rapid stream incision, erosion, and undercutting by wave action, including stream channel migration zones; areas that show evidence or are at risk from snow avalanches; areas located in a canyon or on an active alluvial fan subject to inundation by catastrophic flooding; and any area with a slope of 40 percent or steeper with a vertical relief of 10 or more feet and not composed of bedrock.

Areas of the City that are identified as areas of potential instability landslide areas by information provided by Clark County Maps Online are slopes south of and above Burnt Bridge Creek in central Vancouver and bordering Burnt Bridge Creek on both sides from Falk Road to NW Fruit Valley Road; slopes above the Columbia River paralleling State Route 14 (SR 14) and Evergreen Boulevard; parallel to Fruit Valley Road; and areas along Southeast Evergreen Highway east of Interstate 205 (I-205) between SR 14 and the Columbia River and west of Southeast 192nd Avenue. The only areas mapped as areas of historic or active landslides are along Burnt Bridge Creek immediately east of Vancouver Lake and along Evergreen Highway east of I-205. Mapped landslide areas of high confidence by the USGS Landslide Inventory are located around Burnt Bridge Creek Park; along the eastern side Northwest Fruit Valley Road and north of West 39th Street; areas north of SR 500 at Arnold Park and

Bosco Farm Neighborhood Park; areas south of SR 500 along Burnt Bridge Creek and Burnt Bridge Creek Park; an area in Dubois Park; and area just west of Dubois Park and between East Mill Plain Boulevard and East Evergreen Boulevard (see Appendix A).

Seismic Hazard Areas: The City designates seismic hazard areas as those with low to moderate, moderate, moderate to high, or high liquefaction susceptibility, or Peat Deposits; areas of fill; National Earthquake Hazard Reduction Program (NEHRP) ground shaking amplification soils C to D, D, D to E, and E; and fault rupture hazard areas. WAC 365-190-120 defines seismic hazard areas as those subject to a severe risk of damage as a result of ground shaking induced by an earthquake, slope failure, settlement or subsidence, surface faulting, or tsunamis. It also includes areas with a historical record of earthquake damage.

Areas mapped with liquefaction susceptibility risk are typically found in Vancouver along the Columbia River generally west of Southeast Ellsworth Road; areas between the Columbia River and Vancouver Lake; areas along Burnt Bridge Creek; Spring Branch Creek; and areas north and south of SR -500 and Northeast 95th Street. Areas of the City with NEHRP ground shaking amplifications of C to D or higher are generally located west of I-5 near Vancouver Lake. The area north of SR 500 and between I-5 and I-205 are generally Class D; south of SR 500 and east of I-205 are generally Site Class C; faults associated with the Quaternary Lacamas fault zone are present on the eastern side of Vancouver, that generally trends southeast starting at Northeast 28th Street and Northeast 38th Avenue to the Columbia River and ending east of Government Island. Related faults also traverse the very northeast corner of the city, generally around Northeast Fourth Plain Boulevard and Northeast 162nd Avenue.

Erosion Hazard Areas: Erosion hazard areas under Vancouver's CAO are areas identified as having a severe erosion hazard by the 1972 USDA Soil Conservation Service Soil Survey of Clark County Washington. These include erosion hazard areas along banks, streams, and rivers due to flow patterns creating regression or retreat of these banks. Erosion hazard areas are defined by WAC 365-190-120 as areas that are likely to become unstable, such as bluffs, steep slopes, and areas with unconsolidated soils. In the City, erosion hazard areas are found generally along Burnt Bridge Creek adjacent and west of I-5, east of Northwest Fruit Valley Road between West 39th Street and Burnt Bridge Creek, along the Portland Vancouver Junction Rail line between I-5 and Northeast Saint James Road, an area bounded to the west and east by Fort Vancouver Way and Northeast 87th Avenue and to the north and south by East 18th Street and SR 14, and other mapped areas as shown in Appendix A.

2.5 FREQUENTLY FLOODED AREAS

Frequently Flooded Areas are areas of special flood hazards (VMC 20.740.120) determined by the Federal Emergency Management Agency (FEMA) and scientific and engineering reports entitled Flood Insurance Study effective September 5, 2012 and any subsequent revisions. Areas designated as frequently flooded areas as defined by WAC 365-190-110 are those that affect human health and safety and to public

facilities and services. Jurisdictions may optionally designate and consider the future flow flood plain; the potential effects of a tsunami; high tides with strong winds; sea level rise and extreme weather events, including those resulting from global climate change; and greater surface runoff caused by increased impervious surfaces.

Frequently flooded areas in the City are found along the Columbia River, Burnt Bridge Creek, and Vancouver Lake and areas between Vancouver Lake and the Columbia River.

2.6 FISH AND WILDLIFE HABITAT CONSERVATION AREAS

Areas that are determined as fish and wildlife habitat conservation areas (VMC 20.740.110) are based on site conditions and varying available data. These areas include habitat used for any life stage of an endangered, threatened, or sensitive fish or wildlife species; priority habitats and areas associated with priority species as determined by the Washington Department of Fish and Wildlife (WDFW); rivers, lakes, streams and naturally occurring ponds; locally significant habitat areas or habitats of local importance; and riparian management areas are riparian buffers. WAC 395-190-130 defines fish and wildlife habitat conservation areas as those that are commercial and recreational shellfish areas; kelp and eelgrass beds; herring, smelt, and other forage fish spawning areas; naturally occurring ponds under 20 acres and their submerged aquatic beds; waters of the state; and state natural area preserves, natural resource conservation areas, and state wildlife areas.

Primary fish and wildlife habitat conservation areas in the city, including riparian and non-riparian habitat areas, and species areas that can be found along the Columbia River, Burnt Bridge Creek, Fisher Creek, Love Creek, Vancouver Lake and areas between the lake and the Columbia River, South Vancouver Lake Lowlands, Burnt Bridge Creek Greenway, parks along the banks of the Columbia River, Biddlewood Natural Area, Henry J. Biddle Natural Area, Mimsi Marsh, Ellsworth Springs East, David Douglas Park, Blandford Canyon West, Meadowbrook Marsh, along the Portland Vancouver Junction Rail between I-5 and Northeast Saint James Road, and other areas as mapped in Appendix A.

3.0 WHAT IS BEST AVAILABLE SCIENCE?

A foundational element of all CAO updates is documenting the BAS that supports the new and/or revised regulations. As regulated by RCW 36.70A.172, BAS must be used in developing policies and development regulations in order to protect functions and values of critical areas. BAS is utilizing the best, most current information available from a valid scientific process or sources that have been adopted by the scientific community. According to WAC 365-195-905, counties and cities may use a list of identified resources from local, state, or federal natural resources that have met the criteria of BAS. The responsibility of including BAS in development and implementation of critical areas policies or regulations rests on each jurisdiction. However, counties and cities should consult with a qualified scientific expert or team to identify scientific information, determine BAS, and assess applicability to critical areas. The scientific expert or experts may use professional judgment regarding

critical areas but shall use criteria set out in WACs 365-195-900 through 365-195-925 and any other technical guidance provided by the department. Characteristics of BAS include:

- **WAC 365-195-900** – Jurisdictions must identify and include BAS in accordance with WAC for updates and adoption of policies and regulations, including for periodic review and evaluation to determine a jurisdiction is meeting statutory obligations.
- **WAC 365-190-905** – Assessment criteria are provided for jurisdictions to determine whether information gathered for development of critical areas policies and regulations is adequate for BAS. It also provides guidance on the types of information that can be used, determining qualified professionals, setting responsibilities of jurisdictions, and validating scientific information.
- **WAC 365-190-910** – Obtaining BAS is regulated by this statute and includes consulting with state and federal natural resource agencies and tribes for efficient development of scientific information and recommendations. Counties or cities may also have their own scientific data that is or can be eligible for BAS.
- **WAC 365-190-915** – Criteria are listed for using BAS in the development of policies and development regulation and shall protect the functions and values of the critical areas. BAS shall be included in the decision-making process. Jurisdictions shall use BAS with variances and exemptions determinations regarding generally applicable critical areas policies and development regulations. Nonscientific information (legal, social, cultural, economic, and political) used for critical area policies and regulations departing from BAS shall:
 - Identify information on record that supports its decision in departing science-based recommendations;
 - Explain rationale for its departure from science-based recommendations; and
 - Identify potential risks to a critical area or areas function and values, and any reducing risks with additional measures.
- **WAC 365-190-920** – Inadequate scientific information relating to a jurisdiction's critical areas shall utilize a “precautionary or a no risk approach” or use a formal adaptive management program that relies on scientific methods.
- **WAC 365-190-925** – Jurisdictions must give “special consideration” for necessary conservation or protection measures to preserve or enhance anadromous fisheries. Record evidence shall be provided with protected habitat that includes all life stages of anadromous fish.

Scientific information can be produced only through a valid scientific process as listed above and BAS must be used in developing policies and development regulations in order to protect functions and values of critical areas (RCW 36.70A.172). The BAS research presented below meets State requirements and includes scientific information that is readily available, is of high quality, and/or has been independently peer-reviewed.

4.0 WETLANDS

Wetlands are highly productive and valuable ecosystems that provide high-quality habitat to various terrestrial and aquatic flora and fauna, protect water quality by filtering contaminants and promoting infiltration, provide aquifer recharge, and slow the velocity of and retain flood waters protecting downstream communities from the impacts of flooding. Current BAS for wetlands includes guidance for the identification, classification, and categorization of wetlands, information regarding useful and effective protective buffers, and guidance for mitigating impacts to wetlands, including mitigation sequencing and compensatory mitigation, all of these are factors in protecting and maintaining wetland functions and values. This section of the report discusses the functions and values provided by wetlands and information regarding their identification, classification/characterization, and protection and management.

4.1 FUNCTIONS AND VALUES

4.1.1 Functions in General

Wetland functions are the interactions between the structural components of the wetland, and the physical, chemical, and biological processes within the wetland and surrounding landscape (Sheldon et al. 2005). Because wetlands provide functions at many scales, from the microscopic to watershed level, functions are generally grouped into one of three categories: biochemical, hydrologic, and habitat functions. Not all wetlands provide the same level of functions, and most functions are dependent on a number of factors that include the presence and kind of vegetation, soil type, water regime and residence time of water, and position within the landscape. Additionally, the value of an individual wetland may differ from another because of external factors, such as the presence of nearby contaminant sources (e.g., agricultural practices), runoff from adjacent impervious surfaces, proximity to resident and anadromous fish-bearing streams, precipitation patterns, likelihood of flooding, and/or changes in regional climate conditions. The following sections provide a broad overview of the functions provided by wetlands, and examples of the value of these functions to society. The discussion is not exhaustive but is meant to show representative examples of the findings of existing science regarding the functions provided by wetlands (Sheldon et al. 2005).

4.1.2 Biochemical Functions

Biochemical functions include nutrient cycling, removal and retention of metal and toxic organic compounds, and sediment stabilization, among others. Water quality can be impaired by the presence of contaminants, including sediments, phosphorous, metals and organic compounds, and/or pathogens. As discussed in Ecology's *Wetlands in Washington State Volume 1 – A Synthesis of the Science* (Sheldon et al. 2005), wetlands improve water quality by promoting sedimentation, absorbing and precipitating contaminants, biodegrading contaminants by supporting microbes that break them down, removing nitrogen through nitrification and denitrification processes, and helping retain and remove pathogens by detaining water and aiding microorganisms that feed on bacteria. These natural processes provide water quality protection that reduces society's dependency on water quality treatment facilities,

protect local resources such as fish stocks that may be impaired by contaminated water, and help promote the health and safety of communities by limiting the presence of pathogens, metals, and toxic organic compounds in the drinking water that is provided by groundwater and surface water resources (Sheldon et al. 2005).

4.1.3 Hydrologic Functions

The hydrologic functions provided by wetlands include flood attenuation, groundwater recharge, decreased downstream erosion, and reduction in peak flows, among others. The hydrologic functions of wetlands are related to their ability to retain more surface water than terrestrial habitats; the many wetlands across a watershed retain and gradually release runoff and surface water that would otherwise flow directly into surface waters (Adamus et al. 1991, *in* Sheldon et al. 2005). While these functions are associated with water storage, an individual wetland's ability to store surface or subsurface water is additionally influenced by a number of factors, including the wetland's location within the landscape, soils and vegetation, and the type or class of the wetland (Sheldon et al. 2005). These functions can contribute to the long-term health, safety and financial benefits to downstream communities; for example, wetlands in floodplains dissipate the erosive forces of flood waters, and can store large volumes of surface water; these functions act to protect downstream communities from flooding events, and channel migration, and minimize damage to structures and other assets such as cropland.

4.1.4 Habitat Functions

Wetlands provide habitats for various species, including species that are dependent on wetland habitat for their entire life cycle, species that rely on wetlands for a single life stage, and species that use wetlands on occasion, such as for drinking water, or as a stopover point during migration (Johnson and O'Neil 2001). Wetlands support anadromous and resident fish, reptiles and amphibians, waterfowl and migratory birds, and terrestrial species, as well as a variety of aquatic invertebrates and microorganisms. The use of a wetland by any specific animal or group of animals depends on factors that include hydrologic regime, structure and complexity of vegetation, proximity to other habitat, climate/seasonality, and topography, among others (Adamus et al. 1991, Mitsch and Gosselink 2000). Many of the species that rely on wetlands for all or part of their life cycle have unique societal and cultural values. For example, wetlands provide juvenile rearing habitat for salmon, and they provide habitat for waterfowl that are valued for recreation (e.g., birding and hunting). Wetlands supply habitat for protected species, such as migratory birds, WDFW priority species, and state and federally listed threatened and endangered species.

4.1.5 Carbon Sequestration Functions

According to RCW 70A.45.010, carbon sequestration is defined as the process of capturing and storing atmospheric carbon dioxide through biologic, chemical, geologic, or physical processes. Wetlands are known to be some of the largest stores of carbon on the planet (USGCRP 2018). Wetland soils are anoxic (oxygen-poor), and therefore slow decomposition and lead to the accumulation of organic matter (Nahlik and Fennessy 2016). The amount of carbon storage depends upon wetland

type and size, vegetation, the depth of wetland soils, groundwater and nutrient levels, pH, and other factors. Wetland soils also store carbon that flows in from upland areas, through soil erosion or movement of vegetative debris (Kusler and Christie 2011). Climate modeling has shown a potential favorable ratio of greenhouse gas production to sequestration in future climate change scenarios, meaning wetlands could become an even greater carbon sink than during current conditions. Global warming may affect the period of time it takes a wetland to become a net sink, but may also increase the amount of sequestered carbon significantly depending on local climate conditions (Mitsch et al. 2013). However, disturbed or warmed wetlands typically release greenhouse gases that contribute the most to global warming (i.e., carbon dioxide, methane, and nitrous oxide) (Mitsch et al. 2013).

4.1.6 Impacts

Disturbances to wetlands and the functions they provide can occur at several geographic scales, and can be created by and depend on a variety of land uses, the land use intensity/severity, and the scale at which the disturbance occurs (Sheldon et al. 2005). Disturbances include vegetation removal and increased impervious surfaces, agricultural practices, logging and development, and other activities that alter natural drainage patterns, fill wetlands, and increase inputs of pollutants. Each of these disturbances may affect the functions and values of wetlands by increasing water volume and flow rates after storm events; increasing sediment and other pollutants in runoff; contributing to habitat fragmentation; increasing erosion, and/or reducing biodiversity (Sheldon et al. 2005).

Protecting wetland resources entails the regulation of direct and indirect impacts to wetlands and should be guided by BAS. Direct wetland impacts are activities that include filling, draining, or adversely impacting the vegetation within a wetland. Indirect impacts result from changes to the surrounding landscape that negatively influence the physical, chemical, or biological characteristics of a wetland, such as its hydroperiod, microclimate or habitat connectivity, for example (McMillan 2000).

4.2 IDENTIFICATION AND CLASSIFICATION

Section 365-190-090 of the WAC and RCW 36.70A.030 define wetlands as,

... areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after 1 July 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas to mitigate the conversion of wetlands.

To address regional wetland characteristics and improve the accuracy of wetland delineations, the USACE issued regional supplements to its wetland delineation manual (1987) on which the state manual is based. Therefore, current wetland methodology is based on the USACE manual and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains, Valleys, and Coast Region* (Version 2.0) (regional supplement) (USACE 2010). The USACE manual provides the methodology for identifying jurisdictional wetlands based on an examination of vegetation, soils, and hydrology. Vancouver's CAO references the "approved federal wetland delineation manual and applicable regional supplements but does not specifically reference the manual and supplement by name (see VMC 20.740.120).

WAC 365-190-090 also indicates that when designating wetlands, counties and cities should use a rating system that evaluates the existing wetland functions and values to determine what functions must be protected, and, when developing wetland rating systems, jurisdictions should consider using the wetland rating system developed jointly by Ecology and the USACE. Ecology's *Wetland Rating System for Western Washington* (Hruby 2014) is the most commonly used and regionally accepted wetland classification system, and categorizes wetlands based on their specific attributes, including rarity, sensitivity, and the functions they provide. To identify and classify wetlands, the system incorporates other classification systems, including the hydrogeomorphic classification and classification of plant communities (Cowardin et al. 1979), as well as classification based on special characteristics. As described in the Ecology guidance, the rating system was designed to "differentiate between wetlands based on their sensitivity to disturbance, their significance, their rarity, our ability to replace them, and the functions they provide" (Hruby 2014). The intent of the system is to provide a basis for developing standards to protect and manage wetlands. Vancouver's CAO uses the *Wetland Rating System for Western Washington* (Hruby 2014) in compliance with WAC 365-190-090.

4.3 BEST AVAILABLE SCIENCE FOR WETLAND PROTECTION

The protection of the functions and values provided by wetlands is generally recognized as achievable (in part) by using protective wetland buffers. Buffers are vegetated areas adjacent to an aquatic resource (a wetland for purposes of this discussion) that can, through various processes, reduce the impacts of adjacent land uses (Sheldon et al. 2005). Functions provided by buffers include removing sediments, excess nutrients, and toxics; influencing the microclimate; maintaining habitat connectivity; and minimizing adjacent disturbances. The effectiveness of buffers to protect wetland functions and values is generally related to the type of wetland function to be protected, the activities that are being buffered, and the characteristics of both the wetland and its associated buffer. For example, differing widths for effective buffers for water quality protection, and habitat for a specific species have been documented. Additionally, different buffer widths to protect a similar function may be necessary depending on the stressors associated with the different wetlands that provide the function. Generally, the characteristics that most influence buffer functions include vegetation, slope of the buffer, the soils, and the

width of the buffer; of these, just vegetation and buffer width can be manipulated or controlled easily (Sheldon et al. 2005).

It is generally accepted that the width of a buffer should be related to the wetland functions that need protecting, the intensity of the adjacent land use, and the condition of the adjacent buffer. While the BAS states unanimously that buffers are effective in protecting wetlands functions and values, there is significant debate about how much buffer is necessary to protect particular functions. In order to protect the ecological functions and values of wetlands, it is necessary for regulators to consider a number of ecological principles, and their implications for development and the use of natural resources. These principals include factors such as temporal and spatial functions of ecological processes and implications of development, direct and cumulative impacts, and the type, intensity, and duration of impacts to natural resources.

As stated in Ecology's *Wetlands in Washington State Volume 2 – Protecting and Managing Wetlands* (Granger et al. 2005),

[a]uthors who synthesized the literature on the effectiveness of buffer widths suggest buffers between 25 and 75 feet for wetlands with minimal wildlife habitat functions and adjacent low-intensity land uses; 50 to 150 feet for wetlands with moderate habitat functions or adjacent high-intensity land uses; and 150 to 300 feet for wetlands with high habitat functions. Effective buffer widths for protecting water quality ranged from 25 to 50 feet for 60 percent removal of pollutants, to 150 to 200 feet for 80 percent removal of pollutants.

Ecology suggests assessing the potential risk to wetlands as a result of development and the amount of risk that is acceptable; this risk assessment can offer a local jurisdiction insight on appropriate protective measures for implementation (Granger et al. 2005). This means that regulations implementing larger, rather than smaller, buffers around all wetlands would be characterized as lower risk for preserving functions and values, whereas a jurisdiction that implements narrower buffers would have a higher risk of impacting functions and values, and the narrower buffers would be unlikely to provide all of the functions necessary to protect wetlands.

In October 2022, Ecology released new guidance offering three different approaches to establishing protective buffers. Buffer Option 1 offers the most flexibility in buffer widths based on the wetland category, level of impacts from adjacent land uses, and the functions of the wetland (i.e., habitat, special characteristics, etc.), and offers opportunities for buffer reductions (Ecology 2022b). Buffer Option 2 established buffer widths based on wetland category and the existing or proposed adjacent land use, with no options for buffer averaging or reductions. Buffer Option 3 includes fixed buffer widths based solely on the wetland category with no opportunity for buffer reductions or averaging. These three options offer local jurisdictions different approaches with different risk tolerances to choose from when developing or updating their critical areas ordinances.

4.4 SCIENCE OF IMPACTS AND MITIGATION

When a change in land use has the potential to adversely affect a wetland, regulatory agencies require the applicant to conduct wetland mitigation, as part of a national “no net loss” policy toward protecting wetlands. “No net loss of wetland functions and values” is a federal and state policy goal that emerged in 1989 and has been a mainstay of land use regulations since then (National Research Council [NRC] 2001). To date, the no net loss policy has been interpreted to mean that wetlands should be conserved wherever possible, and that wetlands converted to other uses must be offset through compensatory mitigation to provide the same functions and values that have been lost (NRC 2001). As described in the 1990 Memorandum of Agreement between the U.S. Environmental Protection Agency (EPA) and the USACE (EPA and USACE 1990), the mitigation sequence is a three-step sequence that helps guide decisions and to determine the type and level of mitigation required under Clean Water Act Section 404/401 Regulations. The Washington SEPA (Chapter 43-21C RCW), administered by Ecology, also requires that a sequence of actions be taken for proposals that will impact wetlands (mitigation sequence). The following are the steps in the mitigation sequence according to the implementing rules of SEPA (Chapter 197-11-768 WAC):

- Avoiding the impact altogether by not taking a certain action or parts of an action;
- Minimizing impacts by limiting the degree or magnitude of the impacts;
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
- Monitoring the impact and taking appropriate corrective measures.

If, through mitigation sequencing, it is determined that compensatory mitigation is necessary, an applicant has several alternatives for how to approach compensation. The alternatives, reviewed and described by Ecology et al. (2021), are prioritized as follows:

- Mitigation bank credits: Allows applicants to compensate for wetland loss by purchasing credits from a bank that is commissioned to restore, create, enhance, or preserve wetland areas in providing compensatory mitigation for authorized impacts to wetlands.
- In-lieu fee program credits: Allows applicants to compensate for wetland losses by paying a fee to a third party, such as a government agency or conservation organization, where the fee is used to ensure wetland protection, creation, and enhancement of wetlands.
- Permittee-responsible mitigation (PRM) under a watershed approach.

- PRM that is on site and in-kind.
- PRM that is off site and/or out-of-kind.

PRM includes the following approaches:

- Restoration: Re-establishment of wetland conditions where they formerly, but no longer, exist.
- Creation: Establishment of wetland conditions in a location where wetland conditions previously did not exist or that has not been a wetland within the last 100 to 200 years.
- Enhancement/Exchange: Modifying a specific structural feature of an existing degraded wetland to improve one or more functions based on management objectives.
- Preservation: Protection of an existing and well-functioning wetland from perspective future development threats.
- Mixed Compensatory Mitigation: Involves more than one of the listed types of compensatory mitigation.

Additionally, Ecology adopted an approach for estimating the functions lost when a wetland is altered, and to estimate the gain in functions that may result from restoration, creation, enhancement, and/or preservation (Hruby 2011). This methodology estimates the type and area of compensation to be provided based on functions of the wetland being altered (i.e., debits) and the amount the proposed compensatory mitigation will create (i.e., credits). The guidance establishes that the proposed compensatory mitigation is acceptable when the “credit” score for the mitigation project is higher than the “debit” score for the impacted wetland (Hruby 2011)

As a result of failure of many previous mitigation projects, USACE, Ecology, and some Washington jurisdictions are encouraging the use of mitigation banks and in-lieu fee programs because these can offer greater assurance for mitigation success to both the applicant and the jurisdiction (USACE and EPA 2008; Ecology 2009).

4.5 SUMMARY EVALUATION OF EXISTING ORDINANCE AND RECOMMENDATIONS

To maintain consistency with state and federal wetland delineation methods, the City should adopt the latest federal wetland delineation manual and its supplements for use in delineating wetlands. This is not expected to change the outcome of wetland delineation efforts within the City, as state and federal regulators already require this methodology to determine wetland boundaries.

Additionally, to be consistent with state and federal guidance on the use of mitigation banks and in-lieu fee programs for compensatory mitigation, the City should update the mitigation code section (VMC 20.740.140[C][2]) to reflect this preference. This is

not expected to change the options available to applicants but to clarify the preference for banks and in-lieu fee programs over permittee-responsible options that have not shown a high likelihood of success.

Finally, to be consistent with state wetland protection guidance, the City should update the code to reflect recent guidance published by Ecology in October 2022. . The recent guidance includes the following additional recommendations that should be included in the updated code:

- Reformatted buffer tables, including the incorporation of previous adjustments to the range of habitat scores based on review of the referenced wetland data used to calibrate the Washington wetland rating system
- Updated and expanded minimization measures table for use with the buffer tables
- Functionally disconnected buffers
- Clarified corridor requirements and expanded applicability
- Clarified geographic scope of exemption guidance for small wetlands
- Recommendations from the 2021 interagency wetland mitigation guidance document
- Updated definitions
- New language addressing the role of wetland functions in mitigating climate change (e.g., carbon sequestration)

These updates may have some changes on how wetlands are protected with buffers and the ability to reduce buffers based on the new guidance.

5.0 CRITICAL AQUIFER RECHARGE AREAS

The GMA requires the protection of public groundwater drinking supplies. The supply of public drinking water depends on the availability of groundwater, and without replenishment, the amount of water in aquifers can be diminished or even depleted (Ecology 2021a). CARAs are “areas with a critical recharging effect on aquifers used for potable water where an aquifer that is a source of drinking water is vulnerable to contamination that would affect the potability of the water” (WAC Chapter 365-190). By protecting CARAs, a community can focus its efforts and resources on protecting the most critical groundwater drinking supplies.

CARAs are regulated by Section 14.26 of the VMC.

5.1 FUNCTIONS AND VALUES

Regulating CARAs protects public drinking water from contamination by hazardous materials and waterborne pathogens, helps ensure the future availability of groundwater, and is less expensive than post-contamination cleanup or treatment of groundwater. Studies have shown that funding initiatives to protect groundwater is more cost-effective than cleaning up groundwater after contamination occurs (Ecology 2021a). Contaminated public drinking water can cause illness, bring about the ingestion of chemicals or other harmful substances, and incur costs as new wells must be developed or contaminated soils and/or groundwater must be remediated (Ecology 2021a).

5.2 IDENTIFICATION AND CLASSIFICATION

The Washington State Department of Health (DOH) regulates and maps drinking water wells. CARAs recommended for protection by WAC 365-190-100 include:

- **Wellhead Protection Areas:** These areas are defined as “the boundaries of the 10-year time of groundwater travel”. Clark County Maps Online maps wellhead locations based on information from DOH and the 1-, 5-, and 10-year time of travel zones around these wellheads. Time-of-travel zone information comes from DOH’s Source Water Assessment Program mapping tool.
- **Sole Source Aquifers:** These areas are designated by the EPA pursuant to the Federal Safe Drinking Water Act. Nearly all of Clark County and the city of Vancouver are located within the Troutdale Sole Source Aquifer (EPA 2006).
- **Susceptible Groundwater Management Areas:** These areas are designated as moderately or highly vulnerable or susceptible in an adopted groundwater management program developed pursuant to WAC Chapter 173-100. There is no adopted groundwater management program for Vancouver or mapped groundwater management areas in the city.
- **Special Protection Areas:** These areas are defined by WAC 173-200-090 and designated by Ecology. There are special protection areas currently mapped for Vancouver.
- **Moderately or Highly Vulnerable Recharge Areas:** These areas are moderately or highly vulnerable to degradation or depletion because of hydrogeologic characteristics as delineated in a hydrogeologic study. These areas are not mapped.

CARAs are identified by their vulnerability. Vulnerability is the combination of hydrogeological susceptibility (the high potential for surface recharge and infiltration in CARAs due to the permeability of the soil around them) and the potential of contamination sources based on an analysis of existing land uses. Clark County designates Municipal Wellhead Protection Areas shown on Clark County MapsOnline that indicate different zones that estimate the time it would take for a pollutant release to reach the wellhead area. Vancouver’s CAO designates Special Protection Areas within CARAs as those within 1,900 feet of any municipal wellheads. These areas are mapped by Clark County MapsOnline.

5.3 BEST AVAILABLE SCIENCE FOR CARAS

BAS for protecting CARAs recommends addressing both recharge and discharge areas. Aquifer recharge occurs where stormwater, irrigation water, and other water infiltrates into the ground. Using resources and land in various ways can impact aquifer recharge areas; some examples of risks include the contamination of CARAs by hazardous materials or reducing recharging effects by increasing impervious surfaces. Discharge areas are locations where groundwater flows from the surface such as a spring, wetland, or well. Discharge areas are typically protected by other critical areas regulations such as wetland and riparian area requirements.

BAS recommends protecting public groundwater by limiting potential contamination risks within CARAs and promoting land use and development standards that maintain groundwater quality, withdrawals and recharge. In order to support the adequate recharge of its aquifers, a municipality can limit impervious surfaces, encourage low impact development, and use other stormwater best management practices (BMPs) such as raingardens. A commonly used resource for identifying BMPs that will protect groundwater recharge and water quality is the *Stormwater Management Manual for Western Washington* (Ecology 2019).

Some land use activities have been identified as high risk for groundwater contamination, and jurisdictions should consider prohibiting these uses within priority CARAs or requiring strict pollution prevention requirements to further mitigate potential risks. BAS also recommends the identification and monitoring of existing high-risk uses within CARAs. Examples of high-risk uses in CARAs include landfills, wood treatment facilities, chrome platers, tank farms, and facilities that treat, store, or dispose of hazardous waste (Ecology 2021a).

Other uses may present a moderate or low risk of contamination within a CARA, and can be permitted as conditional uses, provided that they meet BMPs and other requirements to ensure protection of the CARA.

Groundwater wells and construction of groundwater wells are potential conduits that could connect the aquifer with potential overlying contaminants. Well construction standards in WAC 246-290 and 246-291 are intended to help reduce the risk of contamination. However, many wells were installed prior to adoption of well construction standards. Jurisdictions often distinguish between Group A and Group B wells as defined by the Washington Department of Health. Group A wells are “water systems providing service to 15 or more service connections used by year-round residents for 180 or more days within a calendar year regardless of the number of people, or regularly serving at least 25 year-round residents for more than 180 days per year.” Group B water systems serve less than 15 service connections and less than 25 people per day or 25 or more people per day during fewer than 180 days per calendar year. (WAC 246-290-020). Both types of wells have the potential to act as conduits and, therefore, the City of Vancouver should consider regulating, not only Group A wells, but also Group B wells.

5.3.1 Science of Impacts and Mitigation

Protection of water supply well heads in a sole-source aquifer is of primary importance to the City of Vancouver. Designation of CARAs is intended to protect the water supply by adopting and enforcing regulations that are supported by science-based mitigation measures. Potential releases of pollutants can infiltrate into the ground and ultimately to groundwater where they can then travel with the groundwater. Where contaminated groundwater is withdrawn from supply wells, these wells may require treatment to remove pollutants or reduce them to non-hazardous levels. The science behind wellhead protection areas considers the path from surface release to wellhead and aims to identify specific sensitive areas that can

be protected with appropriate land-use controls to minimize potential future contamination and costs related to treatment.

The groundwater management areas and program requirements cited in WAC 173-100 should be considered in Vancouver's municipal code revisions. The WAC includes additional detailed elements that provide a more comprehensive technical characterization of groundwater resources and how they are managed. As an example, elements pertaining to groundwater quality, wellhead protection areas, and groundwater quantity evaluations within a coordinated program would likely add value to the City's water resources protection and management.

5.4 SUMMARY EVALUATION OF EXISTING ORDINANCE AND RECOMMENDATIONS

The current Special Wellhead Protection Areas designated by the City (VMC 14.26.115[B][2]). are solely based on the 1,900-foot radius around a production well. While groundwater flow in the immediate vicinity of the well may be primarily circular, and thus support a radius-based zone, the science suggests that larger areas upgradient of a wellhead will be more capable of bringing contaminated groundwater to a well than an equal distance downgradient of the wellhead. This is shown by the Clark County maps that represent different "residence" time zones for groundwater travel to a wellhead. These expanded wellhead protection zones should be based on state of the practice groundwater flow modelling to establish the radius of wellhead "capture zones" that should provide better, more science-based protection zones than a standard 1,900-foot radius. It is recommended that Special Protection area boundaries be modified to reflect physical processes that are involved with groundwater infiltration and potential contamination, similar to what has been done for Clark County.

Designations of CARAs should be reconciled with those listed in WAC 365-190-100.

The City should consider regulating Group B wells in addition to Group A wells. Once draft regulations are developed, the City should look use test case reviews to determine that regulations are effective and tailored to meet the City's objectives and BAS standards.

6.0 GEOLOGICALLY HAZARDOUS AREAS

6.1 FUNCTIONS AND VALUES

The GMA recognizes four main types of geologic hazards: landslide hazard areas, erosion hazard areas, seismic hazard areas, and areas subject to other geologic events such as coal mine hazards and volcanic hazards. All of these geologic events are risks to human health and safety and can damage property. Managing geologically hazardous areas is necessary to ensure the safety and wellbeing of city residents, and to prevent avoidable damage and/or loss of public and private property. In addition, according to the Washington Department of Commerce, "geologically hazardous areas also have an important function in maintaining habitat integrity." Geologic processes, including mass wasting events, such as landslides and debris flows,

contribute needed sediment and wood for building complex instream habitats, estuarine marshes, and beaches important for fisheries, wildlife, and recreation.” (Commerce 2021) The section below addresses the BAS for designating and mapping geologically hazardous critical areas in the interests of human health, structural safety, and the contributions of these areas to the natural environment.

6.2 IDENTIFICATION AND CLASSIFICATION

The DNR website “Geologic Hazards and the Environment” provides information and maps of seismic hazards, landslides, and erosion hazards and is an important BAS mapping source. DNR’s Geologic Information Portal is a BAS information source for mapping landslide, seismic, and erosion hazards. Erosion hazards are also mapped by corresponding soil type through the USDA-NRCS online web soil survey of Clark County. Geologic hazards are also commonly identified through site-specific geologic or geotechnical engineering studies where agency-produced hazard mapping is insufficient.

The city landscape has various environments susceptible to geologic hazards as noted in Section 2.0 of this report; many of these areas are also subject to erosion hazards (see the Geologically Hazardous critical areas map in Appendix A). Seismic hazard areas are also discussed below, and coal mine and volcanic hazards do not exist within Vancouver.

6.3 BEST AVAILABLE SCIENCE FOR LANDSLIDE HAZARDS

According to DNR, “Washington is one of the most landslide-prone states in the country, with hundreds to thousands of events each year” (DNR 2021a). Landslides are mass wasting events with soil and rock moving downslope and are more frequent after precipitation events when ground becomes saturated and soil loses its strength. Gravity, water, and friction all play a role in landslides. There are many different types of landslides, but slides generally fall into two categories: shallow and deep-seated (DNR 2021a). Literature tends to focus on how to categorize and map these hazards. DNR’s Division of Geology and Earth Resources recently completed landslide hazard mapping in the Columbia River Gorge and this data is available on DNR’s Geologic Information Portal website and is considered BAS for designation of landslides in the city in the absence of site-specific studies. These mapped features are located east of Vancouver.

Site-specific geotechnical studies with a delineation of landslide hazards and recommended mitigation measures for building in and/or near these areas are considered BAS based on the criteria in WAC 365-195-905. The literature contains mitigation measures and best practices for site development near landslide hazards. According to the USGS, “the simplest means of dealing with landslide hazards is to avoid construction on steep slopes and existing landslides; however, this is not always practical” (Highland and Brobrowsky 2008). The USGS recommends other mitigation, including slope stabilization, by channeling drainage away from the landslide, draining groundwater away from the landslide, minimizing surface irrigation, using retaining walls, retaining/planting vegetation, and seeking professional advice (Highland and Brobrowsky 2008). Burns and Mickelson (2012)

recommends a buffer from the top of shallow landslide-prone slopes equal to twice the vertical height of the slope for high or moderate susceptibility landslide areas or an average of 30 feet.

6.3.1 Science of Impacts and Mitigation

Slope instability is attributable to natural and man-made causes. While large geologically controlled landslides are found further up the Columbia River valley, these types of large landslides are not typically found within the Vancouver city limits. They types of landslides that may occur in the city are smaller slope failures associated with over-steepened slopes along rivers, streams or bluff edges. While these areas of instability may not be extensive, local mitigation activities can be implemented to minimize the potential damages associated with them, similar to erosion hazards.

6.4 SUMMARY EVALUATION OF EXISTING ORDINANCE AND RECOMMENDATIONS

The City should update the landslide hazard areas section of their development code based on the current WAC definitions. VMC 20.740.130(A)(1) currently lists indicators for potential landslide hazard areas in the City and are not entirely inclusive or current with the State-defined indicators. This section of the VMC should be revised to directly define and reference the definition of landslide hazard areas pursuant WAC 365-190-120(6).

Potentially unstable slopes will typically coincide with areas of soil erosion hazards within the city of Vancouver. Grading, construction, or slope erosion mitigation activities in these areas should include consultation of a licensed engineering geologist to help ensure that the potential for instability has been appropriately evaluated and mitigation measures appropriately designed and established. The City should consider including BMPs in its code for landslide hazard areas. If applicants implement these BMPs, then they could avoid filing a critical areas report.

6.5 BEST AVAILABLE SCIENCE FOR EROSION HAZARDS

Erosion is “the wearing away of the land surface by water, wind, ice, or other geologic agents and by such processes as gravitational creep” (Washington State Department of Transportation [WSDOT] 2021). The 1972 USDA-NRCS soil survey of Clark County classifies the erosion potential of soil types as slight, moderate, severe, and very severe. According to “Understanding Soil Risks and Hazards, Using Soil to Survey to Identify Areas with Risks and Hazards to Human Life and Property,”

...construction activities can have serious detrimental effects on the soil on construction sites. Topsoil removal, grading, and filling drastically reduce soil quality on these sites, resulting in long-term adverse impacts on plant growth and runoff. Removal of topsoil inhibits biological activity and reduces the supply of organic matter and plant nutrients ... Erosion from construction sites has offsite environmental and economic impacts. (USDA-NRCS 2004). Further, the VMC Chapter 14.24 meets BAS regarding avoidance and mitigation of erosion activities.

The 1972 soil survey is considered BAS for erosion hazards generally in the city and the county. The geography of erosion hazard areas in Vancouver is noted in Section 2.0 of this report. Soils rated by USDA-NRCS as “severe” or “very severe” are those with an erodibility index of 0.75 or greater and, in most jurisdictions across the state, are classified as regulated critical areas. In addition to the 1972 soil survey, Clark County MapsOnline also includes a Severe Erosion Hazards Area map that should also be considered BAS. BMPs for development or alteration in erosion hazard areas tend to focus not on prohibiting development, but on requiring erosion controls during construction, eliminating clearing activities during the wet season, and directing the drainage around these areas so as not to exacerbate pre-existing erosion potential. Ecology’s *Stormwater Management Manual for Western Washington* (Ecology 2019) is considered a BAS document for erosion control methods. In “Understanding Soil Risks and Hazards,” which is considered to be BAS, USDA-NRCS recommends the following erosion control techniques during construction:

- Divide the project into smaller phases, clearing smaller areas of vegetation.
- Schedule excavation during low-rainfall periods when possible.
- Fit development to the terrain.
- Excavate immediately before construction instead of exposing the soil for months or years.
- Cover disturbed soils with vegetation or mulch as soon as possible and thus reduce hazard of erosion.
- Divert water from disturbed areas.
- Control concentrated flow and runoff, thus reducing the volume and velocity of water from work sites and preventing the formation of rills and gullies.
- Minimize the length and gradient of slopes (e.g., use bench terraces).
- Prevent the movement of sediment to off-site areas.
- Inspect and maintain all structural control measures.
- Install windbreaks to control wind erosion.
- Avoid soil compaction by restricting the use of trucks and heavy equipment to limited areas.
- Break up or till compacted soils prior to vegetating or placing sod.
- Avoid dumping excess concrete or washing trucks on site.
- Revegetate exposed surfaces to provide immediate permanent or intermittent cover.

6.5.1 Science of Impacts and Mitigation

Erosion hazard impacts include unstable slopes that may threaten structures, as well as potentially excessive sediment contributions to surface waters of the City.

Mitigation of these impacts can be addressed with BMPs outlined above, as well as preventing activities that over-steepen slopes that can contribute to slope instability and threaten infrastructure installations.

6.6 SUMMARY EVALUATION OF EXISTING ORDINANCE AND RECOMMENDATIONS

For construction or development work that is performed in erosion hazard areas, it is recommended that erosion mitigation work to be performed by a certified erosion and sediment control lead in accordance with Ecology requirements.

Additional structure for the regulations could be added to link to WAC 220-660-120 and 220-660-130 to expand BAS for erosion protection.

The City should consider including BMPs in its code for erosion hazard areas. If applicants implement these BMPs, then they could avoid filing a critical areas report.

6.7 BEST AVAILABLE SCIENCE FOR SEISMIC HAZARDS

Earthquakes can be incredibly expensive and destructive natural hazard events that can level buildings and damage public infrastructure. According to DNR, “Washington has the second highest risk of large and damaging earthquakes in the nation as a result of its geologic setting” (DNR 2021b). WAC 365-190-120 defines seismic hazards as geologically hazardous areas and requires that jurisdictions adopt CAOs regulating development in them. This same WAC section defines seismic hazard areas as “areas subject to a severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement or subsidence, soil liquefaction, surface faulting or tsunamis.”

According to USGS, “ground shaking or ground motion is the movement of the earth’s surface due to earthquakes and is produced by seismic waves that are generated by sudden slip on a fault and travel through the earth and along its surface” (USGS 2021). Ground shaking is the most frequently observed effect of an earthquake. The degree of ground shaking will depend on the geologic conditions and soil types for a given area. The NEHRP has delineated “site classes” to characterize the degree of shaking and or amplification that can occur in response to an earthquake. Clark County MapsOnline includes a map of NEHRP site class for Vancouver that should be considered BAS for seismic design to mitigate earthquake effects. Generally the City is dominated by Site Classes C and D, with areas around drainages and Vancouver Lake including areas with more severe site classes of D and E.

The USGS defines liquefaction as “the phenomenon that occurs when loose, saturated sediments at or near the ground surface lose their strength in response to strong ground shaking from an earthquake” (USGS 2021). Clark County MapsOnline includes a map of Liquefaction Susceptibility that should be considered BAS for Vancouver. Throughout most of Vancouver, the liquefaction susceptibility is low to very low; however, a susceptibility of moderate to high has been mapped around the Vancouver Lake area, as well as low lying areas adjacent to the Columbia River.

Further some areas with higher groundwater levels associated with surface streams also indicate a liquefaction susceptibility of low to moderate.

DNR's Washington Geologic Survey and its Geologic Information Portal have online map information for active faults, seismic scenarios, and liquefaction susceptibility that is considered to be BAS for seismic hazards. Clark County MapsOnline shows faults running southeast to northwest on the east side of the city that appear to be associated with the Lacamas Fault zone aligned slightly further east through Lacamas Lake. The design level earthquake in the city is a Cascadia Subduction Zone earthquake, which would have strong shaking intensity.

The following documents represent BAS for earthquake design:

- NEHRP Recommended Seismic Provisions for New Buildings and Other Structures (FEMA 2020)
- Minimum Design Loads for Buildings and Other Structures, American Society of Civil Engineers (ASCE) 7 (2016 ASCE-7 Standard) (ASCE 2016)
- 2018 International Building Code (International Code Council 2018)

6.7.1 Science of Impacts and Mitigation

Mitigation of ground shaking due to seismic events requires recognition of the appropriate site class for a given site, as well as appropriate construction standards and seismic design considerations. Use of appropriate construction methods that consider the earthquake hazards and site response will minimize potential impacts from earthquake events.

6.8 SUMMARY EVALUATION OF EXISTING ORDINANCE AND RECOMMENDATIONS

Soft-story structures that possess little structural shear resistance on lower levels of a building are specifically recognized as susceptible to severe damage from a seismic event. Many municipalities have implemented soft-story seismic retrofit ordinances to address these risks and help mitigate earthquake-related structural damage.

Seismic shaking hazards (VMC 20.740.130[A][2][b]) for the city should be amended to add Site Class E as areas around Vancouver Lake are appropriately categorized and thus should also be amended for liquefaction areas of moderate to high and above (VMC 20.740.130[A][2][a][1]).

7.0 FREQUENTLY FLOODED AREAS

7.1 FUNCTIONS AND VALUES

Good management of frequently flooded areas can protect downstream areas and reduce the risk of flooding to public safety and property. In addition, floodplains also provide valuable instream and off-channel habitat to a variety of species and are important for water quality protection. Floodplains enhance biological productivity and help maintain biodiversity and the ecological value of ecosystems (FEMA 2007).

7.2 IDENTIFICATION AND CLASSIFICATION

Frequently flooded areas are defined as areas that will be inundated by a flood event having a 1 percent chance of being equaled or exceeded in any given year. The 1 percent annual chance flood is also referred to as the base flood or 100-year flood. In Washington, jurisdictions are required to regulate the 100-year floodplain as a critical area, at a minimum, but may also optionally regulate other areas, including channel migration zones, areas inundated by the flood of record, areas subject to groundwater flooding, or streams where the path of flood waters can be unpredictable (Ecology 2021b).

As part of its continuing effort to improve floodplain management practices, FEMA encourages communities to steer development away from the floodplains documented in flood insurance rate map (FIRM) panels. FIRM panels are official maps of communities in which FEMA has delineated special flood hazard areas (SFHAs) and the risk premium zones applicable to the community. As the impacts of climate change become more prevalent, floods are expected to become more frequent. Revised FIRMs and the Flood Insurance Study for Clark County became effective September 5, 2012 and revised maps for properties along the Washougal River, Little Washougal River, and behind the Port of Camas-Washougal's levee on the Columbia River became effective January 19, 2018 (Clark County Public Works 2021). Flood hazard areas within Vancouver include those referenced in Section 2.0 of this report.

7.3 BEST AVAILABLE SCIENCE FOR FREQUENTLY FLOODED AREAS

Development within floodplains has always been popular because humans want to live near water and use it for recreation and commercial and industrial purposes. However, development within a floodplain results in a problematic cycle, as development alters the natural flow and drainage patterns of the floodplain, and the development is in turn damaged by flooding in the altered floodplain (FEMA 2007).

Developing or updating frequently flooded areas ordinances can be an opportunity to promote flood safety and protect ecological habitat through locally appropriate standards (Ecology et al. 2021). The fundamental floodplain management program that most ordinances are built on is FEMA's National Flood Insurance Program (NFIP). FEMA manages NFIP in order to provide disaster assistance for properties subject to flood damage. The minimum requirements of the NFIP protect the health, safety, and welfare of the community by protecting buildings from the 100-year flood, which FEMA refers to as SFHAs.

FEMA encourages communities to use the FEMA elevation certificate as an official record showing that new buildings and substantial improvements in all identified SFHAs have been properly elevated. This elevation information is also needed to show compliance with the floodplain management ordinance and can be used by the property owner to obtain flood insurance.

Limiting development within floodplains reduces the need for "structural solutions," which are both expensive and disruptive to the local environment (Association of State Floodplain Managers, Inc. [ASFPM] 1993). BAS recommends limiting all

development within floodplains (including grading and fill) and prohibiting new residential development. Repairs, reconstruction, or improvements to an existing structure within the floodplain may be allowed, but consideration should be given to the design and structural integrity of these improvements.

The BAS for development within floodplains is generally agreed upon as being the applicable flood resistant provisions of the 2021, 2018, 2015, 2012, and 2009 International Codes (I-Codes); the referenced standard ASCE 24, Flood Resistant Design and Construction; and NFIP requirements. FEMA has compiled the applicable I-Codes provisions into a single document, “Flood Resistant Provisions of the 2021 International Codes” (FEMA 2021). General recommendations for development within a floodplain include:

- For buildings located within more than one SFHA, the provisions associated with the most restrictive SFHA should apply.
- It should be demonstrated through hydrologic and hydraulic analyses performed by an accredited professional that the grading and/or fill will not result in any increase in flood levels.
- Grading and fill should not be approved unless fill is placed, compacted, and sloped to minimize shifting, slumping, and erosion during the rise and fall of flood water.
- Exterior walls extending below the base flood elevation should be constructed with flood-damage-resistant materials.
- The finished ground level of an under-floor space (e.g., a crawl space) should be equal to or higher than the outside finished ground level on one side or more.
- Anchoring to prevent flotation.
- Using flood-resistant construction materials and methods.
- Preventing infiltration of flood waters in utility systems.
- Elevating residential and nonresidential construction above the base flood elevation.

7.3.1 Science of Impacts and Mitigation

The most common types of direct human disturbance to floodplains are filling and clearing—often associated with residential development, agriculture, forest practices, or infrastructure improvements—and channelization. The combination of these activities often results in a disconnection of the channel from its floodplains. Floodplains can also be affected indirectly, through alterations of flow regime resulting from flow regulation (e.g., dams and reservoirs) and water withdrawals (e.g., irrigation). Climate change will also affect the flow regime, potentially exacerbating other types of human disturbance within floodplains (ESA 2014).

The BAS for development within floodplains encourages addressing floodplain development to promote flood safety and ecological habitat protection by developing

standards beyond the minimum NFIP requirements. The NFIP encourages such activities through the community rating system (CRS), which provides reduced flood insurance premiums in participating communities (FEMA 2010b, ASFPM 2016).

ASFPM's No Adverse Impact (NAI) floodplain management describes how a community's mitigation program can be augmented and improved (ASFPM 2016). It also identifies how communities can receive CRS credits for implementing NAI tools, which include:

- Flood Acquisition and Relocation Mitigation Projects
- Waterway Restoration through Dam Removal
- Nonstructural Erosion Control and Shoreline Stabilization
- Sustainable Stormwater Management, and
- Mitigating Critical Facilities
- Similarly, Ecology's enhanced flood safety steps include: Habitat protection and endangered species protection.
- Higher regulatory standards beyond the FEMA minimums: For example, some jurisdictions use the "flood of record" elevations to regulate the minimum elevation of structures, where the record flood is higher than the 100-year flood elevation used by FEMA.
- Climate change and unique circumstances: A jurisdiction may have unique risks due to the potential for tsunamis, high tides with strong winds, sea level rise or extreme weather events that it may want to address.

Washington State law (RCW 86.16) contains some additional requirements that are more restrictive than the NFIP, and FEMA requires that communities meet state standards as well. WAC 173-158 outlines administrative rules for implementing RCW 86.16. In addition to adopting the NFIP standards in 44 Code of Federal Regulations parts 59 and 60, WAC 173-158 sets additional standards regarding construction in the floodway and avoiding negative impacts on wetlands.

A Regional Guidance was prepared for communities in the Puget Sound Basin to assist them in meeting the ESA requirements as clarified in the Biological Opinion issued by National Marine Fisheries Service (FEMA 2010b). The Regional Guidance can be used as a reference by communities who wish to prepare studies considering the foreseeable future land use changes in establishing future base flood elevations.

7.3.1.1 Climate Change

WAC 365-190-110 requires classifications of frequently flooded areas to include, at a minimum, the FEMA 100-year floodplain designation. It also states that communities should consider the future flow floodplain at build out, the potential effects of climate change, and the effects of increasing impervious surfaces.

The current FEMA guidelines for assessing flood frequency are based on the assumptions that flood distribution is not significantly affected by climatic trends or longer-term cycles and that historical flood behavior is representative of future events. As such, flood studies and floodplain mapping that has been developed based on FEMA guidance may not reflect future watershed and floodplain conditions as affected by climate change (FEMA 2010b, ESA 2014).

FEMA published the impact of climate change and population growth on the NFIP through the year 2100 (FEMA 2013b). Changes to precipitation, land use and sea level rise were considered. The study shows that by the year 2100, the 100-year floodplain depth and lateral size are projected to increase, on average, by 45 percent above current levels across the nation.

In Washington, climate change is expected to exacerbate flooding due to increasing temperature, decreasing snowpack, higher intensity rain events and sea level rise. Further from the coast, flooding is more sensitive to changes in river flow than sea level rise. The highest river flows and heavy rainfall events are generally expected to increase in rain-dominant and in mixed rain and snow watersheds (Mauger and Kennard 2017).

7.3.1.2 Future Land Use

Nationally, about 70 percent of the future increases in the 100-year floodplain areas and flood depth can be attributed to climate change while the remaining 30 percent represents the influence of normal population growth (i.e., land use) (FEMA 2013b). On the contrary, future hydrologic and floodplain conditions in the Puget Sound are more influenced by changes in land cover and land use than by climate change (FEMA 2010b). As such, there is little concrete guidance for how to interpret BAS in determining and mapping future floodplain conditions locally. General agreement is that it is most important to capture future conditions for smaller streams that are in or near areas that are likely to urbanize, such as in or near a city or its urban growth area (UGA).

FEMA recommends that communities evaluate changes to the base flood from expected future watershed development based on the development patterns laid out in their local long range land use plans. At the request of a community and with the approval of FEMA, FIRMs, and Flood Insurance Study reports may include, for informational purposes, flood hazard areas based on projected- or future-conditions hydrologic and hydraulic analyses (FEMA 2019).

7.3.1.3 Channel Migration Zones (CMZ)

Channel migration is a natural geologic process, which describes how a stream or river channel moves over time. Streams and rivers may change course or migrate through a variety of factors, such as erosion and deposition of sediments, which alter their geology, geometry, and functionality. As streams and rivers change course, their potential hazards also change. While these processes normally occur over long periods of time, quick avulsions in a single storm, flooding, or human influences can

rapidly affect the speed at which a channel changes course or migrates over time (Rapp and Abbe 2003).

In unconfined valleys of Western Washington, lateral channel migration is the primary physical process that creates biodiversity on floodplains. This channel migration also presents a hazard to adjacent communities and infrastructure. These costs and benefits of channel migration make it a central consideration in floodplain management and restoration. The Washington State Shoreline Master Program (SMP) Guidelines require counties to identify the general location of CMZs as part of the shoreline planning process. Managing development within the CMZ allows for the occurrence of fluvial processes, maintains channel complexity and habitat diversity, and reduces potential damage to infrastructure within hazardous areas (Ecology 2014). Ecology has developed tools to guide identification of CMZs from basic planning level assessments to detailed project level assessments (Rapp and Abbe 2003, Legg and Olson 2014, Legg et al. 2014, Olson et al. 2014, Legg and Olson 2015).

Potential CMZs have been identified and mapped throughout Clark County (Clark County 2010). Stream and river reaches are identified as having a Moderate-Low, Moderate, Moderate-High, and High potential for channel migration based on review of existing data. In some cases, field checks were performed on streams that WDFW thought had migrated. Existing relevant data used in this analysis include channel characteristics, such as confinement and gradient; geographic information system soils and geology data; aerial photographs; maps; light detection and ranging (LIDAR); and/or spatial and temporal data (Clark County 2010). Streams that have High CMZ ranking within Vancouver or its UGA are predominantly Salmon Creek and some parts of Burnt Bridge Creek.

7.4 SUMMARY EVALUATION OF EXISTING ORDINANCE AND RECOMMENDATIONS

Vancouver's frequently flooded areas ordinance (VMC 20.740.120) is generally consistent with state (RCW 86.16) and federal NFIP requirements for flood control and protection. VMC 20.740.120 identifies regulated flood hazard areas, provides procedures for development permits, review, and enforcement, and floodproofing requirements.

Vancouver could also consider the future flow floodplain at buildout, the potential effects of climate change, and the effects of increasing impervious surfaces when designating and frequently flooded areas (WAC 365-190-110).

Recommendation: Require, or at a minimum encourage, consideration of future conditions during investigation of base flood elevation. Updated standards could reference available guidance for future conditions (FEMA 2010b, FEMA 2013, FEMA 2019), Washington RiskMAP program (Ecology 2022a) or other more useful and applicable methods that may become available in the future.

Clark County’s approach to classification and definition of CMZs is consistent with approaches described in literature on CMZ mapping. Map 27 in the Clark County (2010) Shoreline Inventory and Characterization Report, which shows the potential CMZs, is incorporated by reference in VMC 20.740.120 and development in the CMZ is regulated similar to a SFHA that is not the floodway. The determination of what land use is allowed within different parts of the CMZ is based upon a policy decision rather than a science-based determination, and therefore not restricted by BAS criteria. Jurisdictions, such as King County and Pierce County, regulate severe risk CMZs as floodways.

Recommendation: Consider regulating severe risk CMZs as floodways, where new development is generally not allowed.

8.0 FISH AND WILDLIFE HABITAT CONSERVATION AREAS

Fish and wildlife habitat conservation areas are the various highly productive and diverse ecosystems that provide resources and functions necessary for fish and wildlife and the surrounding human populations. These critical area functions include, but are not limited to, the protection of sensitive species, water quality, and bank stability, and the provision of corridors for movement between habitat and of habitat for foraging, nesting, overwintering, rearing, escape, and cover. These areas also benefit local communities by providing water quality improvements and protection from flooding, and financial opportunities related to recreation, tourism, and education, among others. BAS indicates that the identification and characterization of these areas, and providing protective measures such as buffers for them, is critical to maintaining the functions and values they provide. This report relies primarily on WDFW management recommendations, which are a consolidation of scientific literature and information on the importance of various habitats.

8.1 IDENTIFICATION AND CLASSIFICATION

The following fish and wildlife habitat conservation areas are applicable to the city and must be considered for classification and designation per WAC 365-190-130:

- a) Areas where endangered, threatened, and sensitive species have a primary association, including federal and state species (WDFW priority habitats and species, including riparian habitat areas) and state priority habitat areas associated with state priority species.
- b) Habitats and species of local importance, as determined locally; including heritage tree sites within the city.
- c) Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat.
- d) Waters of the state:
 - Type S waters are all waters, within their bankfull width, as inventoried as “shorelines of the state” under RCW Chapter 90.58 and the rules promulgated pursuant to Chapter 90.58, including periodically inundated areas of their associated wetlands. Type S shorelines are regulated under the city’s shoreline

master program (1974) that the City is currently updating. The Columbia River and Washougal River within the city are Type S waters.

- Type F waters are segments of natural waters that are not classified as Type S waters and have a high fish, wildlife, or human use. These are segments of natural waters and the periodically inundated areas of their associated wetlands. Gibbons Creek is an example of a Type F water within the city.
 - Type Np waters are all segments of natural waters within defined channels that are perennial non-fish habitat streams. Perennial streams are waters that do not go dry at any time of a year of normal rainfall. However, for the purpose of water typing, Type Np waters include the intermittently dry portions of the perennial channel below the uppermost point of perennial flow.
 - Type Ns waters are all segments of natural waters within defined channels that are not Type S, F, or Np waters. These are seasonal, non-fish habitat streams in which surface flow is not present for at least some portion of a year of normal rainfall and are not located downstream from any stream reach that is a Type Np water. Type Ns waters must be physically connected by an aboveground channel system to a Type S, F, or Np water.
- e) Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity.
- f) State natural area preserves, natural resource conservation areas, and state wildlife areas.

The fish and wildlife habitat conservation areas described above have been identified by the WAC for their intrinsic value and because they contribute to the state's biodiversity. This review addressed the BAS regarding the functions and values of these habitat conservation areas and the measures recommended to protect them. Each of the fish and wildlife habitat conservation areas noted above that are present within the city are important to various ecosystems. For example, riparian areas cover a relatively small area but they support a higher diversity and abundance of fish and wildlife than any other habitat (Rentz et al. 2020). Riparian areas also support a significant number of threatened, endangered, sensitive, and priority species, and directly influence instream habitat; therefore, protecting riparian areas is directly linked to several fish and wildlife habitat conservation areas listed above (i.e., waters of the state). Protecting riparian habitat areas meets several of the goals and policy recommendations of WAC 365-190.130 Fish and Wildlife Habitat Conservation Areas. The BAS regarding the protection of riparian habitats is discussed below.

Additionally, areas associated with federally listed threatened, endangered, sensitive, and candidate species are determined by the U.S. Fish and Wildlife Service (USFWS) and the National Oceanic and Atmospheric Administration (NOAA) Fisheries. Areas associated with state-listed threatened, endangered and sensitive species are determined by WDFW. Determinations of state and federally listed species are made (by mandate of the WAC and ESA, respectively) solely on the basis of the best scientific and commercial data available. Thus, the protection of these species, by nature of their designation, is rooted in BAS. Furthermore, both the USFWS and NOAA Fisheries have developed rigorous species assessments in order to collect data

about a given species. The data includes, but is not limited to, information about the life history, biology, population structure and abundance, and threats and vulnerability to the species. In addition to aiding in the determination of species listings, the information collected in these assessments is used to support and advise on policy and management recommendations. As their designations and protection are rooted in BAS, these species are not discussed in detail in this report.

8.2 BEST AVAILABLE SCIENCE FOR FISH AND WILDLIFE HABITAT CONSERVATION AREAS

8.2.1 Riparian Areas

Riparian areas are situated adjacent to aquatic habitat and are transitional areas that contain elements of both aquatic and upland ecosystems, which mutually influence each other.

Functions provided by riparian areas include water quality, streambank stabilization, maintaining moist and mild microclimates and cool stream temperatures, nutrient cycling/inputs, and flood control. Riparian areas also offer multilayered habitat structure and complexity that provide habitat for breeding, rearing, forage, cover, escape, and migration, and habitat connectivity between aquatic and terrestrial habitats. Functioning riparian habitat is essential for a number of threatened, endangered, sensitive, and priority species, including salmon and steelhead, reptiles and amphibians, cavity nesting birds, and migratory birds, among others (Rentz et al. 2020). While protecting these areas can be controversial and restrict the development potential of private and public property, on the other hand, limiting development in riparian areas can benefit humans by protecting water quality in streams and rivers used as drinking water and can promote healthy fish populations that are a source of food for people.

WDFW's *Management Recommendations* indicates that the protection of riparian habitat may yield the greatest gains for fish and wildlife (and by extension humans) while involving the least amount of area, when compared to other habitats, because riparian habitat:

- covers a relatively small area yet supports a higher diversity and abundance of fish and wildlife than any other habitat;
- provides important fish and wildlife breeding habitat, seasonal ranges, and movement corridors;
- is highly vulnerable to alteration; and
- has important social values, including water purification, flood control, recreation, and aesthetics.

Approximately 85 percent of Washington's wildlife species have been known to use riparian habitat associated with rivers and streams (Thomas 1979). Many of these species are dependent on riparian areas for at least one stage in their life cycles, while others may use riparian areas only occasionally or to move between habitats

(O’Connell et al. 1993). Reptiles, amphibians, cavity nesting ducks and other waterfowl, beaver, otter, and great blue heron are examples of species that rely almost exclusively on riparian area habitats and their proximity to water, and mild microclimates for breeding, nesting, rearing, forage, and cover. Other species, such as migratory birds, rely on these highly productive habitats as stopover locations during seasonal migration, or as breeding and rearing habitat before or after migration, and thus may be present only during specific seasons (Andelman and Stock 1994).

Riparian areas are linked by definition to instream fish habitat and support its functions for fish. Seventy-seven species of fish inhabit freshwater in Washington for all or a portion of their lives (Wydoski and Whitney 1979), including ESA-listed salmon and various other native aquatic species. Riparian areas provide a number of physical, chemical, and biological processes for instream habitats, including maintaining appropriate water temperatures; stabilizing stream channels and banks; providing inputs of large woody debris (LWD); regulating stream velocity; storing, conserving, and purifying water; providing nutrient inputs and cycling; and providing and maintaining migratory habitat (Cummins 1974, Harmon et al. 1986, Beschta 1978, Sullivan et al. 1987, Meehan and Bjornn 1991, Swanston 1991). LWD inputs from riparian areas provide complex stream structure, including pools and riffles, and cover for hiding and escape. Side channels, backwater wetlands, and floodplains also provide invaluable rearing, hiding, cover, and escape habitat for juvenile salmon.

Riparian areas are not just valuable as fish and wildlife habitat, they provide important water quality, flood control, recreation, and aesthetics functions for people as well. Functioning riparian areas can filter 40 to 90 percent of organic debris and environmental pollutants from surface water before the pollutants enter stream channels (Lowrance et al. 1984, Rhodes et al. 1985). The natural water quality functions provided by riparian areas can reduce the contamination, and ease our reliance on water quality treatment facilities. When flood waters move through riparian areas, vegetation acts to slow stream water velocity, and the slowed flood waters deposit sediment loads, and infiltrate soils. Because functioning riparian areas retain flood waters and reduce their velocity and erosive forces, these areas protect downstream communities from flooding and stream bank erosion, and minimize flood damage to structures and other assets such as cropland (Griggs 1984, Roseboom and Russell 1985, Booth 1991). In addition to their preventive functions for people (water quality and flood prevention), riparian areas also provide financial benefits by supporting recreational opportunities for hunting and fishing (Theurer et al. 1985). Other recreational activities supported by functioning riparian habitat include hiking, bird watching, camping, and tourism (Knutson and Naef 1997).

8.2.2 Priority Habitats and Species

8.2.2.1 Biodiversity Areas and Corridors

Biodiversity areas and corridors are areas of habitat that are relatively important to various species of native fish and wildlife. WDFW’s mapping tool for priority habitats and species (PHS) identifies a biodiversity area within the City associated with Burnt Bridge Creek. Biodiversity areas that have been identified as biologically

diverse through a scientifically based assessment conducted over a landscape scale (e.g., ecoregion, countywide or citywide, watershed, etc.). These areas could also be within a city or a UGA and contain habitat that is valuable to fish or wildlife and is mostly comprised of native vegetation. Relative to other vegetated areas in the same city or UGA, the mapped area is vertically diverse (e.g., multiple canopy layers, snags, or downed wood), horizontally diverse (e.g., contains a mosaic of native habitats), or supports a diverse community of species as identified by a qualified professional who has a degree in biology or closely related field and professional experience related to the habitats or species occurring in the biodiversity area. These areas may have more limited wildlife functions than other priority habitat areas due to the general nature and constraints of these sites in that they are often isolated or surrounded by highly urbanized lands (WDFW 2008).

Corridors are areas of relatively undisturbed and unbroken tracts of vegetation that connect fish and wildlife habitat conservation areas, priority habitats, areas identified as biologically diverse, or valuable habitats within a city or UGA (WDFW 2008).

8.2.2.2 Oregon White Oak Woodlands

Oregon white oak (*Quercus garryana*) is Washington's only native oak. WDFW's PHS mapping tool identifies several areas of Oregon white oak in the city. Although limited and declining, oaks and their associated floras comprise distinct woodland ecosystems. The various plant communities and stand age mixtures within oak forests provide valuable habitat that contributes to wildlife diversity statewide. In conjunction with other forest types, oak woodlands provide a mix of feeding, resting, and breeding habitat for many wildlife species. More than 200 vertebrate and a profusion of invertebrate species use Washington's oak woodlands. Some species occur in especially high densities, whereas others are not typically found in Washington. Oaks provide habitat for species that are state listed as Sensitive, Threatened, Endangered, or candidates for these listings (Larsen and Morgan 1998).

"Priority Oregon white oak woodlands are stands of pure oak or oak/conifer associations where canopy coverage of the oak component of the stand is $\geq 25\%$; or where total canopy coverage of the stand is < 25 percent, but oak accounts for at least 50 percent of the canopy coverage present. The latter is often referred to as an oak savanna. In non-urbanized areas west of the Cascades, priority oak habitat is stands 0.4 hectare (1 acre) in size. In urban or urbanizing areas, single oaks, or stands of oaks < 0.4 hectare (1 acre), may also be considered priority habitat when found to be particularly valuable to fish and wildlife (i.e., they contain many cavities, have a large diameter at breast height, are used by priority species, or have a large canopy)" (Larsen and Morgan 1998).

Oregon white oak woodlands are used by an abundance of mammals, birds, reptiles, and amphibians. Many invertebrates, including various moths, butterflies, gall wasps, and spiders, are found exclusively in association with this oak species. Oak/conifer associations provide contiguous aerial pathways for animals such as the State Threatened western gray squirrel, and they provide important roosting, nesting, and

feeding habitat for wild turkeys and other birds and mammals. Dead oaks and dead portions of live oaks harbor insect populations and provide nesting cavities. Acorns, oak leaves, fungi, and insects provide food. Some birds, such as the Nashville warbler, exhibit unusually high breeding densities in oak. Oaks in Washington may play a critical role in the conservation of neotropical migrant birds that migrate through, or nest in, Oregon white oak woodlands (Larsen and Morgan 1998).

The decline of Oregon white oak woodlands has been accelerated by human activities—primarily oak removal. Conifer encroachment is a significant threat to remaining oaks, particularly on the west side of the Cascades and in portions of the Columbia Gorge, and is aggravated by urban development, fire suppression, timber conversion, and cattle grazing. Grazing is a primary use of oak woodlands and reduces species richness of ground cover, increases soil moisture, compacts soils, and disturbs sod, all of which may promote conifer growth and encroachment west of the Cascades. East of the Cascades, these pressures may also affect oak woodlands. In addition, the selective harvest of east-side conifers is detrimental to those wildlife species that depend on mixed oak/conifer associations. Fire suppression has also contributed to the decline of Oregon white oak woodlands. Natural fires and those intentionally set by Native Americans historically played a paramount role in oak forest ecology, especially natural oak regeneration. Frequent low-intensity fires curbed conifer encroachment, controlled stand density, and initiated oak sprouting. Today, managed burning can help restore degraded oak habitat (Larsen and Morgan 1998).

8.3 SCIENCE OF IMPACTS AND MITIGATION

8.3.1 Riparian Ecosystems

The scientific literature supports the importance of riparian ecosystems and the importance of maintaining riparian vegetation to support stream channel stability and the longitudinal, lateral, and vertical connectivity to quality fish and wildlife habitat. Management of riparian areas should regulate all land use activities that affect riparian ecosystems to ensure that the existing functions and values are protected from development. Land use impacts include impacts from forestry, road infrastructure, agriculture, urbanization, and stream channel modification. These impacts can affect important stream and riparian ecosystem components that create diverse habitats including large wood recruitment, nutrient inputs, diverse stream channel morphology (i.e., riffles, pools, runs, etc.), stream temperature regulation, groundwater recharge, pollutant removal, filtering of sediment and nutrients, etc.

Large Wood

Impacts from land uses, including forestry, agriculture, and urbanization affecting riparian forests, remove riparian forests and can lead to a reduction in the availability of large wood to fish bearing streams. Riparian forest management is key to conservation of fish habitats in forested areas in Washington.

Stream Temperature

Studies have clearly shown that a reduction of stream shade from vegetation removal results in warmer summer stream temperatures (Sridhar et al. 2004; Allen et al. 2007).

The type and condition of riparian vegetation plays an important role in the amount of solar radiation reaching a stream's surface. Management of vegetation in riparian areas can affect stream temperatures, which impacts fish, amphibians, and invertebrate populations and survival. Fish can be sensitive to altered thermal regimes, especially salmonids, which can be sensitive to high water temperatures and have a narrow thermal tolerance (Farrell et al. 2008; Eliason et al. 2011; Ayllon et al. 2013).

Pollutant Removal

Riparian buffers help reduce the flow of pollutants to aquatic ecosystems with removal functions depending on the complex interactions between vegetation, soil, and hydrology. Because of the variability between vegetation, soil, and hydrology, as well as spatial and temporal variability, pollutant removal functions can vary greatly between and within riparian sites. This variability can make management decisions regarding riparian buffer width difficult to determine, as there has been no widely accepted recommendations on buffer width. Desired pollutant removal outcomes should be based on:

1. Factual information regarding the anticipated impacts or outcomes of policy options (i.e., science);
2. An understanding of stakeholders' priorities and preferences (i.e., values); and
3. A process for using science and values to explore tradeoffs amongst policy options (Wilhere and Quinn 2018).

Filtering of Sediment and Nutrients

Riparian areas provide filtration for sediment and crucial sources and sinks for organic matter and nutrients for streams. Riparian areas are important areas that facilitate the movements of nutrients between upland areas and streams. Impacts to riparian areas that result in a physical disconnection or degradation of the integrity of the riparian area function will negatively affect the ability of the riparian area to provide filtering or removal of sediment and nutrients.

8.3.1.1 Management Recommendations

Generally, recommendations include limiting or restricting activities that may affect riparian areas negatively; examples include tree and vegetation removal, road building, agriculture and grazing, and clearing and earth moving for development (Knutson and Naef 1997). There is limited specific information regarding the level of development or activity a riparian area can withstand, and while they provide similar functions, all riparian areas are different, and support different communities of species; therefore, WDFW recommends a conservative approach to riparian habitat protection. To protect the functions and values of riparian areas, WDFW recommends designating riparian areas that are wide enough to allow proper functioning of riparian and aquatic ecosystems, including protection of instream habitat through temperature and sediment control, preservation of fish and wildlife habitat, and connectivity between aquatic, riparian, and upland habitats. The goal of this recommendation is to protect the full range of riparian functions, not just instream habitat by buffering adjacent, more upland uses. WDFW-published literature showed

that widths recommended for riparian management zones (RMZs) that protect the full range of ecological functions necessary to support fish and wildlife is estimated by one 200-year site potential tree height (SPTH₂₀₀). The RMZ in areas of the state that currently or historically supported forests (i.e., Vancouver) is defined as the distance of one SPTH, where the SPTH₂₀₀ is the average maximum height attained by dominant trees at 200 years of age, measured from the edge of the active channel or CMZ, whichever is wider. The RMZ describes the area that has the potential to provide full riparian function, regardless of its current conditions. Measuring the RMZ width at the outer edge of the CMZ ensures that when the stream migrates, it will still be adjacent to the zone of influence that can provide riparian function (Rentz et al. 2020).

The RMZ is a scientifically based description of the area adjacent to rivers and streams that has the potential to provide full functions based on the SPTH₂₀₀ conceptual framework (Rentz et al. 2020). WDFW notes that most riparian areas in forested ecoregions the SPTH₂₀₀ is 100 feet or greater, and so the RMZ is delineated using one SPTH₂₀₀. However, if the SPTH₂₀₀ is less than 100 feet, WDFW recommends that the RMZ be delineated based on the pollution removal function, which is considered a minimum of 100 feet because this distance will achieve 95 percent or more removal efficacy of phosphorous, sediment, and most pesticides (Rentz et al. 2020).

Current site conditions should always be considered when reviewing regulations, with the ultimate goal of maintaining remaining riparian functions. Additional management recommendations include improving functions through voluntary restoration, and maintaining and enhancing connectivity laterally along the stream. Areas closer to the stream provide the greatest conservation benefit and should be prioritized for preservation, replanting, or restoration. Using low impact development techniques to better manage stormwater, and adopting a stormwater design manual equivalent to Ecology's most current version of Stormwater Management Manual for Western Washington are also recommended (Rentz et al. 2020).

To aid with site-specific RMZ delineation, WDFW created an internet-based mapping tool that reports recommended widths for RMZs statewide based on SPTH₂₀₀. The tool also notes instances where a 100-foot RMZ should be applied to support the pollution removal function. Appendix 1 of the management recommendations provides guidance on how to use these interactive maps. The guidance notes that in highly altered areas where soil data are not available, it may be necessary to estimate SPTH₂₀₀ values based on nearby soils.

8.3.1.2 Mitigation

A near consensus of scientific opinion holds that the most effective and reliable means of maintaining viable self-sustaining fish, especially salmon, is to maintain/restore ecosystems to conditions that resemble or emulate their historical range of natural variability (Swanson et al. 1994; Reeves et al. 1995; Bisson et al. 2009). This opinion is based in part on the complexity of processes that affect the expression of habitats over time and space.

The following steps in the mitigation sequence according to the implementing rules of SEPA (Chapter 197-11-768 WAC) would apply to riparian areas:

- Avoiding the impact altogether by not taking a certain action or parts of an action;
- Minimizing impacts by limiting the degree or magnitude of the impacts;
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
- Monitoring the impact and taking appropriate corrective measures.

8.3.2 Priority Habitat and Species

WDFW's PHS list is periodically updated and includes species and habitats for which special conservation measures should be taken. The PHS list explains why each priority habitat and species is on the list, shows which counties have that species or habitat, and provides links to PHS management recommendations. Cities and counties use the PHS list when designating and protecting Fish and Wildlife Habitat Conservation Areas under the GMA and SMA.

8.3.2.1 Oregon White Oak Woodlands Management Recommendations

WDFW's *Management Recommendations* for Oregon white oak woodlands are designed to maintain and enhance the integrity of Oregon white oak woodlands, reverse the trend of oak habitat loss, and promote the protection of oak habitat that is presently in good condition. Oaks west of the Cascades and in wetter sites along the Columbia Gorge should be cut only for stand enhancement. Replacing the wholesale removal of mixed oak/conifer stands with selective cutting would reduce fragmentation and conifer encroachment, and it would benefit structural and vegetative species diversity within oak forests. Encroaching conifers within oak groves should be thinned, and conifers adjacent to these stands should be retained for wildlife. An alternative to removing trees is to leave them standing as snags (Larsen and Morgan 1998).

Specific recommendations include the following:

- Do not cut Oregon white oak woodlands except for habitat enhancement.
- Allow only early spring, low-impact cattle grazing.
- Allow low-impact recreation (hunting, fishing, hiking, and mushroom and acorn collecting).
- Selectively harvest individual oaks to improve stand age-class and structural diversity.

- Thin encroaching conifers in oak woodlands west of the Cascades and along the Columbia Gorge; do not remove conifers from mixed stands east of the Cascades.
- Retain large, dominant oaks and standing dead and dying trees.
- Create snags when thinning oaks or conifers instead of removing trees.
- Leave fallen trees, limbs, and leaf litter for foraging, nesting, and denning sites.
- Retain contiguous aerial pathways.
- Conduct prescribed burns where appropriate.

8.4

SUMMARY EVALUATION OF EXISTING ORDINANCE AND RECOMMENDATIONS

The City should update the Fish and Wildlife Conservation Areas section (VMC 20.740.110) of their development code based on the current RCWs and WACs, including (1) revising the definition of fish and wildlife habitat conservation areas to be consistent with the State's definition, (2) add language to the existing ordinance that addresses priority habitat and species and their associated management recommendations (i.e., habitat associated with listed species, oak woodlands, biodiversity areas, etc.), (3) add language to the existing ordinance that addresses changes in how riparian management areas are determined and protected, and (4) add conservation and protection measures that preserve or enhance anadromous fish and their habitat important for all life stages.

Specific recommendations by WDFW associated with riparian management areas for urban riparian ecosystems include the following (Rentz et al. 2020):

- Update riparian area widths to meet WDFW guidance.
- Delineate urban RMZs to protect what areas remain and to highlight lost or degraded areas to target for restoration.
- Quantify current conditions, with a goal of maintaining and improving functions through regulatory and voluntary means.
- Identify and prioritize restoration opportunities and projects within the RMZ
 - Protect riparian functions that remain, especially in places that are relatively high functioning; implement actions that enhance degraded functions
 - Prioritize opportunities to maintain and restore in-stream and riparian connectivity.
 - Adopt a stormwater design manual equivalent to Ecology's most current manual for western Washington
 - Manage stormwater by adopting Ecology's latest manual regarding LID for new development, redevelopment and retrofit projects.
- When replacing or removing existing infrastructure within an RMZ:
 - Map RMZ to pinpoint the best sites to restore – consider connectivity and adjacency to other priority habitats;
 - Improve aquatic connectivity by replacing culverts and removing barriers to movement;

- Revegetate with native plants and consider improvements for wildlife by integrating structures necessary for nesting, breeding and foraging;
- As infrastructure is remodeled or replaced, incorporate additional setbacks for streams;
- Control access to RMZ to limit soil compaction; and
- Avoid operating equipment near the stream to reduce sedimentation and soil compaction; and avoiding using chemicals in the RMZ that are not approved for use there by Ecology.

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APPENDIX A

DRAFT CRITICAL AREAS MAPS

APPENDIX B

BEST AVAILABLE SCIENCE SOURCES

RESEARCH SOURCES

Wetlands

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Chapter 20.150

DEFINITIONS

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20.150.010 Meaning of Words Generally.

General. All of the terms in this title have their commonly accepted dictionary meaning unless they are specifically defined in this chapter, or the context in which they are used clearly indicates to the contrary. (Ord. M-3692 § 8, 02/28/2005; Ord. M-3643, 01/26/2004)

20.150.020 Meaning of Common Words.

- A. *Tense*. All words used in the present tense include the future tense.
- B. *Singular/plural*. All words used in the plural include the singular, and all words used in the singular include the plural unless the context indicates to the contrary.
- C. *Gender*. All words used in the masculine gender include the feminine gender.
- D. *Use of shall, should, will and may*. The words shall and will are mandatory, the word should is directory, and the word may is permissive.
- E. *Use of building and structure*. The word building includes the word structure.

- F. *Use of 'used for'.* The phrase used for includes the phrases arranged for, designed for, intended for, maintained for and occupied for.
- G. *Use of land and property.* The words land and property are used interchangeably unless the context clearly indicates to the contrary.
- H. *Use of occupied.* The word occupied shall included premises designed or intended to be occupied.
- I. *Use of person.* The word person shall include persons, association, firm, partnership or corporation, as well as the individual. (Ord. M-3891 § 3, 11/03/2008 – Effective 12/3/08; Ord. M-3692 § 8, 02/28/2005; Ord. M-3643, 01/26/2004).

20.150.030 Common Acronyms.

ADA The Americans with Disability Act

ADA Also, Average Daily Attendance

ADT Average Daily Traffic

ADU Accessory Dwelling Unit

BAS Best Available Science

BFE Base Flood Elevation

BMPs Best Management Practices

CAP Critical Areas Permit

CAR Critical Areas Report

CARAs Critical Aquifer Recharge Areas

CDD Community Development Department

CFR Code of Federal Regulations

CMZ Channel Migration Zone

CRZ Critical Root Zone

CUP Conditional use permit

DAHP Washington State Department of Archaeology and Historic Preservation

DBH Diameter at Breast Height

DFIRM Digital Flood Insurance Rate Map

DNS Determination of Non-Significance

DNR Washington State Department of Natural Resources

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

DS Determination of Significance

EIS Environmental Impact Statement

ESA The Federal Endangered Species Act

FAA Federal Aviation Administration

FAR Floor Area Ratio

FBFM Flood Boundary-Floodway Maps

FCC Federal Communications Commission

FEMA Federal Emergency Management Agency

FIRM Flood Insurance Rate Map

FIS Flood Insurance Study

FTE Full-time Equivalent

FWHCAs Fish and Wildlife Habitat Conservation Areas

GLA Gross Leaseable Area

GMA The Washington State Growth Management Act of 1990

gsf Gross Square Feet

HGM Hydrogeomorphic

LOS Level of service

MDNS Mitigated Determination of Non-Significance

NAICS The North American Industrial Classification System

NFIP National Flood Insurance Program

OHWM Ordinary High Water Mark

PHS Priority Habitats and Species

PUD Planned Unit Development

RCW Revised Code of Washington

RMA Riparian Management Area

RB Riparian Buffer

SEPA State Environmental Policy Act

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

SPTH Site Potential Tree Height

SRO Single-Room Occupancy

SWCCA Southwest Washington Clean Air Agency (formerly SWAPCA)

TDL Total Developable Land

USC United States Code

USGS U.S. Geological Survey

VMC Vancouver Municipal Code

WAC Washington Administrative Code

WDFW Washington Department of Fish and Wildlife (Ord. M-4402 § 3(C), 2023; Ord. M-4017 § 10, 2012; Ord. M-3692 § 8, 2005; Ord. M-3643, 2004)

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

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

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

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

Accessory Dwelling Unit (ADU). One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling or in a detached building on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance.

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

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

Accessory Use. A use of land or portion thereof which is clearly incidental and subordinate to the principle use of the land located on the same lot or premises.

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

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

Addition. Means the same as enlargement.

Adjacent. Abutting or located directly across a street right-of-way.

Adjoin. Means the same as abutting.

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

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

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

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

Agriculture, Existing and Ongoing. Those activities conducted on lands defined in RCW [84.34.020\(2\)](#), and those activities involved in the production of crops or livestock, for example, the operation and maintenance of farm and stock ponds or drainage ditches; the operation and maintenance of ditches, irrigation systems (including irrigation laterals, canals, or irrigation drainage ditches); changes between agricultural activities; and normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas. Activities that bring an area into agricultural use are not part of an ongoing operation. An operation ceases to be

ongoing when the area on which it is conducted is converted to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity. Forest practices are not included in this definition.

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

Width of approach surface: 500' at inner end, 4,000' at outer end (inner end begins at end of primary surface)

Length of approach surface: 10,000 feet

Slope of approach surface: 34:1 (one foot vertically for every 34 feet horizontally)

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

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

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

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

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

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

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

Altered. Structurally changed.

Alternative Mode. Refers to any means of commute transportation other than that in which the single-occupant vehicle is the dominant mode.

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

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

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

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

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

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

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

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

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

Apartment. A dwelling unit in a multiple-family building.

Apartment House. Means the same as Dwelling, Multiple-Family.

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

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

Applicant. A person submitting an application for development.

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

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

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

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

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

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

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

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

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

Archaeological Site, Potentially Significant. An archaeological site which:

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

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

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

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

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

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

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

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

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

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

Average. The arithmetic mean.

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

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

Bank Erosion Hazard Area. Areas subject to regression or retreat, where the natural erosion of river or stream banks poses a risk to adjacent land and infrastructure, often exacerbated by flooding or human disturbance.

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

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

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

Basement. A portion of a building included between a floor, with its level 2 feet or more below the level from which the height of the building is measured, and the ceiling next above said floor. For the purposes of VMC [20.740.120](#), Frequently Flooded Areas, basement means any area of a building having its floor subgrade (below ground level) on all sides.

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

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

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

Best Available Science. Refers to current, peer-reviewed scientific information and expert knowledge that is used to inform and guide policies and regulations for the protection of Critical Areas, as required by the Washington Growth Management Act.

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

1. control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics, and sediment; and
2. minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of Fish and Wildlife Habitat Conservation Areas (FWHCAs), wetlands and buffers.

Bike Lane. Lanes on an improved street which are designated for use by cyclists and separated from vehicular traffic either by striping or small concrete barrier.

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

Binding Site Plan. A type of land division that segregates a portion of a legal lot created for the sale or lease of commercially- or industrially-zoned property; placement of manufactured homes or travel trailers on leased sites; and creation of condominiums pursuant to [58.17.040](#) RCW.

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

Biomass Generation. A major utility facility that provides for the production or collection of organic materials such as wood and agricultural residues and municipal solid waste that are primarily organic materials and the conversion or use of that material for the production of

heat, electricity, or substitute fuels through several processes including, but not limited to, burning, pyrolysis, or anaerobic digestion.

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

Bog. A type of wetland where (1) organic (peat or muck) soil layers comprise at least 16 of the first 32 inches of the soil profile; or (2) there is more than 70 percent cover of mosses at ground level and more than 30 percent of the total shrub and herbaceous cover consists of species listed in Table 3 – Characteristic Bog Species in Washington State found in Hruby, 2004, Washington State Wetlands Rating System for Western Washington, Ecology publication #23-06-009, or as revised by Ecology. Many bogs have soils classified as peat or muck, are nutrient poor, have a low pH (acidic), and are fed largely by rainfall rather than streams or groundwater.

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

Breezeway. A structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.

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

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

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

Building Height. The vertical distance from the average grade to the average height of the roof peak of the building, except in a shoreline jurisdictional area, in which case the height shall be measured from average existing grade (prior to development) to the highest point of a structure (see also WAC [173-27-030](#)). For exceptions subject to airport height limits located within the approach, transitional and horizontal surfaces refer to Airport definitions and Sections [20.570](#) and [20.630.050](#) VMC.

Building, Main. A building within which is conducted the principal use permitted on the lot, as provided in this title.

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

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

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

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

Canopy, Auto Dealership Plan District. A structure, enclosure, or shelter constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects, and open without sidewalls or drops on 75 percent or more of the perimeter, consistent with Vancouver Fire Code Title 16, Section 16.04.060 and the International Fire Code (IFC).

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

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

Central Business District. This area is the section of Vancouver defined as the commercial business district bounded by 4th Plain Boulevard to the north, Columbia River to the south, I-5 to the east, and Lincoln Avenue to the west. This can apply to other areas as developed in the city, with similar zoning.

Certificate of Concurrence. A document issued by the transportation manager pursuant to Section 20.980.120 VMC indicating: the location or other description of the property on which a development is proposed; the type of development application for which the certificate of concurrence is issued; an identification of any affected transportation corridor and TMZ; the specific uses, densities, intensities, and any transportation system improvements, strategies, or other mitigation measures that were considered in the determination to issue the certificate,

and which are authorized or required for development of the property; the amount of capacity within the affected transportation corridor or TMZ that is reserved for the development described in the certificate, and a statement that the reservation of capacity is nontransferable to other development(s); any conditions required pursuant to Section 20.980.120 VMC; and an effective date.

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

Channel Migration Zone (CMZ): The area within which a river channel is likely to migrate and occupy over a specified time period.

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

City. The City of Vancouver, Washington.

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

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

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

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

1. Carbon-free fuels that generate no carbon emissions including green hydrogen or fuels that are certified by state or federal responsible agencies as net-zero carbon emissions.
2. Any credit-generating fuel under the Washington State Low Carbon Fuel Standard (HB 1091 2021-2022) as allowed by the Washington State Department of Ecology.
3. Any biomass renewable fuels approved by the federal Environmental Protection Agency under the federal Renewable Fuel Standard (40 CFR Part 80) as regulation

exists or may hereafter be amended and meeting any future federal renewable fuels regulations.

4. Alcohol fuels meeting the requirements of RCW [19.112.010\(1\)](#) as that statute exists or may hereafter be amended.
5. Biodiesel fuel meeting the requirements of RCW [19.112.010\(3\)](#), and renewable diesel meeting the requirements of RCW [19.112.010\(9\)](#), as those statutes exist or may hereafter be amended.
6. E85 motor fuel which meets the requirements of RCW [19.112.010\(2\)](#) exclusively for the propulsion of motor vehicles upon the roads, or RCW [19.112.010\(6\)](#) for other motors, as those statutes exist or may hereafter be amended.
7. Alternative fuels that are not fossil fuels and that produce low or no carbon that meet state or federal requirements not otherwise listed above.

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

Closed Record Approval Hearing. An administrative hearing to approve or deny a project permit that is on the record to the City Council following an open record predecision hearing as defined by WAC [197-11-775](#) before the planning commission or hearings examiner.

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

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

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

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

Compatible Design. A building and/or site design which blends with the surrounding area. This might include a pitched roof of a similar pitch to surrounding roofs, trim, shutters or other architectural window detail; horizontal siding and/or brick exterior; and similar unit size or scale.

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

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

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

Contiguous. Means the same as abutting.

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

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

Conversion Option Harvest. A timber harvest as established in DNR's Forest Practices Regulations and Chapter [20.770 VMC](#), Tree Conservation, whereby a property owner is allowed to harvest a limited amount of timber from their property within the City of Vancouver, while still maintaining the rights to convert their property to a use inconsistent with growing timber.

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

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

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

Court Height. A measurement from the floor level of the lowest story in the building in which there are windows from rooms served by the court, to the highest point of the enclosing walls of the court.

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

Critical Areas. Critical areas include FWHCAs, Wetlands, Frequently Flooded Areas, CARAs, and Geologic Hazard Areas as defined by the Washington State Growth Management Act. Critical aquifer recharge areas are regulated under VMC [14.26](#). The others are regulated under VMC [20.740](#).

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

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

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

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

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

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

DAHP. Washington State Department of Archaeology and Historic Preservation.

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

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

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

Deed. A legal document conveying ownership of real property.

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

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

Density, Net. The development density derived by dividing the net buildable area of the subject property (gross area less the total aggregate area required by the city for public or private streets, schools or other public facilities, not including parks and public or private recreation facilities dedicated or created as an integral part of the development) by the applicable lot size or area per unit.

Density, Gross. The development density derived by dividing the gross area of the subject property by the applicable minimum lot size. Gross density is used to determine the maximum number of lots that may be achieved on a parcel being developed.

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

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

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

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

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

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

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

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

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

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

Regarding critical areas, a pronounced, temporary change in environmental conditions within an ecosystem. Disturbances often act quickly and can alter ecosystem composition, structure, and function.

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

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

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

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

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

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

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

Dwelling, Efficiency Living Unit. Any room having cooking facilities, and used for combination living, dining, and sleeping purposes for not more than two persons, and designed as a separate apartment, not merely rooming accommodations. Each efficiency living unit shall be provided with a separate bathroom meeting the requirements of the Building Code.

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

Dwelling, Multiple-Family. A building or portion thereof designed or used as a residence by three or more households and containing three or more dwelling units.

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

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

Dwelling, Two-Family, or Duplex. A building designed or used for residence purposes by not more than two households and containing two dwelling units. (Ord. M-4402 § 3(C), 2023; Ord. M-4380 § 2, 2022; Ord. M-4325 § 3, 2020; Ord. M-4289 § 4, 2019; Ord. M-4179 § 61, 2016; Ord. M-4170 § 5, 2016; Ord. M-4034 § 2, 2012; Ord. M-4024 § 4, 2012; Ord. M-4024 § 3, 2012; Ord. M-4017 § 11, 2012; Ord. M-4002 § 2, 2011; Ord. M-3959 § 3, 2010; Ord. M-3922 § 2, 2009; Ord. M-3868 § 2, 2008; Ord. M-3844 § 3, 2007; Ord. M-3840 § 3, 2007; Ord. M-3832 § 1, 2007; Ord. M-3733 § 2, 2006; Ord. M-3709 § 2, 2005; Ord. M-3701 § 2, 2005; Ord. M-3692 § 8, 2005; Ord. M-3667 § 2, 2004; Ord. M-3663 § 2, 2004; Ord. M-3643, 2004)

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

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

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

Ecology. The Washington State Department of Ecology.

Egress. An exit from a building or site.

Electric Vehicle. Any on-road vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for locomotive purpose. “Electric vehicle” includes: 1) a battery electric vehicle; 2) a plug-in hybrid electric vehicle; 3) a neighborhood electric vehicle; 4) a medium-speed electric vehicle; and/or (5) a battery-powered scooter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Equity Value. The amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property.

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

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

Erosion hazard. These are areas containing soils which, according to the U.S. Department of Agriculture Natural Resources Conservation Service Soil Survey Program, may experience significant erosion. Erosion hazard areas also include channel migration zones. See VMC 20.740.130 for designation of erosion hazard areas.

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

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

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

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

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

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

Extraordinary hardship. Extraordinary hardship occurs when strict application of the provisions of 20.775 VMC Wetlands and Water Bodies Protection would prevent all reasonable economic use of the subject parcel.

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

Face. To front upon.

Family. See Household.

Fault Rupture Hazard Area. Areas with the potential to cause ground displacement along fault lines during an earthquake, leading to both surface disruption and structural damage to structures and infrastructure.

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

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

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

Fish and Wildlife Habitat Conservation Areas (FWHCAs). FWHCAs are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and that, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements, including seasonal ranges, breeding habitat, winter range, and movement corridors, and areas with high relative population density or species richness, including locally designated important habitats and species. These areas also include habitat for Endangered, Threatened and Sensitive species; Priority Habitats and areas associated with Priority Species; Riparian Management Areas; Habitats of Local Importance, and water bodies;; water bodies; forage fish spawning areas; naturally occurring ponds less than 20 acres; waters of the state; natural area preserves; natural resource conservation areas; and state wildlife areas. Fish and Wildlife Habitat Conservation Areas do not include artificial features or constructs such as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.

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

Flood or Flooding.

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

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

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

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

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

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

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

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

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

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

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

Frequently Flooded Areas. Areas of special flood hazards.

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

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

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

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

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

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

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

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

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

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

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

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

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

Geologic Hazard Areas. Geologic hazard areas include landslide, seismic, and erosion hazard areas designated pursuant to VMC [20.740.130\(A\)](#) and are defined as areas that are not generally suitable for the siting of commercial, residential, or industrial development consistent with public health or safety concerns unless determined otherwise with a critical areas report provided by a qualified professional in accordance with VMC 20.740.130(B) and in compliance with the performance standards of VMC 20.740.130(C).

Grab Sample. Regarding solid waste regulations, a single sample which is taken from a waste stream without regard to the flow in the waste stream and without consideration of time.

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

Grading. Any excavation, filling or combination thereof.

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

Gross Floor Area. Means the same as floor area.

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

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

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

Guest House Dwelling. A detached accessory building designed, constructed and used for the purpose of providing temporary living accommodations for guest, or for members of the same household as that occupying the main structure, and containing no kitchen or kitchen facilities.

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

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

Habitat Corridor. Habitat corridors are areas of relatively undisturbed and unbroken tracts of vegetation that connect Fish and Wildlife Habitat Conservation Areas, priority habitats, areas identified as biologically diverse, or valuable habitats within a city or urban growth area. Habitat corridors as required for Option 3A wetland buffers must meet the specific requirements outlined in VMC 20.740.140.

Habitats of Local Importance. FHWCA's which are not designated as Priority Habitats and Species by the Washington Department of Fish and Wildlife but are designated as locally significant by the city.

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

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

Hazardous Waste. Means all dangerous and extremely hazardous waste as defined in RCW [70.105.010](#) except for moderate risk waste.

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

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

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

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

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

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

Heritage Tree. A tree or group of trees designated as such by the city in Chapter [20.770 VMC](#), Tree Conservation.

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

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

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

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;
or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior,
or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Home Occupation. A use conducted entirely within a residential building, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and complies with the criteria established by [20.860 VMC Home Occupations](#).

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

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

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

this definition, minors living with parent or legal guardian shall not be counted as part of the maximum number of residents.

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

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

Hydrophytic Vegetation. Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Wetlands Delineation Manual defined in this chapter. (Ord. M-4325 § 3, 2020; Ord. M-4179 § 62, 2016; Ord. M-4034 § 2, 2012)

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

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

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

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

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

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

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

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

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

Infill Development. Development that occurs on underutilized or challenged parcels.

Infill Development Plan. A plan that is required to be submitted with infill development which identifies the existing and proposed lot characteristics, including applicable standards and incentives.

Infill Land Division. The division of an infill parent parcel using some or all of the standards contained in the Infill Development Ordinance.

Infill Parcels. Parcels that meet the eligibility criteria of this chapter or those parcels created by the land division of an infill parent parcel through the application of the standards in the Infill Ordinance.

Infill Parent Parcel. Regarding Infill Development, the larger parcel of land from which infill parcels are divided.

Ingress. Access or entry.

Inordinate Light Source. Lighting source that is exceptionally bright or outside normal industry standards as found by the planning official.

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

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

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

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

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

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

Land Form Alteration. Any man-made change to improved or unimproved property including, but not limited to, the addition of buildings or other structures; mining; quarrying; dredging;

filling; grading; earthwork construction; stockpiling of rock, sand, dirt or gravel or other earth material; paving; excavation or drilling operations located within the area of special flood hazard.

Landscaping. To beautify or improve a section of ground by contouring the land and planting flowers, shrubs or trees. Landscaping may also include nonvegetative improvements such as courtyards, fountains, pedestrian walkways, plazas, and medians.

Landslide hazard areas. Areas subject to landslides based on a combination of geologic, topographic, and hydrologic factors, including areas susceptible to landslide because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors; this includes, at a minimum, the following:

1. Areas of historic failures, such as:
 - a. Areas delineated by the U.S. Department of Agriculture Natural Resources Conservation Service as having a significant limitation for building site development;
 - b. Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey (USGS) or DNR;
 - c. Areas with all three of the following characteristics:
 - i. Slopes steeper than 15 percent;
 - ii. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - iii. Springs or groundwater seepage.
2. Areas that have shown movement during the Holocene epoch (from 10,000 years ago to the present) or that are underlain or covered by mass wastage debris of this epoch.
3. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;

4. Slopes having gradients steeper than 80 percent subject to rockfall during seismic shaking;
5. Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action, including stream channel migration zones;
6. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and
7. Any area with a slope of 40 percent or steeper and a vertical relief of 10 or more feet except areas composed of bedrock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.

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

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

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

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

Liquefaction Hazard Areas. Liquefaction hazard areas are areas typically underlain by cohesionless soils of low density, usually in association with a shallow groundwater table, that lose substantial strength during earthquakes.

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

Local Public Facility. A land use designed to serve the needs of the local neighborhood or community affected by the impact(s) of development. Local Public Facilities include, but are not

limited to: elementary, middle, and high schools; fire stations; police stations; parks; and transit facilities. Local Public Facilities shall not include land use(s) of regional or community-wide significance, such as airports, colleges, hospitals, regional parks or community centers.

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

Lot Area. The computed area contained within the lot lines; said area to be exclusive of street or alley rights-of-way or access easements, Bonneville Power Administration (BPA) easements, water detention/retention ponds, wetlands and wetland buffers which are delineated and recorded on plats and short plats.

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

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

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

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

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

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

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

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

Lot Line, Front. The property line abutting a street or the edge of a private street, or primary access. For corner lots the front line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the shortest lot line adjoining the pole portion of the lot, excluding the unbuildable portion of the pole.

Lot Line, Rear. A lot line not abutting a street that is opposite and most distant from the front lot line.

Lot Line, Side. Any lot line that is not a front or a rear lot line.

Lot of Record. A lot shown on the records of the County Auditor at the time of the passage of an ordinance or regulation establishing the zoning district in which the lot is located.

Lot Size, Minimum. The area determined to be the minimum average lot size for each underlying zoning district prior to application of any lot size reduction allowed.

Lot, Through. Lot having front and rear frontage on two streets and/or highways. Lots with rear alley frontage shall not be considered through lots.

Lot Width. The horizontal distance between the side lot lines measured within the lot boundaries or the average horizontal distance measured halfway between the front and rear setback lines.

Low Impact Development (LID). Low impact development is a stormwater and land management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

Low Impact Development Best Management Practices (BMPs). Low impact development best management practices are distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, vegetated roofs, minimum excavation foundations, and water re-use.

Low Impact Development Principles. Low impact development principles are land management strategies that emphasize conservation, use of onsite natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosed area below the base flood elevation, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of VMC [20.740.120\(J\)\(8\)\(c\)](#), [\(J\)\(10\)\(d\)](#), or [\(J\)\(11\)\(e\)](#).

Low-Income Housing. Housing for which the monthly housing expense is no greater than thirty percent of eighty percent of the median family income adjusted for family size for Clark County, Washington, as reported by the United States Department of Housing and Urban Development. For multi-family housing, this definition shall apply only to the number of units within such housing development as are required to comply with this limitation on monthly housing expense.

Low-Intensity Land Use. Land uses which are associated with low levels of human activity or low habitat impacts, including Open Space Greenway: Lettuce Fields and Vancouver Lake Lowlands and Open Space Natural zoning districts.

Low Noise Impact. Interior noise levels of Ldn 45 or less, considered for the purposes of Chapter [20.520](#) VMC, Noise Impact Overlay District, as acceptable for residential purposes. (Ord. M-4179 § 63, 2016; Ord. M-4154 § 2, 2016; Ord. M-4034 § 2, 2012)

20.150.040D Meanings of Specific Words and Terms M through P.

Main. See Water Main.

Maintain. To allow to continue in existence. When the context indicates, the word shall mean to preserve and care for a structure, or to improve in condition an area to such an extent that it remains attractive, safe, and presentable and carries out the purpose for which it was installed, constructed or required.

Major Thoroughfare. The principal, minor, collector arterials, and State highways, as shown on the Arterial Street Plan adopted in compliance with Chapter [35.77](#) RCW.

Management Plan. A plan detailing how operations and maintenance activities subject to the provisions of VMC [20.740](#) will be performed.

Manufacture. Includes production, processing, assembling, packaging or treatment of semi-finished or finished products from raw materials or previously prepared materials or components.

Manufactured Home, Designated – means a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes. Conforms to federal Manufactured Home Construction and Safety Standards (HUD Code – “Red Label”) rather than to the Building Code (“Gold Label”) requirements.

Manufactured Home, Mobile – Means a structure transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. (Generally built before June 15, 1976). "Mobile manufactured homes" are not "recreational vehicles".

Manufactured Home, Modular – Means any home built in modules at a factory. Modular homes conform to all state and local building codes. Modules are transported on truck beds, and then joined together at the site. They are inspected by local officials. (Regulated under the IBC standards – State Building Code).

Manufactured Home, New – means any manufactured home required to be titled under Title [46](#) RCW, which was not titled to retail purchaser before July 1, 2005, and was not a “used mobile home” as defined in RCW [82.45.032](#). (Regulated under the HUD construction and safety standards).

Manufactured Home Development. An existing site containing spaces with required improvements and utilities that are leased for the long-term placement of manufactured homes. This term shall also include "mobile home parks" as that term is used in other titled of the Vancouver Municipal Code (VMC).

Manufactured Home Subdivision. An existing subdivision created for the placement of manufactured homes on individual lots.

Marquee. A roofed structure attached to and supported by the building and projecting over public property.

Master Plan. A comprehensive, long-range site plan for a development project. The project may be located on a single parcel or on several contiguous parcels which are owned by one or more parties working cooperatively and collectively, and is usually implemented in phases.

Mean Sea Level. For purposes of the National Flood Insurance Program, the vertical datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Meandering Sidewalks. Those sidewalks separated by a nonuniform planting strip from the back of the curb.

Micro Facility. Regarding wireless communication facilities, a single antenna, or group of antennae, co-located on an existing tower, building or other appurtenance that is small in size and visually unobtrusive.

Mitigation. Mitigation is a six-step sequencing process used to reduce the severity of effects from activities that potentially affect sensitive resources:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation, and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments; and/or
6. Monitoring the impact and taking appropriate corrective measures.

Mitigation, Compensatory. Compensation for potential impacts to functions and values of critical areas (including fish and wildlife habitat, frequently flooded areas, geologic hazard areas, and wetlands) and their buffers.

Mixed-Use Development. The development of a tract of land, building or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public or entertainment, in a compact urban form.

Mixed-Use Structure. A single structure containing at least two complementary, integrated, or mutually-supporting uses (such as housing, offices, manufacturing, retail, public service, or entertainment). The structure must achieve physical and functional integration within itself.

Moderate-Intensity Land Use. Land uses which are associated with moderate levels of human activity or substantial habitat impacts including Open Space Parks and Open Space Greenways: General zoning districts.

Mode. Refers to the means of transportation used by employees, including single-occupant vehicle, carpool, vanpool, transit, bicycle, and walking.

Monopole Tower. A wireless communications support structure, consisting of a single pole to support antennae and connecting appurtenances.

National Register of Historic Places. The national listing of properties significant to the nation's cultural history because of their documented importance to history, architectural history, engineering or cultural heritage.

Naturally occurring ponds. Ponds less than twenty acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.

Native. Native plants are those species on the City of Vancouver's Native Plant Species list (available from the Planning Official).

Native Vegetation. Vegetation that encompasses both that occurring naturally and vegetation well adapted to current and anticipated environmental conditions in this region.

New Construction. For the purposes of VMC [20.740.120](#), Frequently Flooded Areas, "new construction" means structures for which the "start of construction" commenced on or after September 5, 2012.

New Manufactured Home Park or Subdivision (Applies in Frequently Flooded Areas).

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations by the community.

Noise Contour. The graphic depiction of the spatial extent to which an average noise level affects the area surrounding a source of noise. The contour is a line depicting equal points of impact.

Noise Contour, 65 Ldn. The most current 65 Ldn Noise Contour, as annually updated by the Port of Portland for the Portland International Airport using the criteria and methodology adopted by the Federal Aviation Administration for the purpose of establishing noise contours as a part of airport planning, or as provided by other objective sources for noise generations other than the Portland International Airport.

Noise, Environmental. Shall mean the intensity, duration, and character of sounds from any land use, measured at the property line of the receiving property.

Noise Impact. The extent to which a level of noise interferes with the full utilization of land.

Nonconforming, Legal. A use of land, building, structure or use which lawfully existed at the time of the adoption of this title or of any amendment thereto, but which does not conform with the use or development regulations imposed by this title or such amendment thereto.

Noncontributing. A property which either does not date to the historic period or has not retained sufficient physical integrity so as to convey its historic character.

Normal water year. A twelve-month period (October 1-September 30) with average precipitation based upon data from the past 50 years.

Noxious weeds. Non-native plants which are destructive, competitive, and difficult to control as defined by the Washington State Noxious Weed Control Board.

Nudity. Regarding Adult Businesses, the showing of the human male or female genitals or pubic area, the showing of the female breast, with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

Obligate, facultative wet, and facultative. Groupings of plants according to their frequency of occurrence in wetlands. Obligate wetland plants almost always (99 percent probability) occur in wetlands under natural conditions. Facultative wetland plants usually (67 percent-99 percent probability) occur in wetlands. Facultative plants are equally likely (34 percent-66percent probability) to occur in wetlands or nonwetlands. Such groupings are more fully defined in the Wetlands Delineation Manual defined in this chapter.

Obstruction. Any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter which is in, along, across or projecting into any channel, watercourse or regulatory flood hazard area; and which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water or which is placed where the flow of water might carry the same downstream to the damage of life or property.

Occupant. Any individual living or sleeping in a building or having possession of a building or space therein. Unless otherwise stated, occupant is synonymous with tenant.

Occupancy Certificate. A city certificate allowing the use of a building or structure after it has been determined that all the requirements of applicable ordinances have been met.

Off-Site Impact. A condition that creates, imposes, aggravates or leads to inadequate, impractical, unsafe or unhealthy conditions on a site proposed for development or on off-site property or facilities. This includes, but is not limited to, noise, glare, and odor.

Off-Site Improvement. Improvements required to be made off-site to address impacts identified from an application for development and including, but not limited to, road widening and upgrading, storm water facilities, and traffic system improvements.

100-Year Flood. The flood having a 1 percent chance of being equaled or exceeded in any given year. Also referred to as the “base flood.”

100-Year Flood Elevation. The elevation that the 100-year flood is expected to reach. Also referred to as the “base flood elevation.”

Open Record Predecision Hearing. An open record hearing as defined by [197-11-775 WAC](#), which is held before the Planning Commission or Hearings Examiner prior to the closed record approval hearing before the City Council.

Oregon white oak woodland(s). In accordance with WDFW's Priority Habitat & Species (PHS) List, these are stands of oak or oak/conifer associations where canopy coverage of the oak component of the stand is twenty-five percent, or where total canopy coverage of the stand is less than twenty-five percent, but oak accounts for at least fifty percent of the canopy coverage. The latter is often referred to as oak savanna. In non-urbanized areas west of the Cascades, priority oak habitat consists of stands less than one acre in size. In urban or urbanizing areas, single oaks or stands less than one acre may also be considered a priority when found to be particularly valuable to fish and wildlife.

Ordinary high water mark. (OHWM). That mark which is found by examining the bed and banks of a water body and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years that the soils and vegetation have a character distinct from that of the abutting upland area. It also can also be established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, it shall be the line of mean high water in areas adjoining fresh water. [WAC [173-22-030\(11\)](#)]

Ordinary Repair and Maintenance. The work for which a permit issued by the City of Vancouver is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay or damage.

Original Parcel. A lot, parcel or tract created in compliance with all regulations in effect at the time it was initially conveyed, that constitutes the basis for considering the appropriate provisions of this title for platting or short platting; provided, that any lot, parcel or tract conveyed in its present configuration prior to December 18, 1978 (the passage of the short plat ordinance, M-1930) which complies with current zoning requirements, shall be conclusively presumed to have been lawfully created.

Overlay Area. A special geographic area designated in a capital facilities plan to be served by a system improvement, which area is not generally contiguous with an established service area. An overlay area may be local (i.e., covering only a portion of a single service area), regional (i.e.,

covering portions or all of several service areas), or county wide (i.e., covering both incorporated and unincorporated areas).

Overlay Zone or District. A designated area within a base zoning district for which specific land use regulations apply, in addition to the base zoning requirements.

Owner. The owner of record of real property as shown on the tax rolls of the County, or a person purchasing a piece of property under contract. For the purpose of this title, in terms of violations and binding agreements between the city and the owner, the owner shall also mean a leaseholder, tenant, or other person in possession or control of the premises or property at the time of agreement, violation of agreement, or the provisions of this title.

Ownership Interest. A property interest in an existing single-family residence under a recorded deed or under a contract of purchase, recorded mortgage, recorded deed of trust or recorded lease by which the applicant is responsible under penalty of forfeiture, foreclosure or default for payment of real property taxes and/or local improvement district assessments. The term shall also include a share ownership in a cooperative housing association, corporation or partnership if the applicant can establish that his or her share represents the specific unit or portion of such structure in which he or she resides.

Painted Wall or Wall Graphic. An advertisement painted directly on the wall of a building.

Parking Area, Public. An open area other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free of charge or as an accommodation for clients or customers.

Parking Space. A permanently surfaced and marked area not less than that specified in Chapter [20.945](#) VMC Parking and Loading, excluding paved area necessary for access, for the parking of a motor vehicle.

Parking Storage. A location where vehicles are placed or left for maintenance, repair, sale, rental or future use.

Partition. See subdivision.

Party of Record. A person or group who makes an appearance in a proceeding through the submission of either written or verbal evidence. Groups shall designate one person as a representative or contact.

Pedestrian Area. Any sidewalk, walking trail, courtyard, plaza or other area intended primarily for use by pedestrians.

Perimeter. The boundaries or borders of a lot, tract or parcel of land.

Permitted Use. Those uses allowed as a matter of right within certain zoning districts provided that such use is in accordance with requirements of the particular district and general conditions stated elsewhere in this title.

Permittee. The person who is proposing to use or who is using the land pursuant to any permit required herein.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state or local governmental entities.

Person with Functional Disabilities. A person who, because of a recognized chronic physical, mental condition or disease, is functionally disabled to the extent of:

1. needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living;
2. needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible;
3. having a physical or mental impairment which substantially limits one or more of such person's major life activities;
4. having a record of having such an impairment;
5. being regarded as having such an impairment, but such term does not include current, illegal use of or active addiction to a controlled substance.

Pervious Surface. Pervious surface is a surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

Petroleum. Crude oil, gases (including natural gas), natural gasoline, and other related hydrocarbons, oil shale, and the products of any of such resources.

Petroleum/Oil Refinery. An industry engaged in refining crude petroleum/oil into refined petroleum/oil. Petroleum/oil refining involves one or more of the following activities: 1) fractionation; 2) straight distillation of crude oil; and 3) cracking.

Planned Action Ordinance. The applicable city ordinance establishing the geographic boundaries, impact thresholds, and mitigation measures for the particular planned action subarea in which a planned action project is located.

Planned Action Project or Development Application. A project or application for a project which meets the criteria for designation as a planned action under the provisions of Section [43.21.031](#) RCW, Section [197-11-164](#) WAC, Section [20.790.630](#), and the particular planned action ordinance for the planned action subarea in which the project is located.

Planned Action Subarea. A specific geographic area, less extensive than the city's jurisdictional boundaries, for which a subarea plan under Chapter [36.70A](#) RCW and an EIS under Chapter [43.21C](#) RCW have been prepared and adopted to provide for prospective environmental review and comprehensive planning for future development.

Planning Commission. The Planning Commission of the City of Vancouver, Washington.

Planning Official. The city official within the community development department charged with administratively approving land use permits or her/his designate.

Planting strip. The area from the back of curb and the front of sidewalk or the area in the raised median used for grass or approved landscaping plants.

Plat. A final map, diagram or written document containing all the descriptions, specifications, and provisions concerning a subdivision of land.

Plat, Final. The final drawing of the subdivision or short subdivision and dedication prepared for filing for record with the Clark County Auditor and containing all elements and requirements set forth in this title and in state law.

Plat, Preliminary. An orderly and approximate drawing to scale of either a proposed subdivision or short subdivision showing the general layout of streets and alleys, lots and blocks, and other required submittals which shall furnish a basis for the approval or disapproval.

Poultry. Domesticated fowl such as chickens, ducks, geese and similar, and all game birds which are legally held in captivity.

Predetermination, Archaeological. A procedure by which an archaeologist makes a determination of the probable existence (presence or absence) of an archaeological site in a disturbance area and a recommendation to proceed or not to proceed with an archaeological resource survey in compliance with the provisions of this chapter.

Predominant. Regarding Infill Development, the most frequently occurring residential design characteristic along both sides of the road frontage from intersection to intersection (or block face).

Predictive Model. The classification of property according to the probability of its having archaeological resources. The probability levels are low, low-moderate, moderate, moderate-high, and high, which are based on a combination of information from inventories and predictive models provided by DAHP, other agencies, tribal governments and local permit review. The probability levels within the urban growth boundary of the city are generally shown on maps provided by Clark County Geographic Information Systems.

Premises. A lot or number of lots on which is situated a building or group of buildings designed as a unit, or on which a building or group of buildings are to be constructed.

Preserved. Leaving in the present condition.

Primary. The largest or most substantial use or element on the property, as in “primary” activity, residence, entrance, etc. All other similar elements are secondary in size or importance.

Priority Area: The area within a Priority Species’ natural geographic distribution within which protective measures and/or management actions are need to (1) support viable populations over the long term and (2) avoid creating isolated subpopulations.

Priority Habitat: A State of Washington habitat type with unique or significant value to many species; an area with one or more of the following attributes: (1) comparatively high fish and wildlife density; (2) comparatively high species diversity; (3) important breeding habitat; (4) important seasonal ranges; (5) important movement corridors; (6) limited availability; (7) high vulnerability to habitat alteration; or (8) unique or dependent species. Examples of Priority Habitats include, but are not limited to, instream, riparian, Oregon white oak woodlands, and freshwater wetlands.

Priority Habitats and Species (PHS). Priority Habitats and Species are important fish and wildlife species and habitats as determined by the Washington State Department of Fish and Wildlife. Priority Habitats include endangered, threatened, sensitive, candidate, and vulnerable species and habitats deemed priorities of WDFW and reflective of best available science.

Priority Species. A State of Washington fish or wildlife species requiring protective measures and/or management actions to ensure its survival. A Priority Species fits one or more of the following criteria: (1) is a State-listed endangered, threatened, sensitive, or candidate species; (2) has vulnerable aggregations; or (3) is of recreational, commercial, and/or tribal importance. Examples of Priority Species include, but are not limited, to steelhead/rainbow trout, bull trout/Dolly Varden, great blue heron, cavity-nesting ducks, fisher, and elk.

Private Open Space. The space included within a development for recreational use.

Process Type. Shall mean the process by which a land use decision is rendered.

Process Type, Legislative. A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use, such as the adoption of or amendment to a comprehensive plan or development regulation.

Process Type, Quasi-Judicial. Refers to an action or decision that requires substantial discretion or judgment in applying the standards or criteria of this title, and usually involves a public hearing.

Prohibited Use. A use that is not permitted in a base zoning, overlay or plan district. Any use that is not specifically enumerated in this title as a permitted or conditional use or has not been determined by the planning official to be a legal nonconforming use.

Project Area. The portion of a site where development activity will take place.

Project Improvements. Project improvements shall mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in the capital facilities plan shall be considered a project improvement.

Project Permit. Any land use or environmental permit or approval for a proposed action which is subject to the procedural provisions of Chapter [20.210 VMC](#).

Protected Area. All land where no construction activity, tree removal, vegetation removal or soil compaction is allowed and includes the CRZ of those trees to be preserved.

Public Facilities. Regarding the Public Facilities Master Plan Ordinance:

1. Governmental facilities such as civic centers; libraries; auditoriums; police, fire and other public safety facilities; public streets; parks, open space and recreational facilities; and water, sewer; and storm water treatment facilities;
2. Public transit facilities including airports, train stations and transit centers;
3. Publicly and privately-owned medical centers;
4. Public and private elementary, middle and high schools;
5. Public and private colleges and universities; and
6. Religious institutions.

Public Improvement Plans. The technical drawings of the design and proposed construction of such items as streets, water and sewer systems, drainage and erosion control systems, meeting the requirements established by the City of Vancouver, Washington.

Public Place of Amusement, Public Amusement/Entertainment, and Public

Entertainment. An amusement, diversion, entertainment, show, performance, exhibition, display or like activity, for the use or benefit of a member or members of the public, or advertised for the use or benefit of a member or members of the public, held, conducted, operated or maintained for a profit, either direct or indirect. (Ord. M-4402 § 3(C), 2023; Ord. M-4380 § 3, 2022; Ord. M-4325 § 3, 2020; Ord. M-4179 § 64, 2016; Ord. M-4170 § 6, 2016; Ord. M-4034 § 2, 2012)

20.150.040E Meanings of Specific Words and Terms Q through T.

Qualified Professional. A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC [365-195-905\(4\)](#).

1. *Urban Forestry.* Qualified professionals in urban forestry must have academic and field experience that makes them competent in urban forestry. This may include

- arborists certified by the International Society of Arboriculture or foresters certified by the Society of American Foresters. Qualified professionals in urban forestry must possess the ability to evaluate the health and hazard potential of existing trees, and the ability to prescribe appropriate measures necessary for the preservation of trees during land development.
2. *Critical Areas.* Qualified professionals in critical areas must have obtained a BS or BA or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology or a related field, and two years of related work experience. In addition:
- a. A qualified professional for frequently flooded areas or a must be a registered professional engineer or hydrogeologist licensed in the State of Washington with experience in the analyses required for the relevant hazard(s). A qualified professional may also be an architect where provided by state or federal law.
 - b. A qualified professional or specialist for wetlands must have a minimum of five years experience in wetland science, including experience preparing wetland reports for review by regulatory agencies or professional certification (Professional Wetland Scientist Certification).
 - c. A qualified professional for Fish and Wildlife Habitat Conservation Areas must be a qualified ecologist; biologist; or person with an environmental science degree, professional experience, certification, and/or licensure related to the relevant type of habitat in question.
 - d. A qualified professional for Geologic Hazard Areas must be a Washington-licensed geologist or engineering geologist or a Washington-registered professional geotechnical engineer.

Reasonably Funded. A mitigation measure or other transportation system improvement scheduled for completion and designated as funded upon adoption of the most recent version of the Six-Year Street Plan.

Reasonably Safe from Flooding. Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water

marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, “reasonably safe from flooding” means that the lowest floor is at least two feet above the highest adjacent grade.

Recreational Vehicle. A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regional Industry. An industrial or commercial land use which provides significant community-wide or regional economic benefit through the creation of new economic growth and employment opportunity.

Regional Public Facility. A land use which is designed to serve the needs of the community or region affected by the impact(s) of development. Regional Public Facilities include: airports, colleges, hospitals, regional parks or community centers.

Regulatory Flood. The flood used to define the outer boundary lines of the Flood Fringe. The 100-year flood will be the regulatory flood for the purposes of regulations contained in this title, but a lesser or greater flood limit may be set in any ordinance applying FF (Flood Fringe) or FW (Floodway) zoning to any land. The regulatory flood shall be based upon Flood Insurance Rate Maps (FIRMs) provided by the Federal Insurance Administration (FIA).

Remodel. An internal or external modification to an existing building or structure that does not increase the site coverage.

Remove or Removal. The act of removing a tree by digging up, cutting down or any act which causes a tree to die, significantly impacts its natural growing condition and/or results in diminished environmental benefits or a hazard tree: including but not limited to, damage inflicted on the root system by machinery, storage of material or soil compaction, changing the ground level in the area of the tree’s root system, damage inflicted on the tree permitting infections or infestation, excessive pruning, paving with concrete, asphalt or other impervious material within the drip-line or any other action deemed harmful to the tree.

Residential Care Center. Any state or federally approved facility, other than a clinic, used as a residence for the care or rehabilitation of dependent children, the elderly, and the physically

and/or mentally handicapped. Residential care centers shall provide care to seven or more residents.

Residential Care Home. Any state or federally approved dwelling used as a residence for the care or rehabilitation of dependent children, the elderly, and the physically and/or mentally handicapped. Residential care homes shall provide care for eight or fewer residents.

Restoration. Measures taken to restore an altered or damaged natural feature including:

1. Active steps taken to restore damaged critical areas or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
2. Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events. See also wetland creation, re-establishment, and rehabilitation.

Right-of-Way, Public. The property held by the city or other governmental jurisdiction for existing and/or future public access including land occupied or intended to be occupied by a street, crosswalk, pedestrian and bike paths, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, street trees or other special use. The usage of the term right-of-way for land division purposes shall mean that every right-of-way hereafter established and shown on a plat or map is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

Riparian area. The area adjacent to aquatic systems with flowing water (e.g., rivers, perennial or intermittent streams, seeps, springs, or lakes) that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other. Riparian areas are three dimensional: longitudinal up and down streams, lateral to the width of the riparian ecosystem, and vertical from below the water table to above the canopy of mature site-potential trees. Riparian areas are defined differently in and for the purposes of the Vancouver Shoreline Management Master Program.

Riparian Buffer The Riparian Buffer is the area extending from the Riparian Management Area outward a specified distance and functions to protect the Riparian Management Area and stream, river, or lake. In situations where a channel migration zone (CMZ) is present, this occurs within one site potential tree height (SPTH) measured from the edges of the CMZ. Together, the

Riparian Management Area and Riparian Buffer are the areas that have the potential to provide full riparian functions and combine to form the Riparian Area. See Figure 20.740-1 or Figure 20.170.030-6.

Riparian Management Area. The regulated area that includes the land adjacent to a lake, stream, or river measured horizontally from the ordinary high water mark to a specified distance from the waterbody. Together, the Riparian Management Area and Riparian Buffer are the areas that have the potential to provide full riparian functions and combine to form the Riparian Area. See Figure 20.740-1 or Figure 20.170.030-6.

Road. Means the same as street.

Roof. The exterior surface and its supporting structure on the top of a building.

Roof Line. The uppermost line of the roof of a building or, in the case of an extended facade, the uppermost height of said facade.

Runway. A defined area at an airport designed and constructed to accommodate the landing and takeoff of aircraft along its length.

Satellite Earth Station. The facilities used for reception and processing of programming services from a satellite prior to transfer to terrestrial distribution systems or for processing of programming and services from a terrestrial source before transmission via satellite.

School. An institution primarily engaged in academic instruction for all or part of the K through 12 educational program, public, parochial or private, and recognized or approved as such by the state. A school may also include the following uses: common accessory uses such as associated meeting rooms, auditoriums, athletic facilities and support facilities related to school district operations (e.g., offices, kitchens, counseling centers, head start, childcare, adult education, and family support centers) except for transportation, warehouse/storage, and maintenance facilities.

School, Pre. An institution primarily in child training and academic instruction prior to the mandatory first grade.

School, Specialized Instructional. An institution providing instruction and training in a specific service, art, dance, driving, and music. Includes vocation or trade such as business, real estate, travel, auto machinery repair, welding, and skill center.

Search Ring. Regarding wireless communications facilities, a geographic area identified by the communications service provider as necessary within which to locate a wireless facility or to enhance or expand its service.

Secure Community Transition Facility. A residential facility for persons civilly committed and conditionally released from a total confinement facility, operated by the Secretary of Washington Social and Health Services or under contract with the secretary pursuant to RCW [71.09.020\(10\)](#) as described in RCW [71.09.250](#) or as amended.

Seismic Hazard Area. These are areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, or debris flow. See VMC 20.740.140 for designation of seismic hazard areas.

Senior Housing. Housing limited to persons aged 62 years or older.

Sensitive Areas. For the purposes of Chapter [20.770](#) VMC Tree, Vegetation, and Soil Conservation, this includes streams, geologically hazardous areas, fish and wildlife habitat areas, wetlands, and their associated buffers.

Sensitive Resources. Any of the following types of sensitive areas and resources or cultural resources, when properly identified, designated or recorded as such by the applicable local, state or federal regulations:

1. Known archaeological and historical sites (to be recorded with the state);
2. FWHCAs (as identified in VMC [20.740.110](#));
3. Frequently Flooded Areas (as identified in VMC [20.740.120](#));
4. Geological Hazard Areas (as identified in VMC [20.740.130](#));
5. Wetlands (as identified in VMC [20.740.140](#)); and
6. Tree tracts, set aside for the preservation of tree groves, as defined in VMC [20.770](#) and approved by the city's Urban Forester; and
7. Riparian areas, as identified in the Vancouver Shoreline Management Master Program.
8. Natural soils and native vegetation preserved as part of a low impact development.

SEPA. State Environmental Policy Act, as amended.

SEPA Rules. Chapter 197-11 WAC, as adopted, revised, and amended by Ecology.

Service Area. A geographic area described in the city capital facilities plan in which a defined set of public facilities provides service to development within the area, provided, that the service area for schools shall be the applicable school district. Service areas may be separately described for each type of public facility.

Serviceable. For the purposes of 20.775 VMC, Wetland and Water Bodies Protection, serviceable means presently usable.

Setback. The minimum allowable horizontal distance from a given point or line of reference, such as a property line, to the nearest vertical wall or other element of a building or structure or edge of vehicle parking area as defined herein. Where a sidewalk or private roadway is placed in an easement, the setback shall be measured from the back of sidewalk or edge of easement if there is no sidewalk.

Sexually-Oriented Adult Arcade and Sexually Oriented Adult Arcade Premises. Any premises on which any sexually-oriented adult arcade device is located and to which patrons, customers, and/or members of the public are admitted.

Sexually-Oriented Adult Arcade Device. Also known as panorama, preview, picture arcade, or peep show, any device which, for payment of a fee, membership fee or other charge, is used to exhibit or display a picture, view, film, videotape or videodisc, live show or other graphic display of specified anatomical areas. All such devices are denominated under this ordinance by the term sexually-oriented adult arcade device.

Sexually-Oriented Adult Entertainment. Any entertainment conducted in a public place of amusement where such entertainment involves a person appearing or performing in a state of nudity, as defined herein.

Sexually-Oriented Adult Entertainment Premises. Any premises to which the public, patrons or members are invited or admitted and wherein an entertainer provides sexually-oriented adult entertainment on a regular basis and as a substantial part of the business operation.

Shorelines of the State. Shorelines as defined in the Shoreline Management Master Program.

Short Plat. A map or representation of a short subdivision.

Sidewalk. A facility made of concrete or other approved material for the conveyance of pedestrians usually adjacent to a street or between streets.

Sign. Any structure, device, advertisement, advertising device or visual representation intended to advertise, identify or communicate information to attract the attention of the public for any reason.

Sign Area. Means the entire area of a sign on which graphics, letters, figures, symbols, trademarks and/or text is to be placed, excluding sign structure, architectural embellishments and framework. Sign area is calculated by measuring the perimeter enclosing the extreme limits of the module or sign face containing the graphics, letters, figures, symbols, trademarks, and/or text; provided, however, the area of any sign using individual letters, numbers or symbols with a canopy, awning or wall as the background, without added decoration or change in the canopy, awning or wall, shall be the area within the shortest line drawn to include all letters, design and tubing which are a part of the sign or structure. For illuminated awnings the area shall be limited to the area within the shortest line drawn to include all copy and graphics, excluding illuminated areas outside of these lines.

Sign, Awning. A sign attached to or incorporated into an awning.

Sign, Billboard. An outdoor advertising structure, 12 foot by 25 foot or larger, designed and constructed to carry posters.

Sign, Business Complex. A sign which is typically free-standing and is designed to identify multiple businesses in a business complex.

Sign, Canopy. A sign attached to or incorporated into a canopy.

Sign, Commercial. Any sign that advertises a product, service, entertainment or commodity sold or offered on the premises where it is located.

Sign, Complex. (Auto Dealership Plan District). A sign with the purpose of identifying the area and/or containing more than one manufacturers brand.

Sign, Construction. A temporary sign giving the name or names of principal contractors, architects, lending institutions, or other persons or firms responsible for construction on the site where the sign is located, together with other related information.

Sign, Directional. A sign designed and erected solely for the purpose of traffic or pedestrian direction, and which is placed on the property to which or on which the public is directed.

Sign, Electronic Message Center (EMC). Electronic message center (EMC) means an electrically activated sign whose message content, either in whole or in part, may be changed by means of electronic programming.

Sign, Elevation. Regarding sign regulations, the portion of any building exterior enclosing the applicant's place of business, measured horizontally by width of occupancy and vertically by height of occupancy on the street building frontage. In the case of a single-story building, vertical height of occupancy is measured to the eave or parapet line. For partial occupancy in a multi-story building, vertical height of occupancy is measured from floor line to floor line.

Sign Face. Means the portion of the sign on which the graphics, letters, figures, symbols, trademark or text is placed.

Sign, Fascia. A flat sign which projects less than one foot from the face or wall of the building, including parapet, upon which it is affixed, painted or attached, running parallel for its whole length to the face or wall of the building, and which does not extend beyond the horizontal width of such building.

Sign, Flashing. Any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally-mounted intermittent light source. Time and temperature signs are excluded from this definition. For the purpose of this Title, EMC's (consistent with the standards of VMC Section [20.960.060](#) I and Section [20.960.070](#) I) shall not be considered flashing signs.

Sign, Franchise. (Auto Dealership Plan District). A sign that identifies the manufacturers brand and/or name.

Sign, Free Standing. (Pole Signs and Monument Signs). A sign that is not attached to a building and is erected on a frame connected to the ground. Pole signs and monument signs are specific types of freestanding signs. A freestanding sign does not include a portable sign.

Sign Height. The vertical distance measured from grade at the point of support to the top of the sign or the sign's structure.

Sign Maintenance. The repair or refurbishment of a sign, sign structure or any part of each.

Sign, Marquee. A sign attached to or incorporated into a marquee.

Sign, Messages Without a Cabinet, Area of. The area of any single geometric shape which encompasses all lettering and/or graphic message.

Sign, Monument. Means a sign and supporting structure which is attached to the ground and has similar top and bottom dimensions and is constructed as a solid structure or one which gives the appearance of a continuous and unbroken mass, with no separations between the sign and the base.

Sign, Multi-faced. A sign with more than one face. These types of signs shall be considered one (1) sign for the purpose of determining the number of signs allowed.

Sign, NIT. A measurement of brightness used to rate luminous displays. NIT is expressed in "candelas per square meter".

Sign, Official. Means the same as Public-Sector Sign.

Sign, Off-Premises. A third-party sign that advertises goods, products, services or facilities or directs persons to a location different from where the sign is installed.

Sign, On-Premises. A sign which carries only advertisement strictly incidental to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm or corporation occupying the premises.

Sign, Pole. A sign that is supported permanently upon the ground by poles or braces and not attached to any building.

Sign, Political Campaign. Any temporary sign which displays the name and/or picture of an individual seeking election or appointment to a public office or which pertains to a forthcoming public election or referendum or which advocates political views or policies.

Sign, Portable – Permanent. Permanent portable signs shall be defined as “onsite” signs placed in the right-of-way along the business frontage and on the same side of the street of the building or establishment which it advertises. Permanent portable signs shall be meant for continuous display during the hours the business is open and shall have the primary purpose of identifying the business.

Sign, Portable – Temporary. Temporary portable signs shall be defined as “off-site” signs placed in the right-of-way advertising an approved business or use. Temporary portable signs shall be displayed during the hours the business is open and shall have the sole purpose of identifying the business or providing directions.

Sign, Private Non-Commercial. Any sign under 6 square feet that does not advertise a product, service, entertainment, or commodity sold or offered on the premises where it is located.

Sign, Projecting. Shall mean any sign other than a wall sign, which is attached to or projects 12 inches or more from a structure or building face or wall.

Sign, Public-Sector. Any sign erected by any federal, state, county or city governmental agency or at the direction of any such governmental agency or court.

Sign, Public Service Information. A sign that provides general public service information to the public such as time, date, temperature, weather or directional information.

Sign, Reader Board. A sign constructed for the placing of advertising messages, which messages are changeable by use of manually removable or electrically changeable letters.

Sign, Rooftop. A sign erected upon the roof of a building, the entire face of which is situated above the roof line of the building to which it is attached, and which is wholly or partially supported by said building.

Sign, Rotating. A sign, any portion of which moves or is movable by any mechanical manner.

Sign, Secondary. A second free-standing sign on a given frontage in excess of 300 linear feet.

Sign, Sidewalk. A portable sign, typically in the shape of an inverted V, with two sign boards attached to each other at the top of the sign; also known as a sandwich board or A-frame sign. Each board shall be considered a separate sign face for purposes of determining allowable area of sign.

Sign, Temporary. Any sign that is not permanently installed or affixed to any sign structure or building, and not displayed for longer than 30 consecutive calendar days. In the case of construction project signs, they may be maintained for the duration of construction.

Sign, Time and Temperature. Means the same as Public Service Information Sign.

Sign, Vehicle. Any sign attached to or placed on a parked vehicle or trailer used principally for advertising purposes, rather than transportation, but excluding signs relating to the sale, lease, or rental of the vehicle or trailer and excluding signs which identify a firm or its product on a vehicle operated during the normal course of business.

Sign, Video. A sign providing information in both a horizontal and vertical format (as opposed to linear), through use of pixel and sub-pixel technology having the capacity to create continuously changing sign copy in a full spectrum of colors and light intensities.

Sign, Wall. Means the same as Painted Wall or Wall Graphic.

Sign, Window. Any sign affixed to (or painted on) the inside or outside of a window and intended to be viewed from the exterior of the structure.

Single Impact. An individual incidence of noise, actually measured in decibels, which may be heard on a property and which may be greater or lesser than the Ldn value, which is derived from the logarithmic averaging of single impacts within a period of time.

Significance. A quality of a property which helps one understand the history of the local area, state or nation by illuminating the local, statewide or nationwide impact of the events or persons associated with the property or its architectural type or style in information potential. The local area may be as large as Clark County or Southwest Washington or as small as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

Single Room Occupancy (SRO). Occupancy by a single individual of a unit that contains no sanitary facilities or food preparation facilities or contains either but not both types of facilities.

Site. Any plot or parcel of land or combination of contiguous lots or parcels of land.

Site Class. The classification of a site based on the productivity of its dominant tree species. Site classes vary based on local differences in soil nutrients and moisture, light and temperature regimes, and topography. Site classes are typically described as most productive (I) through least productive (V).

Site Potential Tree Height (SPTH). The average maximum height of the tallest dominant trees for a given age and site class.

Six-Year Street Plan. That portion of the city's Capital Facilities Plan which inventories planned street and road construction and improvement, and which designates such construction projects and improvements as funded or nonfunded.

Slope. The deviation of a surface from horizontal, usually expressed in percent or degrees.

SMA. The State Shoreline Management Act of 1971, as amended.

Soft Armoring Techniques. Techniques that apply the principles of the biological, ecological, and soils sciences and structural engineering to build structures which, using live plant materials as a main structural component, stabilize the soil against erosion, sedimentation, and flooding. Also referred to as "bioengineering techniques."

Soil Erosion Hazard Area. Areas that are prone to the detachment and movement of soil due to wind, water, or human activity, potentially leading to land degradation and increased sedimentation.

Sound Transmission Reduction. Reduction of sound or noise from unit to unit utilizing the standards of the City Adopted Building Code(s).

Special Provisions. Street construction requirements peculiar to a special project that are not otherwise thoroughly or satisfactorily detailed and set forth in the standard specifications or standard plans.

Special Valuation Tax Incentive Program. The local option program that makes available to property owners a special tax valuation for rehabilitation of historic register properties under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to ten years, the actual cost of the rehabilitation.

Specified Anatomical Areas. Regarding Adult Businesses, less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities. Regarding Adult Businesses, human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget. This system was replaced by the North American Industrial Classification System (NAICS).

Start of Construction. The start of permanent construction or substantial improvement activity on a site within 180 days of the issuance of a building permit. Permanent construction activities include the pouring of slab or footings, the installation of pilings, construction of columns or any work beyond site preparation, excavation, setting of temporary forms or the placement of accessory buildings; or the placement of a manufactured home on a foundation. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Stealth Design. A wireless communications facility's support structure, antennae or accessory equipment structure that is designed to blend in with the existing physical environment, and reduce visual impacts to the extent possible.

Storage, Open. Storage of property outside of a fully enclosed building.

Storage Space. Sufficient space, either in individual dwelling units or common storage rooms, to provide adequate, secure, and convenient storage for items owned by building tenants.

Stormwater. Stormwater is that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes and other features of a stormwater drainage system into a defined surface waterbody or a constructed infiltration facility.

Stormwater Conveyance. Parts of a stormwater facility (such as pipes, culverts, swales, etc.) that are constructed specifically to transport water from one point to another. See Stormwater Facility.

Stormwater Facility. A constructed component of a stormwater drainage system, designed or constructed to perform a particular function or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention ponds, retention

ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, biofiltration swales, bioretention, permeable pavement, and vegetated roofs.

Stormwater Manual. Stormwater Manual means the Stormwater Management Manual for Western Washington, which is the 5-volume technical manual prepared by the Washington State Department of Ecology Water Quality Program, December 2014, Publication No. 14-10-055 (a revision of Publication No. 12-10-030), 5 volumes, and as hereafter amended.

Stormwater Permit. Stormwater Permit means the City of Vancouver's National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit issued August 1, 2013, which was modified, Effective January 16, 2014, by the Washington State Department of Ecology, and as hereafter amended or reissued.

Story. That portion of a building between the surface of any floor and the surface of the next floor above it; or, if there is no floor above it, the space between such floor and ceiling.

Stream. Water contained within a channel, either perennial or intermittent, and classified according to WAC [222-16-030](#) or WAC [222-16-031](#). Streams also include natural watercourses modified by humans. Streams do not include drainage ditches which are not modifications of natural watercourses.

Street. A private or public way designed primarily for vehicular traffic. It includes the terms road, highway, avenue, boulevard, thoroughfare, or other traffic way, and usually includes improvements, including curbs, sidewalks, and street pavement within the right-of-way.

Street Frontage. The linear frontage of a parcel of property abutting a single public street.

Street Functional Classification System. The adopted hierarchy of street use as it relates to volume, speed, regional, area-wide, and local characteristics.

Street, Private. A thoroughfare that is privately owned providing a means of access to a property or properties.

Street, Public. A thoroughfare or right-of-way dedicated, deeded, condemned or otherwise acquired by the public for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare.

Structure. Anything constructed or built, any edifice, building of any kind or any piece of work artificially built-up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming pools, wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts and similar recreation areas. For the purposes of VMC 20.740.120, Frequently Flooded Areas, a structure is a walled and roofed building, or a gas or liquid storage tank that is principally above ground.

Subdivision. The division or re-division of land into ten or more lots for the purpose of sale, lease or transfer of ownership. The term subdivision also applies to an area or tract of land that has been subdivided.

Subdivision, Short. The division, re-division or partition of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Disturbance. Disturbance such that little or no useful archaeological data could be obtained.

Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred.

“Substantial improvement” is considered to occur at the start of construction. “Substantial improvement” does not include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Substantial Noise Impact. Exterior noise levels greater than Ldn 65, which impact necessitates special sound insulation to produce noise levels of 45 Ldn or less within the interior of a residential structure.

Survey, Archaeological. Regarding archaeological resource protection, a procedure by which an archaeologist makes a determination of the presence or absence of an archaeological site in a disturbance area, a preliminary assessment of the site's potential significance, and a recommendation for further evaluation, avoidance, mitigation or recovery of resources in compliance with the provisions of [20.710 VMC](#).

System Development Charge (SDC). The connection fee charged so that the property upon which it is imposed will pay its equitable share of the costs of water-sewer system facilities which are system-wide in nature and are not site-specific needs, including such property's equitable share of the amount required to upgrade such system to meet the demands imposed by the development.

System Improvements. Public facilities that are included in the capital facilities plan and are designed to provide service areas within the community at large, in contrast to project improvements.

Telecommuting. The use of telephones, computers or other similar technology to permit an affected employee to work at home or at a location closer to home than the affected employer's principal worksite.

Temporary. A period not to exceed one year except as otherwise provided in this title.

Tenant Improvements. Construction improvements typically made to the interior of a nonresidential building to fit the building to a particular tenant's needs, or to create separate tenant spaces. Typically it involves such things as adding or removing walls, ceilings and doors; re-wiring for electrical outlets and lighting; and providing plumbing, sprinklers, counters and walk-in coolers, often as part of a separate lease space in a building.

Through-Ventilation. The encouragement of natural cross-ventilation.

Total Developable Land (TDL). That portion of the subject property remaining once sensitive areas are subtracted from the total acreage of a property or collection of properties proposed for development.

Tract. A piece of land set aside in a separate area for dedication to the public, a homeowner's association, or other entity, (e.g., open space, recreational facilities, and tree preservation) wetland or other sensitive lands.

Traffic Study. A study of traffic behavior by a licensed engineer.

Transit. A multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail, shared-ride taxi, shuttle bus or vanpool.

Transit Facility. A development provided by a public transportation provider, which is designed to aid or encourage community use or multi-modal public transportation system, such as bus and van/carpools.

Transitional Surfaces. An area extending outward at 90 degree angles to an airport's runway centerline at a slope of seven feet horizontally for each foot vertically.

Transitional Zone. The areas beneath the transitional surfaces.

Transplant. The relocation of a tree from one place to another on the same property.

Tree. Any self-supporting perennial woody plant that matures at a height greater than 26 feet and is generally referred to in the nursery and landscape industry as a tree.

Tree Farm. See Commercial Nursery.

Tree, Hazard. Any tree with a combination of structural defect and/or disease and a proximity to persons or property which makes it subject to a high probability of failure, as recommended by a qualified arborist.

Tree, Mitigation. A tree planted and retained to achieve the required tree density for a parcel or to replace a tree removed in violation of city ordinance.

Tree, Nuisance. A tree that is causing physical damage to property or has been damaged by past maintenance practices, and for which horticultural practices cannot correct the problem.

Tree Preservation. The retention of a tree or trees during and after construction.

Tree, Specimen. A tree that has been given greater than standard tree density value by the planning official through the evaluation process.

Tree, Street. A tree located within a street right-of-way or street tree easement, adjacent to public or private streets, including undeveloped areas.

Tree Tract. A separate deeded tract of land, specifically set aside for the preservation and/or planting of trees. Stormwater retention/detention facilities, sensitive areas, and other common areas may be considered tree tracts if they currently support the growth of trees.

Tree Unit. A unit of measurement based upon the size of the tree as set forth in Chapter [20.770](#) VMC, Tree, Vegetation, and Soil Conservation.

Tree, Vegetation and Soil Plan. A plan that contains specific information pertaining to the protection of healthy soil, and the preservation, and planting of trees and native vegetation pursuant to Chapter [20.770](#) VMC, Tree, Vegetation, and Soil Conservation.

Tree, Vegetation and Soil Protection Area (TVSPA). A separate tract of land, which may or may not be deeded as such, specifically set aside for the preservation of healthy soils and the preservation or planting of existing and/or native vegetation and trees. Stormwater retention/detention facilities, critical area buffers and other common areas may be considered TVSPA if they currently or are improved to an extent where they can support healthy soils and the growth of native vegetation and trees. The purpose of these areas for preserving healthy soils, preserving and/or planting native vegetation and trees is stated on the face of the plat when applicable.

Tribe or Tribes. Regarding Archaeological Preservation, any federally-recognized or other local Native American government organization which may consider the site to be of historic or cultural significance.

Truck, Heavy. Trucks, including truck tractors and similar vehicles, with two or more rear axles.

Truck, Light. Trucks and similar vehicles with single rear axles and single rear wheels.

Truck, Medium. Trucks and similar vehicles other than truck tractors with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category. (Ord. M-4402 § 3(C), 2023; Ord. M-4325 § 3, 2020; Ord. M-4179 § 65, 2016; Ord. M-4034 § 2, 2012)

20.150.040F Meanings of Specific Words and Terms U through Z.

Undevelopable Area. An area that cannot be used practicably for a habitable structure because of natural conditions, such as slopes exceeding 20 percent; severe topographic relief; water bodies; or conditions that isolate one portion of a property under another portion so that access is not practicable to the unbuildable portion. Undevelopable area also includes man-made conditions such as existing development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

Undeveloped. Regarding the Tree Conservation Ordinance, a parcel of land on which no buildings or other facilities are located and which is to remain without improvements for a period of six years.

Uniform Plumbing Code. The current version of the Uniform Plumbing Code as adopted by the City of Vancouver at the time construction commences.

Urban Area. For the purposes of 20.775 VMC, Wetlands and Water Bodies Protection, urban area means the area within the Vancouver urban growth boundary.

Urban Forestry. The art and science of planning, managing, and protecting natural and planted vegetation in urban areas.

Urban Growth Boundary. The boundary of an urban growth area designated in the Clark County Comprehensive Land Use Plan.

Use. An activity or purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

Utility Facilities. All physical facilities necessary for the provision of the following services:

1. Sewer;
2. Water;
3. Electricity;
4. Natural gas;
5. Telephone;

6. Cable television;
7. Storm drainage; and
8. Transportation.

Utility Facilities, Essential. Those facilities which are necessary to support principal development and involve only minor structures such as:

1. Overhead lines and poles;
2. Underground lines and pipes;
3. Transformers and regulator stations; and
4. Private, on-site facilities such as septic tanks and wells.

Utility Facilities, Major. Those facilities which have a substantial public impact, including but not limited to:

1. Administrative offices and operation centers;
2. Sewage treatment plants and lagoons;
3. Electric generation facilities including biomass generating facilities; and
4. Essential public facilities as defined in Chapter [20.855 VMC](#), Essential Public Facilities.

Utility Facilities, Minor. Those facilities which have a local impact on surrounding properties and are necessary to provide essential services such as:

1. Transmission and distribution substations;
2. Pump stations;
3. Water towers and reservoirs;
4. Public wells;
5. Outfalls;
6. Telephone switching facilities;

7. Cable television receiver and transmission facilities, excluding wireless communications facilities as defined in Chapter [20.890 VMC Wireless Communications Facilities](#);
8. Catch basins, retention ponds and related facilities; and
9. Water treatment facilities.

Variance. An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of the development code.

Vehicle, Accessory Recreational. A vehicle with or without motive power, which is designed for sport or recreational use or which is designed for human occupancy on an intermittent basis such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory recreation vehicle when it is standing alone. A recreational vehicle also includes vehicles designed for off-road use:

1. Off-road vehicles;
2. Dune buggies; and
3. Recreational boats.

Vehicle, Commercial. Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire. (Per RCW [46.04.140](#))

Vehicle, Featured Display (Auto Dealership Plan District). Featured Vehicle Display is the "showcasing" of motor vehicles outdoors within the plan district.

Vehicle, Motor. Vehicles that have their own motive power and are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles with motive power.

Vehicle, Passenger. A motor vehicle designed to carry ten persons or fewer including the driver. Passenger vehicle also includes motor vehicles designed to carry ten persons or fewer that are constructed on a truck chassis or with special features for occasional use. Passenger vehicles include cars, minivans, passenger vans, and jeeps. Passenger vehicle is intended to cover the vehicles identified as passenger cars and multi-purpose passenger vehicles by the

National Highway Traffic Safety Administration in Title [49](#) of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle and Truck.

Vesting. A legal right of applicants to have their development application reviewed under the regulations in effect as of a certain date when the application has met certain timing and completeness requirements. For example, an application determined by the Review Authority to be fully complete is vested under the regulations in effect at the time of such determination, regardless of subsequent changes to development regulations.

Vesting, Contingent. A legal right of applicants to have their fully complete development application, when submitted within 180 days of the pre-application conference, reviewed under the development regulations, not including fees, in effect at the time of the pre-application conference.

Vision Clearance Triangle. An area, typically triangular in shape adjacent to a driveway or at a property corner where two streets (or an alley and street) intersect, that must be maintained clear of visual obstructions to provide visibility to motorists and pedestrians.

Visual Obstruction. An obstruction of vision through landscaping, structure or device in those areas near intersections of roadways and motor vehicle access points where a clear field of vision is necessary for traffic safety.

Walkway. A facility for pedestrian use to or through a parcel for the general public which may or may not be adjacent to the street. Walkways may differ from sidewalks in standards, alignment, shape, location, construction materials, and overall installation.

Washington Heritage Register. The state listing of properties that are significant to the community, state or nation, but which do not meet the criteria of the National Register of Historic Places [Ord. [M-3243](#), [2](#) (part), [M-1996](#)].

Wastewater Facility. In Chapter [14.12.020](#) VMC, Water and Sewer Facilities, the City of Vancouver's industrial wastewater collection system and industrial wastewater pretreatment facility constructed in 1979, and sometimes known as the pretreatment lagoon.

Water-dependent. A use or portion of a use that requires direct contact with the water and cannot exist at a nonwater location due to the intrinsic nature of its operations. Also see the Vancouver Shoreline Management Master Program.

Water-enjoyment. A use or activity which facilitates or provides public access to the shoreline, and through its location, design, and operation assures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. A water-enjoyment use or activity must be open to the general public, and space within it must be devoted to fostering public enjoyment of the shoreline. Parks, piers, restaurants, trails, promenades, museums, aquariums, reserves, and resorts are examples of water-enjoyment uses and activities. Also see the Vancouver Shoreline Management Master Program.

Water-related. A use or activity which must be located close to the land/water interface to support a water-dependent use or activity either by its own operation or by the provision of the services it houses. The economic viability of a water-related use or activity is dependent on a location near the waterfront. Warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, and log storage are examples of water-related uses or activities. Also see the Vancouver Shoreline Management Master Program.

Watershed. A topographically delineated area draining to a single surface water system as identified and mapped by Clark County Public Works.

Weekday. Any day of the week except Saturday, Sunday, and legal holidays.

Wetland or wetlands. Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands."

Wetland Buffer. An area that surrounds and protects a wetland from adverse impacts to the functions and values of a regulated wetland.

Wetland Creation. The manipulation of the physical, chemical or biological characteristics present to develop a wetland on an upland or deepwater site where a biological wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will

produce a wetland hydroperiod, hydric soils, and support the growth of hydrophytic plant species. Creation results in a gain in wetland acres and functions.

Wetland Enhancement. The manipulation of the physical, chemical or biological characteristics of a biological wetland to increase or improve specific functions or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Activities typically consist of planting vegetation, controlling nonnative or invasive species, modifying site elevations to result in open water ponds or some combination of these. Enhancement results in a change in certain wetland functions and can lead to a decline in other wetland functions. It does not result in a gain in wetland acres.

Wetland Preservation. The removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes activities commonly associated with the protection and maintenance of wetlands through the implementation of appropriate legal and physical mechanisms, such as recording conservation easements and providing structural protection like fences and signs. Preservation does not result in a gain of wetland acres or functions but may result in a gain in functions over the long term.

Wetland Re-establishment. The manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historic functions and environmental processes to a former wetland. Activities could include removing fill material, plugging ditches or breaking drain tiles. Re-establishment results in a gain in wetland acres and functions.

Wetland Rehabilitation. The manipulation of the physical, chemical or biological characteristics of a site with the goal of repairing natural or historic functions, and processes of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland or breaking drain tiles and plugging drainage ditches. Rehabilitation results in a gain in wetland functions but not in wetland acres.

Wetland, Scrub-shrub. A wetland with at least 30 percent of its surface area covered by woody vegetation less than 20 feet in height as the uppermost strata.

Wetlands Delineation Manual. Approved federal wetland delineation manual and applicable regional supplements.

Wind-firm. A tree which has a high probability of withstanding windstorms.

Wireless Communications Facilities. The site, wireless communications support structures, antennae, accessory equipment structures, and appurtenances used to transmit, receive, distribute, provide or offer wireless telecommunications services. Wireless communications facilities include, but are not limited to, antennae, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronic, and switching equipment.

Wireless Communications Support Structures. A structure erected to support wireless communications antennas and connecting appurtenances. Wireless communications support structures may include, but are not limited to lattice tower, monopoles, and guyed towers.

Wireless Communications Systems. The sending and receiving of radio frequency transmissions and the connection and/or relaying of these signals to land lines and other sending and receiving stations (cell sites), and including, but not limited to cellular radiotelephone, personal communications services (PCS), enhanced/specialized mobile radio (ESMR), commercial paging services, and any other technology which provides similar services.

Writing, Written or In Writing. These terms refer to original signed and dated documents. Facsimile (fax) transmissions are a temporary notice of action that must be followed via mail or delivery of the original and dated document.

Yard. Any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed by any structure from the ground upward to the sky. Required setback areas shall be considered yards as defined herein.

Yard, Front. An open space defined by setbacks extending the full width of the lot between a setback line and the front lot line, unoccupied, and unobstructed from the ground upward, except as specified elsewhere in this title.

Yard, Rear. An open space defined by setbacks extending the full width of the lot between a setback line and the rear lot line, unoccupied, and unobstructed from the ground upward, except as specified elsewhere in this title.

Yard, Side. An open space defined by setbacks extending from the front yard to the rear yard between a setback line and the nearest side lot line, unoccupied, and unobstructed from the ground upward, except as specified elsewhere in this title.

Yard, Street Side. On corner lots where two streets intersect, an open space defined by setbacks extending from the front lot line to the rear lot line, along the side of the lot which fronts on a street and between the setback line and side street lot line, unoccupied, and unobstructed from the ground upward, except as specified in this title.

Zoning District. A geographic area which corresponds to a comprehensive plan designation and which specifies allowed and conditionally allowed uses and applicable standards for development within the district. Also referred to as Zone or District. (Ord. M-4380 § 4, 2022; Ord. M-4179 § 66, 2016; Ord. M-4176 § 4, 2016; Ord. M-4034 § 2, 2012)

The Vancouver Municipal Code is current through Ordinance M-4431, passed December 18, 2023.

Disclaimer: The city clerk's office has the official version of the Vancouver Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

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Chapter 20.740

CRITICAL AREAS PROTECTION

Sections:

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- 20.740.020 General Provisions.**
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- 20.740.090 Unauthorized Critical Areas Alterations and Enforcement.**
- 20.740.100 Designation Process for Habitats of Local Importance.**
- 20.740.110 Fish and Wildlife Habitat Conservation Areas.**
- 20.740.120 Frequently Flooded Areas.**
- 20.740.130 Geologic Hazard Areas.**
- 20.740.140 Wetlands.**

20.740.010 Purpose.

- A. The purpose of this chapter is to designate and protect critical areas and their functions and values, while also allowing reasonable use of property. Critical areas are ecologically sensitive and hazardous areas and protecting them or mitigating any impacts to them is important for protection of the environment and quality of life for the citizens of Vancouver, and is mandated by the Washington Growth Management Act (GMA) (RCW 36.70A). The GMA requires Cities and Counties to develop Critical Area regulations based on Best Available Science. All regulations included herein have been developed in response to Best Available Science at the time of adoption.
- B. This chapter provides protection for the following critical areas: Wetlands, Fish and Wildlife Habitat Conservation Areas, Geologically Hazardous Areas, and Frequently Flooded Areas. Critical Aquifer Recharge Areas are covered in VMC Chapter [14.26](#).

- C. This chapter implements the goals and policies of the Vancouver Comprehensive Plan, , under the GMA and other related state and federal laws. (Ord. M-3692, Added, 02/28/2005, Sec 2)

20.740.020 General Provisions.

- A. *No Net Loss of Functions.* Development activity shall result in no net loss of the functions and values of critical areas. The beneficial functions provided by each type of critical area include, but are not limited to:
1. *Fish and Wildlife Habitat Conservation Areas.* Providing habitat for breeding, rearing, foraging, protection and escape, migration, and over-wintering; and providing complexity of physical structure, supporting biological diversity, regulating stormwater runoff and infiltration, providing wave attenuation, removing pollutants from water, and maintaining appropriate water temperatures.
 2. *Frequently Flooded Areas.* Providing flood storage, conveyance, and attenuation of flood waters; minimizing the amount of development at risk in such areas to protect human life and safety, including reducing damage to homes, places of business, public facilities, and utilities; and minimizing business interruptions.
 3. *Geologic Hazard Areas.* Providing erosion control and protecting public safety, including people, structures, and infrastructure, from damage during seismic events, landslides, significant erosion, debris flows, and rock falls
 4. *Wetlands.* Providing carbon sequestration, cleansing surface water, storing and conveying floodwater, and providing fish and wildlife habitat.
- B. *Temporary and Permanent Markers and Signs.* With the exception of Frequently Flooded Areas and Seismic Hazard Areas, temporary and permanent markers and signs shall be installed for critical areas as follows:
1. *Temporary Sign Requirements.* The location of the outer perimeter of the critical area(s) and buffer(s) shall be marked in the field and approved by the Planning Official prior to the commencement of permitted activities and maintained throughout the duration of the construction.
 2. *Permanent Sign Requirements.*

- a. A permanent physical demarcation along the outer/upland boundary of the critical area buffer(s) shall be installed and thereafter maintained. Such demarcation may consist of fencing, hedging, or other prominent physical marking that allows wildlife passage, blends with the critical area environment, and is approved by the Planning Official. If the function and values of the critical area would be degraded by the existing or proposed activity, such as the presence of grazing animals, a fence shall be erected and maintained.
 - b. Permanent signs are posted at intervals of one every 50 feet, or, if this interval cannot be met, an interval of one per lot for single-family residential uses or at a maximum interval of 200 feet, or as otherwise determined by the Planning Official, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the Planning Official: "The area beyond this sign is a critical area or critical area buffer. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."
3. Applicability. Applicants will be responsible for signage and demarcation within land that falls on the subject property(ies) included within the application for a Critical Areas Permit.
4. Additional standards for temporary and permanent marking of geologic hazards are contained in VMC 20.740.130.

C. Relationship to Other Regulations.

1. The critical areas regulations apply in addition to zoning and other regulations adopted by the City.
2. When more than one critical area is located on a project site, regulations protecting each critical area apply to the site. Where critical areas overlap (e.g., a wetland buffer and a riparian buffer), the most restrictive regulations that provide the most protection for the critical areas present establish the outer boundary of the regulated critical areas. Mitigation will be required for impacts to each critical area to ensure no net loss.

3. When there is a conflict between any provisions of this chapter and any other regulations, the requirement that provides the most protection to the critical area(s) applies.
4. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements. The applicant is responsible for complying with other state and federal requirements in addition to the requirements of this chapter.

D. *Jurisdiction.*

1. All areas within the city meeting the definitions within Chapter 20.150 and descriptions within 20.740.020(a) of one or more critical areas and their buffers, whether mapped or not, are hereby designated critical areas and are subject to the provisions of this chapter.

- E. *Warning and Disclaimer of Liability.* Critical areas development should be based on sound scientific and engineering considerations that may be more stringent than those presented in this chapter. The City assumes no liability if these established standards prove to be insufficient protection of property or the environment.

20.740.030 Applicability and Exemptions from Requirement to Obtain Permit.

A. *Applicability.*

1. No person, company, agency, or applicant shall alter a critical area or buffer except as consistent with the requirements of this chapter, whether or not a permit is required.

- B. *Statements of Exemption Process.* For activities listed in subsection (C)(1) of this section, a written Statement of Exemption from the requirement to obtain a Critical Areas Permit is required prior to undertaking the activity. Activities listed in subsection (C)(2) of this section do not require a statement of exemption. Those seeking an exemption under this chapter are required to demonstrate compliance with the mitigation sequence outlined in 20.740.060.

1. Exempt activities are not required to obtain a Critical Areas Permit. However, all activities in critical areas, including exempt activities, are subject to the policies and

regulations of this chapter. If a land use permit is not required, the Planning Official may attach conditions to building and engineering permits, as necessary, to enforce the provisions of this chapter.

2. The request for the Statement of Exemption shall be in writing, on forms required by the Planning Official, and include the information required by the Planning Official. Statements of Exemption shall be processed as a Type I procedure per Chapter 20.210 Decision Making Procedures.

C. Exemptions from Requirement to Obtain a Critical Areas Permit.

1. Activities requiring a Statement of Exemption.

- a. *Existing Structure Remodel – Impervious Surface Increase of 200 Square Feet or Less.* Development or clearing inside a Critical Area or buffer as necessary to remodel an existing structure, provided:
 - i. The activity will increase the footprint of structures with impervious surfaces by a maximum of 200 square feet cumulatively;
 - ii. The distance from the nearest structure or impervious surface to a critical area is not decreased;
 - iii. All native vegetation disturbed as a result of the development shall be replaced one-to-one, except that trees shall be replaced using tree units derived from VMC Chapter [20.770](#), Tree, Vegetation, and Soil Conservation. Native vegetation shall be used where feasible;
 - iv. Impacts to critical areas and buffers shall be minimized and mitigated in accordance with the City's critical areas approval criteria; and
 - v. No adverse impacts to priority Oregon white oak trees may result.
- b. *No Impervious Surface Increase in the Riparian Management Area (RMA) or Riparian Buffer (RB) and Located outside Frequently Flooded Areas.* Development activity on a site within the footprint of existing structures or impervious surfaces that does not increase the impervious surface area in the RMA or RB, not located in Frequently Flooded Areas, and that is not otherwise

exempt under subsection B of this section shall be exempt from the provisions of VMC 20.740.110 (Fish and Wildlife Habitat Conservation Areas).

The applicant is encouraged to provide enhancement to the extent feasible. Such enhancement activities may include, but are not limited to, landscaping using native plants, additional treatment of stormwater as appropriate, and implementation of best management practices (BMPs) that would enhance habitat functions.

- c. *Approved Subarea Plan with EIS.* Development activity covered by and in compliance with all the conditions of an approved subarea plan that contains:
 - i. Baseline information on existing critical areas and their functions at the level of detail required for an Environmental Impact Statement (EIS) under the State Environmental Policy Act (SEPA);
 - ii. An analysis of the impacts of full development at the level of detail required for an EIS under SEPA and in keeping with the plan; and
 - iii. Mitigation for those impacts consistent with the requirements of this chapter.
- d. *Fence.* A fence may be installed in a critical area buffer (not in a critical area) where:
 - i. The fence is necessary for safety and security;
 - ii. The property was developed prior to the effective date of VMC Chapter 20.740 (April 29, 2005); and/or
 - iii. The fence is designed and installed in a manner that protects the critical area and buffer functions and blends with the critical area environment.
- e. *On-site Critical Area Will Be Avoided.* Development may be permitted on a site containing a critical area or buffer when the Planning Official determines that impacts to critical areas and buffers will be avoided. In making this

determination, the Planning Official shall utilize all of the procedures and criteria listed below to determine that the adverse impacts will be avoided.

- i. The critical area(s) and buffer(s) has/have been identified in the field, clearly mapped by a qualified professional, and documented by a limited-scope critical areas report (for example, a wetland boundary delineation without categorization or functional assessment, but with the minimum documentation necessary to justify the boundary location).
 - ii. The site plan and preliminary plat show a development envelope that demonstrates that all activity will take place outside critical areas and buffers.
 - iii. The boundaries of the development envelope are clearly outside of all maximum critical areas and all maximum buffers.
- f. *Maintaining Fire-Defensible Space.* Maintaining fire-defensible space around a structure to reduce fire hazards, involving regular maintenance of existing trees at least 6 inches in diameter at breast height, grasses, and underbrush, not tree removal or other ground-disturbing or soil-destabilizing activities. Creating fire-defensible space or undertaking other development requires a Critical Areas Permit per the critical areas approval process and could require other permits as well.
 - i. Pruning trees, grasses, and brush within a critical area or buffer to maintain fire-defensible space around a structure may be permitted when one or more of the following criteria are met:
 - (A) The structure nearest the property line is within 30 feet of a slope of at least 25 percent (also designated as a Landslide Hazard Area under this chapter);
 - (B) The nearest structure is within 30 feet of a forested area;
 - (C) The vegetation within 30 feet of the structure is comprised of less than 50 percent native species;

- (D) The vegetation within 30 feet of the structure is higher than 12 inches;
 - (E) Trees are crowded within 30 feet of the structure or overhanging the structure's roof; or
 - (F) The structure is located in an area designated by the Fire Marshal as a "Wildfire Safety Area."
- ii. When maintenance of a fire-defensible space is permitted, the following standards shall apply:
 - (A) Trees may be pruned or limbed-up to mitigate a hazard, but trees may not be removed without a Critical Areas Permit and any other necessary permit(s).
 - (B) Topping trees is prohibited.
 - (C) Grasses and underbrush shall be maintained between 8 inches and 12 inches in height.
 - (D) Any debris from pruning shall be disposed of promptly and properly.
- g. *Development Located within Soil Erosion Hazard Areas Only.* When no other type of critical area, including other types of geologic hazards is present, development within Soil Erosion Hazard Areas shall meet the requirements of VMC Chapter 14,24, Erosion Control, including preparation of . a Stormwater Report, if required,. In addition, the applicant shall file a limited scope Geotechnical Report prepared by a qualified professional as defined by VMC Chapter 20.150, which shall be provided to the Planning Official for review at the earlier of development application, engineering document review, or building permit review. Upon review of the limited scope Geotechnical Report, the Planning Official may exempt the development from the need for a Critical Areas Permit.
- h. *Development/Expansion of a Single-Family Residence with a Loss of a Single, Standalone Oregon white oak.* The loss of a single, standalone Oregon white

oak tree that meets the WDFW PHS status (must not be part of a woodland that includes off-site trees) and in accordance with the definition listed in VMC 20.150.150(D) that is equal to or less than 6 inches dbh for the purpose of developing a single-family residence or expansion of an existing single-family residence structure (does not include expansion of detached garages, outbuildings, accessory dwellings, decks, gardens, etc.).

2. *Activities for which a Statement of Exemption is not required.* Reasonable methods shall be used to avoid potential impacts to critical areas. Any damage to, or alteration of, a critical area that is not a necessary outcome of the exempt activity shall be corrected at the property owner's expense.

The following activities are exempt from needing a Critical Areas Permit and do not require a statement of exemption:

- a. *Emergencies.* Those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of property damage and that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter, so long as all of the following apply:
 - i. The emergency action uses reasonable methods to address the emergency.
 - ii. The emergency action must have the minimum possible impact to the critical area or its buffer.
 - iii. The property owner, person, or agency undertaking such action shall notify the City within 10 working days following commencement of the emergency activity.
 - iv. Within 14 days the Planning Official shall determine if the action taken was within the scope of the emergency actions allowed in this section. If the Planning Official determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then the critical areas enforcement provisions shall apply.

- v. After the emergency, the property owner, person or agency undertaking the action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved Critical Areas Report and mitigation plan. The property owner, person or agency undertaking the action shall apply for review. The alteration, Critical Areas Report, and mitigation plan shall be reviewed by the City in accordance with the review procedures contained in this chapter.
 - vi. Restoration and/or mitigation activities must be initiated within three months of the date of an approved Critical Areas Report and mitigation plan or as otherwise determined by the Planning Official and completed in a timely manner.
- b. *Hazard Tree*. Emergency or hazard tree removal (as defined in VMC Chapter [20.770](#)) conducted so that critical area impacts are minimized.
- c. *Landscape Maintenance*. Landscape maintenance (other than tree removal) consistent with accepted horticultural practices, such as those recommended by the Washington State University Extension Service, within the boundaries of an existing lawn, garden or landscaped area and not associated with development.
- d. *Noxious or Invasive Plants*. Clearing of noxious or invasive plants using hand-held equipment such as a weed-whacker, provided (1) fueling and maintenance take place outside the critical area and buffer; (2) all cleared vegetation is taken away and disposed of properly; and (3) denuded soils are stabilized with native vegetation. The City of Vancouver's Noxious or Invasive Plants List and Native Plant Species List are available from the Planning Official.
- e. *Pesticides, Herbicides, Fungicides, or Fertilizers*. Application of pesticides, herbicides, fungicides, or fertilizers, when done as directed in the package instructions as required by state and federal laws.

- f. *State or Federally Approved Conservation or Preservation.* State or federally approved conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife that does not entail changing the structure or functions of the existing critical area or buffer.
- g. *Harvesting Wild Crops.* The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops or other native vegetation and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the critical area or buffer by changing existing topography, water conditions or water sources.
- h. *Passive Activities.* Passive outdoor recreation, education, and scientific research activities such as fishing, hiking, and bird watching that do not degrade the critical area or buffer.
- i. *Land surveys, soil sampling, percolation tests, and other related activities.* In every case, impacts to the critical area or buffer shall be minimized and disturbed areas shall be stabilized and replanted immediately.
- j. *Navigational Aids and Boundary Markers.* Construction or modification of navigational aids and boundary markers. Impacts to the critical area or buffer shall be minimized and disturbed areas shall be restored within 72 hours.
- k. *Agricultural Activities.* Existing and ongoing agricultural activities protected under the federal Food Security Act occurring in wetland areas.

Existing and ongoing agriculture within Fish and Wildlife Habitat Conservation Areas so long as livestock and application of pesticides, herbicides, fungicides, and fertilizers is done in accordance with package instructions.

- l. *State or Federally Approved Restoration or Enhancement Project.* Implementation of a state or federally approved restoration or enhancement project not related to any development project.
- m. *Operation, Repair and Maintenance.* Operation, repair and maintenance of existing structures, infrastructure, roads, sidewalks, railroads, trails, dikes, or

levees or water, sewer, stormwater, power, gas, telephone, cable, or fiber optic facilities if the activity does not further increase the impact to, or encroach farther within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, repair, or maintenance.

- n. *Public Improvement Projects.* Public improvement projects located within existing impervious surface areas.
- o. *City, State or Federally Approved Stand-alone "Critical Area" Creation Project.* Implementation of a City, State or federally approved stand-alone "critical area" creation project that is not mitigation. Also see the definition of "Wetlands" in VMC Chapter [20.150](#).
- p. *Clearing in Frequently Flooded Areas and Seismic Hazard Areas Only.* Clearing vegetation within the floodplain and within a Seismic Hazard Area, but outside other types of critical areas.
- q. *Vegetation Clearing.* Clearing vegetation in critical areas that are only Seismic Hazard Areas
- r. *Fence Repair.* Maintenance, repair, and in-kind replacement of existing fences.
- s. *Liquefaction Hazard Areas and Ground Shaking Amplification Hazard Areas Only.* Sites identified as located within only a Liquefaction and Ground Shaking Amplification Hazard Area (VMC [20.740.130](#) – Geologic Hazard Areas) shall be exempt from needing to obtain a Critical Areas Permit. All projects within the Liquefaction and Ground Shaking Amplification Hazard Area must comply with the Building Code at time of building permit review, including providing a Geotechnical Report. (Ord. M-4034 § 23, 12/03/2012; Ord. M-4017 § 5, 07/16/2012; Ord. M-3931 § 22, 11/02/2009; Ord. M-3922 § 36, 07/06/2009; Ord. M-3844 § 2, 10/01/2007; Ord. M-3692, Added, 02/28/2005, Sec 2)

20.740.040 Approval Process.

A. Critical Areas Permit Process.

1. *Pre-application Conference Required.* A pre-application meeting or waiver per VMC Chapter [20.210](#) is required prior to submitting a Critical Areas Permit. Pre-application conferences shall not be required for the following:
 - a. Activities and developments listed as exempted from critical areas standards and permits.
 - b. Proposals involving only an addition to an existing single-family or duplex house, including accessory structures, such as accessory dwelling units, attached and detached garages, and/or carports, shops, and sheds.
 - c. Other minor improvements determined by the Planning Official to not warrant a pre-application meeting or waiver.
2. *Critical Areas Permit.* If a proposed development activity is determined not to be exempt per the listed critical areas exemptions, the applicant and/or owner shall obtain a Critical Areas Permit prior to commencing the development activity. Critical Areas Permits shall be processed as a Type I permit when no other permits are filed concurrently or reviewed according to the procedures of the underlying land use application pursuant to VMC Chapter [20.210](#).
3. *Review Procedure.* The Planning Official shall make a determination as to whether the proposed activity and mitigation, if any, are consistent with the critical areas approval criteria of VMC Chapter [20.740](#) and in compliance with the performance

standards for the type(s) of critical area(s) involved. The city may consult with State Agencies for preliminary review of mitigation.

4. *Expiration of Permit.* The Critical Areas Permit shall be valid for as long as the underlying land use permit is in effect or as otherwise specified by the Planning Official.

B. *Notice on Title – Covenant and Tracts.*

1. *Covenants.* This section applies to all nonexempt projects that involve critical areas and buffers, with the exception of Frequently Flooded Areas.
 - a. The owner of any property containing a critical area or buffer on which a development proposal is approved shall file a covenant with the county records and elections division according to the direction of the City. The covenant shall state the presence of the critical area and/or buffer on the property, the application of this chapter to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist, including that the area(s) within the conservation covenant be maintained in a natural state without disturbance to vegetation or other features unless otherwise approved by the City. The covenant shall “run with the land” in perpetuity. The covenant shall include a map and legal description of the critical area, with wording in the notice substantially similar to the following:

“Prior to and during the course of any grading, building construction or other development activity on this property containing or abutting a critical area, the area of development activity must be fenced or otherwise marked to the satisfaction of the City. The critical area shall be maintained in its natural state without disturbance to vegetation or other features, except as provided for by VMC Chapter 20.740 , Critical Areas Protection. Yard waste, debris, fill, equipment, vehicles, and materials shall not be placed in the critical area.”
 - b. The applicant shall submit proof that the covenant has been filed for public record before the City approves any site development or construction for the property or, in the case of subdivisions, short subdivisions, planned unit

developments, binding site plans, and other developments that involve platting, at or before recording of the plat.

- c. Any modifications to an established and recorded conservation covenant shall be consistent with the standards of this chapter and the originally issued Critical Areas Permit that established the subject conservation covenant. The modification shall be processed as under a Type I review process. Any modification of the covenant that is inconsistent with the originally issued Critical Areas Permit or with the standards of this chapter shall be subject to a review and receive a Critical Areas Permit consistent with the standards of this chapter.
2. *Tracts.* This section applies in addition to subsection (B)(1) of this section, to projects that involve platting on properties containing Fish and Wildlife Habitat Conservation Areas, Wetlands, Geologic Hazard Areas, and their buffers.
 - a. The property owner shall place the subject critical areas and buffers in one or more nondevelopable tracts except when the responsible official determines that a tract cannot be provided given the constraints of the site, such as size of the property in question, while meeting all other standards of VMC Title 20.
 - b. When the exception in subsection (B)(2)(a) of this section applies, residential lots may extend into the critical area(s) or buffer(s) provided:
 - i. Temporary and permanent markers and signs are installed in compliance with the requirements of VMC 20.740.020, General Provisions.
 - i. The applicant records a conservation covenant protecting the critical area in perpetuity in conformance with VMC 20.740.040(B)(1).

C. Financial Assurances.

1. When mitigation required pursuant to a development proposal is not completed prior to the City's final permit approval, such as final plat approval or final building inspection, the City shall require the applicant to provide security in a form deemed

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- acceptable by the City, including to ensure that mitigation is fully functional taking into account remaining construction, maintenance, and monitoring.
2. The security shall be in the amount of 125 percent of the estimated cost of restoring the functions of the critical area that are at risk.
 3. The security shall remain in effect until the City determines, in writing, that the applicable standards have been met. The security shall be held by the City for a minimum of five years to ensure fully functional mitigation.
 4. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.
 5. Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.
 6. Failure to satisfy any critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within 30 days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default, and the City may demand payment of any financial guarantees or require other action authorized by the City code or any other law.
 7. Any funds recovered pursuant to this section shall be used to complete the required mitigation. Excess funds shall be returned to the applicant.
- D. *Critical Area Inspections.* Reasonable access to the site shall be provided to the City, State, and federal agency review staff for the purpose of inspections during any proposal review, delineation, restoration, emergency action, or monitoring period.
- E. *Burden of Proof.* The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the exemption, Critical Areas Permit, Minor Exception, Reasonable Use Exception, or any other approval requested under this chapter.
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- F. *Appeals*. Any decision to approve, condition, or deny a development proposal or other activity based on the requirements of this chapter may be appealed according to VMC [20.210.130](#).
- G. *Programmatic Permits*. The purpose of a programmatic permit is to provide for ongoing, routine maintenance, operation, or repair activities on sites containing critical areas or buffers (1) so as not to impair an agency's or business's ability to operate effectively and efficiently by requiring separate Critical Areas Permits for each activity; and (2) at the same time protect critical areas and buffers in accordance with this chapter.
1. In addition to the submittal requirements in VMC [20.740.050](#) and any additional Critical Areas report requirements under VMC 20.740.110-140, applicants for a programmatic permit shall submit a proposed management plan. The management plan shall contain:
 - a. A narrative explaining the need for the programmatic permit;
 - b. A list of the ongoing, routine, maintenance, operation, or repair activities that impact or potentially impact critical areas and buffers;
 - c. A description of the potentially impacted critical area and buffer functions;
 - d. Proposed measures and standards for avoiding impacts to critical area and buffer functions and, where unavoidable, mitigating those impacts to achieve no net loss of functions; and
 - e. A training program ensuring that all employees, contractors, and individuals under the supervision of the applicant who are involved in permitted activities understand and perform them in accordance with the terms of the permit.
 2. A programmatic permit may be approved for up to seven years. The permit duration may be tied to other permits or processes.
 3. Every two years for the duration of the programmatic permit 30 days prior to the original date of permit issuance, the applicant shall submit a report to the Planning Official summarizing activities undertaken. The report shall also document the training provided in accordance with subsection [\(G\)\(1\)\(e\)](#) of this section.
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4. The applicant or the City may initiate an amendment to the programmatic permit if anticipated activities, terms, or conditions of the programmatic permit will change. An amendment shall be considered through a Type 1 process following a pre-application conference.
5. An application for reauthorization of a programmatic permit shall be submitted at least 90 days prior to the date the current permit expires. Programmatic permits may be reauthorized through a Type 1 process following a required pre-application conference. Permit standards and conditions may be modified to conform to the current codes, policies, and standards or based on past performance. Where the review of the reauthorization application will extend beyond the expiration date of the current programmatic permit, the Planning Official may extend the duration of the current permit for up to 60 days at a time, not to exceed 180 days.

20.740.050 Submittal Requirements.

- A. *Preparation by Qualified Professional.* Any required critical areas report shall be prepared by a qualified professional as defined in VMC Chapter 20.150.
- B. *General Critical Areas Report Contents.* At a minimum, the critical areas report shall contain the following:
 1. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;
 2. A copy of the site plan for the development proposal, including:
 - a. A map to scale depicting critical areas, buffers, the development proposal, and any areas to be altered or developed; and
 - b. A proposed stormwater management and sediment control plan for the development, including a description of any impacts to drainage alterations;
 3. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site. Critical Areas Reports shall be prepared by a qualified professional for the type of critical area involved;

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4. *Identification and scientific characterization of all critical areas and buffers.* The scientific characterization shall include a detailed assessment of the functional characteristics of the critical areas;
 5. An assessment of the probable impacts to critical areas and buffers and risk of injury or property damage including permanent, temporary, and indirect impacts resulting from development of the site and the operations of the proposed development;
 6. A written response to each of the approval criteria in VMC [20.740.060](#);
 7. Plans for adequate mitigation, as needed, to offset any impacts, in accordance with VMC [20.740.050\(F\)](#) Mitigation Plan Requirements; and
 8. *Additional Information.* Any additional information required for the specific critical areas and buffers as specified in VMC [20.740.110](#) Fish and Wildlife Habitat Conservation Area, VMC [20.740.120](#) Frequently Flooded Areas, VMC [20.740.130](#) Geologic Hazard Areas, and VMC [20.740.140](#) Wetlands.
- C. *Other Reports or Studies.* Unless otherwise provided, a Critical Areas Report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the Planning Official. Provided, the site conditions shall not have changed since the earlier report or study was completed.
- D. *Critical Areas Report – Modifications to Requirements.* The applicant may consult with the Planning Official prior to or during preparation of the Critical Areas Report when the Planning Official determines and a qualified professional recommends that less information is necessary to adequately address the potential impacts to any critical areas or buffers and the required mitigation. In such case the Planning Official may allow a reduced scoped critical areas report.
- E. *Mitigation Plan Requirements.* When mitigation is required, the applicant shall submit a mitigation plan as part of the Critical Areas Report. The mitigation plan shall include:
1. Mitigation rationale: A discussion of the rationale for the proposed mitigation that includes other mitigation options and why the proposed method best achieves the approval criteria in 20.740.060 as compared with other forms and locations for mitigation.
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2. *Detailed Construction Plans.* The mitigation plan shall include descriptions and plans of the mitigation proposed, such as:
 - a. The proposed construction sequence, timing, and duration;
 - b. Grading and excavation details;
 - c. Erosion and sediment control features;
 - d. A planting plan specifying plant species, quantities, locations, size, spacing, and density;
 - e. Measures to protect and maintain plants until established; and
 - f. Detailed site diagrams, scaled cross sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.
 3. *Adaptive Management.* The mitigation plan shall include identification of potential courses of action and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.
 4. *Monitoring Program.* The mitigation plan shall include a program for monitoring construction of the mitigation project and for assessing a completed project.
 - a. A protocol shall be included outlining the schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met.
 - b. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the mitigation project. The mitigation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years or more than 10 years, unless otherwise specified in this code.
 - c. When the applicant believes that the conditions of the monitoring plan are met, the applicant shall contact the City and request that the City certify so in writing. The City shall conduct an on-site assessment as part of the verification process.
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- d. When the City has verified and certified that the conditions of the monitoring plan have been met, the critical area shall no longer be considered as mitigation, but as a critical area when processing a future development permit application(s).
- F. Development may be permitted on a site containing a critical area(s) or buffer(s) which may also be subject to state or federal permits prior to all necessary state or federal permits being obtained when all of the following criteria are met:
 1. A phased master plan is submitted under VMC Chapter [20.260](#) or Chapter [20.268](#) as appropriate, demonstrating:
 - a. How the maximum critical area(s) and maximum buffer(s) will be clearly avoided until all local, state, or federal permits are obtained;
 - b. How each phase could be permitted as an individual project not relying on development of any other phases in any way;
 - c. How each phase could be developed regardless of whether any or all of the pending state or federal permits are ever obtained; and
 - d. The applicant demonstrates that there will be no net loss of critical area functions for each phase or for the project as a whole even if state and/or federal permits are not obtained.
 2. Development is permitted only in the area that clearly avoids the maximum critical area(s) and buffer(s). (Ord. M-4105 § 3, 11/17/2014; Ord. M-4017 § 6, 07/16/2012; Ord. M-3959 § 37, 07/19/2010; Ord. M-3931 § 23, 11/02/2009; Ord. M-3844 § 2, 10/01/2007; Ord. M-3692, Added, 02/28/2005, Sec 2)

20.740.060 Approval Criteria.

Any activity or development subject to this chapter shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria. The City may condition the proposed activity as necessary to mitigate impacts to critical areas and their buffers and to conform to the standards required by this chapter.

A. Mitigation Sequence: Applications for a Critical Area Permit shall demonstrate avoidance of impacts to the greatest extent practicable. The measures below are listed in order of preference:

1. *Avoid Impacts.* The Applicant shall first seek to avoid impacts altogether that degrade the functions and values of (a) critical area(s). This may include not taking a certain action or parts of an action, or necessitate a redesign of the proposal. The applicant shall provide sufficient evidence to demonstrate no practicable alternative exists that results in less impacts before proceeding through the rest of the mitigation sequence.
2. *Minimize Impacts.* Where avoidance is not feasible, the applicant shall adequately demonstrate why impacts could not be avoided, then minimize the impact of the activity by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.
3. *Rectifying.* Rectify the impact by repairing, rehabilitating, or restoring the affected environment.
4. *Reducing.* Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action.
5. *Compensatory Mitigation.* After the applicant has demonstrated why impacts could not be minimized, the applicant shall compensate for the unavoidable impacts by replacing each of the affected functions. The compensatory mitigation shall be designed to achieve the functions as soon as practicable. Compensatory mitigation shall be in-kind and on-site, when feasible, and sufficient to maintain the functions of the critical area, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area. Compensatory mitigation priority for wetlands is specified in VMC 20.740.140(C)(3)(b). Compensatory mitigation shall offset both permanent and temporal impacts. Fish and Wildlife Habitat Conservation Areas are subject to additional compensatory mitigation requirements under 20.740.110(c)(1)(b).

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- B. *No Net Loss*. The proposal protects the critical area functions and values and results in no net loss of critical area functions and values. If loss of critical area functions are expected, adequate mitigation is provided to offset impacts of anticipated loss.
 - C. *Incorporate Best Available Science*. The proposal shall demonstrate measures to protect, avoid, and mitigate impacts to the Critical Area functions and values consistent with Best Available Science known at the time of permit submittal.
 - D. *Monitoring*. The proposal demonstrates adequate measures to monitor the impacts, and measure the effectiveness of proposed mitigation measures. When corrective action is required to ensure no net loss of functions, the proposal outlines the methods by which such correction shall occur.
 - E. *Consistency with General Purposes*. The proposal is consistent with the general purposes of this chapter and does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site.
 - F. *Performance Standards*. The proposal meets the specific performance standards of VMC 20.740.110 Fish and Wildlife Habitat Conservation Areas, VMC 20.740.120 Frequently Flooded Areas, VMC 20.740.130 Geologic Hazard Areas and VMC 20.740.140 Wetlands, as applicable.

20.740.070 Minor Exceptions.

- A. *Minor Exceptions Authorized*. Minor exceptions of no greater than 10 percent from the numeric standards of this chapter may be authorized by the City in accordance with the Type II procedures set forth in VMC Chapter [20.210](#). Minor exceptions shall not be combined with buffer averaging or buffer reduction for Fish and Wildlife Habitat Conservation Areas or Wetlands. Minor exceptions from the National Flood Insurance Program development standards of VMC [20.740.120](#), Frequently Flooded Areas, are prohibited.
- B. *Minor Exception Criteria*. A minor exception from the standards of this chapter may be granted only if the applicant demonstrates that the requested action conforms to all of the following criteria:

1. Unusual conditions or circumstances exist that are specific to the intended use, the land, the lot, or something inherent in the land, and that are not applicable to all other lands in the same vicinity or zoning district;
 2. The unusual conditions or circumstances do not result from the actions of the applicant;
 3. Granting the minor exception requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings under similar circumstances;
 4. The minor exception is necessary for the preservation and enjoyment of a substantial property right of the applicant such as is possessed by the owners of other properties in the same vicinity or district;
 5. The minor exception requested is the least necessary and no greater than 10 percent of the subject standard to relieve the unusual circumstances or conditions identified in Subsection VMC [20.740.070\(B\)\(1\)](#) above;
 6. The granting of the minor exception or the cumulative effect of granting more than one minor exception is consistent with the general purpose and intent of the City of Vancouver Comprehensive Plan, this title, this chapter, and the underlying zoning district;
 7. Degradation of the functions (including public health and safety) of the subject critical areas and any other adverse impacts resulting from granting the minor exception will be avoided, minimized and mitigated to the extent feasible in accordance with the provision of this chapter;
 8. Granting the minor exception will not otherwise be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property; and
 9. The proposed development complies with all other applicable standards.
- C. *Conditions May Be Required.* In granting any minor exception, the City may attach such conditions and safeguards as are necessary to secure adequate protection of critical areas and developments from adverse impacts, and to ensure conformity with this chapter.

20.740.080 Reasonable Economic Use Exceptions.

- A. *Exception Request and Review Process.* If the application of this chapter would deny all reasonable economic use of the subject property, the City shall determine if compensation is an appropriate action, or the property owner may apply for an exception pursuant to this section. Exceptions from the standards of this chapter may be authorized by the City in accordance with the Type III procedures set forth in VMC [20.210](#).

An application for a reasonable economic use exception shall be made to the City and shall include a Critical Areas Report with a mitigation plan and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (RCW [43.21C](#)). The Planning Official shall prepare a recommendation to the Hearings Examiner based on review of the submitted information, a site inspection, and the proposal's ability to comply with the critical areas reasonable use exception criteria.

- B. *Reasonable Use Review Criteria.* The City shall approve applications for reasonable use exceptions when all of the following criteria are met:
1. The application of this chapter would deny all reasonable economic use of the property;
 2. No other reasonable economic use of the property has less impact on the critical area;
 3. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;
 4. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of this chapter, or its predecessor;
 5. The proposal does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;
 6. The proposal mitigates for the loss of critical area functions to the greatest extent feasible; and
 7. The proposal is consistent with other applicable regulations and standards.

20.740.090 Unauthorized Critical Areas Alterations and Enforcement.***A. Enforcement.***

1. It shall be unlawful to violate the provisions of VMC Chapter 20.740. Any violation of this chapter shall constitute a public nuisance.
2. VMC Title 22 shall provide the enforcement provisions for VMC Chapter 20.740. VMC Title 22 may impose any of the remedies, requirements or corrective actions contained in this chapter. In lieu of or in addition to the enforcement provisions contained in VMC Title 22, the City may also seek injunctive or other relief from any court of competent jurisdiction.

B. Requirement for Restoration Plan. In the event the City initiates enforcement action under VMC Title 22 or files a complaint in court, the City may require a restoration plan consistent with the requirements of this chapter. Such a plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the minimum performance standards for restoration requirements. The Planning Official shall, at the violator's expense, seek expert advice in determining whether the plan restores the affected area to its pre-existing condition or, where that is not possible, restores the functions of the affected area. Inadequate plans shall be returned to the applicant or violator for revision and re-submittal.

C. Minimum Performance Standards for Restoration.

1. For alterations to Frequently Flooded Areas, Wetlands, and Fish and Wildlife Habitat Conservation Areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:
 - a. The structure and functions of the critical area or buffer prior to violation shall be restored, including water quality and habitat functions;
 - b. The soil types and configuration prior to violation shall be replicated;
 - c. The critical area and buffers shall be replanted with native vegetation (a list of native species is available from the Planning Official). If the critical area or

buffer is on a site that meets the criteria of VMC [20.740.030\(C\)\(1\)\(f\)\(i\)](#), the vegetation for replanting must be not only native but also fire-resistant. A list of native, fire-resistant species is available from the Planning Official; and

- d. Information demonstrating compliance with this chapter's Mitigation Plan Requirements shall be submitted to the Planning Official.

- 2. For alterations to Frequently Flooded and Geologic Hazard Areas, the following minimum performance standards shall be met for the restoration of a critical area or buffer, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:

- a. The hazard shall be reduced to a level equal to, or less than, the pre-violation hazard;
- b. The risk of personal injury resulting from the alteration shall be eliminated or minimized;
- c. Drainage patterns shall be restored to those existing before the alteration; and
- d. The hazard area and buffers shall be replanted consistent with pre-violation conditions with native vegetation sufficient to minimize the hazard. If the critical area or buffer is on a site that meets the criteria of VMC [20.740.030\(C\)\(1\)\(f\)\(i\)](#), the vegetation for replanting must be not only native but also fire-resistant. A list of native, fire-resistant species is available from the Planning Official.

- D. *Site Investigations.* The Planning Official is authorized to make site inspections and take such actions as are necessary to enforce this chapter.

- E. *Noncompliance in Frequently Flooded Areas.* No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction be subject to enforcement under subsection [A](#) of this section. Nothing herein

contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. M-4325 § 3, 2020; Ord. M-3844 § 2, 2007; Ord. M-3692 § 2, 2005)

20.740.100 Designation Process for Habitats of Local Importance.

A. *Eligibility and Approval Criteria.* Habitats of Local Importance are Fish and Wildlife Habitat Conservation Areas that are not designated under VMC 20.740.110, but are designated as locally significant by the City. Criteria for designation include all of the following:

1. A need for protection exists due to a high diversity of fish or wildlife species, declining populations, scarcity of the habitat type, sensitivity to disturbance from human activity or development, or other unique local habitat functions.
2. The area is sufficient in size to support the species or habitat functions for which it is designated.
3. The designation will not compromise the ability of the City to achieve the goals of the Comprehensive Plan.
4. There is a proposed management strategy describing how the functions of the habitat will be protected after designation.
5. The area and habitat are not otherwise protected under other critical areas regulations.

B. *Designation Process.* Habitats of Local Importance may be proposed by the property owner or the City and shall be designated according to a Type IV legislative procedure (VMC Chapter [20.210](#)). (Ord. M-3692, Added, 02/28/2005, Sec 2)

20.740.110 Fish and Wildlife Habitat Conservation Areas.

A. *Designation and Location.*

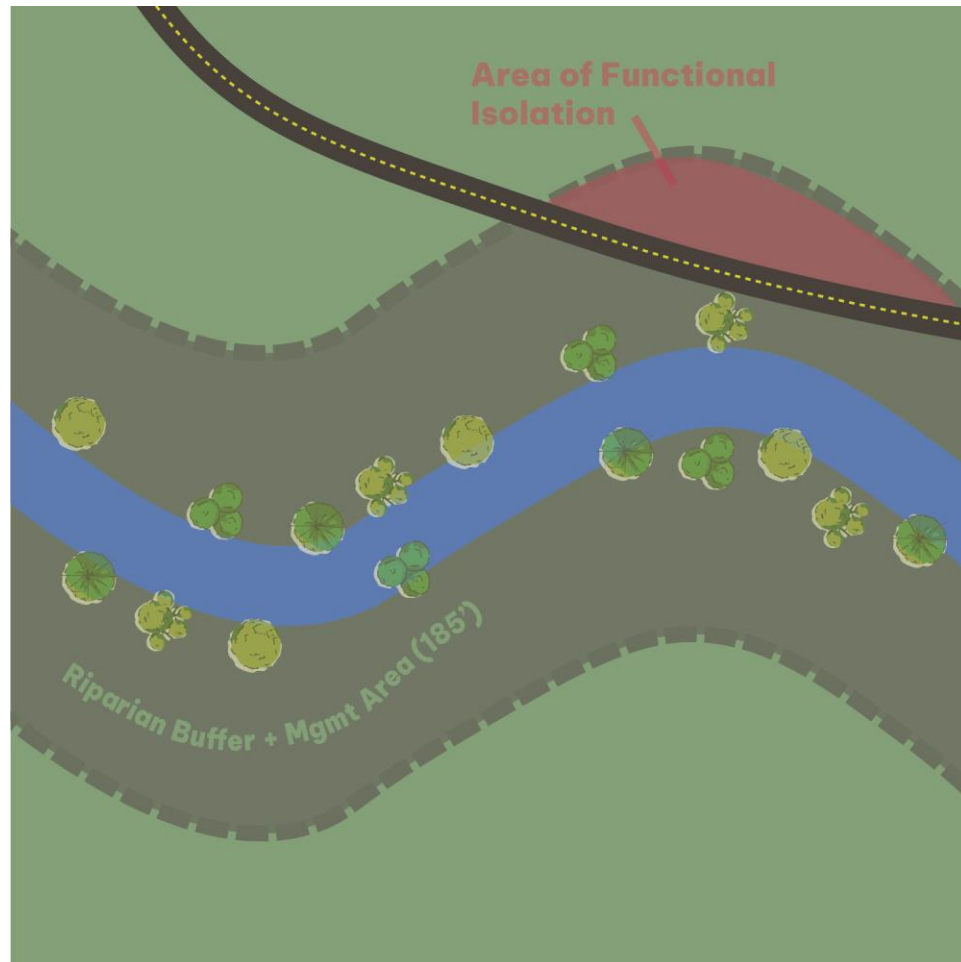
1. The City designates the following identified areas as Fish and Wildlife Habitat Conservation Areas. Final designations shall be based on site conditions and other available data or information (see VMC [20.740.020\[C\]\[1\]](#)).

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- a. Areas where endangered, threatened, and sensitive species have a primary association, including priority habitats and areas associated with priority species as defined by the Washington Department of Fish and Wildlife (WDFW) PHS List. Within the city, these areas and species primarily include, but may not be limited to, the following:
 - i. Riparian areas composed of Riparian Management Areas (RMA's) and Riparian Buffers (RB's);
 - ii. Priority Oregon white oak habitat;
 - iii. Biodiversity areas;
 - iv. Waterfowl concentrations: and
 - v. Aquatic habitat.
 - b. Forage fish spawning areas;
 - c. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish and wildlife habitat;
 - d. Waters of the state;
 - e. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;
 - f. State natural area preserves, natural resource conservation areas, and state wildlife areas; and
 - g. *d Habitats and Species of Local Importance*. Fish and Wildlife Habitat Conservation Areas or individual species that are designated as locally significant by the City in accordance with VMC [20.740.100](#).
 - g. *Fish and Wildlife Habitat Conservation Area Locations* . Information on the approximate location and extent of Fish and Wildlife Habitat Conservation Areas is available from the following sources:
 - h. U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA) Fisheries species list;
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- i. a. WDFW Priority Habitat and Species Maps;
- j. WDFW Anadromous and Resident Salmonid Distribution Maps in the Salmon and Steelhead Habitat Inventory Assessment Program (SSHIAP);
- k. StreamNet.org maps from the Pacific States Marine Fisheries Commission;
- l. Washington State Department of Natural Resources (DNR) Official Water Type Reference Maps; and
- m. Other information acquired by the City such as site-specific or area-specific delineations or studies.

B. Development activities that functionally or physically isolate the RMA or RMB buffer.

When existing impervious surfaces or other built structures functionally or physically isolate the RMA or RB buffer from the waterbody, the regulated RMA or RB wetland buffer shall extend landward from the ordinary high water mark (OHWM) or channel migration zone (CMZ), whichever is greater and terminate at the waterward edge of the impervious surface or manmade structure. Development activities that occur within the area of functional isolation, or further landward, are exempt from the requirement to obtain a Critical Areas Permit.

Figure 20.740.110-1: Functional Isolation

The obstruction causing the physical isolation shall be significant enough in size and stature that protective buffers or other mitigation measures cannot reasonably restore ecological functions or benefits. The Planning Official may rely on a site visit, aerial photographs, other evidence provided by the applicant or the applicant's qualified professional, and consultation with the Washington Department of Fish and Wildlife (WDFW) in making a determination to reduce the width of the RMA, RB, or wetland buffer based on functional and/or physical isolation. The following obstructions shall not constitute functional isolation:

1. Trails, paths, or sidewalks;
2. Minor Accessory structures;
3. Driveways or drive aisles;

4. Subsurface utilities.

Note: RMA's and RB's are measured from the OHWM or the edge of a channel migration zone (CMZ), whichever is further landward. However, no CMZs have been identified within the city limits as of the date this chapter was adopted.

C. *Performance Standards.*

1. *Development Standards*

a. *Development and Clearing Activities.*

- i. Development or clearing activities shall protect the functions of the Fish and Wildlife Habitat Conservation Areas on the site and shall result in no net loss of functions, as required by the approval criteria of this chapter.
- ii. If development or clearing activity is within a Priority Habitat and Species area, the applicant shall follow WDFW Management Guidelines, Management Recommendations, or other standards approved by WDFW.
- iii. Functionally significant habitat, defined as habitat that cannot be replaced or restored within 20 years, shall be preserved unless the activity meets the conditions of VMC 20.740.110(B)(2)(b). An example of habitat that cannot be replaced within 20 years would be a stand of mature trees or a peat bog.

b. *Mitigation.*

- i. Mitigation for impacts within Fish and Wildlife Habitat Conservation Areas shall follow the sequence specified in this chapter's approval criteria. WDFW shall be consulted when a project may potentially impact Priority Habitats and Species (PHS) on or adjacent to the project area.
- ii. Disrupted functions and values shall be mitigated on site as a first priority, and off site thereafter.

- iii. An up-to-date science-based guide, such as applicable watershed, fish recovery, sub-basin, or other science-based plans should be used to guide the proposed mitigation. Any science used to guide mitigation actions, whether on site or off site, must meet the criteria and characteristics of best available science listed in WAC 365-195-905 (Criteria for determining which information is the “best available science”), or the state standards in effect at the time of application.

c. *Signs for Fish and Wildlife Conservation Areas.*

- i. Temporary and permanent markers and signs shall be installed as required by this chapter’s General Provisions.

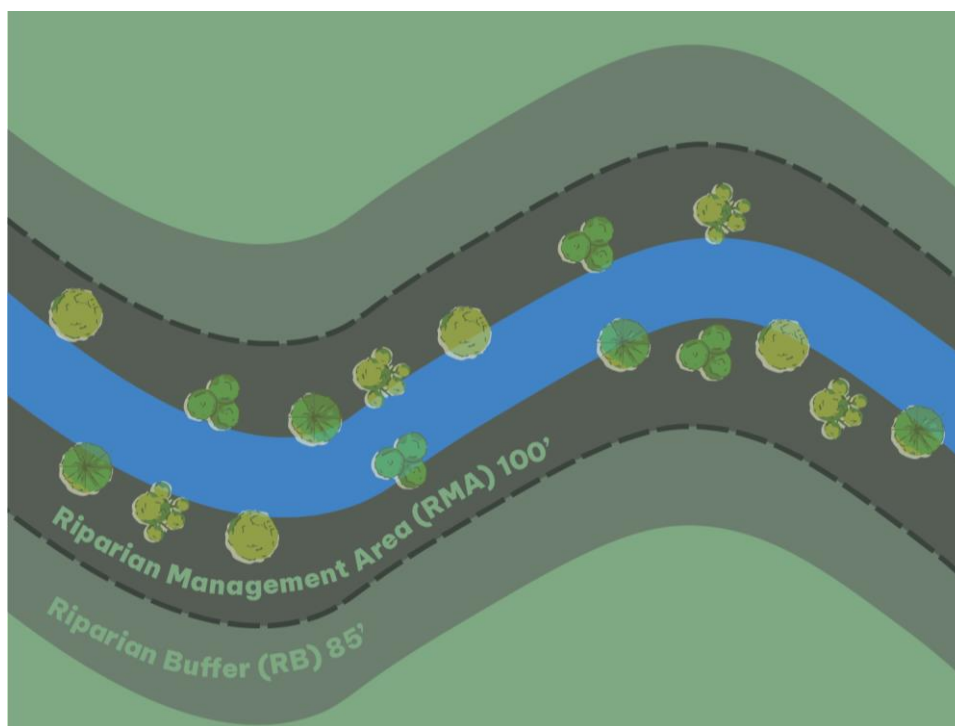
2. Standards for *RMAs RBs*.

a. RMA and RB Location and Width.

- i. *Standard Width.* Standard RMA widths are 100 feet for Shorelines of the State (Type S), for both fish-bearing and non-fish-bearing waterbodies and for unclassified streams. The RB is 85 feet for all classified and unclassified waterbody types. The RMA and RB widths shall be combined for a total regulated riparian area width of 185 feet.
- ii. *Site Potential Tree Height (SPTH) RMA and RB Width.* If the applicant cannot accommodate the standard-width RMA and RB on the project site for the proposed development, , applicants may use the 200-year SPTH mapping tool referenced in WDFW’s Riparian Ecosystems, Volume 2: Management Recommendations and justify a lesser-width RMA and/or RB in the project’s Critical Areas Report. For project locations with multiple SPTH values, the largest SPTH value shall be used to establish the riparian area width. If the tool does not have data available to establish SPTH, the minimum combined RMA and RB width shall be the standard width as established in subsection (2)(a)(i).
- iii. *Measurement.* Whether the standard or SPTH RMA and RB is used, the RMA is measured horizontally from the OHWM of the stream, river, or

lake or from the CMZ, where present, to the specified width. The RB is measured horizontally from the landward boundary of the RMA as shown in Figure 20.740.110-1.

Figure 20.740.110-2



- b. *Riparian Management Area Width Averaging.* The width of the RMA may be modified (see VMC [20.170.080\[B\]\[1\]](#)) if all the following are met:
 - i. The total square footage of the Riparian Management Area RMA (VMC [20.740.110\[B\]\[2\]\[a\]\[i\]](#)) is not reduced;
 - ii. There is no net loss of functions as a result of the averaging; and
 - iii. The reduction of the Riparian Management Area RMA width at any location is no greater than 25 percent of the required standard or SPTH width under VMC 20.740.110(2)(a)(i or ii).
- c. *Permitted Development and Uses within RMAs and RBs and Development Standards.*

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- i. *Development and Uses within the Riparian Buffer.* Development or clearing activity is permitted in the RB that meets the general performance standards in VMC 20.740.110(B).
 - ii. *Development and Uses within the RMA .* No development or clearing activity is allowed within the RMA unless such activity is:
 - (A) A water-dependent, water-related or water-enjoyment activity for which there are no feasible alternatives that would have a less adverse impact on the RMA ;
 - (B) Infrastructure or utilities that cannot feasibly be located outside of the wetland, that minimizes the impact, that mitigates for any unavoidable impact to functions, and has received authorization from applicable federal and state regulating agencies;
 - (C) Mitigation for activities allowed by this chapter, providing the activity results in no net loss of riparian habitat functions on the site; or
 - (D) Trails and wildlife viewing structures, provided that the trails and structures minimize the impact and are constructed so that they do not interfere with hydrology of the waterbody and do not result in increased sediment entering the waterbody.
 - iii. *Modifications to Existing Development.* When replacing or removing existing development within an RMA or RB, the applicant shall implement the following, where applicable, during site construction:
 - (A) Evaluate the RMA and RB to pinpoint the best sites to restore and consider connectivity and adjacency to other priority habitats;
 - (B) Improve aquatic connectivity by replacing culverts and removing barriers to movement;

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- (C) Revegetate with native plants and consider improvements for wildlife by integrating structures necessary for nesting, breeding, and foraging;
 - (D) As existing development is remodeled or replaced, incorporate additional setbacks for streams;
 - (E) Control access to RMAs and RBs during construction to limit soil compaction. Avoid operating equipment near waterbodies to reduce sedimentation and soil compaction; and
 - (F) Avoid using chemicals in the RMA and RB that are not approved by the Washington State Department of Ecology (Ecology).
- iv. *Mitigation.* When mitigating on-site impacts, the following guidelines, where applicable, shall be implemented when designing mitigation for impacted riparian areas, if a restoration opportunity is available on site and within the RMA or RB:
- (A) Protect riparian functions that remain, especially in places that are high functioning and implement actions that enhance degraded functions;
 - (B) Increase riparian width in areas of high function; and
 - (C) Prioritize opportunities to maintain and restore in-stream and riparian connectivity.

D. Additional Critical Areas Report Requirements.

1. A Critical Areas Report for an RMA or RB shall include:
 - a. The SPTH riparian area width in the mapping tool referenced in WDFW's Riparian Ecosystems, Volume 2: Management Recommendations document, if the applicant is not proposing to use the standard-width RMA and RB.
 - b. In addition to the standards of VMC [20.740.050\(F\)](#), where a mitigation plan is required as part of the Critical Areas Report for a Fish and Wildlife Habitat Conservation Area that involves a waterbody, RMA, or RB, the monitoring program protocol shall include, where relevant to the impacted functions:
 - i. Observations and measurements of riparian integrity and quality (buffer width, riparian corridor continuity or fragmentation, species diversity, stand age, plant survival rates);
 - ii. Large woody debris surveys; and
 - iii. Streamflow monitoring.
 - iv. Water quality monitoring to detect pollution impacts.
 - v. Biological monitoring (including fish surveys and benthic macroinvertebrate sampling).
2. If the clearing or development activity is in the RMA, the Critical Areas Report shall contain all the following information, if applicable:
 - a. How the clearing or development activity constitutes a water-dependent, water-related, or water-enjoyment use;
 - b. How the clearing or development activity cannot feasibly be located on the site outside of the RMA;
 - c. How the proposal meets the RMA width averaging standard (VMC [20.740.110\(B\)\(2\)\(b\)](#)); and
 - d. How the proposal will not adversely affect the connectivity of habitat functions.

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3. For land use and development-related activities on a site with PHS-designated priority Oregon white oak woodland habitat, the applicant shall be required to demonstrate compliance with WDFW's latest guidance: *Best Management Practices for Mitigating Oregon White Oak Priority Habitat* (January 2024) the Washington Department of Fish and Wildlife WDFW's latest guidance: *Best Management Practices for Mitigating Oregon White Oak Priority Habitat* (January 2024) and any subsequent revisions. The report shall include mapping and an evaluation of the habitat functions.
 - a. The critical areas report shall also identify protection and mitigation for the impacted Oregon white oaks on the site. In circumstances where it is demonstrated that preservation or mitigation of impacts on-site is not practicable, the applicant shall provide a minimum of two alternative site designs and layouts to demonstrate that impacts cannot be avoided or be reduced to result in less impacts. The planning director may approve reductions to numerical standards including parking and setbacks under the minor exception process in VMC 20.740.070 to avoid or reduce impacts.
 - b. If compensation is determined to be the only available option for the proposed impact, the report shall include the quantity and method of mitigation to compensate for permanent and temporal impacts in accordance with WDFW's *Best Management Practices for Mitigating Impacts to Oregon White Oak Priority Habitat*, including the following:
 - i. Assessment of priority Oregon white oak woodlands and individuals to determine if they meet the designation criteria for priority habitat and species, the size of each woodland or individual, and the level of ecological function provided;
 - ii. Analysis of the physical and temporal loss of the impacted Oregon white oak woodland habitat;
 - iii. The corresponding mitigation ratios for both physical and temporal loss of the impacted Oregon white oak habitat and the location of such mitigation; and
 - iv. Description of monitoring as outlined by WDFW's guidance.
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20.740.120 Frequently Flooded Areas.

This section shall apply to all special flood hazard areas within the boundaries of the city of Vancouver.

A. *Designation.* Frequently flooded areas are the areas of special flood hazards identified by the Federal Insurance Administrator and the Federal Emergency Management Agency (FEMA), respectively, in scientific and engineering reports entitled Flood Insurance Study: Clark County, Washington and Incorporated Areas, Volumes 1 and 2 (Numbers 53011CV001A and 53011CV002A, respectively) effective September 5, 2012, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs and their digital version, DFIRMs) and any revisions thereto, which are hereby adopted by reference and declared to be part of this chapter. The Flood Insurance Study (FIS), FIRMs and DFIRMs are available from the planning official, 415 West 6th Street, Vancouver, WA 98660. (See VMC [20.150.040](#), Meanings of Specific Words and Terms, for definitions for “areas of special flood hazards,” “floodplain,” “floodway,” and “frequently flooded areas.”)

When base flood elevation (BFE) data has not been provided in frequently flooded areas (Zone A), the planning official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this chapter. This best available information for flood hazard area identification shall be the basis for regulation until a new FIRM/DFIRM is issued.

B. *Compliance.* All development within special flood hazard areas is subject to the terms of this chapter and other applicable regulations.

C. *Penalties for Noncompliance.* See VMC [20.740.090](#).

D. *Abrogation and Greater Restrictions.* This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. *Interpretation (Not Mandatory).* In the interpretation and application of this chapter, all provisions shall be:

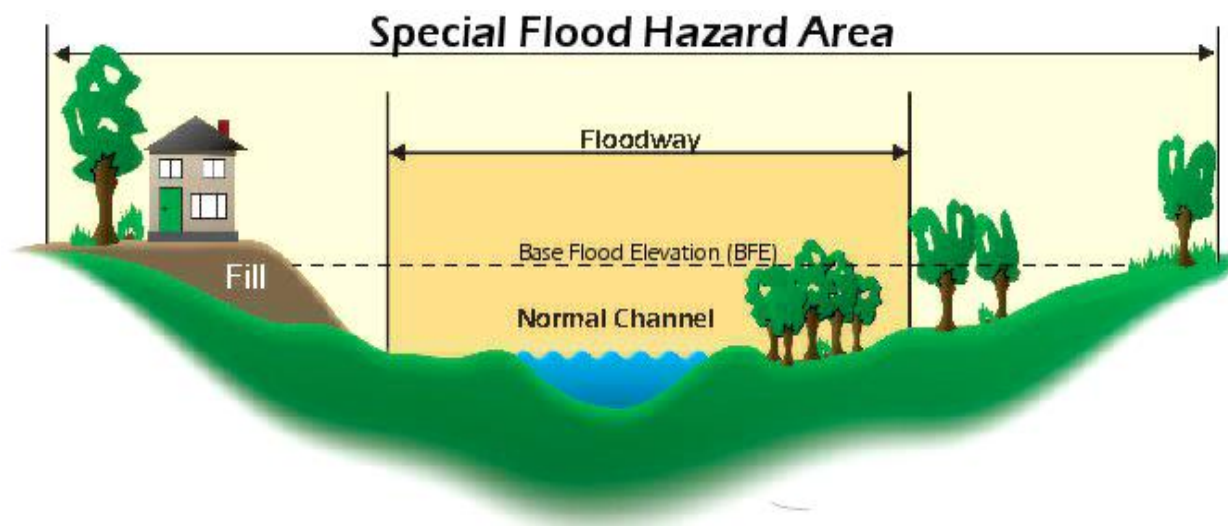
1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

F. *Warning and Disclaimer of Liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Vancouver, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

G. *Severability.* This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

Figure 20.740.120-1. Frequently Flooded Areas/Areas of Special Flood Hazards



Adapted from Floodplain Management: A Local Administrator's Guide to the National Flood Insurance Program, Fifth Edition, FEMA Region 10

H. *Designation of the Floodplain Administrator (44 CFR 59.22(b)(1)).* The land use program manager is hereby appointed to administer, implement, and enforce this chapter by granting or

denying development permits in accordance with its provisions. The floodplain administrator may delegate authority to implement these provisions.

1. *Duties and Responsibilities of the Floodplain Administrator.* Duties of the floodplain administrator shall include, but not be limited to:

a. *Development Review.* Review all proposed developments to:

- i. Determine whether a floodplain permit is required;
- ii. Make interpretations where needed as to the exact location of special flood hazard area boundaries, with respect to the flood insurance study maps and zoning district boundaries.

b. *Permit Review.* Review all development permits to determine that:

- i. The permit requirements of this chapter have been satisfied;
- ii. All other required state and federal permits have been obtained;
- iii. The site is reasonably safe from flooding;
- iv. The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 5.4-1 are met;
- v. Notify FEMA when annexations occur in the special flood hazard area.

I. *Additional Critical Areas Report Requirements.* In addition to the critical areas report requirements in VMC [20.740.050](#), the following information shall be submitted. Elevation data shall reference the NAVD 1988 Datum.

1. Base (100-year) flood elevation in relation to mean sea level. When base flood elevation has not been provided or is not available from an authoritative source, it shall be generated by the applicant for developments which contain at least 50 lots or five acres, whichever is less.
2. Elevation in relation to mean sea level, of the lowest floor (including basement) of all existing and proposed structures.
3. Elevation in relation to mean sea level to which any structure's lowest floor (including basement) is raised to be at least one foot above the base flood elevation or for

nonresidential flood-proofed structures, the elevation in relation to mean sea level to which any structure is flood-proofed.

4. Location of the channel migration zone. See the Clark County Shoreline Inventory & Characterization Report, Volume 1, Lewis and Salmon-Washougal Watersheds and Rural Areas, Map 27, Potential Channel Migration Zone (CMZ) Areas for general locations of channel migration zones. The actual location of the channel migration zone on site must be identified by a qualified professional and mapped in accordance with the submittal requirements of VMC [20.740.050](#).

5. Description of strategies taken to avoid, minimize, and mitigate unavoidable impacts to public safety. When the base flood elevation has not been provided or is not available from an authorized source (subsection [A](#) of this section), the critical areas report shall include a discussion of how and whether the proposed development would be reasonably safe from flooding. Historical data, high water marks, photographs of past flooding and other available information will be used as the basis for this discussion and conclusion.

6. Certification, documentation, and demonstration by a qualified professional of how the applicable standards of subsection [J](#) of this section will be met. To support the “no rise” analyses required in subsection [\(J\)\(1\)](#) of this section, the documentation required in the most recently updated or amended FEMA Region 10 publication, Floodplain Management: A Local Floodplain Administrator’s Guide to the National Flood Insurance Program shall be submitted.

J. *Performance Standards*. Except as noted, the following standards apply to all structures and development (including but not limited to the placement of manufactured homes, substantial improvement, roads, railroads, trails, dikes, levees, or water, sewer, stormwater conveyance, gas, power, cable, fiber optic or telephone facilities) in all areas of special flood hazards and channel migration zones (CMZs). Additional restrictions apply in the floodway.

1. *Encroachments*.

a. *Designated Floodway: Prohibited Encroachments*. The following are prohibited in the floodway:

i. Water wells (subsection [\(J\)\(4\)\(a\)](#) of this section).

ii. On-site waste disposal systems (subsection [\(J\)\(5\)\(a\)](#) of this section).

iii. Residential structures or other structures for human habitation including but not limited to:

- A. Building envelopes within subdivisions (subsection [\(j\)\(9\)\(a\)](#) of this section);
- B. New construction or reconstruction of residential structures (subsection [\(j\)\(10\)\(b\)\(i\)](#) of this section);
- C. Placement or replacement of manufactured homes (all types) (subsection [\(j\)\(10\)\(b\)\(ii\)](#) of this section);
- D. Critical facilities housing vulnerable populations and emergency services (subsection [\(j\)\(12\)\(a\)](#) of this section); and
- E. Recreational vehicles (subsection [\(j\)\(13\)\(a\)](#) of this section).

b. *Designated Floodway: Allowed Encroachments.* In areas where the base flood elevation has been provided and a regulatory floodway has been designated, other encroachments including but not limited to fill, new construction, replacement structures, substantial improvements and other development shall be prohibited unless:

- i. Certification by a qualified professional (in this case, a registered professional engineer) is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in a net increase in base flood elevation (less than 0.00 feet, rounded) or flood velocity during the occurrence of the base flood discharge. At a minimum, such “no rise” analyses shall include a step-backwater analysis and a conveyance compensation analysis as required in the most recently updated or amended FEMA Region 10 publication, Floodplain Management: A Local Floodplain Administrator’s Guide to the National Flood Insurance Program; and
- ii. The applicable standards of subsections [\(j\)\(2\)](#) through [\(j\)\(15\)](#) of this section are also met.

c. *No Designated Floodway: Allowed Encroachments.* In areas where the base flood elevation has been provided but a regulatory floodway has not been designated, no

encroachments including but not limited to new construction, substantial improvement, or other development (including fill) shall be permitted, unless:

- i. The applicant has demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point; and
- ii. The applicable standards of subsections [\(1\)\(2\)](#) through [\(1\)\(15\)](#) are also met.

d. *Other Areas of Special Flood Hazards and CMZs.* In areas of special flood hazards except the floodway or where the BFE has not been provided, or in channel migration zones, encroachments, including but not limited to fill, new construction, replacement structures, substantial improvements and other development shall be prohibited, unless:

- i. A qualified professional provides certification demonstrating that the proposed project would not result in a net loss of flood storage capacity; and
- ii. The applicable standards of subsections [\(1\)\(2\)](#) through [\(1\)\(15\)](#) of this section are also met.

2. *Property Damage.* Development shall not result in adverse impacts to other properties either upstream or downstream.

3. *Drainage.* Drainage paths around structures and on slopes shall be adequate to guide floodwaters around and away from proposed structures and adjacent properties.

4. *Water.*

- a. Water wells are prohibited in the floodway.
- b. In areas of special flood hazards except the floodway and in CMZs, water wells shall be constructed to withstand a 100-year flood without adversely impacting groundwater quality (WAC [173-160-171](#)).
- c. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

5. *Waste.*

- a. On-site waste disposal systems are prohibited in the floodway.
- b. In areas of special flood hazards except the floodway and in CMZs, on-site waste disposal systems shall be located to avoid flood damage to them or release of contaminants from them during a base flood event.
- c. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

6. *Construction Materials and Methods.*

- a. Construction methods and practices shall minimize flood damage.
- b. Construction materials and utility equipment shall be resistant to flood damage. For guidance on flood-resistant materials see the most current FEMA Technical Bulletin 2, Flood-Resistant Materials Requirements.
- c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during a base flood event. For guidance on the placement of building utility systems, see the most current FEMA Publication #348, Protecting Building Utilities from Flood Damage.

7. *Anchoring.* All new construction including substantial improvements and all types of manufactured homes shall:

- a. Be elevated on a permanent foundation and securely anchored to an adequate foundation system to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
- b. Be installed or placed using methods and practices that minimize flood damage. Manufactured home placement shall follow the guidance in the most current FEMA P-85, Protecting Manufactured Homes from Floods and Other Hazards.

8. *Enclosed Areas Below the Base Flood Elevation.*

- a. Enclosed areas below the base flood elevation shall be used only for vehicle parking, building access, or storage.

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- b. New or substantially improved enclosed areas below the base flood elevation shall be constructed in accordance with:
- i. Subsection [\(j\)\(7\)](#) of this section, Anchoring;
 - ii. Subsection [\(j\)\(10\)\(c\)\(ii\)](#) and [\(d\)](#) of this section, Residential Construction;
 - iii. Subsections [\(j\)\(6\)\(b\)](#) and [\(j\)\(6\)\(c\)](#) of this section, Construction Materials and Methods.
- c. Enclosed areas below the BFE shall not be considered to be the lowest floor when they are not part of a basement and meet the requirements of subsection [\(j\)\(10\)\(d\)](#) of this section.
- d. *Crawlspace Construction.* Crawlspaces are a type of enclosed area below the BFE. Crawlspaces constructed at or above the lowest adjacent exterior grade are preferred. (Note: Insurance premiums for structures with below-grade crawlspaces will be higher than those with the interior elevation at or above the lowest adjacent exterior grade.) Refer to the most current FEMA Technical Bulletin 11, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas (available from the planning official) for more information. Crawlspaces:
- i. Are prohibited in areas with flood velocities greater than five feet per second unless designed by a qualified professional (in this case an architect or professional engineer).
 - ii. Shall meet the requirements of subsections [\(j\)\(8\)\(a\)](#) through [\(j\)\(8\)\(c\)](#) of this section, Enclosed Areas Below the Base Flood Elevation.
3. Shall not be considered “basements” for the purposes of this section when constructed according to the following standards:
- a. The interior grade of a crawlspace below the base flood elevation must not be more than two feet below the lowest adjacent exterior grade.
 - b. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point.

- c. The crawlspace must be equipped with a drainage system that removes floodwaters from the interior area of the crawlspace in a reasonable period of time after a base flood event.

9. *Subdivisions.*

a. All subdivisions shall be designed:

- i. To ensure that no residential structure or other structures for human habitation are located in the floodway even though lots may extend into the floodway;
- ii. To avoid placement of any structures in areas of special flood hazards and in CMZs;
- iii. Where it is not possible to design a subdivision in a manner to avoid placement of any structures in areas of special flood hazards or CMZs, the subdivision shall be designed to minimize or eliminate potential flood damage.

b. All subdivisions shall have facilities such as sewer, gas, power, cable, fiber optic, telephone, stormwater and water systems located and constructed to minimize or eliminate flood damage. (See subsection (1)(2) of this section, Property Damage; subsection (1)(4) of this section, Water; subsection (1)(5) of this section, Waste; subsection (1)(6) of this section, Construction Materials and Methods; and subsection (1)(7) of this section, Anchoring.)

c. All subdivisions shall have adequate drainage provided to reduce exposure to flood damage. (See subsection (1)(3) of this section, Drainage.)

10. *Residential Construction (Including Manufactured Homes).*

a. *Residential Construction in the Floodway.*

- i. New construction and reconstruction of residential development including placement and replacement of all types of manufactured homes is prohibited in the floodway, unless sited as a temporary use in accordance with requirements listed in this section.
- ii. Existing residential structures and manufactured homes in the floodway are nonconforming, but may be repaired or improved, provided:

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- A. The repair or improvement does not increase the ground floor area of the structure; and
 - B. The repair or improvement does not result in adverse impacts to other properties either upstream or downstream; and
 - C. The cost of the repair or improvement does not exceed 50 percent of the market value of the structure either:
 - 1. Before the start of repair or improvement where there is no damage to the structure; or
 - 2. Before flood or other damage to the structure occurred.
 - D. Any project for improvement of a structure to correct existing violations of local health, sanitary, or safety code specifications which have been identified by the planning official and which are the minimum necessary to assure safe living conditions may be excluded from the 50 percent.
 - E. Any project for improvement to a structure identified as a historic place may be excluded from the 50 percent.
- b. *Residential Construction in Other Areas of Special Flood Hazards and CMZs.* In areas of special flood hazards except the floodway and in channel migration zones:
- i. New residential construction and reconstruction, including all types of manufactured homes and other structures for human habitation shall meet all the provisions of this chapter, including subsections [\(J\)\(8\)](#) and [\(J\)\(10\)\(c\)](#) through [\(J\)\(10\)\(d\)](#) of this section.
 - ii. New placement or replacement of all types of manufactured homes shall meet the standards of subsection [\(J\)\(7\)](#) of this section, Anchoring.
 - iii. *Repair or Substantial Improvement.* All provisions of this chapter (including the elevation standards of subsections [\(J\)\(8\)](#), [\(J\)\(10\)\(c\)](#) and [\(J\)\(10\)\(d\)](#) of this section), all state and local health, sanitary, safety codes, and where applicable, historic preservation codes shall be met when the cost of repair or improvement of an existing residential structure exceeds 50 percent of the market value of the structure either:

- A. Before the start of repair or improvement where there is no damage to the structure; or
- B. Before flood or other damage to the structure occurred.

c. *Elevation.*

- i. *BFE Established.* The lowest floor (including basement) of new residential structures (including but not limited to reconstruction, substantial improvement, the placement or replacement of all types of manufactured homes) shall be elevated at least one foot above base flood elevation. Structures shall be elevated using means other than fill (such as extended foundation or other enclosure walls, piles, or columns) whenever feasible. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.
- ii. *No BFE.* In areas where the base flood elevation has not been provided or is not available from an authorized source (subsections [A](#) and [\(1\)\(5\)](#) of this section) and the critical areas report demonstrates to the satisfaction of the planning official that the proposed development would be reasonably safe from flooding, new residential construction (including but not limited to substantial improvement and the placement of manufactured homes) shall be elevated at least two feet above the highest adjacent grade. (Note: Failure to elevate at least two feet above the highest adjacent grade may result in higher insurance rates.)

d. *Fully Enclosed Areas Below Lowest Floor.* Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a qualified professional (in this case, a registered professional engineer or architect), or must meet or exceed the following minimum criteria:

- i. Contain a minimum of two openings having a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding;
- ii. The bottom of all openings are no higher than one foot above grade; and
- iii. Openings permit the automatic entry and exit of floodwaters even when equipped with screens, louvers, or other coverings or devices.

For guidance on flood openings, see FEMA Technical Bulletin 1-93, Openings in Foundation Walls.

- iv. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for automatic entry and exit of floodwaters.

11. *Nonresidential Construction.* New construction and substantial improvement of any nonresidential structure shall either be elevated (subsection [\(j\)\(11\)\(a\)](#) or [\(j\)\(11\)\(b\)](#) of this section) or flood-proofed (subsection [\(j\)\(11\)\(c\)](#) of this section):

a. *Be Elevated: BFE Established.*

- i. Have the lowest floor, including basement, elevated at least one foot above the base flood elevation or elevated as required by ASCE 24, whichever is greater;
- ii. Meet the same standards for space below the lowest floor as described in subsections [\(j\)\(8\)\(d\)](#) and [\(j\)\(10\)\(d\)\(i\)](#) through [\(j\)\(10\)\(d\)\(iii\)](#) of this section; and
- iii. Have mechanical equipment and utilities waterproofed or elevated at least one foot above the BFE, or as required by ASCE 24, whichever is greater.

b. *Be Elevated: No BFE.*

- i. In areas where the base flood elevation has not been provided or is not available from mapped data from federal or state sources and the critical areas report demonstrates to the satisfaction of the planning official that the proposed development would be reasonably safe from flooding, new nonresidential construction shall be elevated at least two feet above the highest adjacent grade. Failure to elevate at least two feet above the highest adjacent grade may result in higher insurance rates; and
- ii. Meet the same standards for space below the lowest floor as described in subsections [\(j\)\(8\)\(d\)](#) and [\(j\)\(10\)\(d\)](#) of this section; or

c. *Be Flood-Proofed.* Together with attendant utility and sanitary facilities shall:

- i. Be flood-proofed so that below one foot (or more) above the base flood elevation, the structure is watertight with walls substantially impermeable to the

passage of water or dry flood-proofed to the elevation required by ASCE 24, whichever is greater;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the planning official as set forth in subsection [L](#) of this section.

12. *Critical Facilities.*

a. Critical facilities housing vulnerable populations and emergency services shall be prohibited in the floodway.

b. In areas of special flood hazards except the floodway and in CMZs, construction of new critical facilities shall be prohibited unless the applicant demonstrates that:

i. No feasible alternative site is available; and either:

A. The lowest floor, entrances, egresses, and to the extent feasible access routes are elevated to three feet above the base flood elevation or to the elevation of the 500-year flood, whichever is higher; or

B. The applicant demonstrates that other measures would ensure that in the event of a flood, the facility would remain safe and fully operational and that potentially harmful materials would not be displaced by or released into floodwaters. Such measures shall be conditions of approval of the critical areas permit.

13. *Recreational Vehicles.*

a. Recreational vehicles shall be located outside the floodway.

b. Recreational vehicles in areas of special flood hazard except the floodway and in CMZs shall either:

i. Be on the site for fewer than 180 consecutive days;

- ii. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect-type water, sewer, stormwater, gas, power, cable, fiber optic, telephone, and security devices, and have no permanently attached additions; or
- iii. Meet the requirements of subsection [\(1\)\(7\)](#) of this section, Anchoring; subsection [\(1\)\(8\)](#) of this section, Enclosed Areas below the Base Flood Elevation; and subsection [\(1\)\(10\)\(c\)](#) of this section, Elevation.

14. *Appurtenant Structures (Detached Garages and Small Storage Structures)*. For A zones:

- a. Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:
 - i. Use of the appurtenant structure must be limited to parking of vehicles or limited storage;
 - ii. The portions of the appurtenant structure located below the BFE must be built using flood-resistant materials;
 - iii. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
 - iv. Any machinery or equipment servicing the appurtenant structure must be elevated or flood-proofed to or above the BFE;
 - v. The appurtenant structure must comply with floodway encroachment provisions in Section 5.4-1;
 - vi. The appurtenant structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with Section 5.2-1(5);
 - vii. The structure shall have low damage potential;
 - viii. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use; and
 - ix. The structure shall not be used for human habitation.

- b. Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 5.2-1.
- c. Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the floodplain administrator for verification.

15. *Alteration of Watercourse.*

- a. The planning official shall notify adjacent communities and the state coordinating agency, Washington State Department of Ecology, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administrator.
- b. Alteration or relocation of a watercourse shall be allowed only after:
 - i. Certification by a qualified professional that the alteration or relocation:
 - A. Is the only feasible alternative or is part of a restoration project approved by the appropriate state or federal agencies;
 - B. Will not diminish the flood-carrying capacity of the watercourse;
 - C. Will not block side channels;
 - D. Will be accomplished using soft armoring techniques wherever possible;
 - E. Will avoid to the extent possible and then minimize and mitigate removal of vegetation including downed woody vegetation; and
 - F. Will not endanger development in the channel migration zone.
 - ii. The applicant provides assurance acceptable to the planning official of maintenance of the relocated channel such that the flood carrying capacity of the watercourse is not diminished.

16. *Changes to Special Flood Hazard Area.*

- a. If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would

normally require a letter of map change, then the project proponent shall initiate within 180 days of the information being made available, and receive approval of, a conditional letter of map revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.

b. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the floodplain administrator to be attached to the floodplain development permit, including all required property owner notifications.

K. *Variances and Minor Exceptions.* Variances as interpreted in the National Flood Insurance Program are based on the principle that they pertain to a physical piece of property. They apply to the land and are not personal in nature, do not pertain to the structure, its inhabitants, or economic or financial circumstances. The development standards contained in this section are required by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program (NFIP) to protect life and property from flood damage.

Variances from the NFIP standards of this section shall meet the approval criteria and other requirements of this subsection in addition to any other applicable variance criteria or requirements (e.g., Chapter [20.290](#) or [20.760](#) VMC). Variances from the NFIP standards of this section shall be processed as Type I or II variances or shoreline variances as appropriate, not as minor exceptions (VMC [20.740.070](#)).

Variances or minor exceptions from other critical area standards (any standards of this chapter not in this section) shall meet the applicable criteria and follow the applicable procedures for the relief requested (VMC [20.740.070](#), or Chapter [20.290](#) or [20.760](#) VMC).

1. NFIP variances may be allowed:

a. For historic structures. NFIP variances may be issued for the repair, reconstruction, rehabilitation or restoration of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. This variance possibility is only available to those structures that are:

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- i. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - ii. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - iii. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;
 - iv. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - A. By an approved state program as determined by the Secretary of the Interior; or
 - B. Directly by the Secretary of the Interior in states without approved programs.
 - v. The proposed development will not preclude the structure's continued designation as a historic structure.
- b. From the elevation standard. An NFIP variance from the elevation standard may be issued for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood elevation. As the lot size increases the technical justification required for issuing the variance increases.
- c. From the flood-proofing standard for nonresidential buildings. NFIP variances may be issued for nonresidential buildings to allow a lesser degree of flood-proofing than watertight or dry flood-proofing where it can be determined that such action:
- i. Will have low damage potential;
 - ii. Complies with all other NFIP variance criteria except subsection [\(K\)\(1\)\(a\)\(ii\)](#) of this section;
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iii. Complies with subsection (j)(4) of this section, Water; subsection (j)(5) of this section, Waste; subsection (j)(7) of this section, Anchoring; and subsection (j)(9) of this section, Subdivisions.

d. For allowed development within the floodway. NFIP variances may be issued for development within a floodway only when the requirements of subsection (j)(1)(b) of this section are met.

2. *NFIP Variance Approval Criteria.* NFIP variances from elevation and flood-proofing standards, and for development in the floodway (subsections (k)(1)(a)(ii) through (iv) of this section may be granted only if the applicant demonstrates that the requested action conforms to all of the following criteria:

a. The NFIP variance is the minimum necessary, considering the flood hazard, to afford relief.

b. The applicant has demonstrated good and sufficient cause.

c. Failure to grant the NFIP variance would result in exceptional hardship to the applicant. (Exceptional hardship for an NFIP variance is described in a FEMA memorandum dated July 22, 1986, entitled Resource Materials on NFIP Variance Criteria available from the planning official.)

d. Granting the NFIP variance will not result in increased flood heights or velocities, additional threats to public safety, significantly increased property damage potential, extraordinary public expense, or conflict with existing local laws or ordinances.

e. Demonstration that the following factors have been considered:

i. The danger that materials may be swept onto other lands to the injury of others;

ii. The danger to life and property due to flooding or erosion damage;

iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

iv. The importance of the services provided by the proposed facility to the community;

- v. The necessity to the facility of a waterfront location, where applicable;
- vi. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- vii. The compatibility of the proposed use with existing and anticipated development;
- viii. The relationship of the proposed use to the comprehensive plan;
- ix. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- x. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- xi. The costs of providing governmental services during and after flood conditions, including maintenance and repair of facilities such as sewer, gas, electrical, stormwater, and water systems, and streets and bridges.

3. *Notices Required.* A notice to the applicant is required whenever a variance is approved, approved with conditions, or denied. Such notice shall include the decision and the reasons for the decision. When a variance from the elevation standard is approved or approved with conditions, such notice shall state that the structure will be permitted to be built with a lowest floor elevation below that normally required with respect to the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

L. *Information to Be Obtained and Maintained.*

1. For all new and substantially improved structures and development, the planning official shall complete Section B of a current elevation certificate and obtain and record on that certificate:
 - a. For elevated (rather than flood-proofed) structures and development, the actual (as-built) elevation in relation to mean sea level of the lowest floor (including basement), and whether or not the structure contains a basement.

- b. For nonresidential, flood-proofed structures, the elevation to which the structure was flood-proofed. All flood-proofing certifications shall also be maintained.
- c. Maintain all records pertaining to development in frequently flooded areas subject to the provisions of this chapter for public inspection.

2. *Records of Variance Actions.* The planning official shall keep records of all variance actions and report any approved variances to the Federal Insurance Administrator upon request.

3. *Records of Appeal Actions.* The planning official shall keep records of all appeal actions. (Ord. M-4438 § 4(J), 2023; Ord. M-4325 § 3, 2020; Ord. M-4020 § 2, 2012; Ord. M-4017 § 9, 2012; Ord. M-3844 § 2, 2007; Ord. M-3692 § 2, 2005)

20.740.130 Geologic Hazard Areas.

A. Designation and Location.

1. Designated or potential Geologic Hazard Areas include Landslide, Seismic, and Erosion Hazard Areas. With the exception of Bank Erosion Hazard Areas and Fault Rupture Hazard Areas, their potential locations are shown on maps available from the City of Vancouver, Clark County, and the State of Washington. Final designations shall be based on site conditions and other available data or information (see this chapter's General Provisions section).
2. *Landslide Hazard Areas.* These areas are subject to landslides due to a combination of geologic, topographic, and hydrologic factors. They include any areas susceptible to landslide because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors as defined in VMC Chapter 20.150. Landslides are areas shown as "areas of historic or active landslides," "areas of potential instability," and "areas of older landslide debris" on maps available from Clark County Maps Online ("Slope Stability of Clark County" report [1975] and "Geologic Map of Vancouver Quadrangle" map [1987]) and maps available through the DNR's Geologic Information Portal, including but not limited to the "Washington Geologic Survey-Protocol Landslide Mapping" and "Other Compiled Landslide Mapping" layers.

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3. *Seismic Hazard Areas.* Seismic Hazard Areas include Liquefaction, Ground Shaking Amplification, and Fault Rupture Hazard Areas as designated below and defined in VMC Chapter 20.150.
- a. *Liquefaction Hazard Areas.* Settlement and soil liquefaction conditions occur in areas underlain by cohesionless soils of low density, typically in association with a shallow groundwater table. The following are designated Liquefaction Hazard Areas:
- i. Areas with Low to Moderate, Moderate, Moderate to High, or High liquefaction susceptibility or Peat Deposits as indicated on liquefaction susceptibility maps from the DNR Geologic Information Portal as revised or superseded.
- b. *Ground-Shaking Amplification Areas.* The following are designated Ground Shaking Amplification Hazard Areas:
- Site Classes C to D, D, D to E, E and F, as shown on the National Earthquake Hazard Reduction Program (NEHRP) Seismic Site Class layer available on the DNR Geologic Information Portal.
- c. *Fault Rupture Hazard Areas.* Potential Fault Rupture Hazard Areas are faults identified by the DNR Geologic Information Portal “Seismogenic Folds, Known or Suspected” and “Active Faults, Known or Suspected” layers; USGS, on geologic maps available from the Oregon Department of Geology and Mineral Industries (DOGAMI), Clark County Maps Online, or identified from other available data or in the field by a qualified professional and adjacent areas within 100 feet.
4. *Erosion Hazard Areas.* Erosion Hazard Areas include Soil Erosion and Bank Erosion Hazard Areas and as defined in VMC Chapter 20.150. These are also areas that are likely to become unstable, such as bluffs, steep slopes, and areas with unconsolidated soils.
- a. *Soil Erosion Hazard Areas.* The following are designated Soil Erosion Hazard Areas:
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- i. *Severe or Very Severe Erosion Hazard Areas.* Areas with soils identified as having a severe or very severe erosion hazard by the 1972 U.S. Department of Agriculture (USDA) Soil Conservation Service Soil Survey of Clark County, Washington.
- ii. *Bank Erosion Hazard Areas.* Bank Erosion Hazard Areas are areas along lakes, streams, and rivers that are subject to regression or retreat due to lacustrine or fluvial processes and adjacent land within 100 feet.

B. *Performance Standards.*

1. *General Standards.*

- a. Critical facilities, as defined in VMC Chapter 20.150, are prohibited in the following areas unless there is no other location available, a mitigation proposal is included in the development plan, and a Critical Areas Report prepared by a qualified professional for geologically hazardous areas establishes that the area is safe for development for the type of facility proposed and the type of hazard:
 - i. Landslide Hazard Areas
 - ii. Bank Erosion Hazard Areas
 - iii. Fault Rupture Hazard Areas
- b. Buffer width shall be measured on a horizontal plane from a perpendicular line established at all edges of the geologic hazard area (see VMC Chapter 20.170).
- c. The applicant shall demonstrate that, during construction and for the anticipated life of the proposed development, the proposed use(s), activity(ies), and structure(s):
 - i. Are designed so that the hazard to the proposed project is eliminated or mitigated to a level equal to or less than pre-development conditions;

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- ii. Will not adversely impact other critical areas, if avoidable, given the type of critical areas involved and the characteristics of the site;
 - iii. Are designed to minimize or eliminate life safety risk; and
 - iv. Are certified by a qualified professional as safe as designed and under anticipated conditions.
2. *Landslide and Erosion Hazard Areas.* Development in non-disturbance areas shall be prohibited. In other areas, development in Landslide and Erosion Hazard Areas and their buffers shall be prohibited except where the applicant has demonstrated compliance with the following standards or requirements.
- a. Landslide Hazard Areas may be able to be mitigated through grading based on a Critical Areas Report that demonstrates that the slope will be stabilized as described in Additional Critical Areas Report Requirements for Geologic Hazards.
 - i. The Critical Areas Permit shall be conditioned on a final inspection approval confirming that the grading and site are stable. At the applicant's expense, after site grading, the applicant shall:
 - (A) Provide inspection specifications from the qualified professional who prepared the Critical Areas Report; and
 - (B) Inspect the grading and the site using an inspector acceptable to the City Building Official and submit a report to the City indicating whether the site is stable.
 - ii. Clearing, grading, uprooting, or otherwise impairing the soil stabilizing function of vegetation shall be prohibited during the wet season (November 1 to May 1), except as authorized under a valid state or federal permit or a City Type I permit.
 - b. Any required erosion mitigation work is to be performed by a certified erosion and sediment control lead in accordance with Ecology requirements.
 - c. The requirements of VMC Chapter [14.24](#), Erosion Control, shall be met.

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- d. Drainage patterns shall not be altered such that potential for damage or risk to the proposed project, the Geologic Hazard Area, or other critical areas or buffers is increased.
 - e. Trails shall be for pedestrian and nonmotorized vehicular use only and shall be the minimum width necessary to meet applicable regulations.
 - f. *Roads in Landslide and Bank Erosion Hazard Areas.* A road through or across a Landslide or Bank Erosion Hazard Area shall meet the standards of VMC [20.740.130\(B\)\(2\)](#) and shall not be:
 - i. The sole access for a proposed subdivision (not including short subdivision) or critical facility;
 - ii. Longer than 200 feet; or
 - iii. Steeper than a 15 percent grade.
 - g. *Markers and Signs in Landslide Hazard Areas.*
 - i. The boundary at the outer edge of the furthest of the Landslide Hazard Area, non-disturbance area (see this chapter's additional Critical Areas Report requirements for Geologic Hazard Areas), or buffer shall be identified with temporary signs prior to any site alteration.
 - ii. These provisions may be modified by the Planning Official as necessary to ensure protection of people and structures from the hazard.
 - h. *Stabilization in Bank Erosion Hazard Areas.*
 - i. Bank stabilization measures may be employed to protect an existing structure when a Critical Areas Report conclusively demonstrates all of the following:
 - (A) Bank erosion threatens an established use or existing structure(s) within a three-year timeframe;

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- (B) The threatened use or structure(s) cannot be relocated landward of any non-disturbance area (VMC [20.740.130\(B\)\(7\)\(a\)\(2\)](#));
 - (C) Bank stabilization measures will not cause a significant adverse impact on upstream or downstream properties or an impact that cannot be mitigated without developing bank stabilization measures for those properties; and
 - (D) Bank stabilization measures will not cause a significant adverse impact on a Fish and Wildlife Habitat Conservation Area protected by this chapter.
 - i. When bank stabilization is allowed, it shall be accomplished using beach nourishment, bioengineering (soft armoring) techniques, or a combination of the two. Other techniques may be used when an approved Critical Areas Report demonstrates conclusively that beach nourishment, bioengineering (soft armoring) techniques, or a combination of the two will not provide sufficient protection for the remaining useful life of the structure(s) to be protected.
 - j. *Buffer.* The following regulations apply to Landslide and Bank Erosion Hazard Area buffers:
 - i. Buffer widths
 - (A) No buffer is required for Soil Erosion Hazard Areas.
 - (B) The minimum buffer width from the top and bottom of slope for Landslide and Bank Erosion Hazard Areas shall be equal to two times the slope height or as recommended by a qualified professional in a geotechnical report.
 - (C) A larger buffer width may be required for Landslide and Bank Erosion Hazard Areas at the discretion of the Planning Official when:

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- (1) The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts;
 - (2) The area has a severe risk of slope failure or downslope stormwater drainage impacts;
 - (3) The area is directly adjacent to a riparian area, or wetland; or
 - (4) Recommended in an approved Critical Areas Report.
 - ii. Buffers may be included in non-disturbance areas (VMC 20.740.130(B)(7)(a)(2)) and required planting and maintenance activities may be undertaken within them.
 - iii. The buffer around Landslide and Bank Erosion Hazard Areas shall be vegetated and shall be maintained by the property owner. New plantings shall consist of native vegetation.
 - iv. No alteration to the buffer that involves clearing of vegetation shall be undertaken without an erosion control plan approved pursuant to the provisions of VMC 14.24, Erosion Control and this chapter.

3. *Seismic Hazard Areas.*

a. *Liquefaction or Dynamic Settlement and Ground Shaking Amplification Hazard Areas.* All building structures in Liquefaction or Ground Shaking Amplification Hazard Areas shall comply with the requirements of VMC Title 17, Building and Construction. No buffer is required for Liquefaction or Ground Shaking Amplification Hazard Areas.

b. *Fault Rupture Hazard Areas.*

- i. A road through or across a Fault Rupture Hazard Area shall not be:
 - (A) The sole access for a proposed subdivision (not including short subdivision) or critical facility;
 - (B) Longer than 200 feet; or

(C) Steeper than a 15 percent grade.

ii. Buffer.

(A) The buffer width shall be the greater of the following distances:

- (1) 50 feet from all edges of a Fault Rupture Hazard Area, except where critical facilities are involved, the minimum buffer distance shall be 100 feet (see VMC [20.170.030\[L\]](#)); or
- (2) The minimum distance recommended in an approved Critical Areas Report.

(B) A larger buffer width may be required when the Planning Official determines that the buffer is not adequate to protect the proposed development.

iii. New structures for human habitation shall be prohibited within Fault Rupture Hazard Areas and buffers.

C. *Additional Critical Areas Report Requirements.* In addition to the requirements of VMC [20.740.050](#), the following are Critical Areas Report requirements for development proposals in potential Geologic Hazard Areas. These requirements may be adjusted as appropriate by the Planning Official. The Critical Areas Report will result in a conclusion as to whether the potential geologic hazard area is an actual geologic hazard area and would be subject to a permit (see VMC [20.740.130\[B\]\[6\]](#)). If it is, the Critical Areas Report requires the following additional information, mapping, and analysis (see VMC [20.740.130\[B\]\[7\]](#)):

1. Identification of the site and project area (defined at VMC [20.150](#)); topography of the site in 2-foot contours (or other increment at the discretion of the Planning Official); planned gas, power, cable, fiber optic, telephone, sewer, water, and stormwater management facilities, wells, on-site septic systems, dikes, levees; and existing structures on the site plan required by VMC [20.740.050](#);
2. Detailed review of field investigations, published data and references, data and conclusions from past geologic studies or investigations, site-specific measurements,

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- tests, investigations, or studies, and the methods of data analysis and calculations that support the results, conclusions, and recommendations;
3. Field investigation and evaluation of the areas on Landslide, Erosion, Liquefaction or dynamic settlement, Ground Shaking Amplification, Bank Erosion Hazard Areas and Fault Rupture Hazard Areas on or within 100 feet of the site;
 4. A description of the surface and subsurface geology, hydrology, drainage patterns, soils, and vegetation for Liquefaction or dynamic settlement, Ground Shaking Amplification, Fault Rupture, Soil Erosion Hazards, Landslide, and Bank Erosion Hazard Areas on or within 100 feet of the site;
 5. Identification of any hazard area indicators that were found on site for Liquefaction or dynamic settlement, Ground Shaking Amplification, Fault Rupture, and Soil Erosion Hazards Areas and on or within 100 feet of the site for Landslide and Bank Erosion Hazard Areas;
 6. Conclusion as to whether there is a Geologic Hazard Area on site or within 100 feet of the site; and
 7. If a geologic hazard is found to exist on site or if a landslide or bank erosion hazard is found to exist on or within 100 feet of the site, the report must include the following:
 - a. Labeling and showing the following on the site plan required by VMC [20.740.050](#):
 - i. The location(s), extent, and type(s) of geologic hazard area(s) identified;
 - ii. The location(s) and extent of any area(s) that must be left undisturbed to protect the proposed development from damage or destruction and to protect the hazard area(s) from the impacts of the proposed development;
 - iii. The boundaries of the area that may be disturbed;
 - iv. The dimension of the closest distance(s) between the geologic hazard area(s) and non-disturbance area and the project area;
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- v. For Bank Erosion Hazard Areas, show these areas, boundaries, and dimensions based upon natural processes and, if applicable, proposed bank stabilization measures; and
 - vi. The recommended buffer for Bank Erosion Hazard Areas.
 - b. Analysis of the erosion processes on site for Soil Erosion Hazard Areas and on or within 100 feet of the site for Bank Erosion Hazard Areas;
 - c. Evaluation of the impact of the Geologic Hazard Area(s) on the proposed development, other properties, and other critical areas, as follows:
 - i. *Landslide Hazard Areas*. The impact of the run-out hazard of landslide debris from both upslope and downslope shall be included in the evaluation.
 - ii. *Bank Erosion Hazard Areas*. Evaluation of impacts on other properties shall include properties both upstream and downstream of the subject property.
 - d. Evaluation of the impact of the proposed development on the Geologic Hazard Area(s);
 - e. Assessments and conclusions regarding geologic hazard(s) for both existing and proposed (post-development) site conditions. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.
 - f. Written discussion of:
 - i. The risk of damage or destruction from the geologic hazard(s) with respect to human health and safety; infrastructure; the proposed development; other properties (both upstream and downstream for Bank Erosion Hazard Areas); and other critical areas; and
 - ii. Whether and to what degree the proposed development would increase the risk from the geologic hazard(s), such as the occurrence of a landslide or the rate of regression.
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- g. Recommendations for mitigation of impacts to protect:
- i. Human health and safety;
 - ii. Infrastructure;
 - iii. The proposed development;
 - iv. Other properties (both upstream and downstream for Bank Erosion Hazard Areas);
 - v. Other critical areas; and
 - vi. The hazard area during construction and for the anticipated life of the proposed development. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.
- h. A demonstration of how the standards of VMC [20.740.130\(C\)](#) applicable to each geologic hazard area will be met.

20.740.140 Wetlands.

A. Designating and Rating Wetlands.

1. *Designating Wetlands.* Wetlands are areas that have been designated in accordance with the 1987 Federal Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains Valleys and Coast Region Version 2.0 (2010 or as further updated) and are defined in VMC 20.150. Wetlands are subject to a local government's regulatory authority if they meet the definition of wetlands, including non-federally regulated (isolated) wetlands. Final designations shall be based on site conditions as documented in a Wetland Critical Areas Report, and other available data or information (see VMC [20.740.020\[C\]\[1\]](#)).
2. *Wetland Ratings.* Wetlands shall be rated according to the Ecology wetland rating system, *Ecology Publication No. 23-06-009, Washington State Wetland Rating System for*

Western Washington: 2014 Update, published July 2023, or as revised by Ecology. The rating system document contains the definitions and methods for determining if the criteria below are met. The most recent version of the rating system form must be used.

a. *Wetland Rating Categories.*

i. *Category I.* Category I Wetlands are:

- (A) Wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program of the DNR;
- (B) Bogs;
- (C) Mature and old-growth forested wetlands larger than one acre
- (D) Wetlands that perform functions at a high level, scoring 23 points or more.

ii. *Category II.* Category II Wetlands function at a moderately high function and are difficult, though not impossible to replace, scoring between 20 and 22 points.

iii. *Category III.* Category III Wetlands have generally been disturbed in some way and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

Category III wetlands:

- (A) Have a moderate level of functions, scoring between 16 and 19 points; and
- (B) Can often be adequately replaced with a well-planned mitigation project.

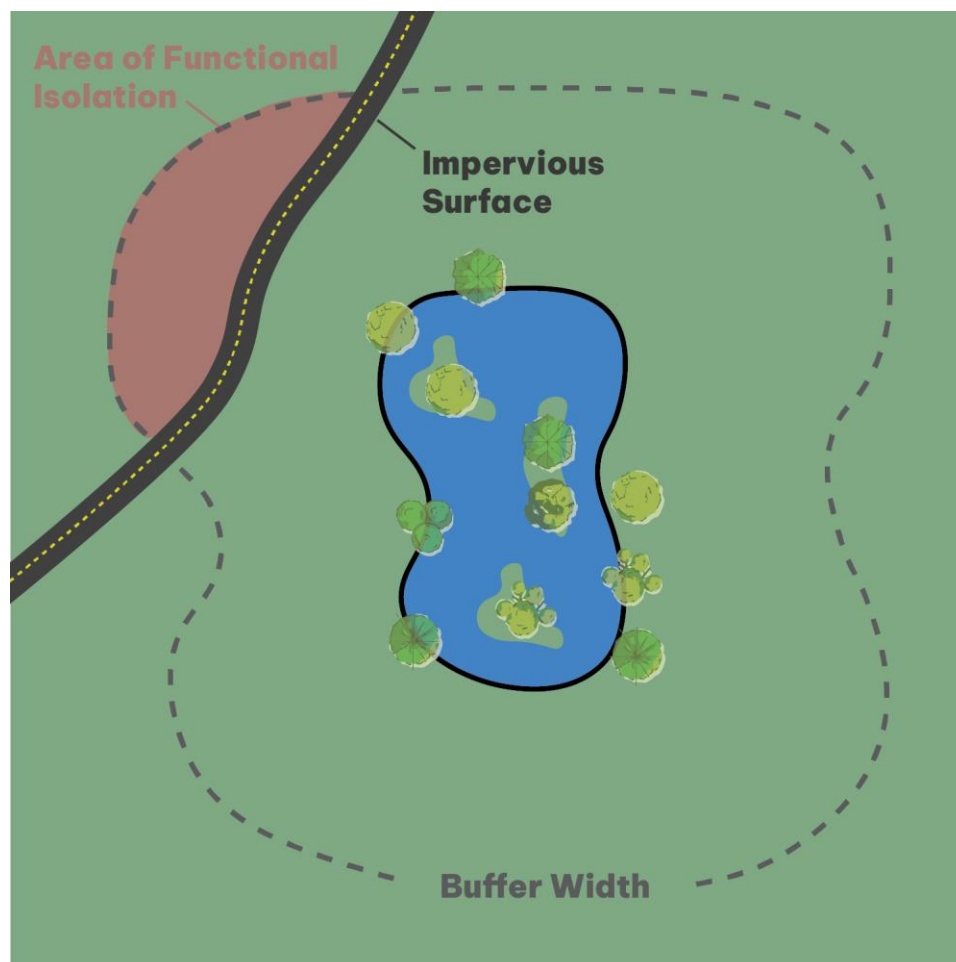
iv. *Category IV.* Category IV Wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that should be able to be replaced, or in some cases

improved. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions and should be protected to some degree.

B. *Development activities that functionally or physically isolate the wetland buffer.*

When existing impervious surfaces or other built structures functionally or physically isolate the wetland buffer from the waterbody or wetland, the regulated wetland buffer shall extend landward from the ordinary high water mark (OHWM) or channel migration zone (CMZ), whichever is greater and terminate at the waterward edge of the impervious surface or manmade structure. Development activities that occur within the area of functional isolation, or further landward, are exempt from the requirement to obtain a Critical Areas Permit.

Figure 20.740.140-1: Functional Isolation



The obstruction causing the physical isolation shall be significant enough in size and stature that protective buffers or other mitigation measures cannot reasonably restore ecological functions or benefits. The Planning Official may rely on a site visit, aerial photographs, other evidence provided by the applicant or the applicant's qualified professional, and consultation with the Washington Department of Fish and Wildlife (WDFW) in making a determination to reduce the width of the wetland buffer based on functional and/or physical isolation. The following obstructions shall not constitute functional isolation:

1. Trails, paths, or sidewalks;
2. Minor Accessory structures;
3. Driveways or drive aisles;
4. Subsurface utilities.

C. Performance Standards.

1. *General Requirements.* Development or clearing activities shall protect the functions of wetlands and wetland buffers on the site. Activities shall result in no net loss of wetland or buffer functions. Protection may be provided by avoiding (preferred) or minimizing and mitigating as described in the general critical areas performance standards (VMC [20.740.060](#)).

a. Uses in Wetlands.

- i. In Category I Wetlands, only the following activities may be allowed:

- (A) Infrastructure or utilities that cannot feasibly be located outside of the wetland, that minimizes the impact, that mitigates for any unavoidable impact to functions, and has received authorization from applicable federal and state regulating agencies;
- (B) Trails and wildlife viewing structures, provided that the trails and structures minimize the impact, are located in the outer 25% of the buffer, and are constructed so that they do not

interfere with wetland hydrology and do not result in increased sediment entering the wetland;

- (C) Enhancement and restoration activities aimed at protecting the soil, water, vegetation, or wildlife; and
- (D) Repair and maintenance of legally established non-conforming uses or structures, provided they do not increase the degree of nonconformity.

ii. In Category II Wetlands, only the following activities may be allowed:

- (A) Activities allowed in Category I Wetlands pursuant to subsection (C)(1)(a)(i) of this section;
- (B) A water-dependent, water-related or water-enjoyment activity where there are not feasible alternatives that would have less impact on the wetland. Where non-water-dependent, related, or enjoyment activities are proposed, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited unless the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and successfully avoid or result in less adverse impacts on a wetland on another site or sites in the City or Vancouver urban growth area.

iii. In Category III Wetlands, only the following activities may be allowed:

- (A) Activities allowed in Category II Wetlands pursuant to subsection (C)(1)(a)(ii) of this section;
- (B) *Stormwater management facilities.* A Category III wetland can be physically or hydrologically altered to meet the requirements of a Low Impact Development (LID) methodology or Flow Control BMP, if all of the following criteria are met:

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- (1) If proposed, an LID BMP is determined to be feasible through a site-specific characterization;
 - (2) The wetland has a habitat score of 3 to 5 points;
 - (3) There will be no net loss of functions and values of the wetland;
 - (4) The wetland does not contain a breeding population of any native amphibian species;
 - (5) The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, and 5 of Chart 4 and questions 2, 3, and 4 of Chart 5 in Selecting Mitigation Sites Using a Watershed Approach, (Western Washington) (Ecology Publication [#09-06-032 or #10-06-007], or as revised); or the wetland is part of a restoration plan intended to achieve restoration goals identified in the City of Vancouver's Shoreline Master Program or a local or regional watershed plan;
 - (6) The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing.
 - (7) All regulations regarding stormwater and wetland management are followed, including in this chapter and VMC 14.24, Erosion Control; and
 - (8) Modifications that alter the structure of a wetland or its soils will require permits. Existing functions and values that are lost will need to be compensated for in accordance with the requirements of this chapter.
- (C) Other activities may be allowed if the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and avoid or result in less adverse impacts on a wetland or its buffer than alternative
-

uses or designs (including reduction in the size, scope, configuration or density of the project).

- iv. In Category IV Wetlands, activities and uses that result in impacts may be permitted in accordance with an approved Critical Areas Report and mitigation plan if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full mitigation for the loss of acreage and functions shall be provided under the terms established pursuant to subsection (C)(2) of this section.

- (A) If stormwater management facilities are proposed, they must meet the requirements of an LID or flow control BMP as specified for Category III Wetlands.

b. *Wetland Buffers.*

- i. *Required Buffer Widths.* Standard buffer widths are measured in feet from the edge of the wetland (see VMC 20.170.030[B]) and [H]). Applicants are required to implement the wetland buffer widths by wetland category as shown in Table 20.740.140-1.
- ii. If the applicant is unable to implement the full width buffers from Table 20.740.140-1 and avoid impacts as a result of proposed development, the planning director shall permit the applicant to use the alternative buffer widths in subsection (v)(B) and (v)(C) below, if the Applicant has first demonstrated they have met the following criteria:
 - (A) The applicant has met the mitigation sequencing in VMC 20.740.060 (A-E).
 - (B) The applicant shall provide a minimum of two alternative site designs and layouts to demonstrate that impacts cannot be avoided or be reduced to result in less impacts. The planning director may approve reductions to numerical standards

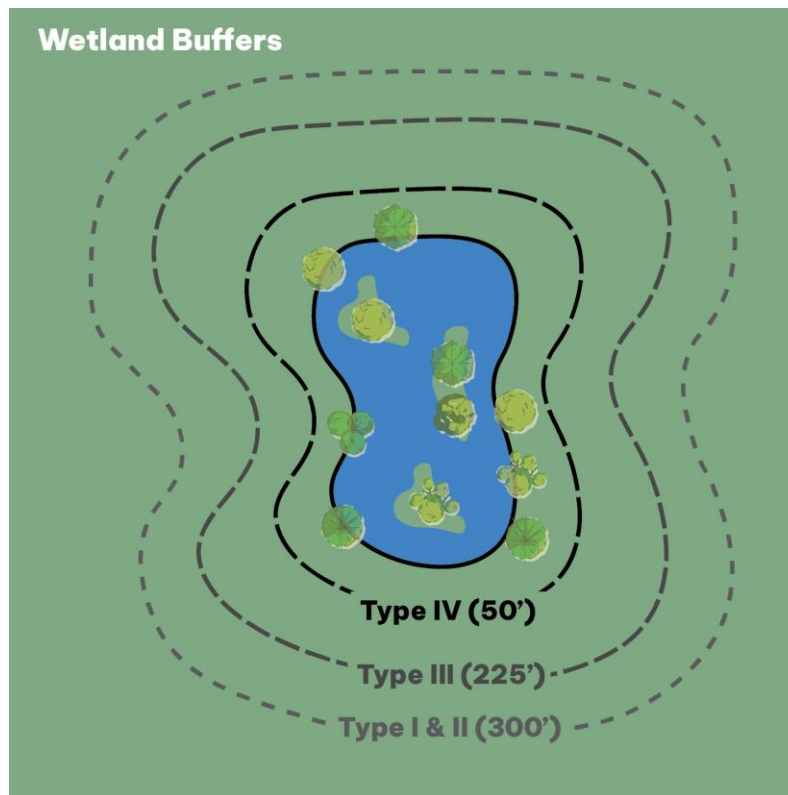
including parking and setbacks under the minor exception process in VMC 20.740.070 to avoid or reduce impacts.

- iii. The required and alternative buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is un-vegetated, sparsely vegetated, and/or vegetated with invasive species that do not perform needed functions, the buffer must either be planted to create the appropriate native plant community or be widened to ensure that the buffer provides adequate functions to protect the wetland.
- iv. If the buffer is functionally isolated by an existing impervious surface or built structure, the remaining buffer area must be revegetated with native species, but the buffer does not need to be widened to exceed widths greater than those listed in Tables 20.740.140-1, 20.740-140-2, and 20.740.140-4.

(A) Required Buffers Based on Wetland Category – see Table 20.740.140-1.

Table 20.740.140-1. WETLAND BUFFER WIDTH REQUIREMENTS

Wetland Category	Buffer Width (Feet)
I	300
II	300
III	225
IV	50

Figure 20.740.140-2. WETLAND BUFFER WIDTH REQUIREMENTS

(B) Alternative 1 Wetland Buffers: Buffers based on wetland category, wetland type, and habitat score and providing a habitat corridor and implementing minimization measures.

(1) In order for an applicant to use the buffer widths of Table 20.740.140-2, the applicant must provide a habitat corridor as outlined in this subsection and implement the impact minimization measures listed in Table 20.740.140-3. Not all impact minimization measures are applicable. An undisturbed vegetated corridor at least 100 feet wide must be provided between the wetland and another priority area for preservation that meets the following:

(a) A legally protected, high-functioning vegetated area (priority habitats; other compensation sites; wildlife areas/refuges; or national, county, and state parks that have

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- management plans with identified areas designated as Natural, Natural Forest, or Natural Area Preserve);
- (b) An area that is the site of a Watershed Project identified within and fully consistent with a Watershed Plan, as these terms are defined by RCW 89-08-460;
 - (c) An area where development is prohibited under the provisions of the local shoreline master program;
 - (d) An area with equivalent habitat quality that has conservation status in perpetuity, in consultation with WDFW;
 - (e) The corridor is permanently protected for the entire distance between the wetland and the legally protected area by a conservation easement, deed restriction, or other legal means;
 - (f) Presence of the shoreline or Priority Habitat must be confirmed by a qualified biologist or the Planning Official;
 - (g) If a wetland scores five or fewer habitat points, only the impact minimization measures listed in Table 20.740.140-3 are required, in order to use the buffers in Table 20.740.140-2; or
 - (h) If an applicant does not apply the mitigation measures in Table 20.740.140-3 and is unable to provide a protected corridor, then the

buffers in Tables 20.740.140-1 or 20.740.140-4 shall be used.

Table 20.740.140-2. ALTERNATIVE 1: WETLAND BUFFER WIDTH REQUIREMENTS

Category of Wetland	Habitat Score 3 to 5 Points (corridor not required)	Habitat Score 6 to 7 Points	Habitat Score of 8 to 9 Points	Buffer width Based on Special Characteristics
Category I: Bogs and Wetlands of High Conservation Value	NA	NA	225 feet	190 feet
Category I: Forested	75 feet	110 feet	225 feet	NA
Category I or II: Based on Rating of Wetland Functions (and not listed above)	75 feet	110 feet	225 feet	NA
Category III: All Types	60 feet	110 feet	225 feet	NA
Category IV: All Types	40 feet	40 feet	40 feet	NA

Note: Special characteristics are defined in the Washington State Wetland Rating System for Western Washington: 2014 Update, published July 2023 or as revised by Ecology.

Table 20.740.140-3. IMPACT MINIMIZATION MEASURES REQUIRED TO IMPLEMENT ALTERNATIVE 1 WETLAND BUFFERS.

Examples of Disturbance	Uses and Activities that Cause the Disturbance	Examples of Measures to Minimize Impacts
Lights	Parking lots, warehouses, manufacturing, residential, recreational	Direct lights away from wetland. Only use lighting where necessary for public safety and keep lights off when not needed. Use motion-activated lights. Use full cut-off filters to cover light bulbs and direct light only where needed. Limit use of blue-white colored lights in favor of red-amber hues. Use lower-intensity LED lighting. Dim light to the lowest acceptable intensity.
Noise	Manufacturing and other industrial, residential, commercial, recreational	Locate activity that generates noise away from wetland. Construct a fence to reduce noise impacts on adjacent wetland and buffer. Plant a strip of dense shrub vegetation adjacent to wetland buffer.
Toxic runoff	Parking lots, roads, manufacturing, residential, application of agricultural or landscaping chemicals, landscaping	Route only treated runoff to a wetland and route untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of toxic chemicals within 150 feet of wetland. Apply integrated pest management.

Examples of Disturbance	Uses and Activities that Cause the Disturbance	Examples of Measures to Minimize Impacts
Stormwater runoff	Parking lots, roads, residential, commercial/industrial, recreational, landscaping/lawns, and other impermeable surfaces/compacted soils	Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized or sheet flow from lawns that directly enters the buffer. Infiltrate or treat, detain, and disperse new runoff from impervious surfaces and lawns.
Change in water regime	Impervious surfaces, lawns, tilling	Infiltrate or treat, detain, and disperse new runoff into buffer.
Pets and human disturbance	Residential, recreational, commercial, industrial	Plant dense vegetation around buffer, such as rose or hawthorn, to delineate buffer edge and discourage disturbance. Place wetland and its buffer in a separate tract. Place signs around the wetland buffer every 50 to 200 feet and for subdivisions place signs at the back of each residential lot. When platting new subdivisions, locate greenbelts, stormwater facilities, and other lower intensity uses adjacent to wetland buffers.
Human disturbance	Residential, commercial, industrial	Plant dense vegetation around buffer, such as rose or hawthorn
Dust	Tilled fields, roads	Utilize best management practices BMPs to control dust.

- (C) Alternative 2 Wetland Buffer Widths: Buffers based on wetland category wetland type, and habitat score (see Table 20.740.140-4) without providing a habitat corridor or minimization measures as outlined in subsection (B) above.

Table 20.740.140-4. ALTERNATIVE 2 WETLAND BUFFER WIDTH REQUIREMENTS

- v. *Wetland Buffer Width Averaging.* The Planning Official may allow modification of the standard wetland buffer width in accordance with

Category of Wetland	Habitat Score 3 to 5 Points (corridor not required)	Habitat Score 6 to 7 Points	Habitat Score of 8 to 9 Points	Buffer width Based on Special Characteristics
Category I: Bogs and Wetlands of High Conservation Value	NA	NA	300 feet	250 feet
Category I: Forested	100 feet	150 feet	300 feet	NA
Category I or II: Based on rating of wetland functions (and not listed above)	100 feet	150 feet	300 feet	NA
Category III: All types	80 feet	150 feet	300 feet	NA
Category IV: All Types	50 feet	50 feet	50 feet	50 feet

an approved Critical Areas Report by averaging buffer widths. Buffer width averaging shall not be used in combination with buffer width reduction or a minor exception (VMC 20.740.070). Averaging of buffer widths (see VMC 20.170.080(B)(2)) may only be allowed when

implementing the impact minimization measures, as applicable, in Table 20.740.140-3 and where a qualified professional wetland scientist demonstrates that:

- (A) Such averaging will not reduce wetland functions or functional performance;
- (B) The wetland varies in sensitivity due to existing physical characteristics, or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;
- (C) The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and
- (D) The buffer width is not reduced at any point by more than 25 percent of the standard width and is no less than 30 feet wide.

vi. *Buffer Maintenance.* Except as otherwise specified or allowed in accordance with this chapter, wetland buffers shall be maintained and fully vegetated according to the approved Critical Areas Permit.

vii. *Buffer Uses.* The following uses may be permitted within a wetland buffer in accordance with the review procedures of this chapter, provided they are not prohibited by any other applicable laws or regulations and they are conducted in a manner so as to minimize impacts to the buffer and the wetland:

- (A) Activities allowed under the same terms and conditions as in the associated wetlands pursuant to subsection (C)(1)(a) of this section;
- (B) Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife;

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- (1) Removal of invasive plant species shall be restricted to hand removal. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the City's Noxious Weed list should be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.
 - (C) Passive recreation facilities, including trails and wildlife viewing structures, provided that the trails and structures are constructed with a surface that does not interfere with wetland hydrology;
 - (1) Trails shall be located in the outer 25 to 50 percent of the buffer, when feasible.
 - (D) Stormwater management facilities are not allowed in Category I or II Wetland buffers. Stormwater management facilities must meet the requirements of an LID or flow control BMP as specified for uses in Category III wetlands.
 - (E) Educational and scientific research activities;
 - (F) Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way, provided that the maintenance or repair does not increase the footprint or use of the facility or right-of-way;
 - (G) The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided that the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources; and

(H) Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary, provided that the drilling does not alter the ground water connection to the wetland or percolation of surface water down through the soil column.

(1) Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column would be disturbed.

c. *Temporary and permanent markers and signs for wetlands.*

i. Temporary and permanent markers and signs are installed in compliance with the requirements of VMC 20.740.020, General Provisions.

2. *Compensatory Mitigation.* Compensatory mitigation for impacts to wetlands shall be provided pursuant to VMC [20.740.060](#) and shall be consistent with Ecology's Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance, Version 2, Ecology Publication No. 21-06-003 April 2021, and Part 2: Developing Mitigation Plans, Version 1, Ecology Publication No. 06-06-011b, March 2006, or as revised by Ecology. Watersheds are defined in VMC [20.740.020\(C\)\(2\)](#) and Chapter [20.150](#) VMC.

a. *Mitigation for Lost or Affected Functions.* Compensatory mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement and shall provide wetland or buffer functions similar to those lost, except when:

i. The lost wetland or buffer provides minimal functions as determined by a site-specific functional assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limited within a watershed through a formal Washington State watershed assessment plan or protocol; or

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- ii. Out-of-kind replacement will best meet formally identified watershed goals, such as replacement of historically diminished wetland types.
 - b. *Compensatory Mitigation Actions.* If, through mitigation sequencing in accordance with VMC 20.740.060, it is determined that compensatory mitigation is necessary, the applicant must provide an alternative approach to compensation. Compensation is prioritized as follows:
 - i. *Mitigation bank credits:* Allows applicants to compensate for wetland loss by purchasing credits from a bank that is commissioned to restore, create, enhance, or preserve wetland areas in providing compensatory mitigation for authorized impacts to wetlands;
 - ii. *In-lieu fee program credits:* Allows applicants to compensate for wetland losses by paying a fee to a third party, such as a government agency or conservation organization, where the fee is used to ensure protection, creation, and enhancement of wetlands;
 - iii. *Permittee-responsible mitigation (PRM)* under a watershed approach;
 - iv. *PRM* that is on site and in-kind;
 - v. *PRM* that is off site and/or out-of-kind.
 - c. PRM includes the following approaches:
 - i. *Creation.* The manipulation of the physical, chemical, or biological characteristics present to develop a wetland where a biological wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species. Creation results in a gain in wetland acres and functions.
 - ii. *Reestablishment.* The manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historic functions and environmental processes to a former wetland. Activities could include removing fill material, plugging ditches or

breaking drain tiles. Reestablishment results in a gain in wetland acres and functions.

- iii. *Rehabilitation.* The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions and processes of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland, or breaking drain tiles and plugging drainage ditches. Rehabilitation results in a gain in wetland functions but not in wetland acres.
- iv. *Preservation.* The removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes activities commonly associated with the protection and maintenance of wetlands through the implementation of appropriate legal and physical mechanisms (such as recording conservation easements and providing structural protection like fences and signs). Preservation does not result in a gain of wetland area and functions (but may result in a gain in functions over the long term).
- v. *Enhancement.* The manipulation of the physical, chemical, or biological characteristics of a biological wetland to increase or improve specific functions or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Activities typically consist of planting vegetation, controlling nonnative or invasive species, modifying site elevations to result in open water ponds, or some combination of these. Enhancement results in a change in certain wetland functions and can lead to a decline in other wetland functions. It does not result in a gain in wetland acres.
- vi. *Mixed Compensatory Mitigation.* Involves more than one of the listed types of compensatory mitigation.

d. *Mitigation Ratios.*

i. *Replacement Ratios.*

(A) The replacement ratios shall apply to wetland mitigation that: (1) is for the same hydrogeomorphic subclass (e.g., riverine flow-through, depressional outflow, or flats), and Cowardin class (e.g., palustrine emergent, palustrine forested or estuarine wetlands); (2) is on site; (3) is in the same category; (4) is implemented prior to or concurrent with alteration; and (5) has a high probability of success.

(B) *Mitigation Ratios.* Mitigation ratios are as follows (see subsection of this section for definitions of mitigation actions):

Table 20.740.140-5. MITIGATION REPLACEMENT RATIOS

Wetland Category and Type	Reestablishment or Creation	Rehabilitation	Preservation	Enhancement
Category I forested	6:1	12:1	24:1	24:1
Bog	NA	NA	24:1	NA
Wetlands of High Conservation Value	Consult with DNR	Consult with DNR	24:1	Consult with DNR
Category II	3:1	6:1	12:1	12:1
Category III	2:1	4:1	8:1	8:1

Wetland Category and Type	Reestablishment or Creation	Rehabilitation	Preservation	Enhancement
Category IV	1.5:1	3:1	6:1	6:1

ii. *Adjustment of Replacement Ratios.* The Planning Official may adjust the replacement ratios to compensate for deviations from the requirements under this section, subject to the following:

(A) In most cases, adjustments to the replacement ratios will increase the required amount of mitigation. The required mitigation may be decreased under exceptional circumstances—for example, if programmatic out-of-kind mitigation yields watershed-scale benefits that would not be realized from in-kind mitigation, or if out-of-kind mitigation would protect irreplaceable wetlands.

e. *Mitigation Timing.* The mitigation shall be implemented prior to or concurrent with alterations. If mitigation is implemented after alteration is allowed, the Planning Official may require additional mitigation to compensate for temporal losses of wetland functions.

f. *Buffers for Mitigation Wetlands.* Refer to Wetland Buffer Tables 20.7470.140-1, 20.740.140-1, 20.740.140-2, and through 20.740.140-4.

g. *Wetland Mitigation Banks.*

i. Credits from a wetland mitigation bank may be approved for use as mitigation for unavoidable impacts to wetlands when:

(A) The bank is certified under Chapter [173-700 WAC](#);

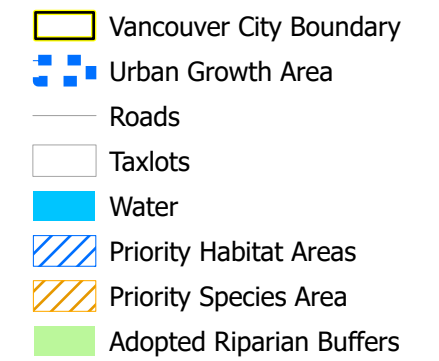
(B) The Planning Official determines that the wetland mitigation bank provides appropriate mitigation for the authorized impacts; and

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- (C) The proposed use of credits is consistent with the terms and conditions of the bank's certification.
- ii. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.
 - iii. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.
- E. *Additional Critical Areas Report Requirements.* A Critical Areas Report for wetlands shall be prepared according to the Washington State Wetland Rating System for Western Washington – 2014 Update, Ecology Publication No.23-06-009, Washington State Wetland Rating System For Western Washington: 2014 Update, published July 2023October 2014 or as revised by Ecology. The Critical Areas Report shall contain an analysis of the wetlands including the following site- and proposal-related information:
- 1. A written assessment, data sheets, and accompanying maps of any wetlands or buffers on the site, including the following information:
 - a. Hydrogeomorphic (HGM) subclassification and Cowardin class;
 - b. Wetland category;
 - c. Wetland delineation and required buffers;
 - d. Existing wetland acreage;
 - e. Vegetative, faunal, and hydrologic characteristics;
 - f. Soil types and substrate conditions;
 - g. Topographic elevations, at one-foot contours; and
 - h. A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge, or evidence of

water depths throughout the year, including drift lines, algal layers, moss lines, and sediment deposits).

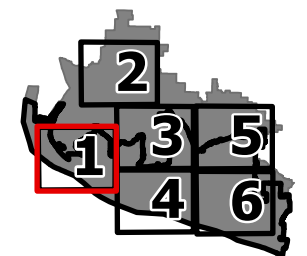
2. Functional evaluation for the wetland and buffer using Ecology's most current approved data sheets. method and including the reference of the method and all data sheets.
3. Proposed mitigation, if needed, including a discussion of alternatives and trade-offs of the various alternatives (for example, where enhancement for one function would adversely affect another) and a written description and accompanying maps of the mitigation area, including the following information:
 - a. Existing and proposed wetland acreage;
 - b. Existing and proposed vegetative and faunal conditions;
 - c. Surface and subsurface hydrological conditions of existing and proposed wetlands and hydrologically associated wetlands, including an analysis of existing hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;
 - d. Relationship to lakes, streams, and rivers in the watershed;
 - e. Soil type and substrate conditions;
 - f. Topographic elevations, at one-foot contours;
 - g. Required wetland buffers including existing and proposed vegetation;
 - h. Identification of the wetland's contributing area; and
 - i. A functional assessment of proposed mitigation to ensure no net loss of shoreline ecological function.

City of Vancouver
Critical Areas:
Fish and Wildlife
Habitat Conservation Area



Priority Habitat and Species Areas are specific habitats identified by the Washington State Department of Fish and Wildlife with unique or significant value to a large number of species. These habitats may consist of unique plant species or specific habitat features like cliffs or oak habitat.

Riparian Buffers are regulated areas within a horizontal distance from the ordinary high water mark of water bodies which include lakes, streams, or rivers.

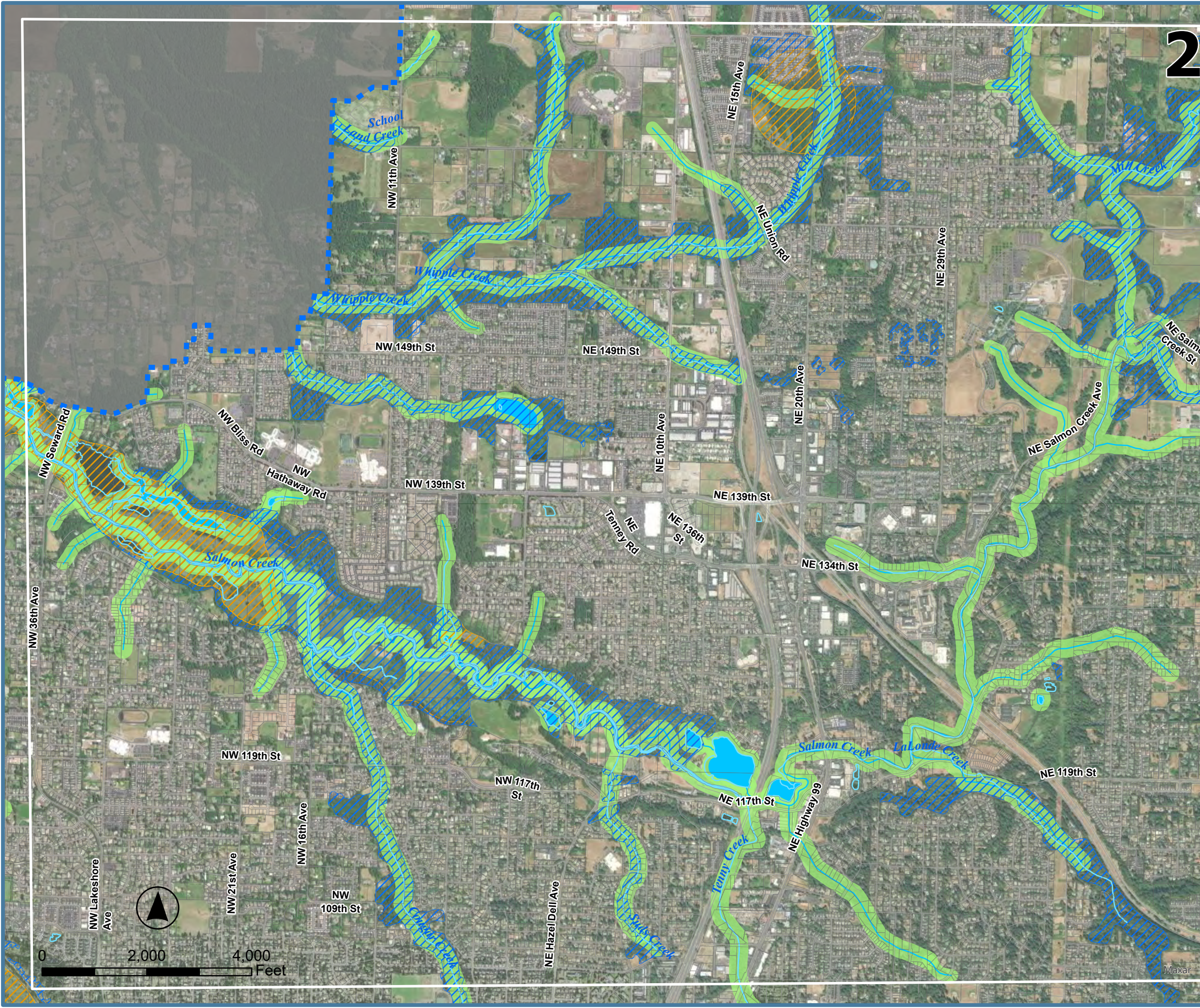
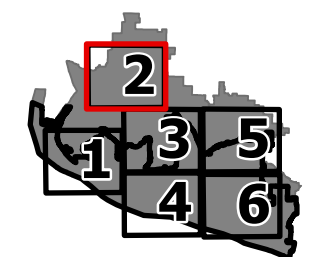


City of Vancouver Critical Areas: Fish and Wildlife Habitat Conservation Area

- Vancouver City Boundary
- Urban Growth Area
- Roads
- Taxlots
- Water
- Priority Habitat Areas
- Priority Species Area
- Adopted Riparian Buffers

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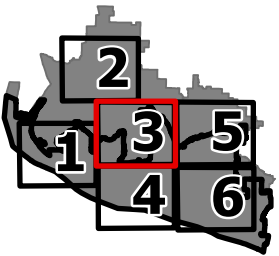


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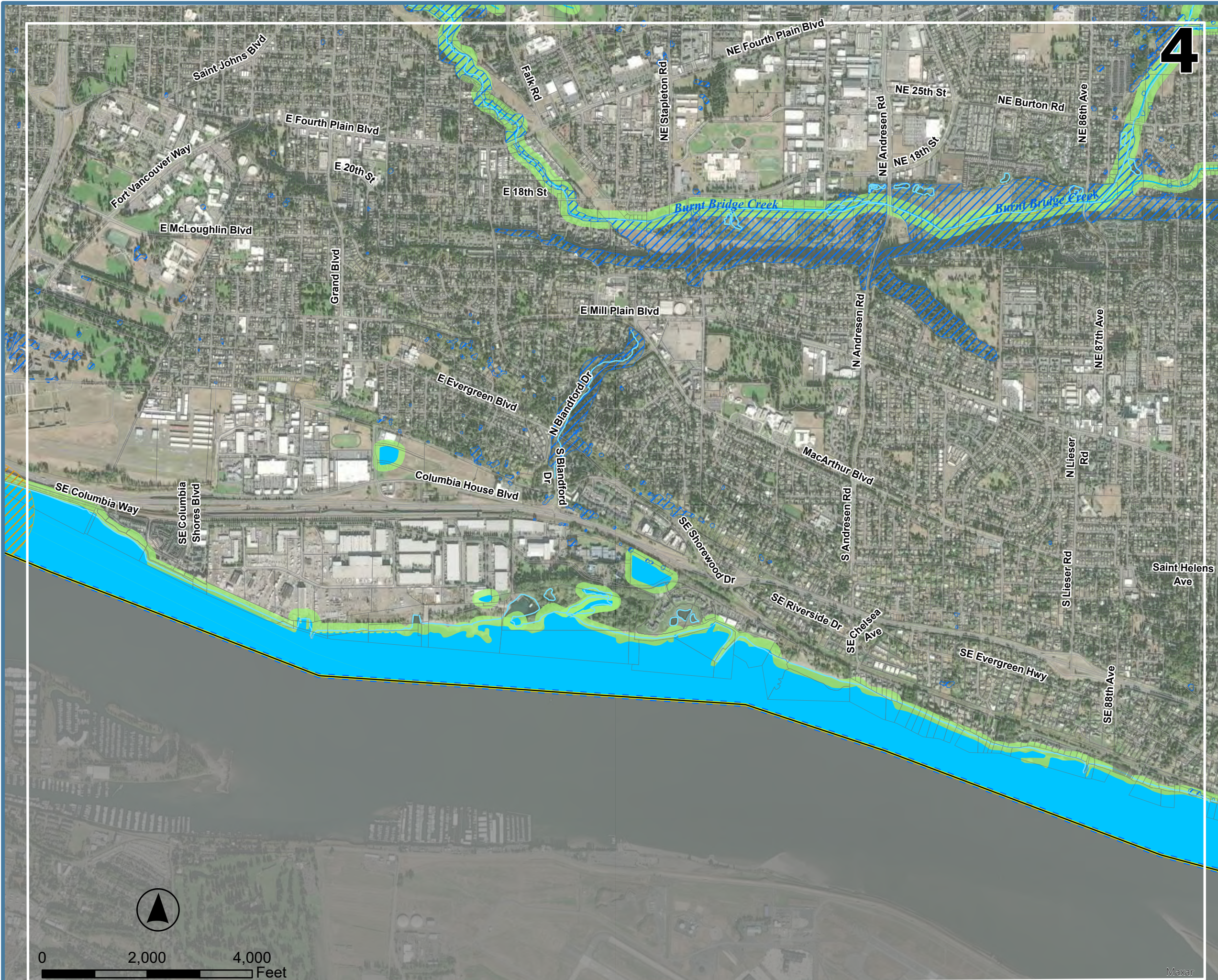
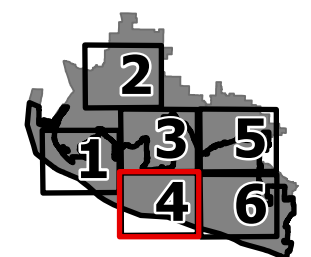


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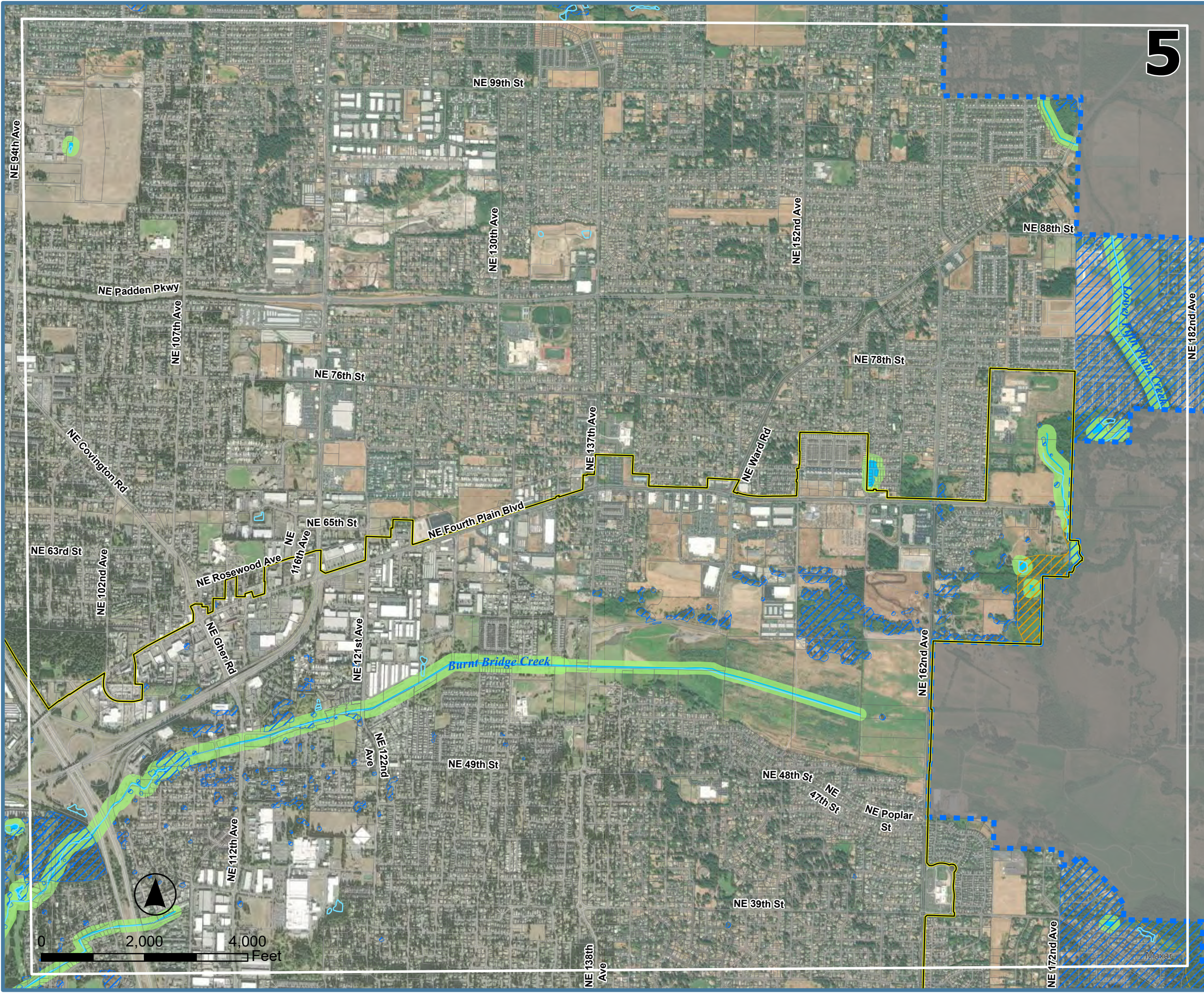
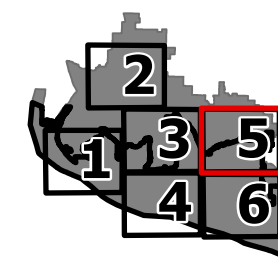


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Riparian Buffers are regulated areas within a horizontal distance from the ordinary high water mark of water bodies which include lakes, streams, or rivers.

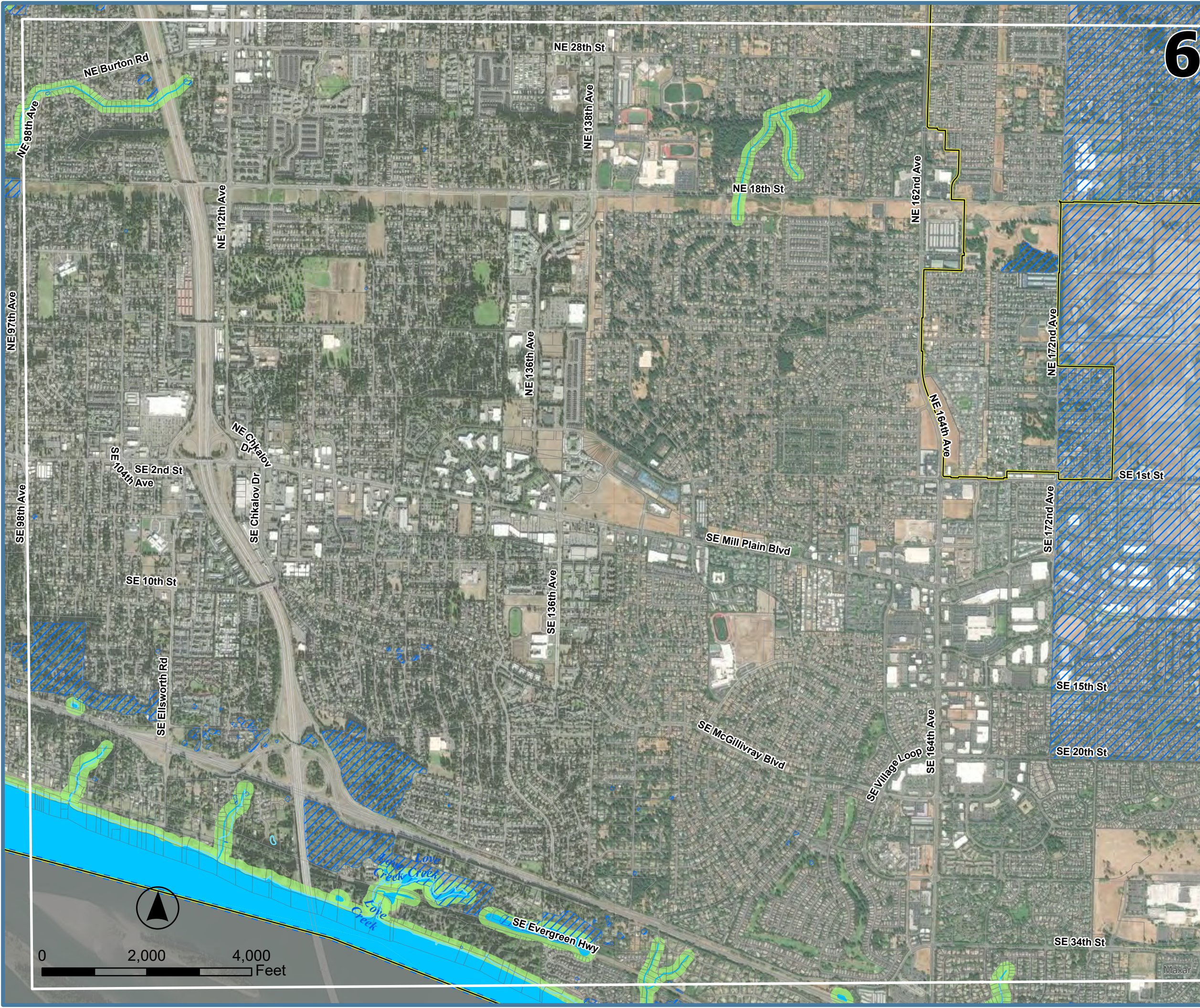
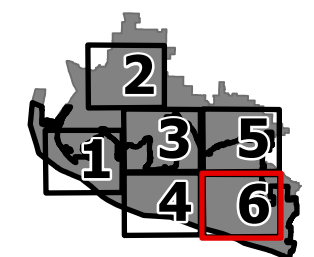


City of Vancouver Critical Areas: Fish and Wildlife Habitat Conservation Area

- Vancouver City Boundary
- Urban Growth Area
- Roads
- Taxlots
- Water
- Priority Habitat Areas
- Priority Species Area
- Adopted Riparian Buffers

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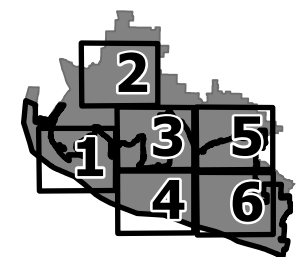


City of Vancouver Critical Areas: Fish and Wildlife Habitat Conservation Area

-  Vancouver City Boundary
-  Urban Growth Area
-  Water
-  Priority Habitat Areas
-  Priority Species Area
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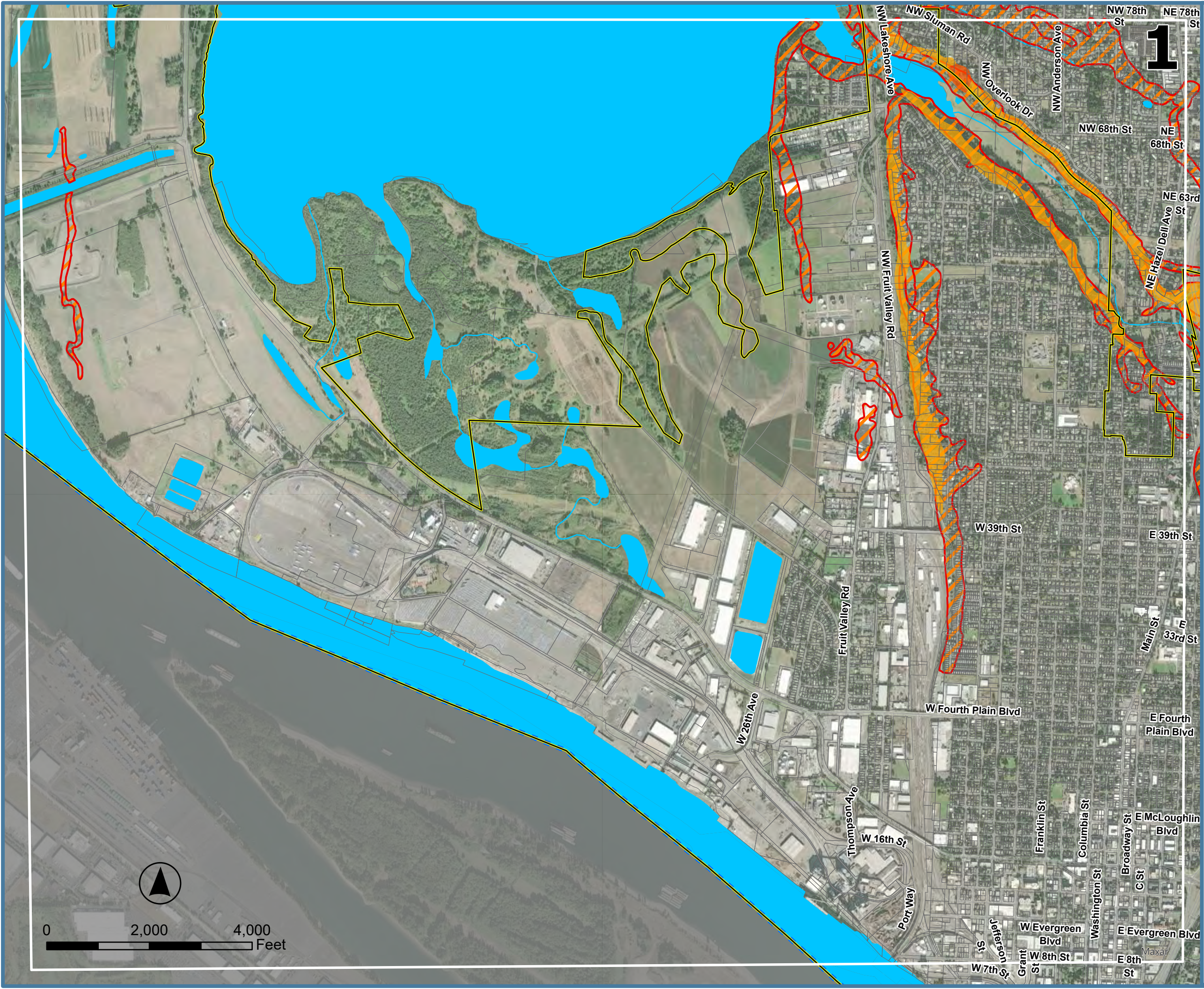
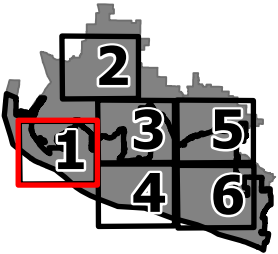


City of Vancouver Critical Areas: Geologically Hazardous Areas

-  Vancouver City Boundary
-  Urban Growth Area
-  Taxlots
-  Roads
-  Water
-  Severe Erosion Hazards
- Landslide Hazards**
 -  Historical unstable slopes
 -  Potential unstable slopes
 -  Active unstable slopes

Severe Erosion Hazards: Areas with soils identified as having a severe erosion hazard by the 1972 USDA Soil Conservation Service Soil Survey of Clark County Washington.

Landslide Hazards : Areas mapped by the Washington State Department of Natural Resources (DNR) and the U.S. Geological Survey (USGS) with slopes greater than 15% and soil and geologic characteristics that are susceptible to landslides.

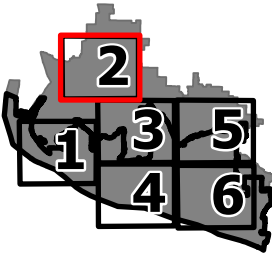


City of Vancouver
Critical Areas:
Geologically
Hazardous Areas

- Vancouver City Boundary
- Urban Growth Area
- Taxlots
- Roads
- Water
- Severe Erosion Hazards
- Landslide Hazards**
 - Historical unstable slopes
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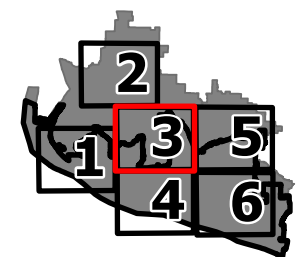


City of Vancouver Critical Areas: Geologically Hazardous Areas

-  Vancouver City Boundary
 -  Urban Growth Area
 -  Taxlots
 -  Roads
 -  Water
 -  Severe Erosion Hazards
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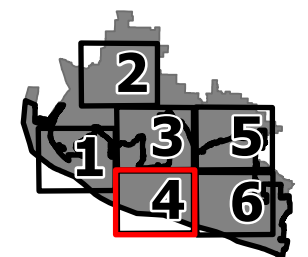


City of Vancouver Critical Areas: Geologically Hazardous Areas

-  Vancouver City Boundary
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-  Taxlots
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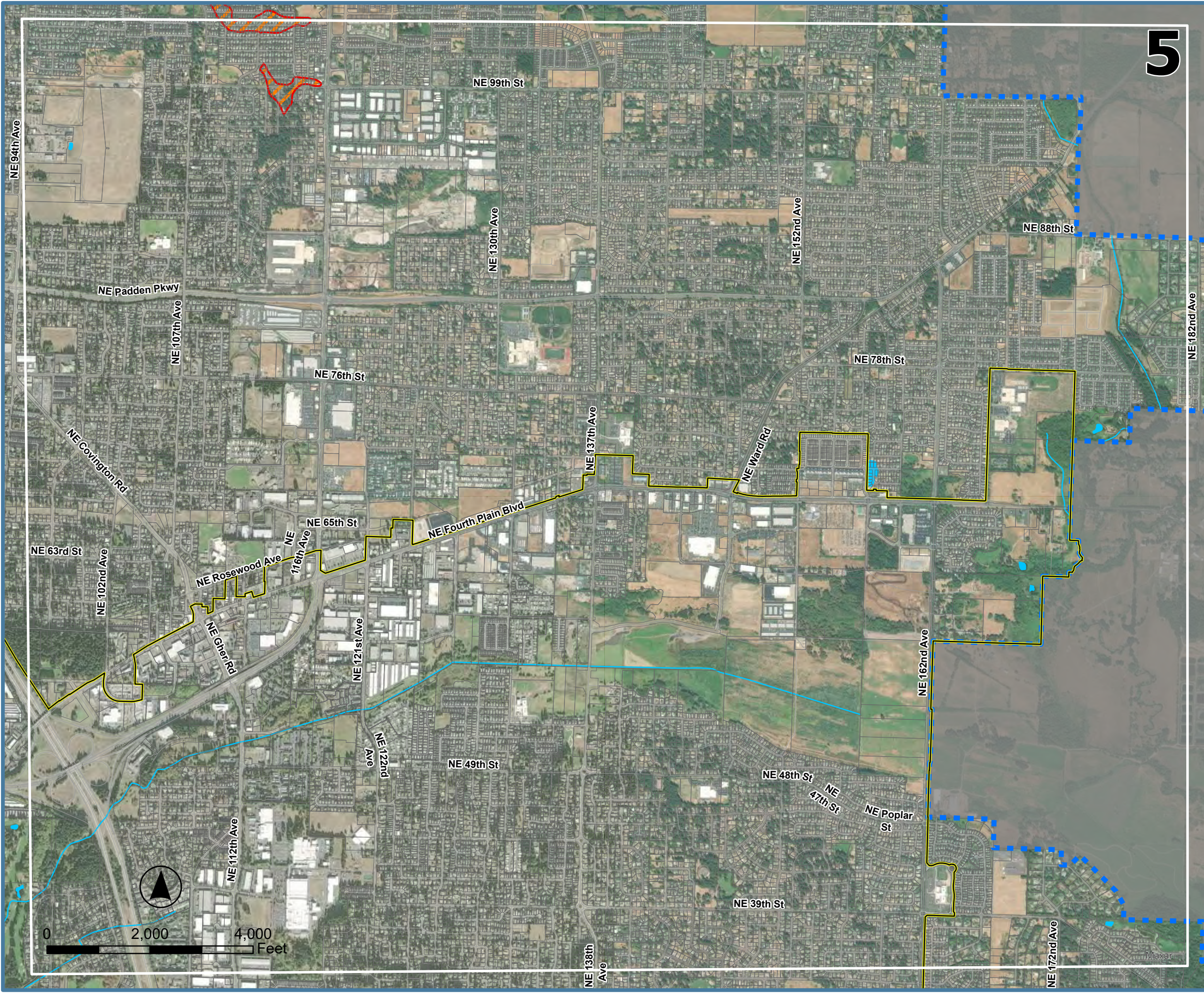
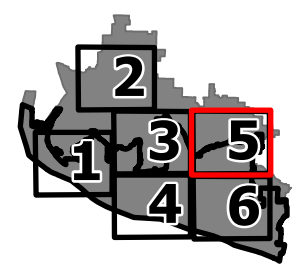


City of Vancouver Critical Areas: Geologically Hazardous Areas

- Vancouver City Boundary
- Urban Growth Area
- Taxlots
- Roads
- Water
- Severe Erosion Hazards
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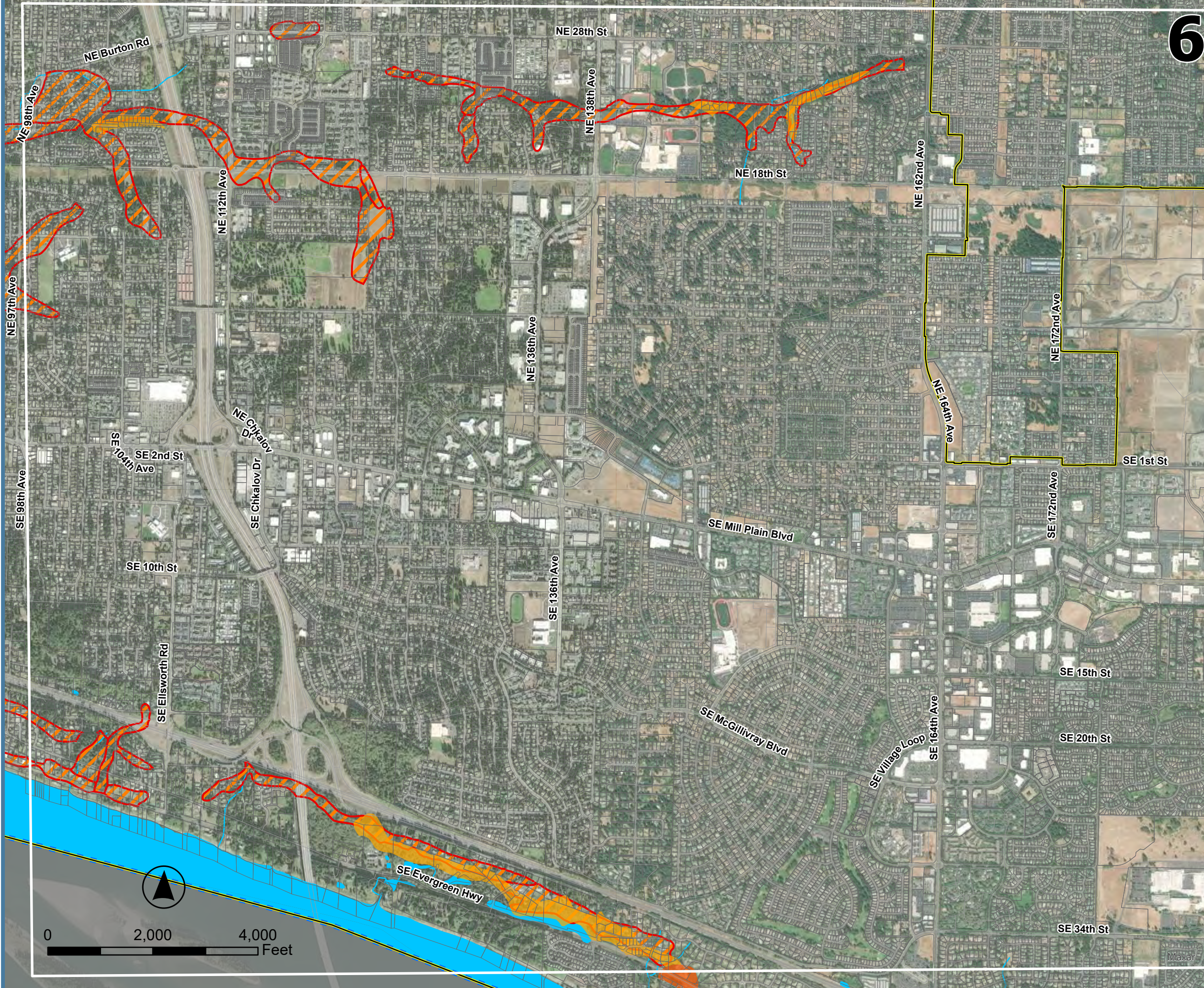
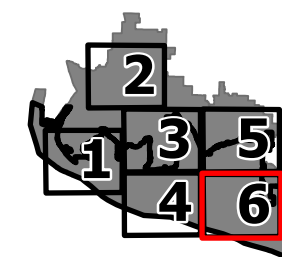


City of Vancouver Critical Areas: Geologically Hazardous Areas

- Vancouver City Boundary
- Urban Growth Area
- Taxlots
- Roads
- Water
- Severe Erosion Hazards
- Landslide Hazards**
 - Historical unstable slopes
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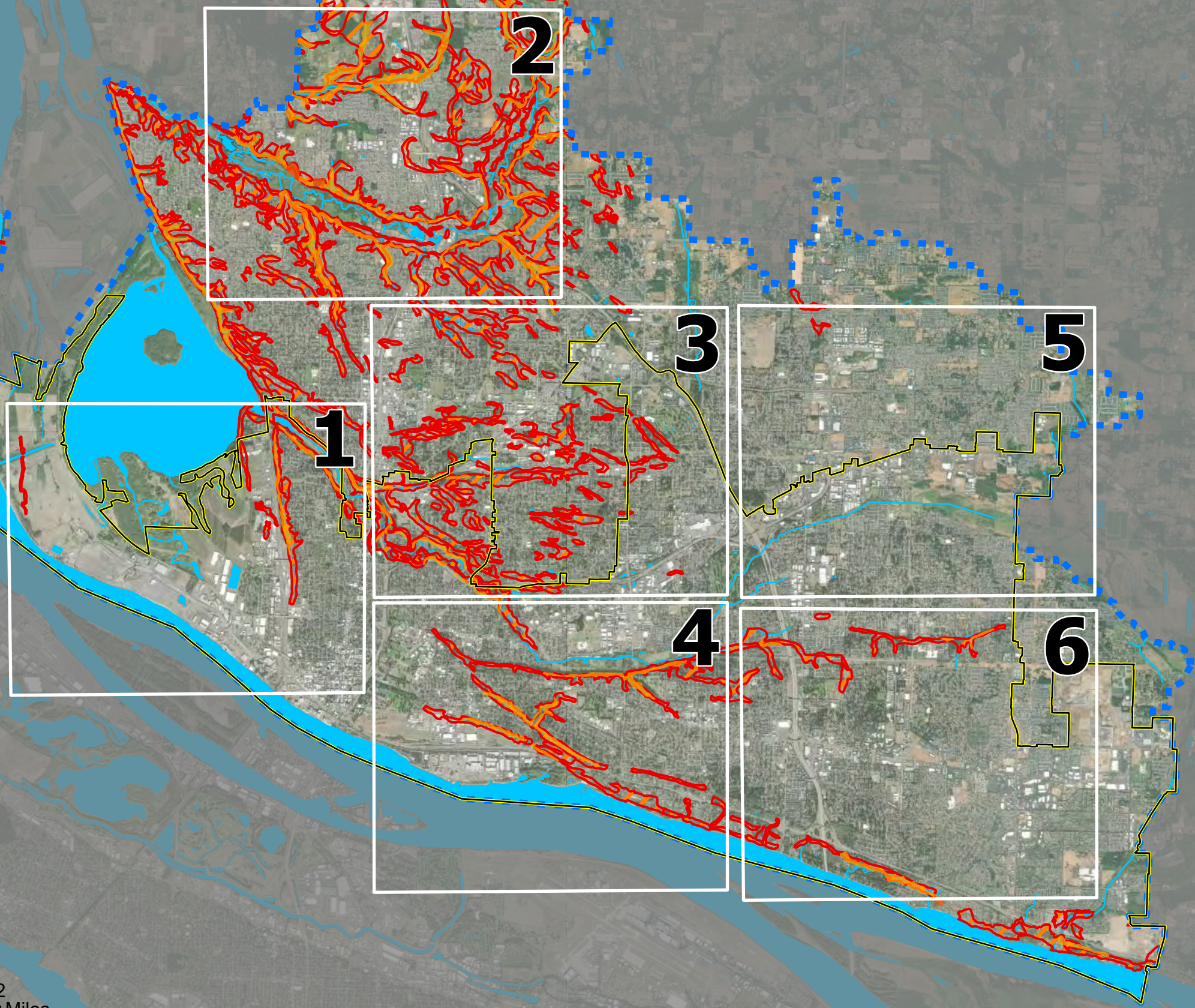
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City of Vancouver Critical Areas: Geologically Hazardous Areas

-  Vancouver City Boundary
 -  Urban Growth Area
 -  Water
 -  Severe Erosion Hazards
- Landslide Hazards**
-  Historical unstable slopes
 -  Potential unstable slopes
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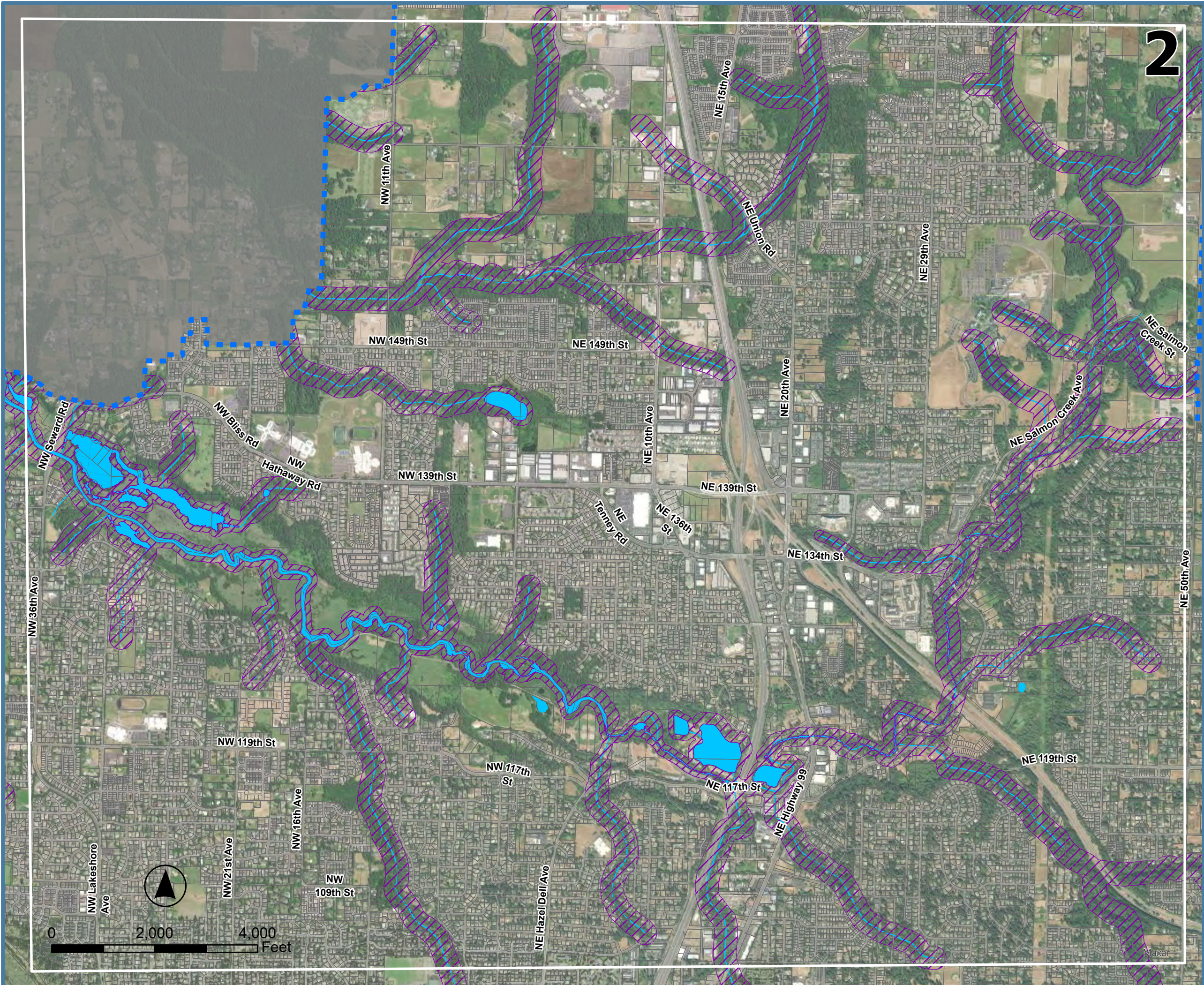
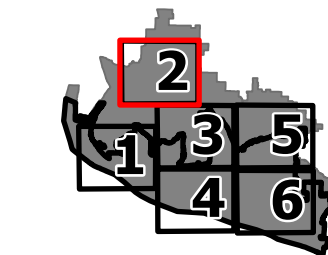
- Vancouver City Boundary
- Urban Growth Area
- Water
- Taxlots
- Roads
- Riparian Management Zone

Page 1 of 7
Page 594 of 1410

City of Vancouver
Critical Areas:
Fish and Wildlife
Riparian Habitat

- Vancouver City Boundary
- Urban Growth Area
- Water
- Taxlots
- Roads
- Riparian Managment Zone

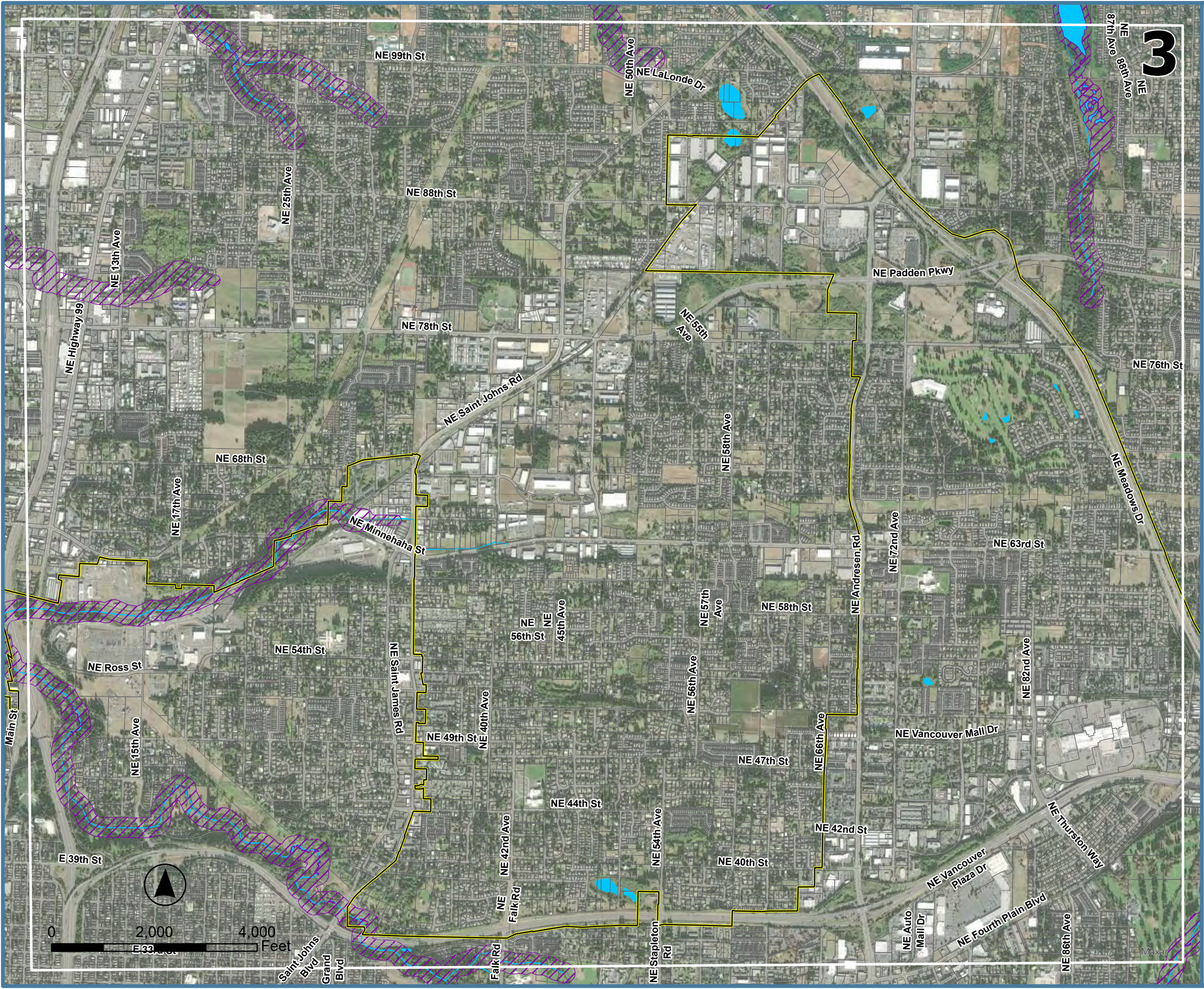
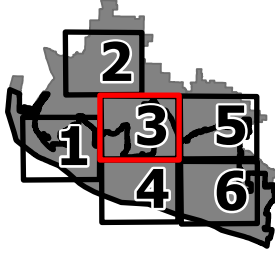
Riparian Management Zones are modeled representations calculated using statewide soil and tree species data. Tree and soil data are used to determine the potential height of a given tree if it lived for 200 years. The buffer width shown represents that modeled height as a horizontal distance from the centerline or stream edge of a water body.



City of Vancouver
Critical Areas:
Fish and Wildlife
Riparian Habitat

- Vancouver City Boundary
- Urban Growth Area
- Water
- Taxlots
- Roads
- Riparian Managment Zone

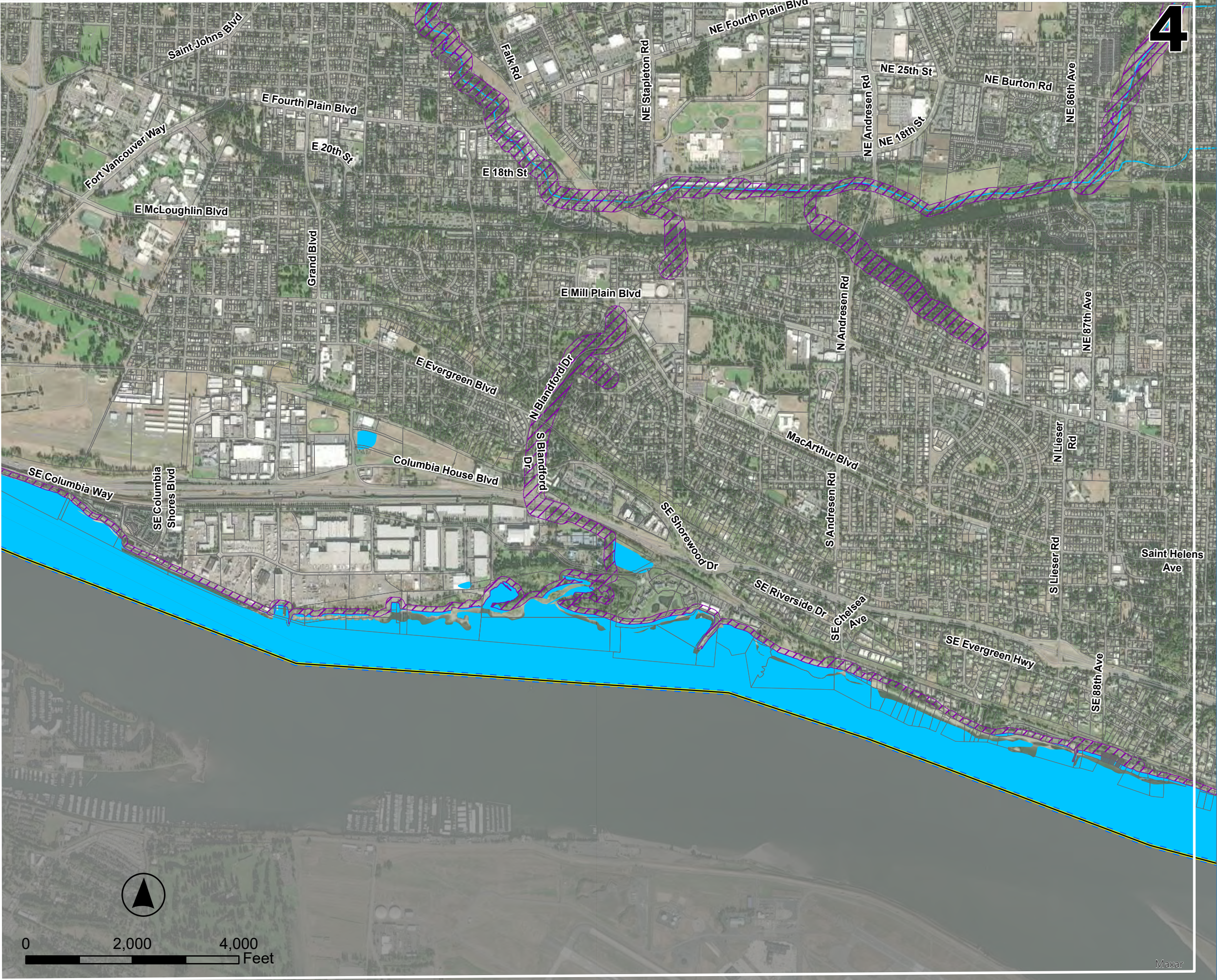
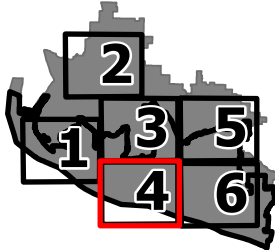
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City of Vancouver
Critical Areas:
Fish and Wildlife
Riparian Habitat

- Vancouver City Boundary
- Urban Growth Area
- Water
- Taxlots
- Roads
- Riparian Managment Zone

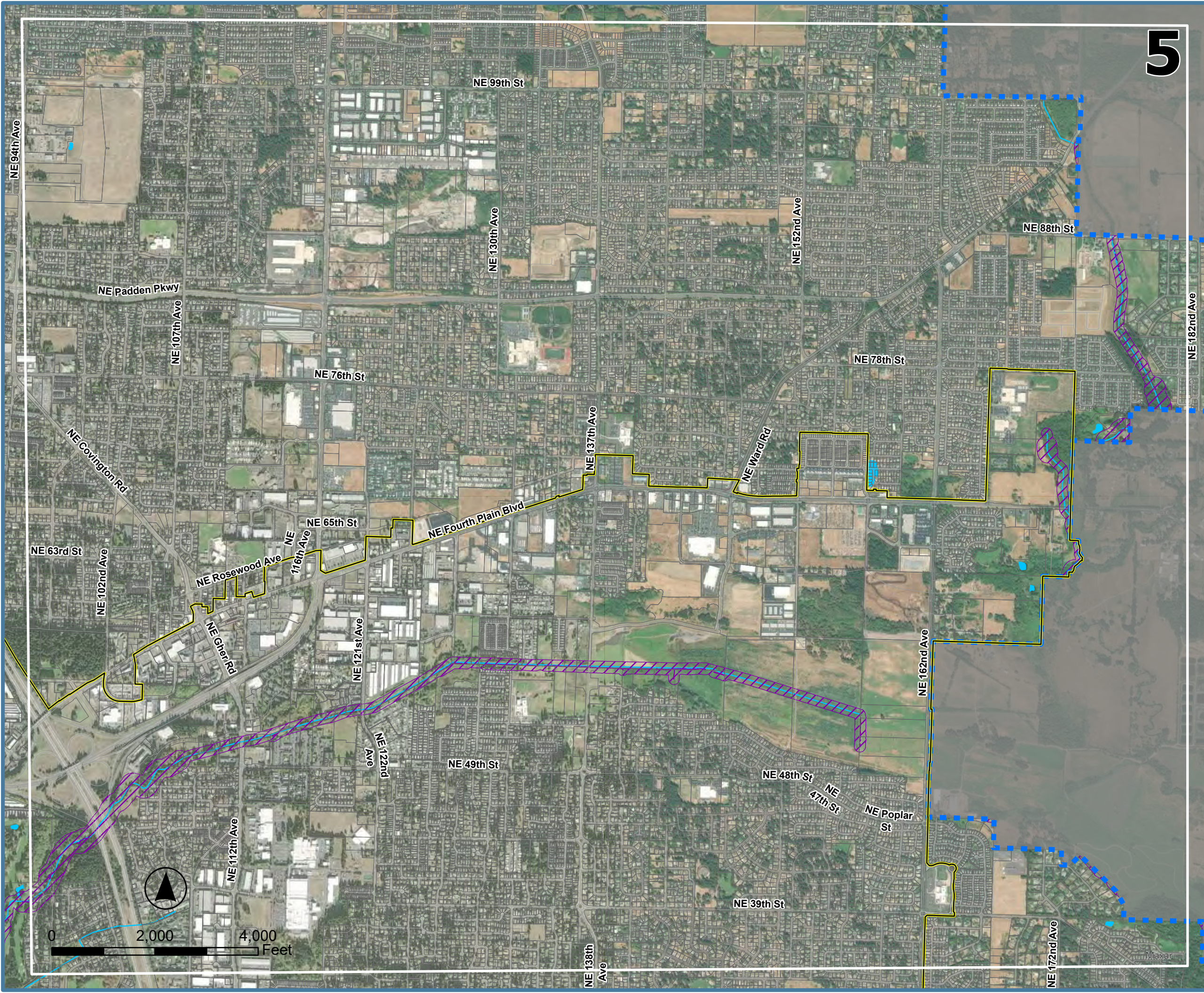
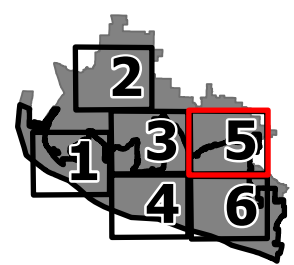
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City of Vancouver Critical Areas: Fish and Wildlife Riparian Habitat

- Vancouver City Boundary
- Urban Growth Area
- Water
- Taxlots
- Roads
- Riparian Managment Zone

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6

-
- 6
- NE 28th St
- NE 138th Ave
- NE 136th Ave
- NE 162nd Ave
- NE 172nd Ave
- SE 1st St
- SE 15th St
- SE 20th St
- SE 34th St
- SE 164th Ave
- SE Village Loop
- SE McGillivray Blvd
- SE Mill Plain Blvd
- SE 104th Ave
- SE 10th St
- SE Ellsworth Rd
- NE 98th Ave
- NE 97th Ave
- NE 112th Ave
- NE Chkalov Dr
- NE Burton Rd
- SE Evergreen Hwy
- 0 2,000 4,000 Feet

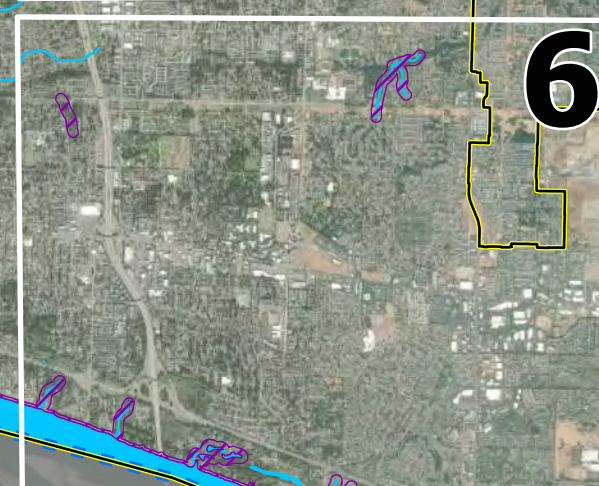
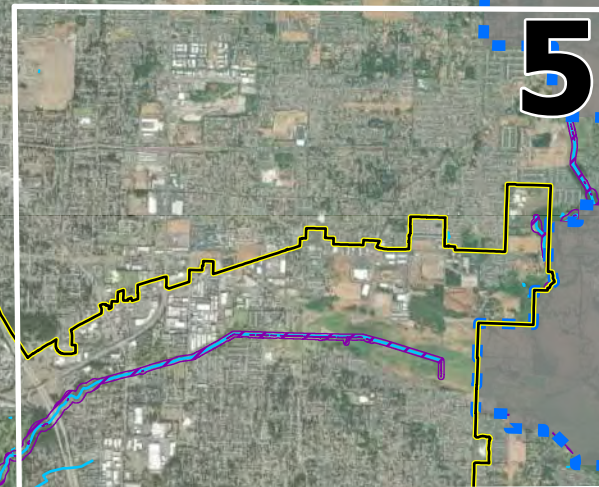
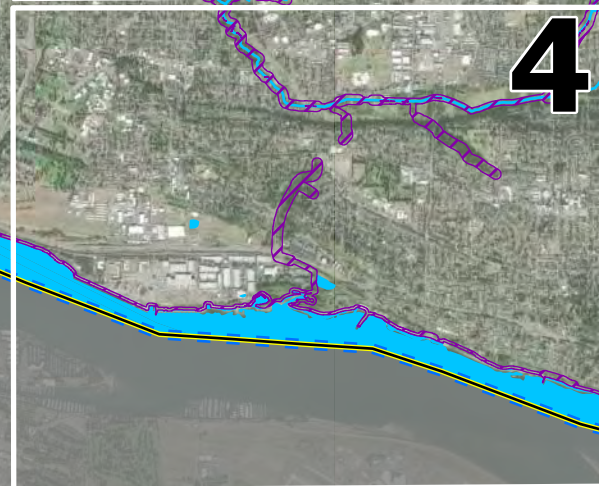
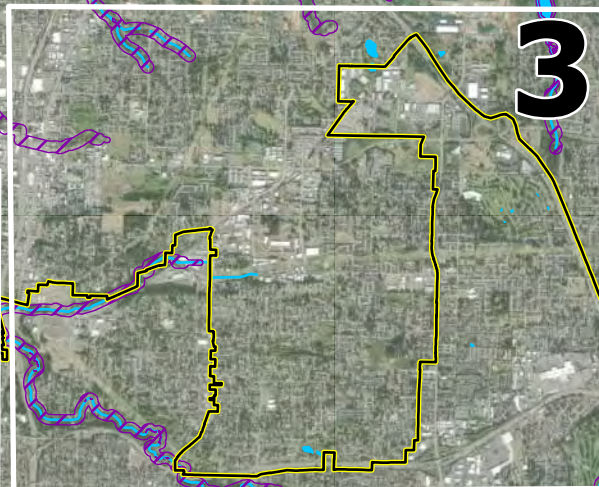
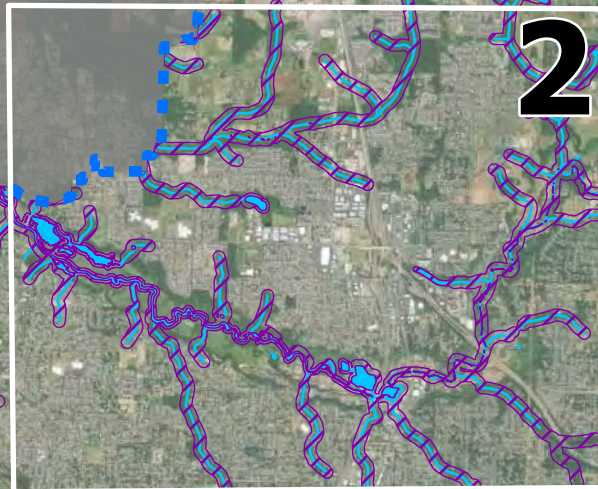
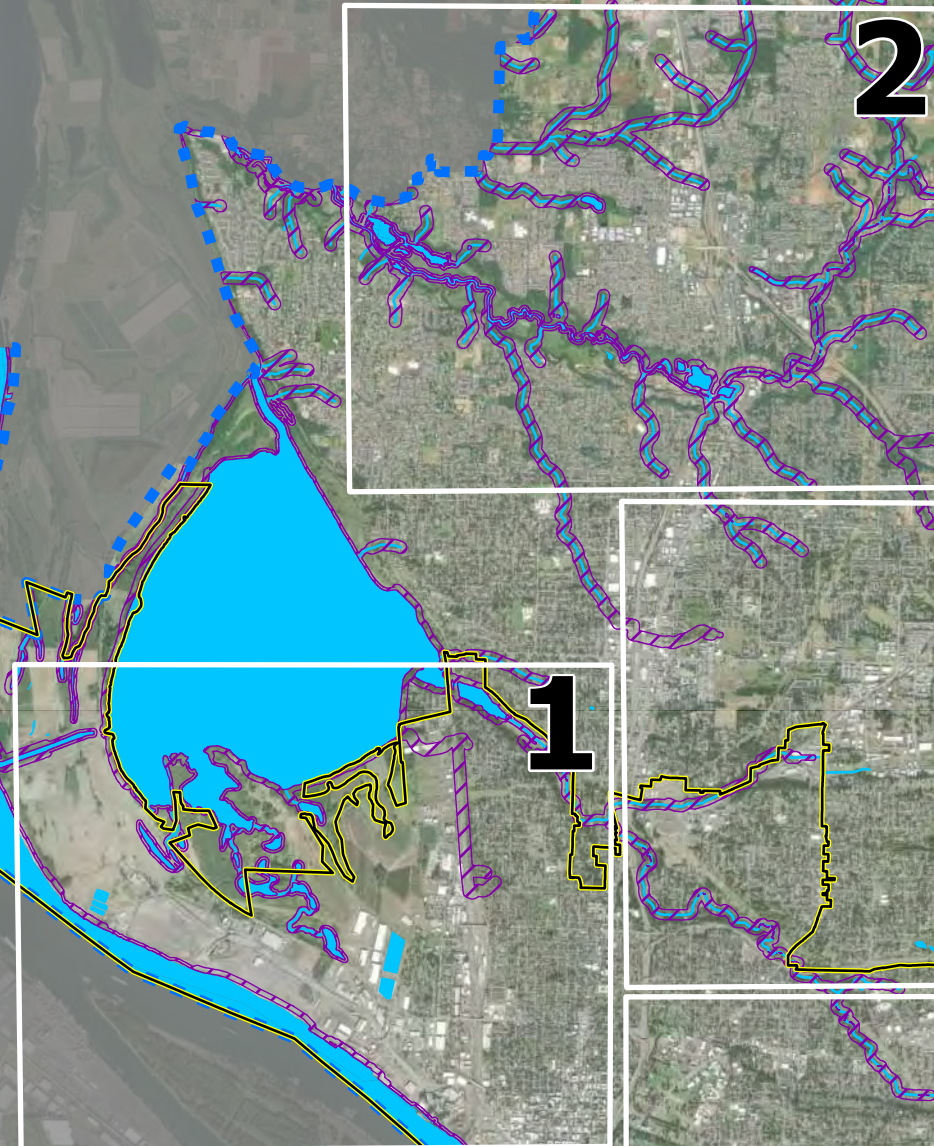
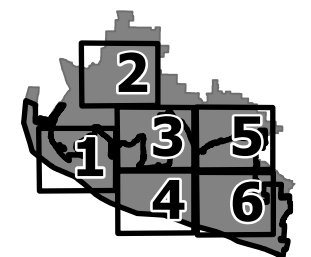
A 3x3 grid of numbers 1 through 6, with the number 6 highlighted in a red box.



City of Vancouver Critical Areas: Fish and Wildlife Riparian Habitat

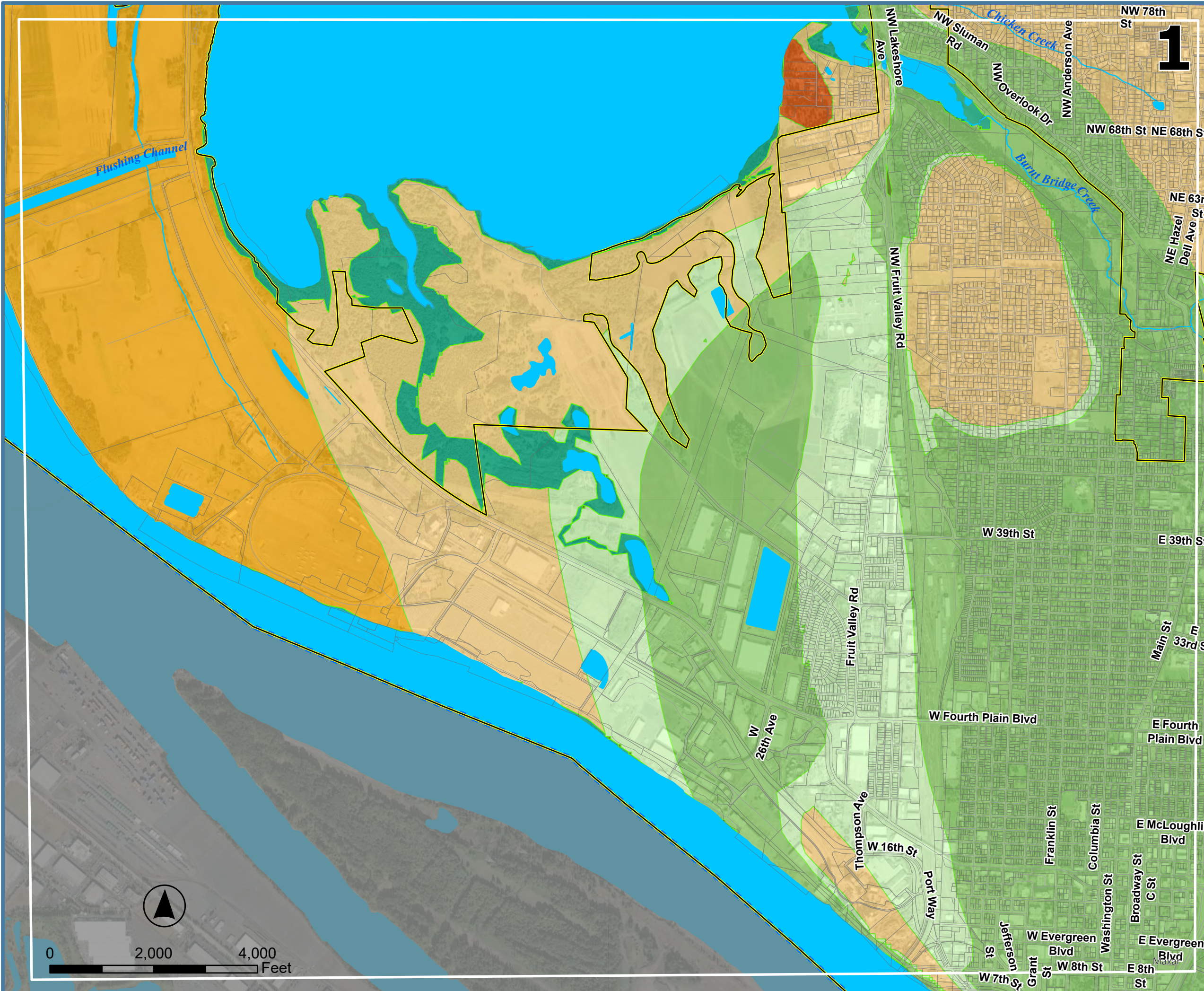
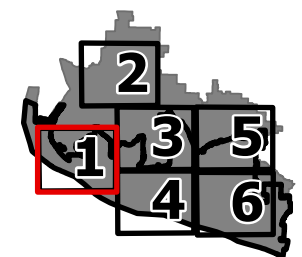
-  Vancouver City Boundary
-  Urban Growth Area
-  Riparian Management Zone
-  Water

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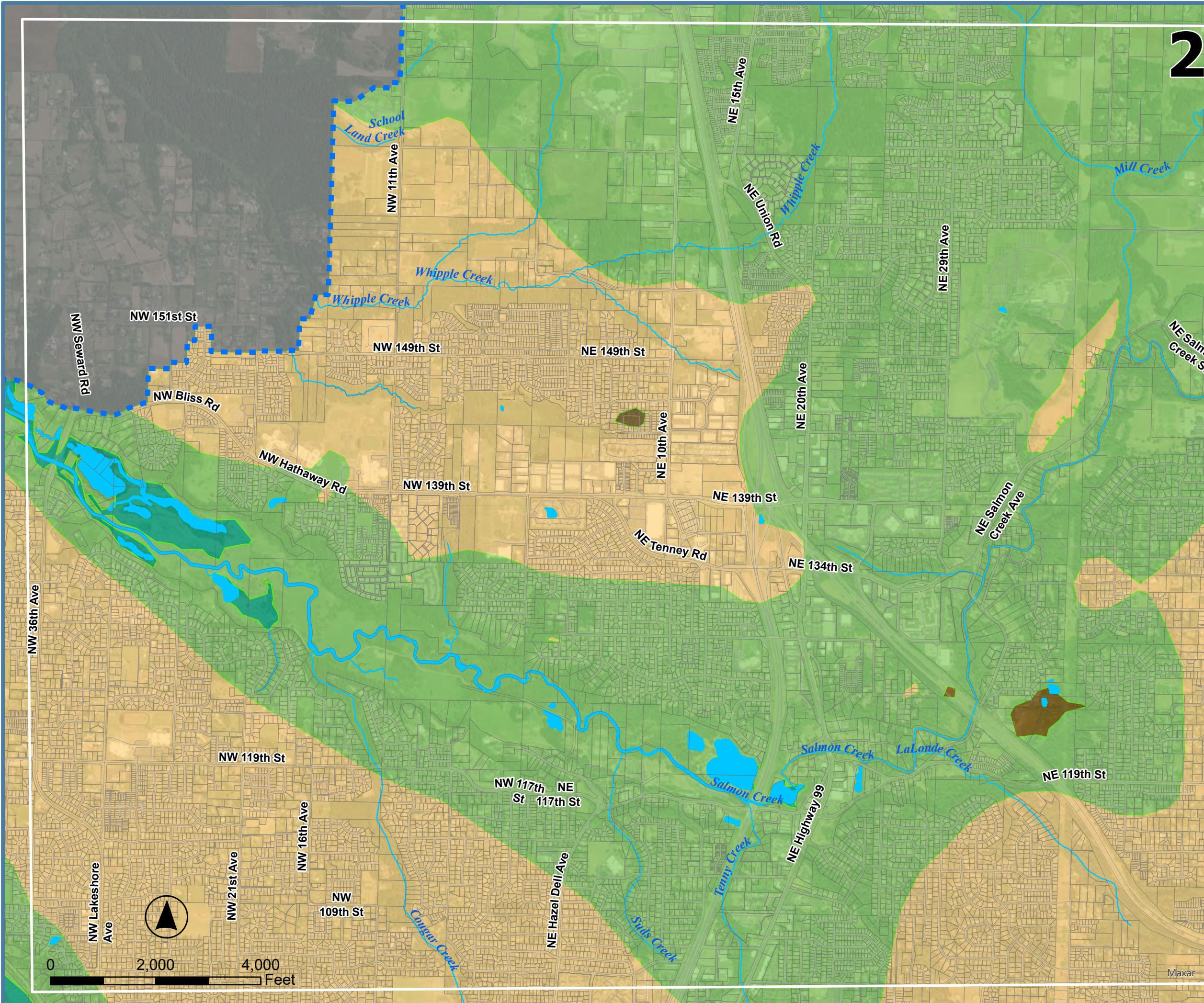
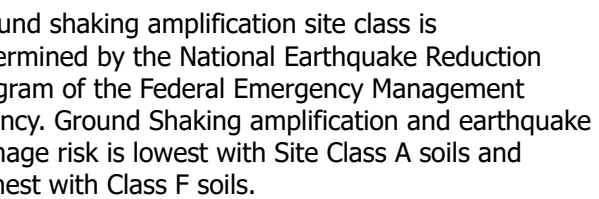


- ## Ground Shaking Amplification Site Class

- Ground shaking amplification site class is determined by the National Earthquake Reduction Program of the Federal Emergency Management Agency. Ground Shaking amplification and earthquake damage risk is lowest with Site Class A soils and highest with Class F soils.



2



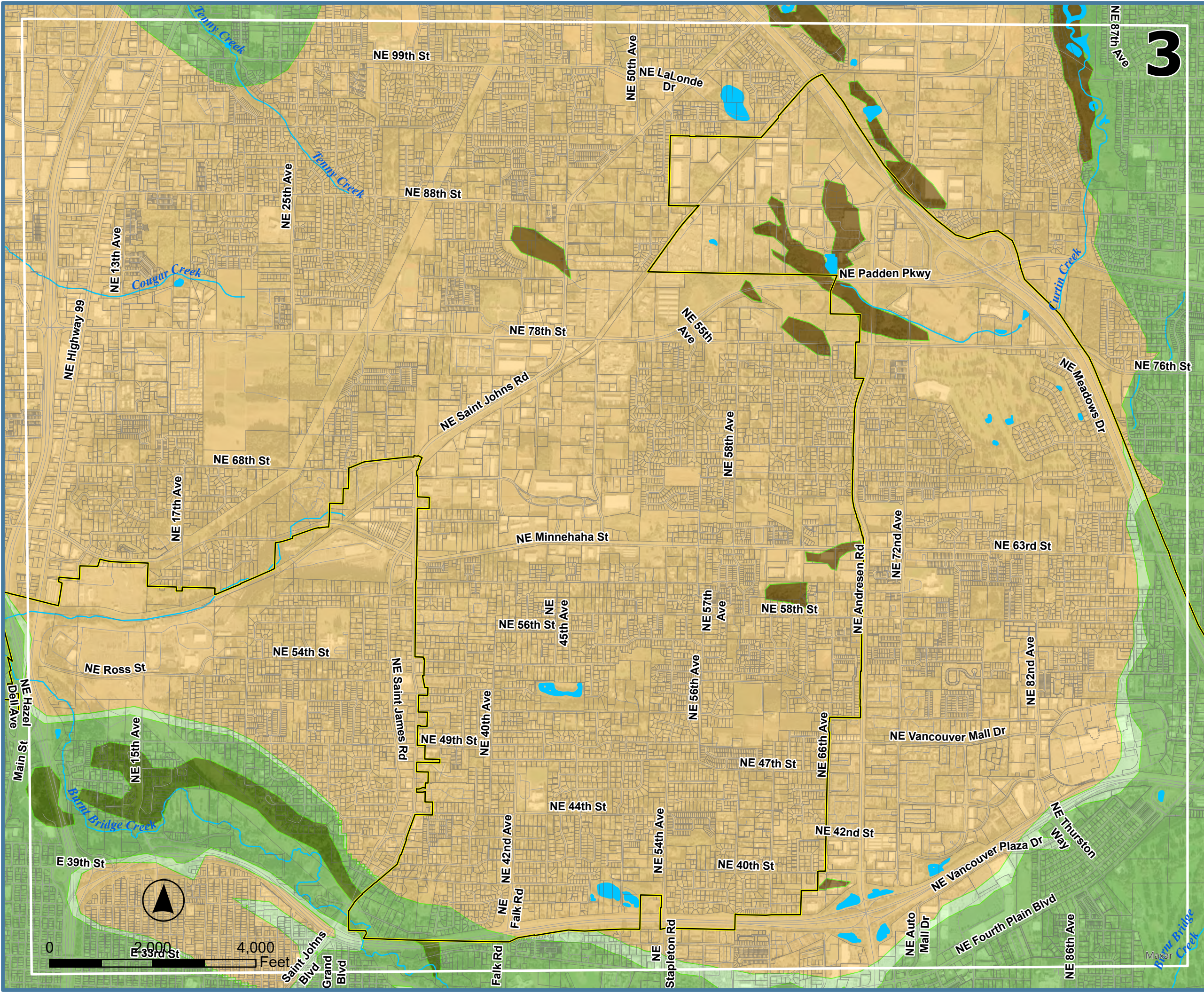
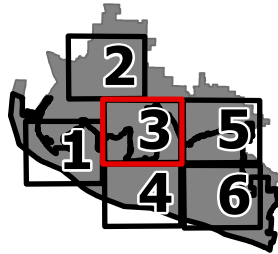
City of Vancouver
Critical Areas:
Geologic Hazards
(Ground Shaking
Amplification Site Class)

- Vancouver City Boundary
- Urban Growth Area
- Taxlots
- Roads

Ground Shaking
Amplification Site Class

- B: rock (volcanic rock)
- B-C: rock (volcanic rock), very dense soil and soft rock (sandstone)
- C: very dense soil and soft rock (sandstone)
- C-D: very dense soil and soft rock (sandstone),stiff soil (mud)
- D: stiff soil (mud)
- D-E: stiff soil (mud), soft soil (artificial soil)
- E: soft soil (artificial soil).
- PEAT: requires specific evaluation
- Water

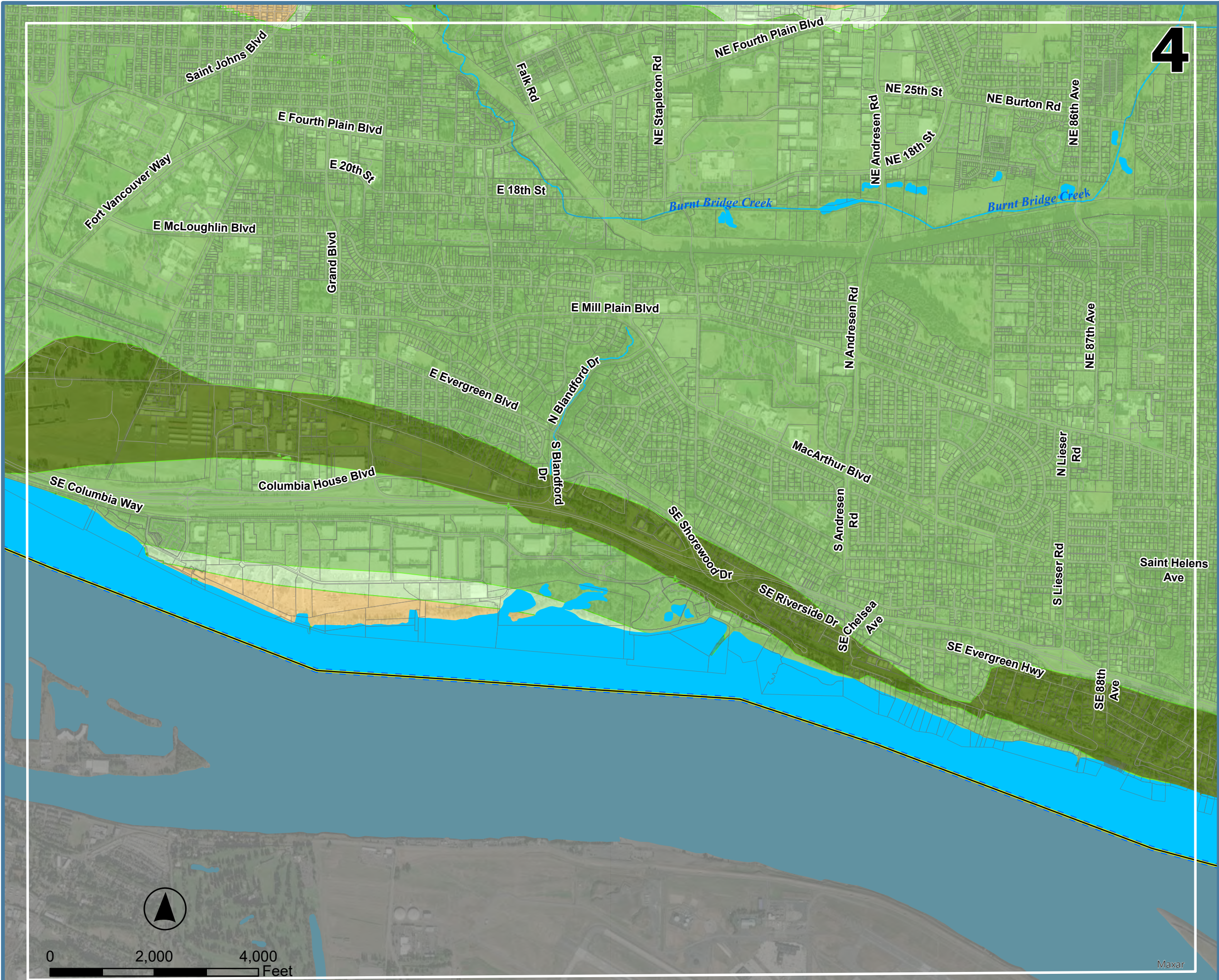
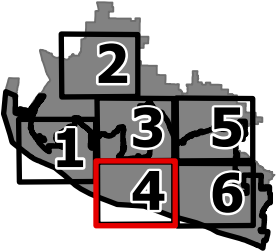
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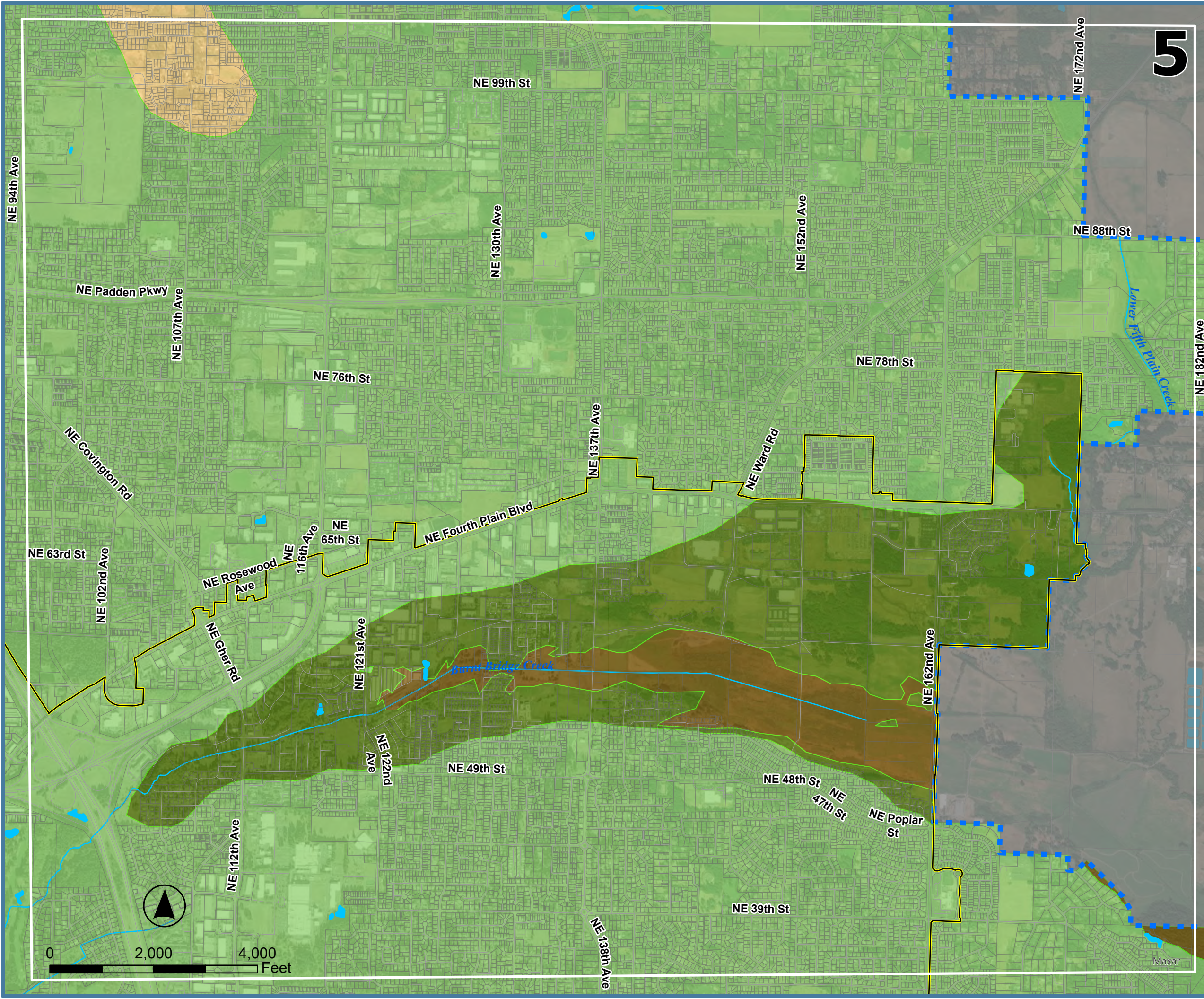


City of Vancouver
Critical Areas:
Geologic Hazards
(Ground Shaking
Amplification Site Class)

- Vancouver City Boundary
- Urban Growth Area
- Taxlots
- Roads
- Ground Shaking
Amplification Site Class
- B: rock (volcanic rock)
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dense soil and soft rock
(sandstone)
- C: very dense soil and soft rock
(sandstone)
- C-D: very dense soil and soft
rock (sandstone),stiff soil (mud)
- D: stiff soil (mud)
- D-E: stiff soil (mud), soft soil
(artificial soil)
- E: soft soil (artificial soil).
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evaluation
- Water

Ground shaking amplification site class is determined by the National Earthquake Reduction Program of the Federal Emergency Management Agency. Ground Shaking amplification and earthquake damage risk is lowest with Site Class A soils and highest with Class F soils.





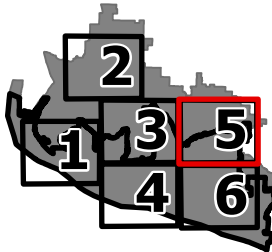
City of Vancouver Critical Areas: Geologic Hazards (Ground Shaking Amplification Site Class)

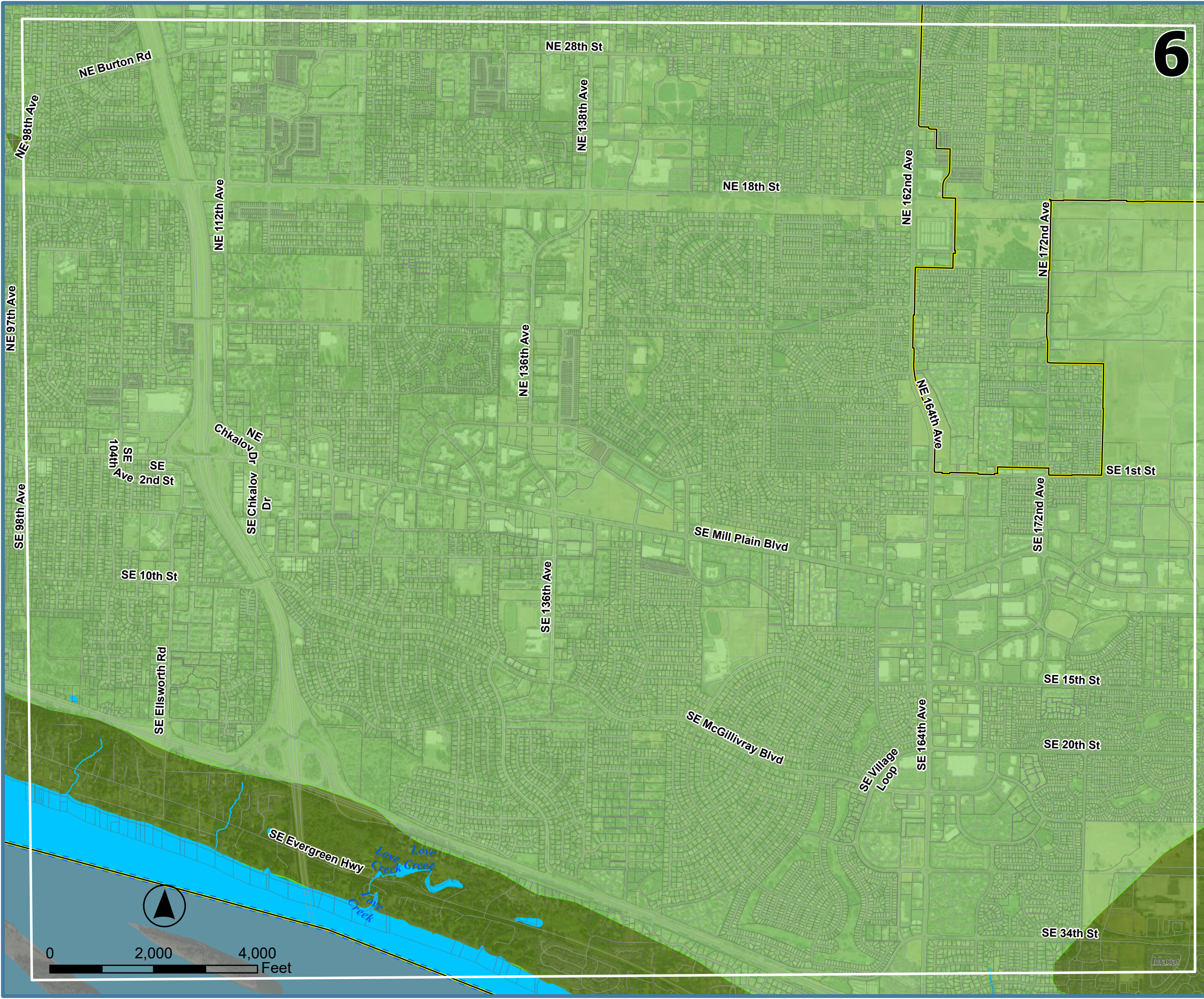
- Vancouver City Boundary
- Urban Growth Area
- Taxlots
- Roads

Ground Shaking Amplification Site Class

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- D: stiff soil (mud)
- D-E: stiff soil (mud), soft soil (artificial soil)
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- PEAT: requires specific evaluation
- Water

Ground shaking amplification site class is determined by the National Earthquake Reduction Program of the Federal Emergency Management Agency. Ground Shaking amplification and earthquake damage risk is lowest with Site Class A soils and highest with Class F soils.





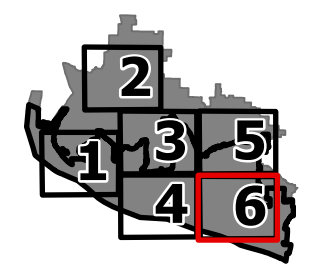
City of Vancouver Critical Areas: Geologic Hazards (Ground Shaking Amplification Site Class)

- Vancouver City Boundary
- Urban Growth Area
- Taxlots
- Roads

Ground Shaking Amplification Site Class

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- D-E: stiff soil (mud), soft soil (artificial soil)
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- PEAT: requires specific evaluation
- Water

Ground shaking amplification site class is determined by the National Earthquake Reduction Program of the Federal Emergency Management Agency. Ground Shaking amplification and earthquake damage risk is lowest with Site Class A soils and highest with Class F soils.



City of Vancouver
Critical Areas:
Geologic Hazards
(Ground Shaking
Amplification Site Class)

 Vancouver City Boundary

 Urban Growth Area

Ground Shaking
Amplification Site Class

 B: rock (volcanic rock)

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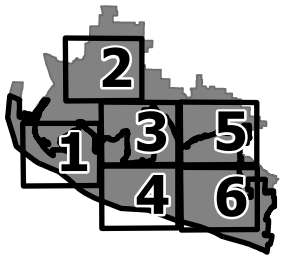
 D-E: stiff soil (mud), soft soil (artificial soil)

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 PEAT: requires specific evaluation

 Water

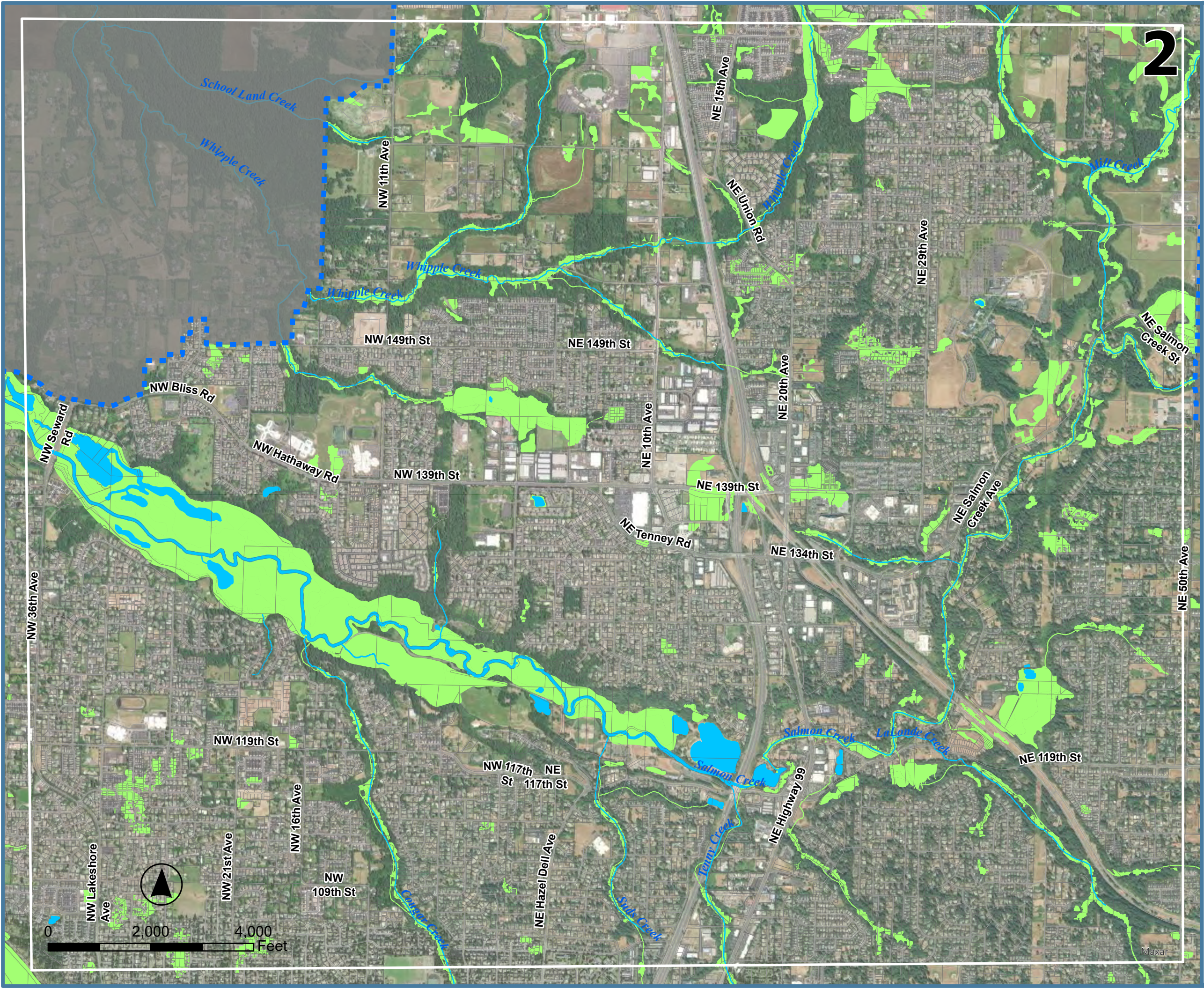
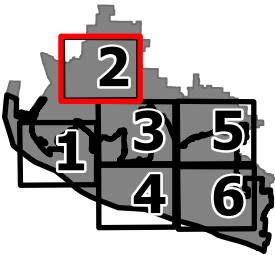
Ground shaking amplification site class is determined by the National Earthquake Reduction Program of the Federal Emergency Management Agency. Ground Shaking amplification and earthquake damage risk is lowest with Site Class A soils and highest with Class F soils.



City of Vancouver Critical Areas: Wetlands

-  Vancouver City Boundary
-  Urban Growth Area
-  Taxlots
-  Roads
-  Water
-  Wetlands

Wetlands are designated by the National Wetland Inventory (NWI) and include swamps, marshes, bogs, and similar areas, but do not include artificial wetlands that are intentionally created such as irrigation/drainage ditches, canals, and detention facilities.



3

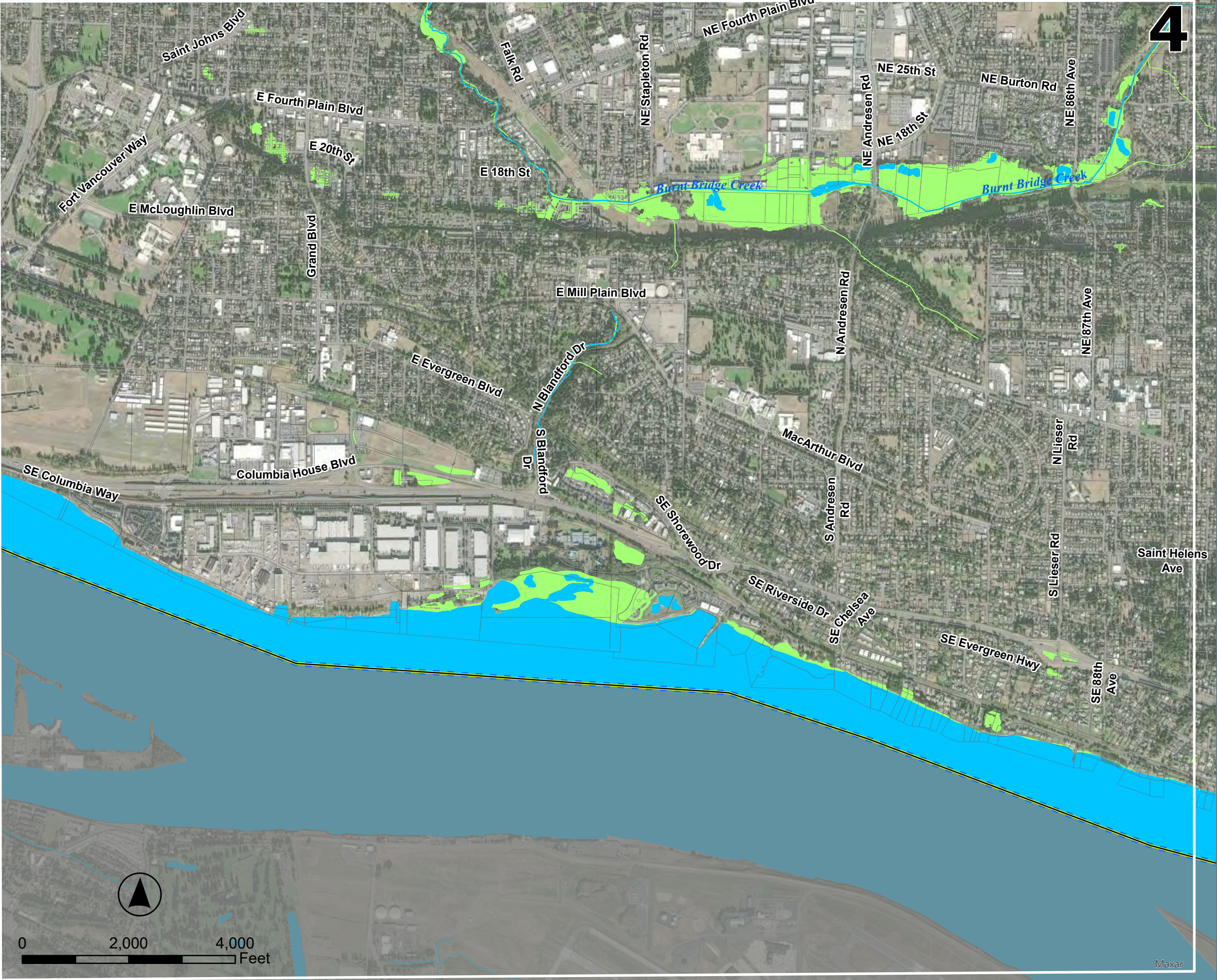
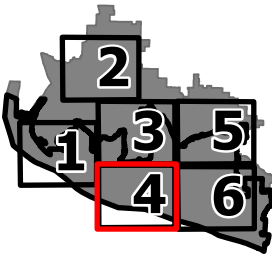
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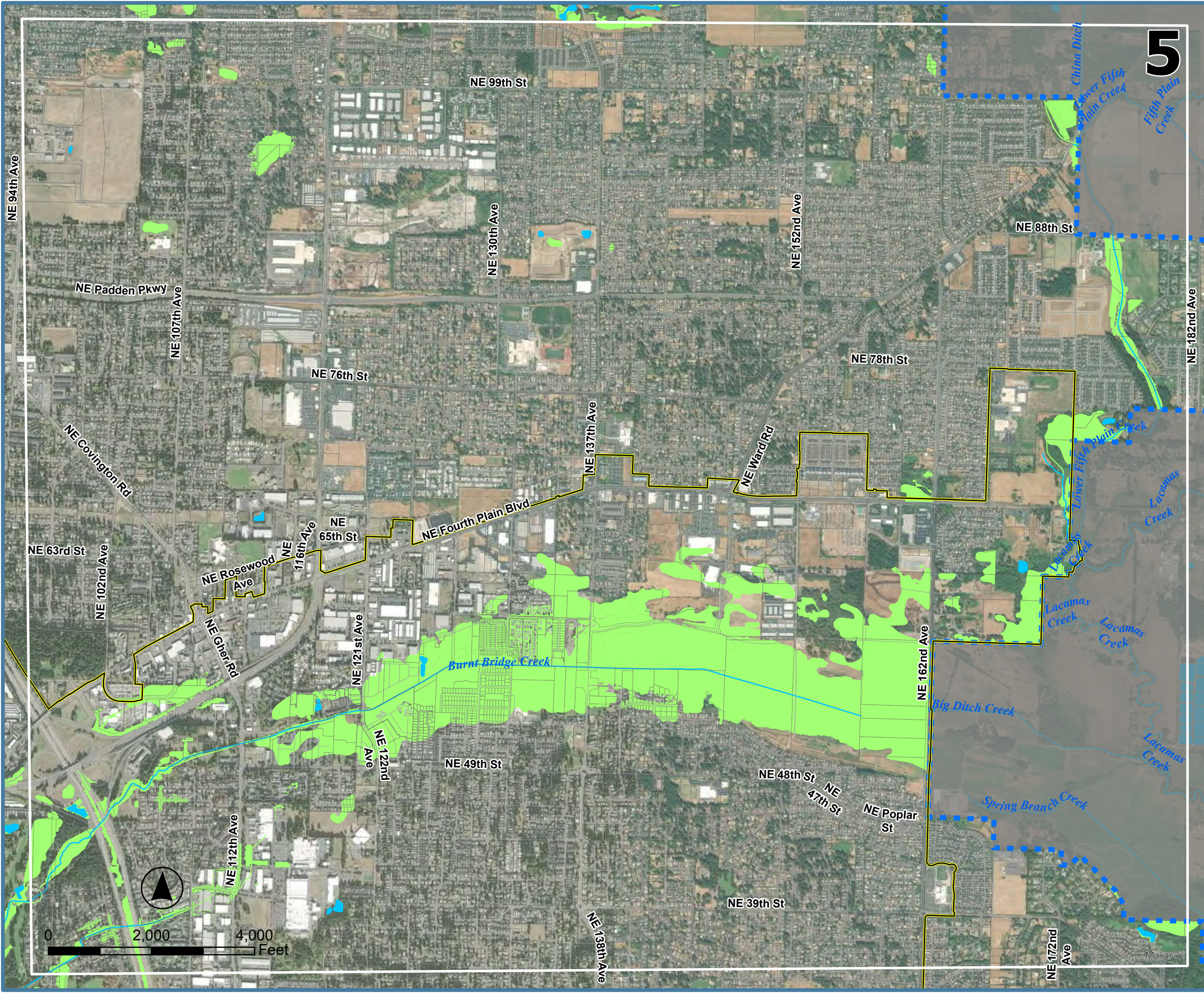


City of Vancouver
Critical Areas:
Wetlands

- Vancouver City Boundary
- Urban Growth Area
- Taxlots
- Roads
- Water
- Wetlands

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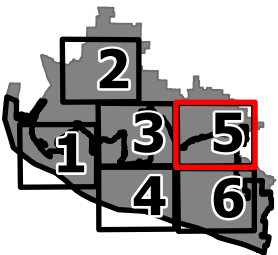




City of Vancouver Critical Areas: Wetlands

- Vancouver City Boundary
- Urban Growth Area
- Taxlots
- Roads
- Water
- Wetlands

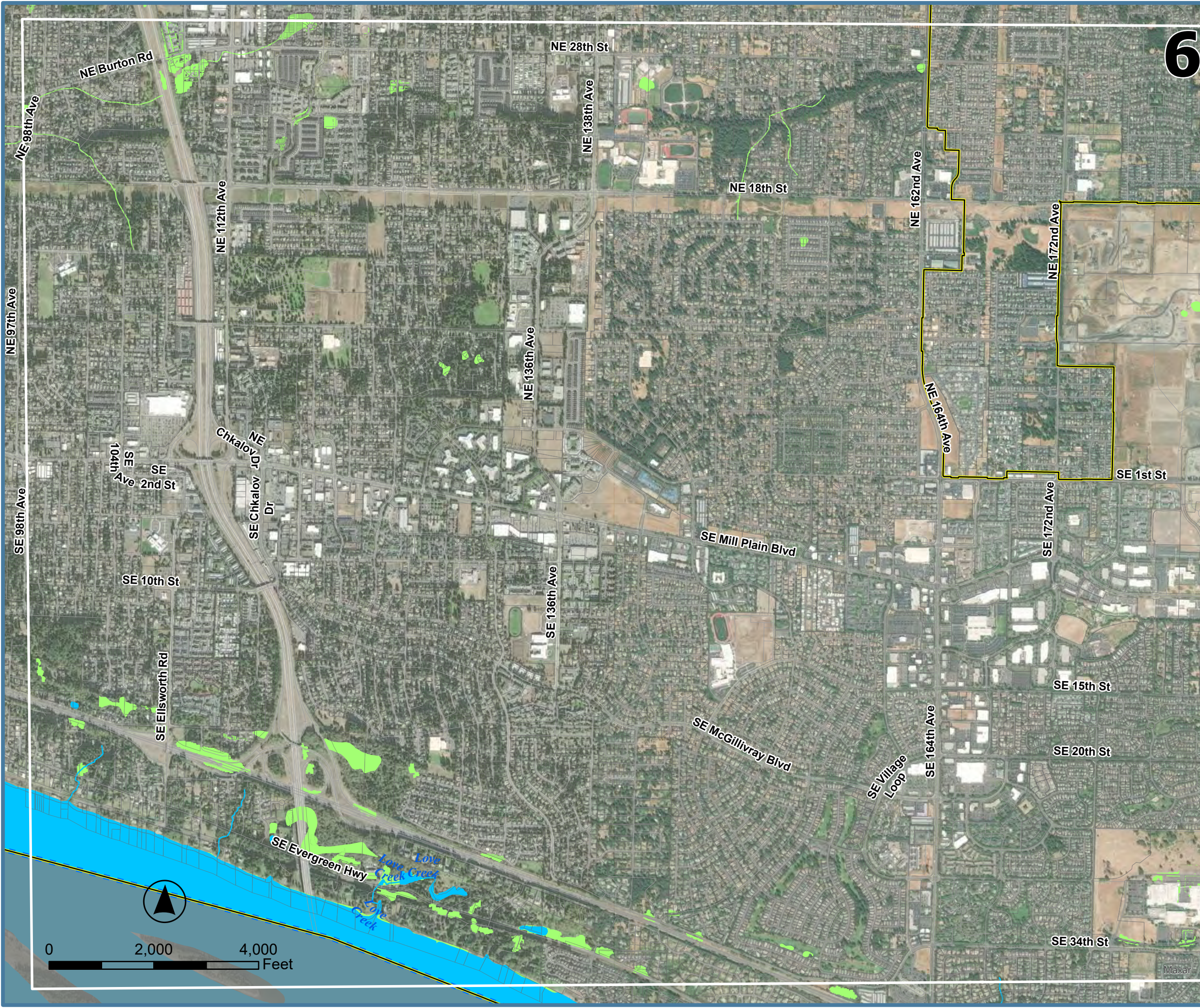
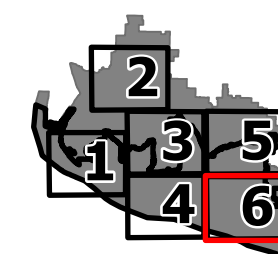
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City of Vancouver Critical Areas: Wetlands

-  Vancouver City Boundary
-  Urban Growth Area
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-  Water
-  Wetlands

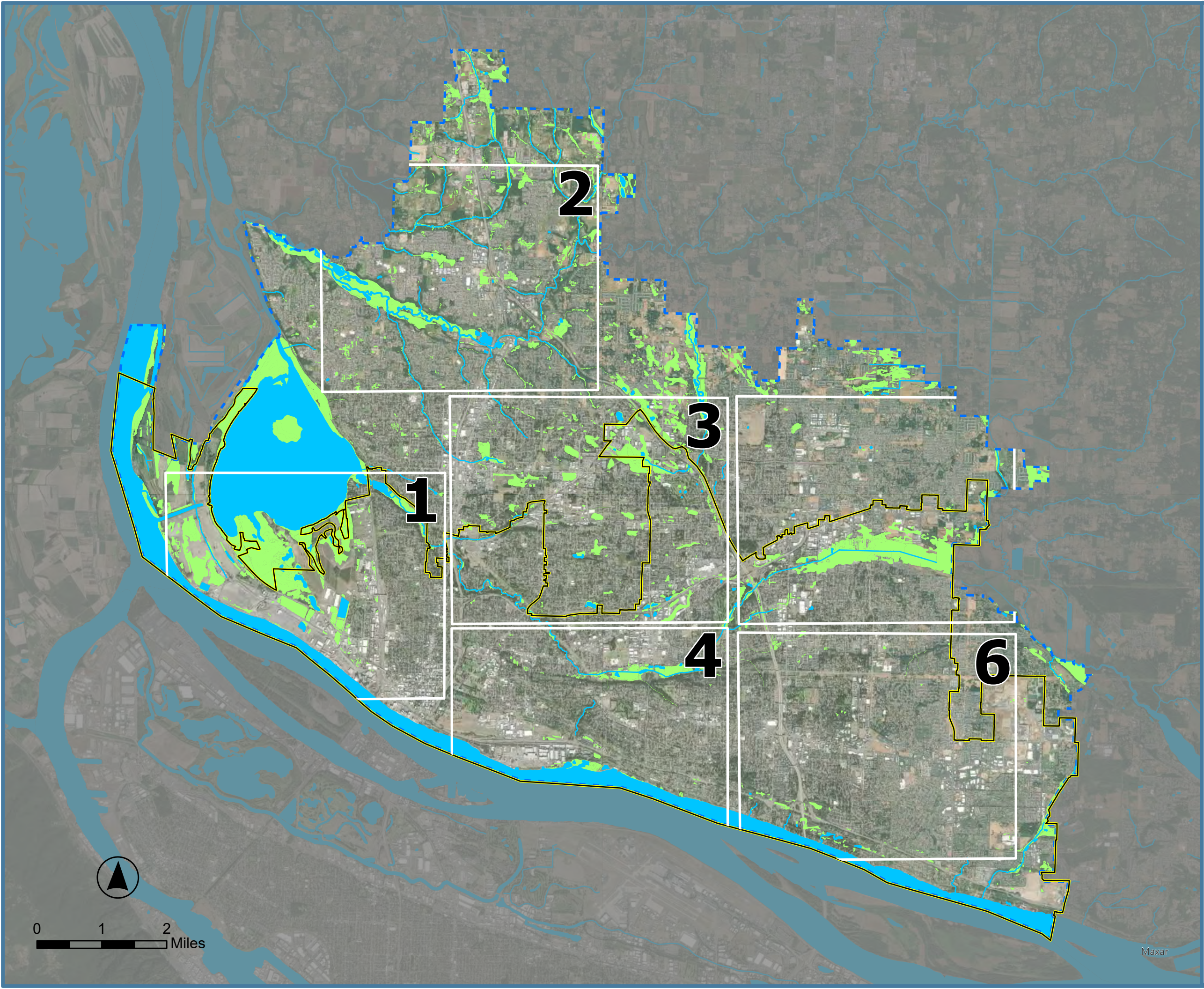
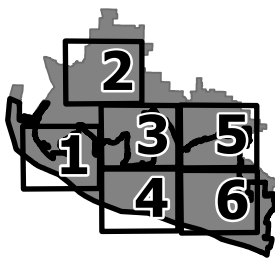
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City of Vancouver
Critical Areas:
Wetlands

- Vancouver City Boundary
- Urban Growth Area
- Water
- Wetlands

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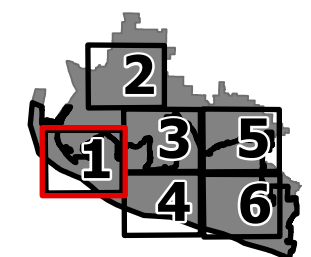


City of Vancouver Critical Areas: Fish and Wildlife Habitat Conservation Area

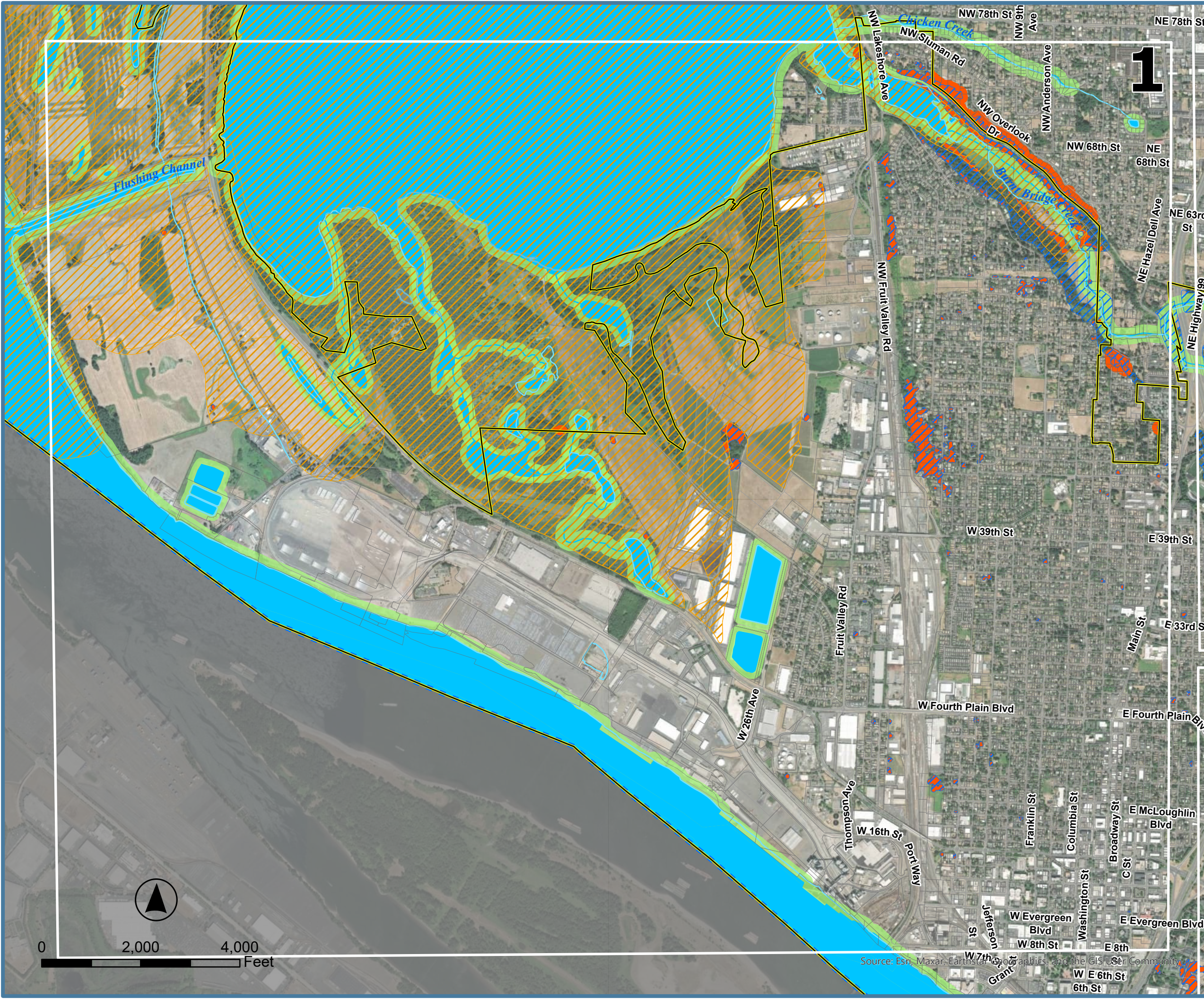
-  Vancouver City Boundary
-  Urban Growth Area
-  Roads
-  Taxlots
-  Water
-  Oak Woodland
-  Priority Habitat Areas
-  Priority Species Area
-  Adopted Riparian Buffers

Priority Habitat and Species Areas are specific habitats identified by the Washington State Department of Fish and Wildlife with unique or significant value to a large number of species. These habitats may consist of unique plant species or specific habitat features like cliffs or oak habitat.

Riparian Buffers are regulated areas within a horizontal distance from the ordinary high water mark of water bodies which include lakes, streams, or rivers.



Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

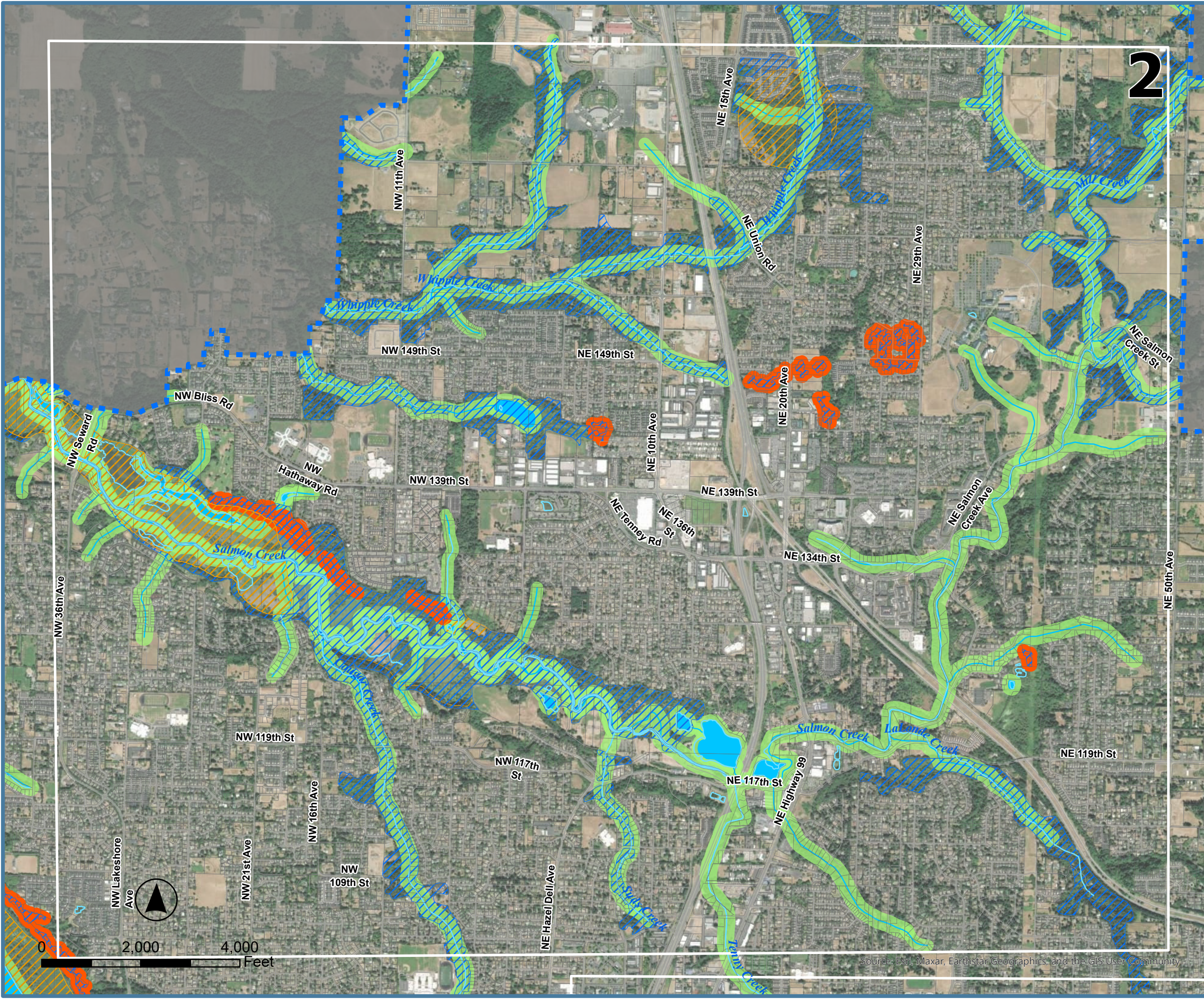
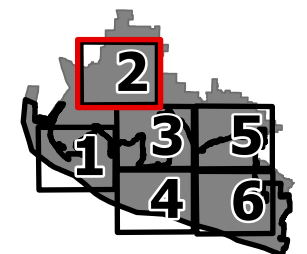


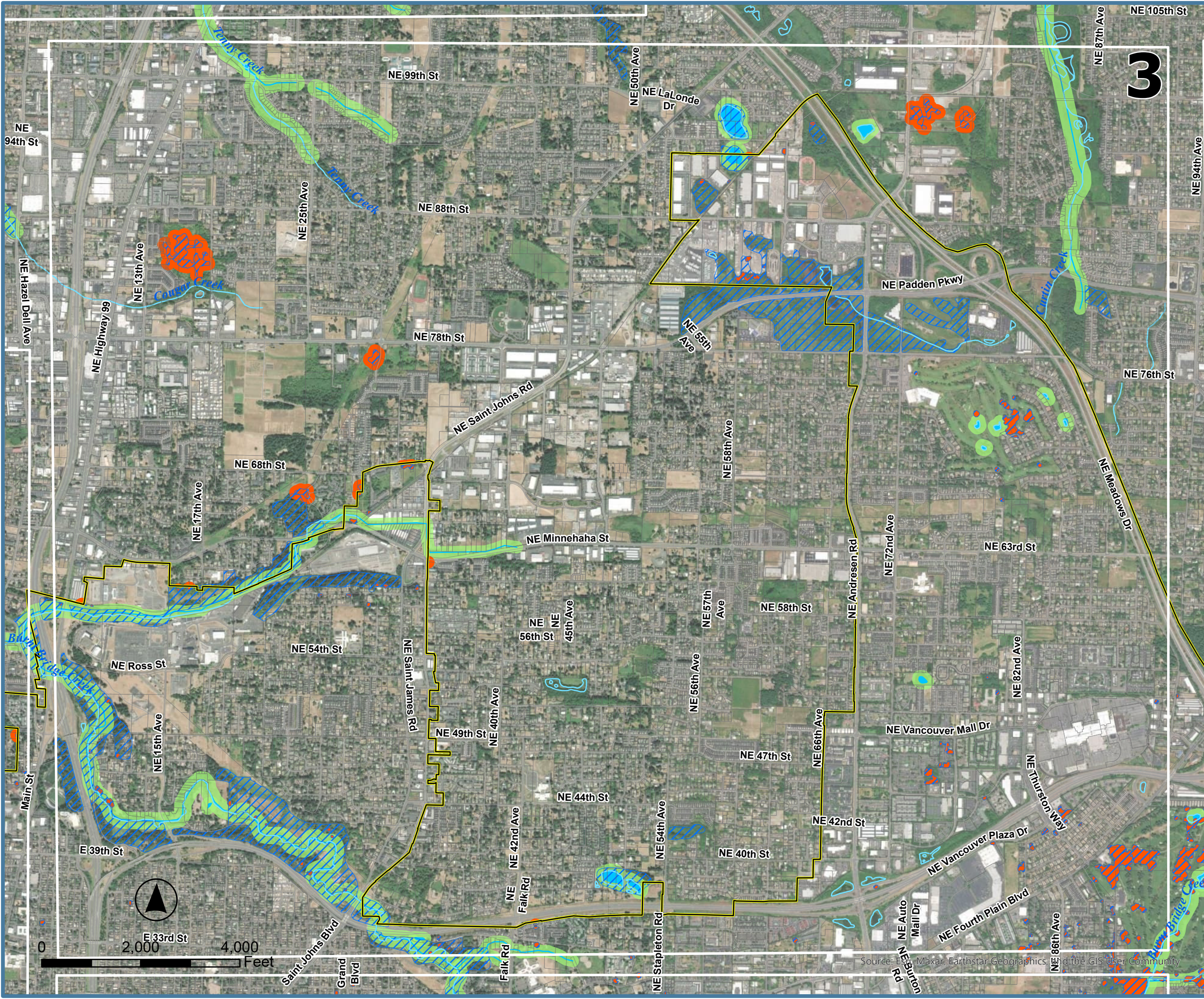
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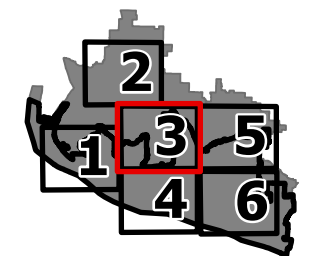


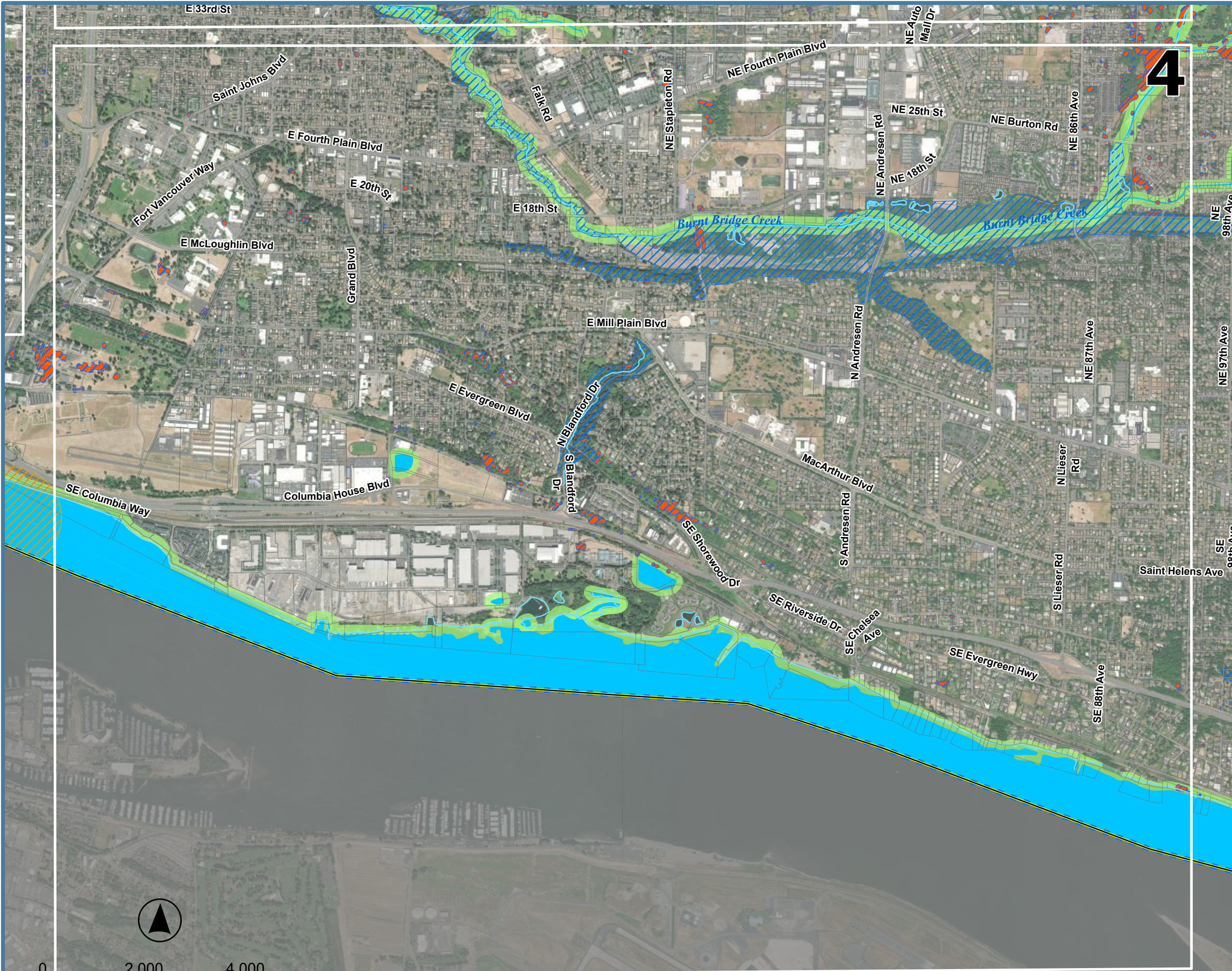
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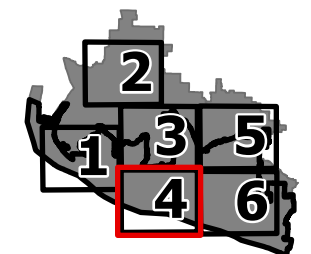


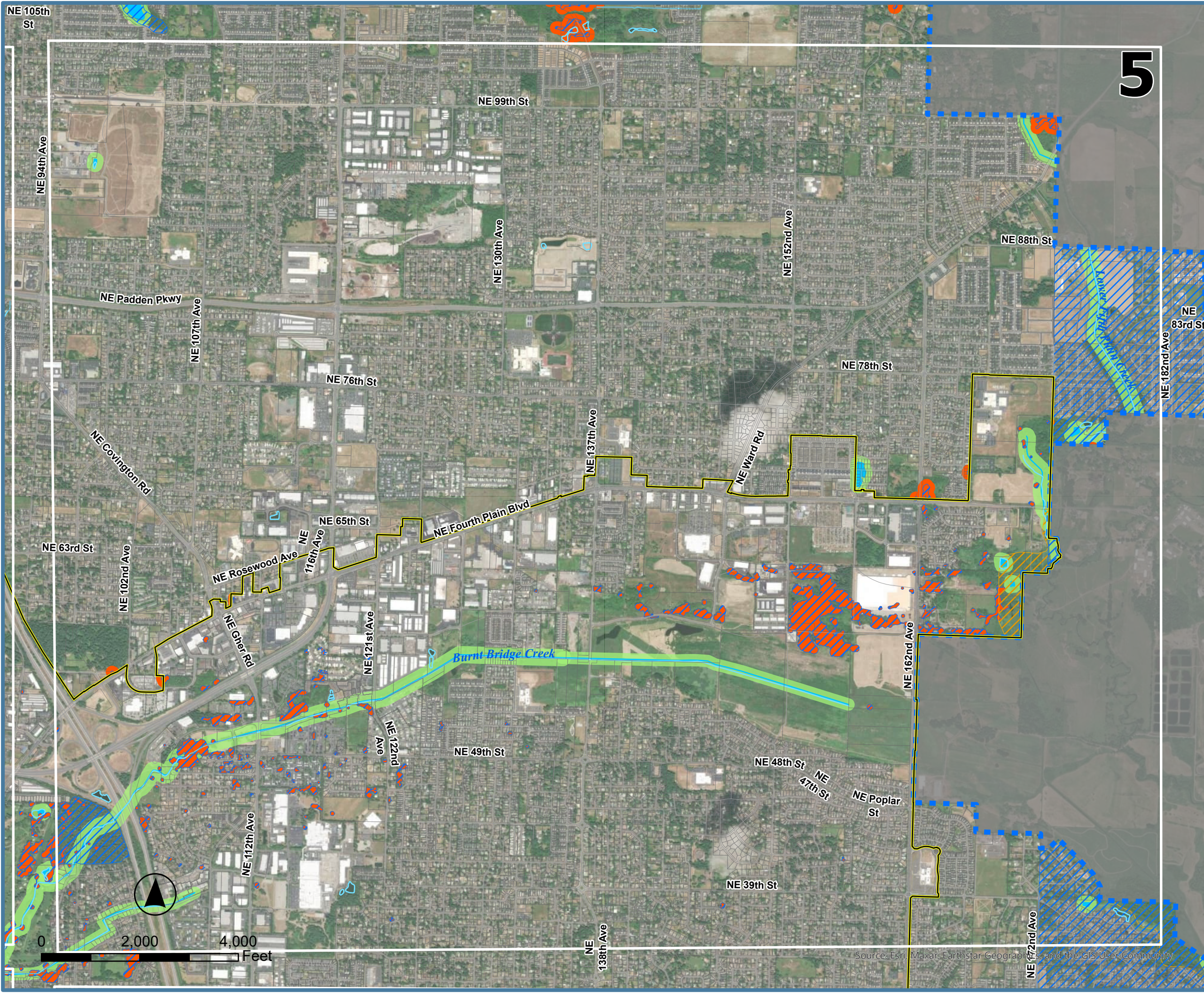
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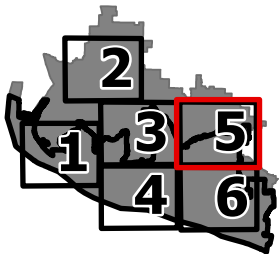


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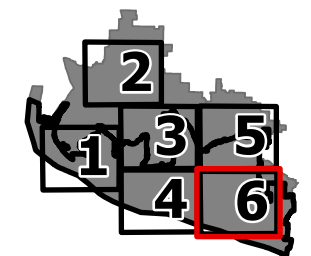
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

City of Vancouver
Critical Areas:
Fish and Wildlife
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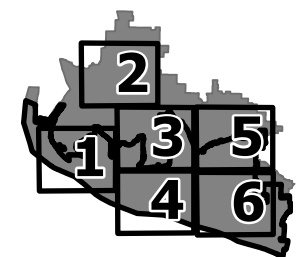


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Maxar

Dear Dominique Martinelli:

Thank you for the chance to comment on City of Vancouver's proposed Critical Areas Ordinance (CAO) as part of your periodic update. We have reviewed the draft documents of your CAO that was sent to Ecology July 27th 2024 for feedback and recommendations.

We appreciate the efforts taken by the City during the drafting process to reach out for comment early in the update process. Based on the draft and our past discussions we can see that a lot of work was put into creating an ordinance that will meet the CAO's purpose to "designate and protect critical areas and their functions and values". In particular we are glad to see adequate buffer widths based on Ecology guidance and use of our update ratio table from our [Wetland Guidance for Critical Areas Ordinance \(CAO\) Updates: Western and Eastern Washington](#) (Ecology Publication #22-06-014). This document is based on best available science and uses a moderate risk approach to protecting wetlands.

However, there are still some concerns and recommendation we have on the CAO before adoption that we would suggest in order to better protect wetlands and wetland functions.

Chapter 20.150 Definitions

The current definitions draft chapter does not contain a definition of best available science (BAS) or use it anywhere else in the CAO. Under RCW 336.70A.172 of the Growth Management Act it states that jurisdictions "shall include the best available science in developing policies and development regulations to protect the functions and values of critical areas". Please include reference to designating and protecting critical areas, using BAS, consistent with GMA requirements.

20.740.030 Applicability and Exemptions from Requirement to Obtain Permit.

(C)(1)(a)(i) In this section on exemptions it allows for a footprint increase on existing structures with impervious surfaces by 500 square feet. Our guidance highly recommends an allowed footprint increase of up to 10% or 200 square feet into existing wetlands or wetland buffer.

(C)(1)(e) Recommend change of language of "the Planning Official may utilize any of the following procedures and criteria" to "the Planning Official shall utilize any of the following procedures and criteria. This will make it clear that some kind of procedures shall be used to make determine avoiding impacts to critical area.

20.740.050 Submittal Requirements.

(E)(1) For your mitigation rationale it would be good to include reference to following BAS in mitigation plan requirements as defined by the GMA.

20.740.060 Approval Criteria.

(E) There is reference to use of compensatory mitigation priority for wetlands but there steps in order of preference are not actually listed. Highly recommend the inclusion of the following language for clarity to applicants:

"1. Avoiding the impact altogether by not taking a certain action or parts of an action;

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
6. Monitoring the impact and taking appropriate corrective measures." (include reference to the mitigation guidance)

20.740.070 Minor Exceptions.

(B) You might consider adding an additional criteria regarding BAS to your minor exception criteria in order to better align with GMA guidelines.

"The proposal attempts to protect and mitigate impacts to the critical area functions and values consistent with best available science (BAS);"

20.740.140 Wetlands.

(2)(B) Functionally disconnected buffers, per our guidance, means an existing, legally established development blocks the protective measures that a buffer provides and increasing the buffer on the far side of the development would add no protective benefit. You should exercise care to differentiate minor developments from significant developments that completely block wetland buffer functions. Examples of minor developments that do not fully block buffer functions include trails, minor accessory structures, paths, and driveways serving a single residence. Significant developments that are unquestionably a complete barrier to the functions of the buffer area include built public infrastructure such as paved roads and railroads, and private developments such as houses or commercial structures. For example code language you could use please refer to Appendix A of our wetland CAO guidance on page A-11.

(2)(C)(a)(i)(A) We very highly recommend removing language allowing for "road, railroad, trail, dike, or levee or a water, sewer, stormwater conveyance, gas, power, cable, fiber optic or telephone facility" to be allowed in CAT I, CAT II, CAT III, and, to an extent, CAT IV wetlands. We are concerned that such allowances can significantly disrupt and degrade functions of important wetlands. We would strongly suggest that city staff use our guidance language in Appendix A of our wetland CAO guidance for allowed activities in wetlands on Page A-6.

We do allow some flexibility in allowing impacts to certain wetlands. CAT IV wetlands less than 4,000 can be exempt from the avoidance and minimization measures of the mitigation sequence. CAT IV wetlands less than 1,000 square feet can also be exempt from the buffer provisions of your chapter. We would highly recommend taking a look at our guidance and consider using the language from it's exemptions.

(vii)(C)(1) You might consider keeping trails to only the outer 25% of a wetland buffer. Walkways and trails, provided that they are limited to minor crossings, should have no adverse impact on water quality. They should be generally parallel to the perimeter of the wetland and located to avoid removal of significant [as defined in ordinance], old growth, or mature trees. We also recommend that it be constructed of pervious surfaces no more than five (5) feet in width.

Update of Washington State Wetland Rating System for Western Washington

In 2023 we made minor updates to our Western Washington rating system document. In doing so the Ecology publication number should now be referenced as Ecology Publication No. 23-06-009 throughout the CAO and your definitions.

If you have any questions I can be reached at (360) 628-6680 or emily.atkins@ecy.wa.gov.

Chapter 20.150

DEFINITIONS

Sections:

20.150.010	Meaning of Words Generally.
20.150.020	Meaning of Common Words.
20.150.030	Common Acronyms.
20.150.040A	Meanings of Specific Words and Terms A through D.
20.150.040B	Meanings of Specific Words and Terms E through H.
20.150.040C	Meanings of Specific Words and Terms I through L.
20.150.040D	Meanings of Specific Words and Terms M through P.
20.150.040E	Meanings of Specific Words and Terms Q through T.
20.150.040F	Meanings of Specific Words and Terms U through Z.

20.150.010 Meaning of Words Generally.

General. All of the terms in this title have their commonly accepted dictionary meaning unless they are specifically defined in this chapter, or the context in which they are used clearly indicates to the contrary. (Ord. M-3692 § 8, 02/28/2005; Ord. M-3643, 01/26/2004)

20.150.020 Meaning of Common Words.

- A. *Tense*. All words used in the present tense include the future tense.
- B. *Singular/plural*. All words used in the plural include the singular, and all words used in the singular include the plural unless the context indicates to the contrary.
- C. *Gender*. All words used in the masculine gender include the feminine gender.
- D. *Use of shall, should, will and may*. The words shall and will are mandatory, the word should is directory, and the word may is permissive.
- E. *Use of building and structure*. The word building includes the word structure.

- F. *Use of 'used for'.* The phrase used for includes the phrases arranged for, designed for, intended for, maintained for and occupied for.
- G. *Use of land and property.* The words land and property are used interchangeably unless the context clearly indicates to the contrary.
- H. *Use of occupied.* The word occupied shall included premises designed or intended to be occupied.
- I. *Use of person.* The word person shall include persons, association, firm, partnership or corporation, as well as the individual. (Ord. M-3891 § 3, 11/03/2008 – Effective 12/3/08; Ord. M-3692 § 8, 02/28/2005; Ord. M-3643, 01/26/2004).

20.150.030 Common Acronyms.

ADA The Americans with Disability Act

ADA Also, Average Daily Attendance

ADT Average Daily Traffic

ADU Accessory Dwelling Unit

BAS Best Available Science

BFE Base Flood Elevation

BMPs Best Management Practices

CAP Critical Areas Permit

CAR Critical Areas Report

CARAs Critical Aquifer Recharge Areas

CDD Community Development Department

CFR Code of Federal Regulations

CMZ Channel Migration Zone

CRZ Critical Root Zone

CUP Conditional use permit

DAHP Washington State Department of Archaeology and Historic Preservation

DBH Diameter at Breast Height

DFIRM Digital Flood Insurance Rate Map

DNS Determination of Non-Significance

DNR Washington State Department of Natural Resources

DOE or **Ecology** Washington State Department of Ecology

DS Determination of Significance

EIS Environmental Impact Statement

ESA The Federal Endangered Species Act

FAA Federal Aviation Administration

FAR Floor Area Ratio

FBFM Flood Boundary-Floodway Maps

FCC Federal Communications Commission

FEMA Federal Emergency Management Agency

FIRM Flood Insurance Rate Map

FIS Flood Insurance Study

FTE Full-time Equivalent

FWHCAs Fish and Wildlife Habitat Conservation Areas

GLA Gross Leaseable Area

GMA The Washington State Growth Management Act of 1990

gsf Gross Square Feet

HGM Hydrogeomorphic

LOS Level of service

MDNS Mitigated Determination of Non-Significance

NAICS The North American Industrial Classification System

NFIP National Flood Insurance Program

OHWM Ordinary High Water Mark

PHS Priority Habitats and Species

PUD Planned Unit Development

RCW Revised Code of Washington

RMA Riparian Management Area

RB Riparian Buffer

SEPA State Environmental Policy Act

SF Square Feet. Also s.f. and sq.ft.

SPTH Site Potential Tree Height

SRO Single-Room Occupancy

SWCCA Southwest Washington Clean Air Agency (formerly SWAPCA)

TDL Total Developable Land

USC United States Code

USGS U.S. Geological Survey

VMC Vancouver Municipal Code

WAC Washington Administrative Code

WDFW Washington Department of Fish and Wildlife (Ord. M-4402 § 3(C), 2023; Ord. M-4017 § 10, 2012; Ord. M-3692 § 8, 2005; Ord. M-3643, 2004)

20.150.040A Meanings of Specific Words and Terms A through D.

Abutting. Contiguous or adjoining with a common boundary line, except that where two or more lots adjoin only at a corner or corners, they shall not be considered as “abutting” unless the common property line between the two parcels measures eight feet or more in a single direction. It shall include the terms “adjoining” and “contiguous.”

Accept. To receive as complete and in compliance with all submittal requirements.

Access or Access Way. The place, means or the way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this title.

Accessory Dwelling Unit (ADU). One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling or in a detached building on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance.

Accessory Equipment Structure. An unstaffed structure that is subordinate and clearly incidental to the principal use or structure on the lot and may be used to house and protect the equipment necessary for processing wireless communications signals. Associated equipment may include air conditioning and emergency generators.

Accessory Structure. A building or structure which is clearly incidental to the primary structure on the same lot.

Accessory Use. A use of land or portion thereof which is clearly incidental and subordinate to the principle use of the land located on the same lot or premises.

Acre. A measure of land area containing 43,560 square feet.

Actual Construction. The actual placing of building materials in their permanent position, fastened in a permanent manner, including any excavation.

Addition. Means the same as enlargement.

Adjacent. Abutting or located directly across a street right-of-way.

Adjoin. Means the same as abutting.

Adult Bookstore. Any premises from which minors are excluded and in which the retail sale of books, magazines, newspapers, movie films, devices, slides or other photographic or written reproductions distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas is conducted as a principal use of the premise; or as an adjunct to some other business activity, but which constitutes the primary or a major attraction to the premises.

Adult Entertainment Shows. Any premises from which minors are excluded and in which live entertainment is provided, or any device is provided in which the subject matter is distinguished or characterized by the emphasis on matter depicting, describing or relating to specified sexual activities or displaying specified anatomical areas as the principal use of the premises or is shown as an adjunct to some other business activity which is conducted on the premises and constitutes a major attraction; and wherein fees of any kind are charged.

Adult Motion Picture Theater. Any establishment from which minors are excluded in which motion pictures, slides or similar photographic reproductions are shown depicting adult entertainment as the principal use of the premises, or are shown as an adjunct to some other business activity which is conducted on the premises and constitutes a major attraction; and wherein fees of any kind are charged; and wherein such movies are shown on a regular basis, and not to include a theater showing adult movies less than 5 percent of the total showing time of the theater.

Agent. Any person authorized in writing to act on behalf of the legal owner.

Agriculture, Existing and Ongoing. Those activities conducted on lands defined in RCW [84.34.020\(2\)](#), and those activities involved in the production of crops or livestock, for example, the operation and maintenance of farm and stock ponds or drainage ditches; the operation and maintenance of ditches, irrigation systems (including irrigation laterals, canals, or irrigation drainage ditches); changes between agricultural activities; and normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas. Activities that bring an area into agricultural use are not part of an ongoing operation. An operation ceases to be

ongoing when the area on which it is conducted is converted to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity. Forest practices are not included in this definition.

Airport Approach Surface. The surface which is longitudinally centered on an airport's extended runway centerline, extending outward and upward from the end of the primary surface. An approach surface is applied to each end of the runway based upon the type of approach procedure permitted. Because landings under instrument flight rules, using the Portland International Airport Localizer Directional Aid, are an approved procedure at Pearson Field, the following approach surface dimensions have been applied:

Width of approach surface: 500' at inner end, 4,000' at outer end (inner end begins at end of primary surface)

Length of approach surface: 10,000 feet

Slope of approach surface: 34:1 (one foot vertically for every 34 feet horizontally)

Airport Conical Surface. The conical surface is an inclined plane beginning at the edge of the horizontal surface and extending outward at a 20:1 slope for a distance of 4,000 feet.

Airport Horizontal Surface. The horizontal plane 150 feet above the established airport elevation. The shape of the plane is determined by striking arcs from the end of each primary surface. The radius of each arch is connected by lines tangent to the arcs. For Pearson Field, the radius of these arcs is 5,000 feet for runways 08 and 26.

Airport Transitional Surface. The transitional surface is an inclined plane extending outward from the primary and approach surfaces at a 7:1 slope. From the primary surface and approach surface, the transitional surface slopes upward to the horizontal surface. The transitional surface extends outward from the approach surface a distance of 5,000 feet.

Aisle. The corridor by which vehicles enter into and depart from parking spaces.

Alley. A public right-of-way or private easement not over 30 feet wide which provides a secondary means of access to abutting lots, not intended by the city for general traffic circulation.

Alteration of Watercourse. Any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

Alteration, Structural. Any change in a supporting member of a building, such as a bearing wall, column, beam or girder, floor or ceiling joist, roof rafters, roof diaphragms, foundations, piles, or retaining wall or similar components.

Altered. Structurally changed.

Alternative Mode. Refers to any means of commute transportation other than that in which the single-occupant vehicle is the dominant mode.

Alternative Work Schedules. Programs such as compressed work weeks that eliminate commuting trips for affected employees. For the purposes of this chapter, changing the time of when an affected employee begins his work shift shall not be considered an alternative work schedule if it only moves trips out of the peak period and does not eliminate trips.

Amateur or Ham Radio. Radio facilities operated for noncommercial purposes by individuals licensed by the FCC with an interest in construction and operation of radio equipment, usually as a hobby or avocation.

Amendment. A change in the wording, context or substance of this title or the comprehensive plan, or a change in the boundaries of a district upon the zoning district map or the boundaries of a designation on the comprehensive plan map.

Amenity. A natural or created feature that enhances the aesthetic and functional quality or makes more attractive or satisfying a particular property, place or area.

Americans with Disabilities Act (ADA). A 1990 federal law designed to bring disabled Americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities and services. The ADA contains requirements for most developments including accessible parking stalls, entrances and exits, pathways, and public facilities such as restrooms.

Anadromous. Fish that migrate up rivers and streams from the ocean to breed in fresh water.

Annexation. The incorporation of a land area into the City of Vancouver with a resulting change in the boundaries of the city.

Annual Average Day/Night Sound Level (Ldn). Calculated in decibels, the Ldn is the 24-hour logarithmic average sound level from midnight to midnight, obtained after adding 10 decibels to sound levels in the night from midnight to 7 a.m., and from 10 p.m. to midnight (0000 to 0700, and 2200 to 2400 hours), and then logarithmically average day-to-day over a 12-month period.

Antenna. A device used to transmit and/or receive radio or electromagnetic waves between land- and/or satellite-based structures; any device commonly consisting of poles, panels, rods, reflecting discs or similar device use for the transmission or reception of radio frequency signals, typically mounted on a supporting tower, pole, mast or building.

Apartment. A dwelling unit in a multiple-family building.

Apartment House. Means the same as Dwelling, Multiple-Family.

Appeal. A request for an impartial review of a land use decision or interpretation of land use-related codes rendered by community development department, its employees or any review body of the city of Vancouver.

Applicable Pretreatment Standards. For any specified pollutant, city prohibitive standards, city specific pretreatment standards (local limits), State of Washington pretreatment standards, or EPA's Categorical Pretreatment Standards, whichever standard is most appropriate or most stringent.

Applicant. A person submitting an application for development.

Approach Surface. The surface which is longitudinally centered on an airport's extended runway centerline, extending outward and upward from the end of the primary surface at a slope of 20 feet horizontally for each foot vertically. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach Zone. An area at the end of an airport's runway which is 250 feet wide and expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet. The centerline of the zone is a continuation of the centerline of the runway.

Approved Plan. A plan that has been granted final approval by the appropriate approval authority.

Archaeological Interest. Capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation, and explanation [WAC 25-48-020(12)].

Archaeological Object. An object that comprises the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, and technological by-products [WAC 25-48-020(8)].

Archaeological Resources. Any material remains of human life or activities that are of archaeological interest. This shall include all sites, objects, structures, artifacts, implements, and locations of prehistoric or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and their habitation sites, including rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls, and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material [WAC 25-48-020(10)]. This shall also include any material remains of human life or activities from historic periods which are located at least partially below the ground surface necessitating the use of archaeological methods for study or recovery.

Archaeological Resource Survey. A procedure by which an archaeologist makes a determination of the actual existence (presence or absence) of an archaeological site in a disturbance area, a preliminary assessment of the site's potential significance, and a recommendation for further evaluation, avoidance, mitigation, or recovery of resources in compliance with the provisions of this chapter.

Archaeological Site. Land or water areas that show evidence of artifacts of human, plant or animal activity, usually dating from periods of which only vestiges remain.

Archaeological Site, Known, Recorded. An archaeological site that has been recorded with the Washington State Department of Archaeology and Historic Preservation (DAHP) or its successor.

Archaeological Site, Potentially Significant. An archaeological site which:

1. contains archaeological objects at a density of at least 100 per cubic meter per stratigraphic or cultural unit; or
2. includes at least one feature; or
3. includes at least one relatively uncommon archaeological object; or
4. contains skeletal remains; or
5. is otherwise considered potentially significant by the archaeologist.

Archaeologist, Professional. "Professional archaeologist" means a person with qualifications meeting the federal secretary of the interior's standards for a professional archaeologist. Archaeologists not meeting this standard may be conditionally employed by working under the supervision of a professional archaeologist for a period of four years provided the employee is pursuing qualifications necessary to meet the federal secretary of the interior's standards for a professional archaeologist. During this four-year period, the professional archaeologist is responsible for all findings. The four-year period is not subject to renewal. RCW [27.53.030\(8\)](#).

Area of Shallow Flooding. A designated zone AO, AH, AR/AO or AR/AH (or VO) on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. Also referred to as the "sheet flow area."

Areas of Special Flood Hazards. Lands in the flood plain subject to a one percent or greater chance of flooding in any given year. Designations on Flood Insurance Rate Maps always include the letter A. Also referred to as "frequently flooded areas." "Special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

Arterial. Any principal arterial, minor arterial, or collector arterial streets.

ASCE 24. The most recently published version of ASCE 24, Flood Resistant Design and Construction, published by the American Society of Civil Engineers.

Assessed Value. The value at which property is appraised for tax purposes.

Attached Antenna. An antenna is that affixed to an existing structure other than a wireless communication support structure.

Attached Sidewalks. Those sidewalks abutting the back of a curb.

Automobile Wrecking. The dismantling or disassembling of motor vehicles, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts. Three or more dismantled, obsolete or inoperable motor vehicles on one lot shall constitute a wrecking yard.

Average. The arithmetic mean.

Average Daily Attendance (ADA). Regarding School Impact Fees, the average number of students attending an elementary or secondary school and used for the design of the facility.

Awning. A hood or cover which projects from the wall of a building, of a type which may be retracted, folded or collapsed against the face of a supporting building.

Banner. An on-site sign such as those used to announce an open house or a grand opening, or to make a special announcement. Normally, it is constructed of fabric and is without a rigid frame.

Base Flood. The flood having a 1percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designated on Flood Insurance Rate Maps by the letter A.

Base Flood Elevation. The elevation that the base flood is expected to reach. Also referred to as the "100-year flood elevation."

Basement. A portion of a building included between a floor, with its level 2 feet or more below the level from which the height of the building is measured, and the ceiling next above said floor. For the purposes of VMC [20.740.120](#), Frequently Flooded Areas, basement means any area of a building having its floor subgrade (below ground level) on all sides.

Base zone. The zoning designation applicable to a parcel of property irrespective of an Overlay District as reflected on the Vancouver Zoning Map.

Beach Nourishment. With respect to bank erosion hazard areas, beach nourishment is the placement of sand or soil to fill an eroding bank.

Berm. A mound of earth, typically linear in form and generally used as a buffer between uses or properties.

Best Management Practices. Systems of practices and management measures that:

1. control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics, and sediment; and
2. minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of Fish and Wildlife Habitat Conservation Areas (FWHCAs), wetlands and buffers.

Bike Lane. Lanes on an improved street which are designated for use by cyclists and separated from vehicular traffic either by striping or small concrete barrier.

Bikeway. A pathway, paved and separated from streets and sidewalks, designed to be used by cyclists.

Binding Site Plan. A type of land division that segregates a portion of a legal lot created for the sale or lease of commercially- or industrially-zoned property; placement of manufactured homes or travel trailers on leased sites; and creation of condominiums pursuant to [58.17.040](#) RCW.

Bioengineering Techniques. Techniques that apply the principles of the biological, ecological, and soils sciences and structural engineering to build structures which, using live plant materials as a main structural component, stabilize the soil against erosion, sedimentation, and flooding. Also referred to as "soft armoring techniques."

Biomass Generation. A major utility facility that provides for the production or collection of organic materials such as wood and agricultural residues and municipal solid waste that are primarily organic materials and the conversion or use of that material for the production of heat, electricity, or substitute fuels through several processes including, but not limited to, burning, pyrolysis, or anaerobic digestion.

Block. A group of lots, tracts or parcels within well defined and fixed boundaries.

Bog. A type of wetland where (1) organic (peat or muck) soil layers comprise at least 16 of the first 32 inches of the soil profile; or (2) there is more than 70 percent cover of mosses at ground level and more than 30 percent of the total shrub and herbaceous cover consists of species listed in Table 3 – Characteristic Bog Species in Washington State found in Hruby, 2004, Washington State Wetlands Rating System for Western Washington, Ecology publication #04-

06-025, or as revised by Ecology. Many bogs have soils classified as peat or muck, are nutrient poor, have a low pH (acidic), and are fed largely by rainfall rather than streams or groundwater.

Boundary Adjustment. The minor alteration of the boundary between two lots or tracts which does not result in the creation of any additional lot(s); also known as boundary line adjustment.

Breezeway. A structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.

Buffer. An area that is contiguous to and protects a critical area from incompatible uses and which is required for the continued maintenance, functioning, and/or structural stability of a critical area.

Building. Any structure having a roof and walls, used or built for the shelter or enclosure of persons, animals or property of any kind.

Building Envelope. That portion of a legal lot exclusive of the areas required for front, side, and rear yards and other required open spaces and which is available for siting and constructing a building or buildings.

Building Height. The vertical distance from the average grade to the average height of the roof peak of the building, except in a shoreline jurisdictional area, in which case the height shall be measured from average existing grade (prior to development) to the highest point of a structure (see also WAC [173-27-030](#)). For exceptions subject to airport height limits located within the approach, transitional and horizontal surfaces refer to Airport definitions and Sections [20.570](#) and [20.630.050](#) VMC.

Building, Main. A building within which is conducted the principal use permitted on the lot, as provided in this title.

Building Permit. The permit required for new construction and additions pursuant to Title [17](#) of the Vancouver Municipal Code (VMC).

Business Complex. Any building containing more than one business, or any group of buildings in close proximity to one another sharing parking, ownership, and ingress or egress.

Caliper. The diameter of a tree trunk measured at 6 feet above the ground for up to and including 4 inches caliper size, and one foot above the ground for larger trees.

Canopy. A permanent roofed structure attached to and supported by the building.

Canopy, Auto Dealership Plan District. A structure, enclosure, or shelter constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects, and open without sidewalls or drops on 75 percent or more of the perimeter, consistent with Vancouver Fire Code Title 16, Section 16.04.060 and the International Fire Code (IFC).

Capital Facilities Plan. The City of Vancouver Capital Facilities Plan element of the Comprehensive Plan adopted pursuant to Chapter 36.70A RCW and RCW 82.02.050, and as such plan is amended.

Caretaker Residence. A single unit providing a complete independent living space for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation (same as Dwelling).

Central Business District. This area is the section of Vancouver defined as the commercial business district bounded by 4th Plain Boulevard to the north, Columbia River to the south, I-5 to the east, and Lincoln Avenue to the west. This can apply to other areas as developed in the city, with similar zoning.

Certificate of Concurrence. A document issued by the transportation manager pursuant to Section 20.980.120 VMC indicating: the location or other description of the property on which a development is proposed; the type of development application for which the certificate of concurrence is issued; an identification of any affected transportation corridor and TMZ; the specific uses, densities, intensities, and any transportation system improvements, strategies, or other mitigation measures that were considered in the determination to issue the certificate, and which are authorized or required for development of the property; the amount of capacity within the affected transportation corridor or TMZ that is reserved for the development described in the certificate, and a statement that the reservation of capacity is nontransferable to other development(s); any conditions required pursuant to Section 20.980.120 VMC; and an effective date.

Change of Use. Any use that differs from the previous use as defined in Chapter 20.160, Use Classifications.

Channel Migration Zone (CMZ): The area within which a river channel is likely to migrate and occupy over a specified time period.

Citizens Band Radio. Two-way radio facilities operated for a short-range personal and business communications, without necessity of a federal license, pursuant to [47 CFR Part 95](#).

City. The City of Vancouver, Washington.

City Council or Council. The City Council of the City of Vancouver, Washington.

City Standards. Shall mean standard specifications, technical drawings, detail drawings and other information the city has adopted as minimum standards.

Clark County Cultural Resources Inventory. The comprehensive inventory of historic resources within the boundaries of Clark County including resources identified in the Clark County cultural resources inventory and other inventories by local jurisdictions within Clark County.

Cleaner Fuels. Liquid or gaseous fuels produced from renewable sources or that have low or no emissions, including the following:

1. Carbon-free fuels that generate no carbon emissions including green hydrogen or fuels that are certified by state or federal responsible agencies as net-zero carbon emissions.
2. Any credit-generating fuel under the Washington State Low Carbon Fuel Standard (HB 1091 2021-2022) as allowed by the Washington State Department of Ecology.
3. Any biomass renewable fuels approved by the federal Environmental Protection Agency under the federal Renewable Fuel Standard ([40 CFR Part 80](#)) as regulation exists or may hereafter be amended and meeting any future federal renewable fuels regulations.
4. Alcohol fuels meeting the requirements of RCW [19.112.010\(1\)](#) as that statute exists or may hereafter be amended.
5. Biodiesel fuel meeting the requirements of RCW [19.112.010\(3\)](#), and renewable diesel meeting the requirements of RCW [19.112.010\(9\)](#), as those statutes exist or may hereafter be amended.

6. E85 motor fuel which meets the requirements of RCW [19.112.010\(2\)](#) exclusively for the propulsion of motor vehicles upon the roads, or RCW [19.112.010\(6\)](#) for other motors, as those statutes exist or may hereafter be amended.
7. Alternative fuels that are not fossil fuels and that produce low or no carbon that meet state or federal requirements not otherwise listed above.

Clearing. The destruction or removal of vegetation from a site by physical, mechanical, chemical or other means. This does not include landscape maintenance or pruning consistent with accepted horticultural practices, such as those recommended by the Washington State University Extension Service, which does not impair the health or survival of the trees or native vegetation.

Closed Record Approval Hearing. An administrative hearing to approve or deny a project permit that is on the record to the City Council following an open record predecision hearing as defined by WAC [197-11-775](#) before the planning commission or hearings examiner.

Co-location. The use of a single wireless communications support structure or the use of a site by more than one wireless communications provider.

Commercial Nursery, or Tree Farm. A licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are planted and grown for sale through retail or wholesale channels in the ordinary course of the licensee's business.

Commission or Planning Commission. Means the Planning Commission of the City of Vancouver, Washington.

Compatible. The capability of being able to function in a consistent and harmonious manner with others and surroundings.

Compatible Design. A building and/or site design which blends with the surrounding area. This might include a pitched roof of a similar pitch to surrounding roofs, trim, shutters or other architectural window detail; horizontal siding and/or brick exterior; and similar unit size or scale.

Comprehensive Plan. A long-range plan intended to guide the growth and development of a community or region that typically includes inventory and analytic sections leading to recommendations for the community's future economic development, housing, recreation and

open space, transportation, community facilities and land use, all related to the community's goals and objectives for these elements.

Concurrent. Means that the existing capacity of an affected transportation corridor or transportation management zone is sufficient to accommodate the projected transportation impacts of a proposed development; or that transportation system improvements, strategies, or other mitigation measures which will achieve or maintain an operating level at or above the applicable level of service for the affected transportation corridor or management zone: and are planned, reasonably funded, and scheduled for completion no later than six years after development approval as reflected in the most recent version of the Six-Year Street Plan; and will be available and complete no later than six years after development approval, as provided by a voluntary financial commitment (where appropriate) by the applicant that is in place at the time development is approved by the Development Review Authority.

Conditional Use. An activity specified by this title as a principal or an accessory use, permitted when authorized by the appropriate approval authority and subject to certain conditions.

Contiguous. Means the same as abutting.

Contributing. A property which dates to the historic period and retains sufficient physical integrity so as to convey its historic character.

Contributing Area. When referring to wetlands, the land and/or water area adjacent to a wetland that drains into that wetland.

Conversion Option Harvest. A timber harvest as established in DNR's Forest Practices Regulations and Chapter [20.770](#) VMC, Tree Conservation, whereby a property owner is allowed to harvest a limited amount of timber from their property within the City of Vancouver, while still maintaining the rights to convert their property to a use inconsistent with growing timber.

Conveyance. A mechanism for transporting water or other liquids from one point to another, including pipes, ditches, and channels.

Co-tenant. A person who resides with the applicant for the deferral and who has an ownership interest in the residence.

Court. An open, uncovered, and unoccupied space within an allotted property line.

Court Height. A measurement from the floor level of the lowest story in the building in which there are windows from rooms served by the court, to the highest point of the enclosing walls of the court.

Critical Aquifer Recharge Areas. Areas with a critical recharging effect on aquifers used for potable water as defined by the Washington State Growth Management Act. Critical aquifer recharge areas are regulated under VMC [14.26](#).

Critical Areas. Critical areas include FWHCAs, Wetlands, Frequently Flooded Areas, CARAs, and Geologic Hazard Areas as defined by the Washington State Growth Management Act. Critical aquifer recharge areas are regulated under VMC [14.26](#). The others are regulated under VMC [20.740](#).

Critical Facility. Facilities that serve vulnerable populations, house emergency services, meet the definition of a Class I or Class II Operation under VMC [14.26](#), or perform other functions that would pose significant safety issues in even a slight landslide, flooding, erosion, seismic, or other natural hazard event. Critical facilities include, but are not limited to: schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use, or store hazardous materials.

Critical Root Zone (CRZ). The area where the tree's roots are located. This root zone is generally the area surrounding a tree trunk at a distance equal to one foot for every inch of tree diameter at breast height (dbh). This area is described as the radius of a circle around the tree.

Crown. The area of a tree containing leaf- or needle-bearing branches.

Crown Cover. The area within the drip line or perimeter of the foliage of a tree.

Cul-de-Sac. The circular turnaround at the end of a dead-end street.

Cultural Resources. The historic or prehistoric or archeological sites and standing structures, cemeteries, burial grounds and funerary objects and distributions of cultural remains and artifacts.

DAHP. Washington State Department of Archaeology and Historic Preservation.

Decibels (dB). The measure of noise loudness on a scale weighted to approximate human ability to perceive sound (A). Each decibel is a measure of the difference in energy of a sound compared to another sound which is used as a reference. The reference sound is barely audible

to the human ear, and each interval of 10 decibels indicates sound energy ten times greater than before. The A-weighted scale generally places zero dB at the threshold of hearing and 135 dB at the threshold of pain.

Dedication. The limited grant by a property owner allowing the use of property by the public for specified purposes by means of a deed or transfer to the city.

Dedication, Fee In Lieu Of. Payments in cash as an alternative to dedication of land or construction of improvements.

Deed. A legal document conveying ownership of real property.

Demolish. To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a structure or other improvement.

Density. A measurement of ratio comparing the number of dwelling units with land area in relationship to a specified amount of land, expressed as the number of residential dwelling units per acre of land or the amount of land area expressed in the square feet of land assignable to each dwelling unit in a residential development.

Density, Net. The development density derived by dividing the net buildable area of the subject property (gross area less the total aggregate area required by the city for public or private streets, schools or other public facilities, not including parks and public or private recreation facilities dedicated or created as an integral part of the development) by the applicable lot size or area per unit.

Density, Gross. The development density derived by dividing the gross area of the subject property by the applicable minimum lot size. Gross density is used to determine the maximum number of lots that may be achieved on a parcel being developed.

Department. The Development Review Services Department, Long Range Planning Department, Public Works Department, or any division, subdivision, or organizational unit of the city established by ordinance, rule or order.

Destroy any tree. To damage, disfigure or cause injury or death which may include, but not be limited to, topping, excessive pruning not consistent with nationally-accepted standards, poisoning, and trenching or excavating in such a manner as to make the tree root system no viable.

Detached Sidewalks. A sidewalk separated from the back of curb by a uniform width planting strip.

Developer. Any person, firm or corporation undertaking the development of any parcel of land.

Development. Any humanmade change to improved or unimproved real estate including but not limited to: mining, dredging, filling, drilling, grading, paving, or excavation, storage of equipment or materials; any subdivision or short platting of land; the construction or reconstruction of residential, commercial, industrial, public or any other building or building space, and the placement of all types of manufactured homes defined herein. Development also includes the change in use of a building or land if approval is required pursuant to the Vancouver Municipal Code, Title 17 (Building Code). As related to the Tree Conservation Ordinance, development shall mean the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, clearing or land disturbance.

Development Application. Any application (including supporting materials) for approval of a development to which the provisions of Title 20 VMC apply.

Development Review Authority. The planning official, the City Hearings Examiner, the Planning Commission, or City Council, each having authority to approve a development application pursuant to Title 20 VMC.

Diameter at Breast Height (DBH). A tree's diameter in inches at 4 1/2 feet above the ground. On multi-stemmed or -trunk trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at 4 1/2 foot above the ground.

Direct-to-Home Satellite Service. The distribution or broadcasting of programming or services by satellite directly to the subscriber's premises without use of ground-receiving or distribution equipment, except at the subscriber's premises or in the uplink process to the satellite.

Disturbance Area. Regarding archaeological resource protection, the geographical area in which archaeological resources could potentially be adversely impacted by a proposed ground-disturbing action or activity. It includes equipment or material staging areas; utility installation areas; temporary roads or haul routes; or other areas outside of the proposed building footprint(s) that could be disturbed during construction. The disturbance area shall not be smaller, and will generally be larger than the area of the property proposed for development. In

no case shall the disturbance area be smaller than one acre or the area of the parcel(s) upon which the property proposed for development is located, whichever is less.

Regarding critical areas, a pronounced, temporary change in environmental conditions within an ecosystem. Disturbances often act quickly and can alter ecosystem composition, structure, and function.

Dog Day Care. A facility where dogs may be groomed, trained, exercised, and socialized, but not kept or bred, sold, or let for hire.

Domestic Animal. Any animal other than livestock that lives and breeds in a tame condition including, but not limited to: dogs, cats, small birds and other animals kept as pets.

Doorway Identification Nameplates. A nonelectric sign that is limited to the name, address, and number of the building, institution or person and is limited to the activity carried on in the building or institution or to the occupancy of the person.

Downed Woody Vegetation. Shrubs, trees, or their branches that have fallen and are on the ground or in, across, or dangling above streams, rivers, lakes, or ponds; also known as large woody debris.

Drive-Through Facility. A facility or structure that is designed and intended to allow drivers to remain in their vehicles before and during participation in an activity on the site.

Driveway. A private way providing ingress and egress from one or two lot parcels or tracts to a public or private street.

Dwelling. A single unit providing a complete independent living space for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation.

Dwelling, Efficiency Living Unit. Any room having cooking facilities, and used for combination living, dining, and sleeping purposes for not more than two persons, and designed as a separate apartment, not merely rooming accommodations. Each efficiency living unit shall be provided with a separate bathroom meeting the requirements of the Building Code.

Dwelling, Houseboat Moorage. A facility that provides moorings for houseboats.

Dwelling, Multiple-Family. A building or portion thereof designed or used as a residence by three or more households and containing three or more dwelling units.

Dwelling, Single-Family. A building designed or used for residence purposes by not more than one household and containing one dwelling unit only. Such dwelling units may be either detached (i.e., free-standing) or attached (i.e., sharing) common walls with other such units.

Dwelling, Single-Room Occupancy Housing (SRO). A building wherein furnished rooms without cooking facilities are rented for compensation to three or more nontransient persons not included in the family unit of the owner or tenant of the premises.

Dwelling, Two-Family, or Duplex. A building designed or used for residence purposes by not more than two households and containing two dwelling units. (Ord. M-4402 § 3(C), 2023; Ord. M-4380 § 2, 2022; Ord. M-4325 § 3, 2020; Ord. M-4289 § 4, 2019; Ord. M-4179 § 61, 2016; Ord. M-4170 § 5, 2016; Ord. M-4034 § 2, 2012; Ord. M-4024 § 4, 2012; Ord. M-4024 § 3, 2012; Ord. M-4017 § 11, 2012; Ord. M-4002 § 2, 2011; Ord. M-3959 § 3, 2010; Ord. M-3922 § 2, 2009; Ord. M-3868 § 2, 2008; Ord. M-3844 § 3, 2007; Ord. M-3840 § 3, 2007; Ord. M-3832 § 1, 2007; Ord. M-3733 § 2, 2006; Ord. M-3709 § 2, 2005; Ord. M-3701 § 2, 2005; Ord. M-3692 § 8, 2005; Ord. M-3667 § 2, 2004; Ord. M-3663 § 2, 2004; Ord. M-3643, 2004)

20.150.040B Meanings of Specific Words and Terms E through H.

Early Notice. The city's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal.

Easement. A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

Ecology. The Washington State Department of Ecology.

Egress. An exit from a building or site.

Electric Vehicle. Any on-road vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for locomotive purpose. "Electric vehicle" includes: 1) a battery electric vehicle; 2) a plug-in hybrid electric vehicle; 3) a neighborhood electric vehicle; 4) a medium-speed electric vehicle; and/or (5) a battery-powered scooter.

Elevated Building. For insurance purposes, a nonbasement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Elevation, Architectural. A scale drawing of the side, front or rear of a structure.

Elevation Certificate. An administrative tool of the National Flood Insurance Program (NFIP) that can be used to provide elevation information, to determine the proper insurance premium rate, and to support a request for a letter of map amendment (LOMA) or letter of map revision based on fill (LOMR-F).

Emergency Repair. The work necessary to prevent destruction or dilapidations to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake or other disaster.

Emergent wetland. A wetland with at least 30 percent of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative strata.

Employees. Refers to all persons, including proprietors, working on the premises.

Employer. A sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, whether public, nonprofit or private, that employs workers.

Endangered and Threatened Species, Federally Designated. Fish and wildlife species identified by the U.S. Fish and Wildlife Service or NOAA Fisheries as threatened or endangered under the Endangered Species Act, [16 USC Section 1531](#), et seq.

Endangered, Threatened and Sensitive Species, State Designated. Fish and wildlife species native to the State of Washington and identified by the Washington Department of Fish and Wildlife as sensitive, threatened, or endangered species.

Energy-Efficient Construction. A structure designed and built which encourages the efficient use of energy. Construction standards qualifying for this shall be as specified by the State Energy Code. Design or construction methods that can be proven to provide equivalent or better energy conservation performance may be allowed as an alternative.

Engineer. An individual licensed by the State of Washington to practice civil engineering.

Enhancement. Actions performed to improve the condition of an existing degraded critical area or buffer so that the functions provided are of a higher quality. See also Wetland Enhancement.

Enlargement. An increase in size of an existing structure or use, affecting the physical size of the property, building, parking, and other improvements.

Entertainment. Regarding Adult Businesses, any exhibition or dance of any type, pantomime, modeling or any other performance.

Entertainer. Regarding Adult Businesses, means any person who provides sexually-oriented adult entertainment within a public place of amusement whether or not a fee is charged or accepted for such entertainment.

Equity Value. The amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property.

Erect. To build, construct, attach, hang, place, inscribe, suspend or affix any sign or to paint any wall sign.

Erosion Control. The design and installation of measures to control erosion and sedimentation during and after construction and to permanently stabilize soil exposed during and after construction using a combination of structural control measures, cover measure, and construction practices.

Erosion hazard. These are areas containing soils which, according to the U.S. Department of Agriculture Natural Resources Conservation Service Soil Survey Program, may experience significant erosion. Erosion hazard areas also include channel migration zones. See VMC 20.740.130 for designation of erosion hazard areas.

Essential Facility (Applies in Frequently Flooded Areas). This term has the same meaning as “essential facility” defined in ASCE 24. Table 1-1 in ASCE 24-14 further identifies building occupancies that are essential facilities.

Essential Public Facilities. Public facilities and privately-owned or operated facilities serving a public purpose that are typically difficult to site. They include but are not limited to: airports, state education facilities, state or regional transportation facilities, prisons, jails, other correctional facilities, and solid waste handling facilities. These facilities are of state-wide and regional significance, as opposed to facilities which only serve Clark County. Therefore, local transit service is not considered an essential public facility. Essential public facilities will be allowed in locations appropriate for the services provided and the people served.

Exception. Permission to depart from a specific design standard in this title.

Existing Manufactured Home Park or Subdivision (Applies in Frequently Flooded Areas). A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the community.

Exotic. Any species of plants or animals that are not native to the area.

Expansion to an Existing Manufactured Home Park or Subdivision (Applies in Frequently Flooded Areas). The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Extraordinary hardship. Extraordinary hardship occurs when strict application of the provisions of 20.775 VMC Wetlands and Water Bodies Protection would prevent all reasonable economic use of the subject parcel.

Façade. Any exterior building face, from corner to corner and finished floor to eave, exclusive of any roof area.

Face. To front upon.

Family. See Household.

Feature. An artifact or set of artifacts which, due to its size and complexity, loses its integrity when moved, and therefore, cannot be transported as a unit to a laboratory or museum for study or display (e.g., a hearth, an ash lens, a storage pit, a cache of related artifacts, or a house floor).

Fence, Sight-Obscuring. A fence or evergreen planting constructed or arranged in such a way as to obstruct vision.

Findings. A written statement of the facts determined to be relevant by the approval authority as the basis for making its decision. The approval authority applies the relevant facts to the approval criteria or standards to reach its decision.

Fish and Wildlife Habitat Conservation Areas (FWHCAs). FWHCAs are areas that serve a critical role in sustaining needed habitats and species for the functional integrity of the ecosystem, and that, if altered, may reduce the likelihood that the species will persist over the long term. These areas may include, but are not limited to, rare or vulnerable ecological systems, communities, and habitat or habitat elements, including seasonal ranges, breeding habitat, winter range, and movement corridors, and areas with high relative population density or species richness, including locally designated important habitats and species. These areas also include habitat for Endangered, Threatened and Sensitive species; Priority Habitats and areas associated with Priority Species; Riparian Management Areas; Habitats of Local Importance, and water bodies;; water bodies; forage fish spawning areas; naturally occurring ponds less than 20 acres; waters of the state; natural area preserves; natural resource conservation areas; and state wildlife areas. Fish and Wildlife Habitat Conservation Areas do not include artificial features or constructs such as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of, and are maintained by, a port district or an irrigation district or company.

Fish Habitat. Habitat which is used by any fish at any life stage at any time of the year, including potential habitat likely to be used by fish which could be recovered by restoration or management and includes off-channel habitat.(WAC [222-16-030](#))

Flood or Flooding.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
 - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water

exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (1)(a) of this definition.

Flood Elevation Study. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a Flood Insurance Study (FIS).

Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Floodplain. The relatively flat area or lowlands adjoining the channel of a river, stream, watercourse, or other similar body of water that has been or may be susceptible to being inundated by floodwater. The floodplain includes the areas of special flood hazards (frequently flooded areas).

Floodplain Administrator. The community official designated by title to administer and enforce the floodplain management regulations.

Floodplain or Flood-Prone Area. Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

Flood-Proofing. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood-proofed structures are those that have the structural integrity and design to be impervious to floodwater below the base flood elevation.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "regulatory floodway."

Floor Area. The area of all floors, finish wall-to-finish wall, included in surrounding walls of a building.

Floor Area, Gross. The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls and including halls, stairways, elevator shafts at each floor level, service mechanical equipment rooms, habitable basement or attic areas, and structured (not surface) areas for vehicle parking and loading.

Floor Area Ratio (FAR). A mathematical expression determined by dividing the total floor area of a building by the total area of the lot. It is determined by dividing the total gross floor area of all the buildings on a lot by the area of that lot, excluding public easements and right-of-ways, landscaped areas required under the requirements of this chapter and Chapter [20.740](#), Wetlands and Drainage Areas. For example, a floor area ratio of 2 to 1 (or 2:1) means that there are 2 square feet of gross floor area for every 1 square foot of lot area.

Frequently Flooded Areas. Areas of special flood hazards.

Front. Each side of a lot abutting a public street except state or federally designated highways.

Frontage. That portion of a parcel of property that abuts a dedicated public street, highway or approved private street, from property line to property line.

Fronting Street. Shall mean a public or private road providing for vehicular access to the boundary of a parcel of real property being proposed for development.

Full-time Employee. A person other than an independent contractor scheduled to be employed on a continuous basis for fifty-two weeks a year for an average of thirty-five hours or more per week.

Full-time Equivalent (FTE). The equivalent number of full-time students attending a post secondary school such as a trade school, college or university.

Fully Complete. Regarding land use applications, the determination by the Review Authority that the application and associated documentation contain sufficient information and detail to reach a final decision; such determination shall not be interpreted to mean that the application meets applicable standards.

Functionally Dependent Use (Applies in Frequently Flooded Areas). A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The

term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

Functionally Disabled. With respect to a person who has a physical or mental impairment which substantially limits one or more of such person's major life activities; has a record of having such an impairment, or being regarded as having such an impairment. Such term does not include current, illegal use of or addiction to a controlled substance.

Functions or Functions and Values of FWHCAs. Functions or functions and values are the beneficial roles served by FWHCAs. FWHCAs provide habitat for breeding, rearing, foraging, protection and escape, migration, and over-wintering. FWHCAs affect the quality of habitat by providing complexity of physical structure, supporting biological diversity, regulating stormwater runoff and infiltration, removing pollutants from water, and maintaining appropriate temperatures.

Functions or Functions and Values of Wetlands. Functions or functions and values are the beneficial roles served by wetlands. Wetlands improve water quality, maintain watershed hydrology (for example, by providing base stream flow during dry periods and controlling flooding), and provide habitat.

Garage, Private. A paved, covered, and enclosed motor vehicle parking space with a locking door, either attached or detached from the living unit. An accessory building or an enclosed accessory portion of the main building designed and/or used for shelter or storage of vehicles, boats and/or other vehicles owned or operated by the occupants of the main building.

Garage, Public. A structure or portion thereof other than a private or community garage used for the storage of self-propelled vehicles or trailers. Any garage, other than a private garage, open to use by members of the public.

Geographic Barrier. A natural or constructed land form or feature such as, but not limited to: a promontory, a ravine, a large or fast-moving body of water or a dike.

Geologic Hazard Areas. Geologic hazard areas include landslide, seismic, and erosion hazard areas designated pursuant to VMC [20.740.130\(A\)](#) and are defined as areas that are not generally suitable for the siting of commercial, residential, or industrial development consistent with public health or safety concerns unless determined otherwise with a critical areas report

provided by a qualified professional in accordance with VMC 20.740.130(B) and in compliance with the performance standards of VMC 20.740.130(C).

Grab Sample. Regarding solid waste regulations, a single sample which is taken from a waste stream without regard to the flow in the waste stream and without consideration of time.

Grade. As defined in the City Adopted Building Code(s).

Grading. Any excavation, filling or combination thereof.

Grading Permit. The permit required under Chapter 70 of the City Adopted Building Code(s).

Gross Floor Area. Means the same as floor area.

Gross Leasable Area (GLA). The total floor area designed for both tenant occupancy and exclusive use. This includes both owned and leased areas.

Ground-disturbing Action or Activity. Any development, construction, or related operation which could alter the site, including but not limited to: tree or tree stump removal, road or building construction or grading.

Group Living. Living facilities for groups of unrelated individuals that include at least one person residing on the site who is responsible for supervising, managing, monitoring and/or providing care, training or treatment or residents

Guest House Dwelling. A detached accessory building designed, constructed and used for the purpose of providing temporary living accommodations for guest, or for members of the same household as that occupying the main structure, and containing no kitchen or kitchen facilities.

Guyed Tower. Any wireless communication support, using guy wires which are permanently anchored.

Habitable Floor Area. The total heated floor area in a structure devoted to living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and other similar areas are not counted as habitable floor area.

Habitat Corridor. Habitat corridors are areas of relatively undisturbed and unbroken tracts of vegetation that connect Fish and Wildlife Habitat Conservation Areas, priority habitats, areas identified as biologically diverse, or valuable habitats within a city or urban growth area. Habitat

corridors as required for Option 3A wetland buffers must meet the specific requirements outlined in VMC 20.740.140.

Habitats of Local Importance. FHWCA's which are not designated as Priority Habitats and Species by the Washington Department of Fish and Wildlife but are designated as locally significant by the city.

Hard surface. Hard surface is an impervious surface, a permeable pavement or a vegetated roof.

Hazardous Material. Any product, substance, commodity or waste in liquid, solid or gaseous form that exhibits a characteristic that presents a risk to water resources. Risk may be due to ignitability, toxicity, reactivity, instability, corrosivity, or persistence. This definition extends to all "dangerous wastes" and "hazardous substances" that are defined in WAC [173-303](#) (State Dangerous Waste Regulations). It also includes the chemicals and/or substances that are defined in the Federal Emergency Planning and Community Right to Know Act (EPCRA) and/or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Hazardous Waste. Means all dangerous and extremely hazardous waste as defined in RCW [70.105.010](#) except for moderate risk waste.

Hazardous Waste Storage. The holding of dangerous waste for a temporary period as regulated by State Dangerous Waste Regulations, Chapter [173-303](#) WAC.

Hazardous Waste Treatment. The physical, chemical or biological processing of dangerous waste to make wastes nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

Hazardous Waste Treatment and Storage Facility, Off-Site. The treatment and storage facilities that treat and store wastes from generators on properties other than those on which the off-site facilities are located.

Hazardous Waste Treatment and Storage Facility, On-Site. The treatment and storage facilities that treat and store wastes generated on the same geographically contiguous or bordering property.

Headwaters. Springs, lakes, ponds or wetlands that provide significant sources of water to a stream.

Healthy Soil. Soil that is of good quality with the capacity to sustain plant, animal, and human life by providing nutrients, air and water space to infiltrate, pollutant absorption and filtering, and habitat.

Heritage Tree. A tree or group of trees designated as such by the city in Chapter [20.770 VMC](#), Tree Conservation.

High-Intensity Land Use. Land uses which are associated with high levels of human activity or substantial habitat impacts including Residential, Commercial, and Industrial zoning districts.

Historic District. A geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development.

Historic Structure (Applies in Frequently Flooded Areas). Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;
or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior,
or
 - b. Directly by the Secretary of the Interior in states without approved programs.

Home Occupation. A use conducted entirely within a residential building, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and complies with the criteria established by [20.860 VMC](#) Home Occupations.

Homeowners Association. A nonprofit corporation or association operating under a recorded land agreement through which:

1. Each person owning or purchasing a lot in a planned unit or other described land area is automatically by such ownership or purchase a member; and
2. Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common area and improvements.

Household. An individual, two or more persons related by blood or marriage, a group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988, adult family homes as defined under Washington State law, or a group living arrangement where six or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or nonresident staff. Up to six residents not related by blood or marriage who live together in a single-family dwelling or in conjunction with any of the above individuals or groups, shall also be considered a household. For purposes of this definition, minors living with parent or legal guardian shall not be counted as part of the maximum number of residents.

Hydric Soil. Soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Wetlands Delineation Manual defined in this chapter.

Hydrogeomorphic (HGM) Classification. System used to classify wetlands based on the position of the wetland in the landscape (geomorphic setting), the water source for the wetland, and the flow and fluctuation of the water once in the wetland.

Hydrophytic Vegetation. Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Wetlands Delineation Manual defined in this chapter. (Ord. M-4325 § 3, 2020; Ord. M-4179 § 62, 2016; Ord. M-4034 § 2, 2012)

20.150.040C Meanings of Specific Words and Terms I through L.

Impact. The effect of an activity on designated critical areas, their buffers or sensitive resources.

Impact Fee. The fee levied as a condition of issuance of a building permit or development approval to support necessary public improvements affected by the development such as the transportation system, park acquisition and development, and schools.

Impact, Indirect. Impacts resulting from activities in the environs of a designated critical area, its buffer or a sensitive resource. Indirect impacts can result from construction activities nearby (e.g., producing sediment that enters a wetland or noise that disturbs a species listed under the Endangered Species Act). Other examples of indirect impacts include: changing the hydrology of an area such that it reduces water flow to a wetland or water body; introducing a barrier to wildlife movement through an area (such as a road or facility with bright night lighting); or reducing the size of a resource such that it can no longer perform the functions at its former level. The relationship of a designated critical area, buffer or sensitive resource to its surroundings must be considered in evaluating indirect impacts.

Impact, Permanent. Impacts that result in the permanent loss of a designated critical area, its buffer or a sensitive resource.

Impact, Temporal. The long-term effects of an activity or development where functions can be replaced eventually but cannot and do not achieve a similar functionality in a short period of time. For example, replacing the functions of song bird habitat in a tree canopy provided by a 50 year-old palustrine forested wetland, may take over 20 years to develop at the impact site.

Impact, Temporary. Short-term effects lasting for a limited time and where functions can be replaced in a relatively short period of time (about one year). For example, replacing the functions of habitat for small mammals or water quality for palustrine emergent (PEM) wetlands (those principally vegetated with grasses and forbs) may be done in one growing season if the disturbance is not severe.

Impervious Surface. A nonvegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A nonvegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common

impervious surfaces include, but are not limited to, structures, roof tops, walkways, patios, driveways, carports, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, haul roads and soil surface areas compacted by construction operations, and oiled or macadam or other surfaces which similarly impede the natural infiltration of stormwater.

Improvement. Any permanent structure including building, paving, or infrastructure that becomes part of, placed upon, or is affixed to property.

Infill Development. Development that occurs on underutilized or challenged parcels.

Infill Development Plan. A plan that is required to be submitted with infill development which identifies the existing and proposed lot characteristics, including applicable standards and incentives.

Infill Land Division. The division of an infill parent parcel using some or all of the standards contained in the Infill Development Ordinance.

Infill Parcels. Parcels that meet the eligibility criteria of this chapter or those parcels created by the land division of an infill parent parcel through the application of the standards in the Infill Ordinance.

Infill Parent Parcel. Regarding Infill Development, the larger parcel of land from which infill parcels are divided.

Ingress. Access or entry.

Inordinate Light Source. Lighting source that is exceptionally bright or outside normal industry standards as found by the planning official.

Integrated Pest Management. A sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks.

Intermittent stream. Surface streams with no observable flow during 30 consecutive calendar days in a normal water year.

Junkyard/Salvage Yard. A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards,

house wrecking yards, used lumber yards, and places where such uses are conducted entirely within a completely enclosed building, but not including pawn shops or establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.

Kennel. Shall mean any premises on which four or more dogs older than 5 months are kept, excluding veterinary clinics, animal hospitals, and dog daycare facilities.

Kitchen. Any room or rooms, or portion thereof, used or intended to be used for cooking or the preparation of food.

Land-disturbing activity. Regarding erosion control regulations, any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) or existing soil topography. Land-disturbing activities include, but are not limited to, demolition, reconstruction, construction, clearing, grading, filling, and excavation.

Land Form Alteration. Any man-made change to improved or unimproved property including, but not limited to, the addition of buildings or other structures; mining; quarrying; dredging; filling; grading; earthwork construction; stockpiling of rock, sand, dirt or gravel or other earth material; paving; excavation or drilling operations located within the area of special flood hazard.

Landscaping. To beautify or improve a section of ground by contouring the land and planting flowers, shrubs or trees. Landscaping may also include nonvegetative improvements such as courtyards, fountains, pedestrian walkways, plazas, and medians.

Landslide hazard areas. Areas subject to landslides based on a combination of geologic, topographic, and hydrologic factors, including areas susceptible to landslide because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors; this includes, at a minimum, the following:

1. Areas of historic failures, such as:
 - a. Areas delineated by the U.S. Department of Agriculture Natural Resources Conservation Service as having a significant limitation for building site development;

- b. Areas designated as quaternary slumps, earthflows, mudflows, lahars, or landslides on maps published by the U.S. Geological Survey (USGS) or DNR;
- c. Areas with all three of the following characteristics:
 - i. Slopes steeper than 15 percent;
 - ii. Hillsides intersecting geologic contacts with a relatively permeable sediment overlying a relatively impermeable sediment or bedrock; and
 - iii. Springs or groundwater seepage.
- 2. Areas that have shown movement during the Holocene epoch (from 10,000 years ago to the present) or that are underlain or covered by mass wastage debris of this epoch.
- 3. Slopes that are parallel or subparallel to planes of weakness (such as bedding planes, joint systems, and fault planes) in subsurface materials;
- 4. Slopes having gradients steeper than 80 percent subject to rockfall during seismic shaking;
- 5. Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and undercutting by wave action, including stream channel migration zones;
- 6. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows or catastrophic flooding; and
- 7. Any area with a slope of 40 percent or steeper and a vertical relief of 10 or more feet except areas composed of bedrock. A slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.

Lattice Tower. A wireless communications support structure, which consists of a network of vertical and horizontal supports and crossed metal braces, forming a tower that is usually triangular or square in cross-section.

Ldn. Annual Average Day/Night Sound Level. The "Ldn, Day/Night Sound Level," in decibels, is the 24-hour logarithmic average sound level, from midnight to midnight, obtained after adding

10 decibels to sound levels in the night from midnight to 7:00 a.m., and from 10:00 p.m. to midnight (0000 to 0700, and 2200 to 2400 hours), and then logarithmically averaged day-to-day over a 12-month period.

Legal Owner. The owner of record, as shown by the records of Clark County.

Livestock. Any horse, beef or dairy cattle, sheep, goat, llama, alpaca, mule, jack, jenney, burro, domesticated hare, rabbit, emu, ostrich, poultry or similar animal.

Liquefaction Hazard Areas. Liquefaction hazard areas are areas typically underlain by cohesionless soils of low density, usually in association with a shallow groundwater table, that lose substantial strength during earthquakes.

Load Space or Loading Area. An off-street space or berth on the same lot or parcel with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle which is loading or unloading, merchandise or materials.

Local Public Facility. A land use designed to serve the needs of the local neighborhood or community affected by the impact(s) of development. Local Public Facilities include, but are not limited to: elementary, middle, and high schools; fire stations; police stations; parks; and transit facilities. Local Public Facilities shall not include land use(s) of regional or community-wide significance, such as airports, colleges, hospitals, regional parks or community centers.

Logo. A group of letters, typically stylized, or symbols that represent a word, group of words or business name.

Lot Area. The computed area contained within the lot lines; said area to be exclusive of street or alley rights-of-way or access easements, Bonneville Power Administration (BPA) easements, water detention/retention ponds, wetlands and wetland buffers which are delineated and recorded on plats and short plats.

Lot, Corner. A lot abutting upon two or more streets at their intersection, or upon two parts of the same street; such street or parts of the same street forming an interior angle of less than 135° within the lot lines.

Lot Coverage. That percentage of the total lot area covered by structures, including all projections except eaves, balconies, bay windows, or uncovered deck 42 inches or less above grade.

Lot Depth. The average distance measured from the front lot line to the rear lot line. In the case of a corner lot, the depth shall be the length of its longest side lot line.

Lot, Estate. A lot in a subdivision that contains a house and outbuildings constructed prior to the subdivision. The estate lot cannot be larger than one acre in area, and is exempt from the minimum density requirements of any residential district.

Lot, Flag. A lot generally in the shape of a flag where access is typically by a narrow, private right-of-way or driveway.

Lot, Interior. A lot or parcels of land other than a corner lot.

Lot, Legal. A parcel of land used or which is capable of being used under the regulations of this title, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation.

Lot Line. Any line bounding a lot as herein defined.

Lot Line, Front. The property line abutting a street or the edge of a private street, or primary access. For corner lots the front line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the shortest lot line adjoining the pole portion of the lot, excluding the unbuildable portion of the pole.

Lot Line, Rear. A lot line not abutting a street that is opposite and most distant from the front lot line.

Lot Line, Side. Any lot line that is not a front or a rear lot line.

Lot of Record. A lot shown on the records of the County Auditor at the time of the passage of an ordinance or regulation establishing the zoning district in which the lot is located.

Lot Size, Minimum. The area determined to be the minimum average lot size for each underlying zoning district prior to application of any lot size reduction allowed.

Lot, Through. Lot having front and rear frontage on two streets and/or highways. Lots with rear alley frontage shall not be considered through lots.

Lot Width. The horizontal distance between the side lot lines measured within the lot boundaries or the average horizontal distance measured halfway between the front and rear setback lines.

Low Impact Development (LID). Low impact development is a stormwater and land management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

Low Impact Development Best Management Practices (BMPs). Low impact development best management practices are distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, vegetated roofs, minimum excavation foundations, and water re-use.

Low Impact Development Principles. Low impact development principles are land management strategies that emphasize conservation, use of onsite natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosed area below the base flood elevation, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of VMC [20.740.120\(J\)\(8\)\(c\)](#), [\(J\)\(10\)\(d\)](#), or [\(J\)\(11\)\(e\)](#).

Low-Income Housing. Housing for which the monthly housing expense is no greater than thirty percent of eighty percent of the median family income adjusted for family size for Clark County, Washington, as reported by the United States Department of Housing and Urban Development. For multi-family housing, this definition shall apply only to the number of units within such housing development as are required to comply with this limitation on monthly housing expense.

Low-Intensity Land Use. Land uses which are associated with low levels of human activity or low habitat impacts, including Open Space Greenway: Lettuce Fields and Vancouver Lake Lowlands and Open Space Natural zoning districts.

Low Noise Impact. Interior noise levels of Ldn 45 or less, considered for the purposes of Chapter 20.520 VMC, Noise Impact Overlay District, as acceptable for residential purposes. (Ord. M-4179 § 63, 2016; Ord. M-4154 § 2, 2016; Ord. M-4034 § 2, 2012)

20.150.040D Meanings of Specific Words and Terms M through P.

Main. See Water Main.

Maintain. To allow to continue in existence. When the context indicates, the word shall mean to preserve and care for a structure, or to improve in condition an area to such an extent that it remains attractive, safe, and presentable and carries out the purpose for which it was installed, constructed or required.

Major Thoroughfare. The principal, minor, collector arterials, and State highways, as shown on the Arterial Street Plan adopted in compliance with Chapter 35.77 RCW.

Management Plan. A plan detailing how operations and maintenance activities subject to the provisions of VMC 20.740 will be performed.

Manufacture. Includes production, processing, assembling, packaging or treatment of semi-finished or finished products from raw materials or previously prepared materials or components.

Manufactured Home, Designated – means a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes. Conforms to federal Manufactured Home Construction and Safety Standards (HUD Code – “Red Label”) rather than to the Building Code (“Gold Label”) requirements.

Manufactured Home, Mobile – Means a structure transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. (Generally built before June 15, 1976). "Mobile manufactured homes" are not "recreational vehicles".

Manufactured Home, Modular – Means any home built in modules at a factory. Modular homes conform to all state and local building codes. Modules are transported on truck beds, and then joined together at the site. They are inspected by local officials. (Regulated under the IBC standards – State Building Code).

Manufactured Home, New – means any manufactured home required to be titled under Title 46 RCW, which was not titled to retail purchaser before July 1, 2005, and was not a “used mobile home” as defined in RCW 82.45.032. (Regulated under the HUD construction and safety standards).

Manufactured Home Development. An existing site containing spaces with required improvements and utilities that are leased for the long-term placement of manufactured homes. This term shall also include "mobile home parks" as that term is used in other titled of the Vancouver Municipal Code (VMC).

Manufactured Home Subdivision. An existing subdivision created for the placement of manufactured homes on individual lots.

Marquee. A roofed structure attached to and supported by the building and projecting over public property.

Master Plan. A comprehensive, long-range site plan for a development project. The project may be located on a single parcel or on several contiguous parcels which are owned by one or more parties working cooperatively and collectively, and is usually implemented in phases.

Mean Sea Level. For purposes of the National Flood Insurance Program, the vertical datum to which base flood elevations shown on a community’s Flood Insurance Rate Map are referenced.

Meandering Sidewalks. Those sidewalks separated by a nonuniform planting strip from the back of the curb.

Micro Facility. Regarding wireless communication facilities, a single antenna, or group of antennae, co-located on an existing tower, building or other appurtenance that is small in size and visually unobtrusive.

Mitigation. Mitigation is a six-step sequencing process used to reduce the severity of effects from activities that potentially affect sensitive resources:

1. Avoiding the impact altogether by not taking a certain action or parts of an action;

2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
4. Reducing or eliminating the impact over time by preservation, and maintenance operations during the life of the action;
5. Compensating for the impact by replacing, enhancing or providing substitute resources or environments; and/or
6. Monitoring the impact and taking appropriate corrective measures.

Mitigation, Compensatory. Compensation for potential impacts to functions and values of critical areas (including fish and wildlife habitat, frequently flooded areas, geologic hazard areas, and wetlands) and their buffers.

Mixed-Use Development. The development of a tract of land, building or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public or entertainment, in a compact urban form.

Mixed-Use Structure. A single structure containing at least two complementary, integrated, or mutually-supporting uses (such as housing, offices, manufacturing, retail, public service, or entertainment). The structure must achieve physical and functional integration within itself.

Moderate-Intensity Land Use. Land uses which are associated with moderate levels of human activity or substantial habitat impacts including Open Space Parks and Open Space Greenways: General zoning districts.

Mode. Refers to the means of transportation used by employees, including single-occupant vehicle, carpool, vanpool, transit, bicycle, and walking.

Monopole Tower. A wireless communications support structure, consisting of a single pole to support antennae and connecting appurtenances.

National Register of Historic Places. The national listing of properties significant to the nation's cultural history because of their documented importance to history, architectural history, engineering or cultural heritage.

Naturally occurring ponds. Ponds less than twenty acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.

Native. Native plants are those species on the City of Vancouver's Native Plant Species list (available from the Planning Official).

Native Vegetation. Vegetation that encompasses both that occurring naturally and vegetation well adapted to current and anticipated environmental conditions in this region.

New Construction. For the purposes of VMC [20.740.120](#), Frequently Flooded Areas, "new construction" means structures for which the "start of construction" commenced on or after September 5, 2012.

New Manufactured Home Park or Subdivision (Applies in Frequently Flooded Areas). A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations by the community.

Noise Contour. The graphic depiction of the spatial extent to which an average noise level affects the area surrounding a source of noise. The contour is a line depicting equal points of impact.

Noise Contour, 65 Ldn. The most current 65 Ldn Noise Contour, as annually updated by the Port of Portland for the Portland International Airport using the criteria and methodology adopted by the Federal Aviation Administration for the purpose of establishing noise contours as a part of airport planning, or as provided by other objective sources for noise generations other than the Portland International Airport.

Noise, Environmental. Shall mean the intensity, duration, and character of sounds from any land use, measured at the property line of the receiving property.

Noise Impact. The extent to which a level of noise interferes with the full utilization of land.

Nonconforming, Legal. A use of land, building, structure or use which lawfully existed at the time of the adoption of this title or of any amendment thereto, but which does not conform with the use or development regulations imposed by this title or such amendment thereto.

Noncontributing. A property which either does not date to the historic period or has not retained sufficient physical integrity so as to convey its historic character.

Normal water year. A twelve-month period (October 1-September 30) with average precipitation based upon data from the past 50 years.

Noxious weeds. Non-native plants which are destructive, competitive, and difficult to control as defined by the Washington State Noxious Weed Control Board.

Nudity. Regarding Adult Businesses, the showing of the human male or female genitals or pubic area, the showing of the female breast, with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

Obligate, facultative wet, and facultative. Groupings of plants according to their frequency of occurrence in wetlands. Obligate wetland plants almost always (99 percent probability) occur in wetlands under natural conditions. Facultative wetland plants usually (67 percent-99 percent probability) occur in wetlands. Facultative plants are equally likely (34 percent-66percent probability) to occur in wetlands or nonwetlands. Such groupings are more fully defined in the Wetlands Delineation Manual defined in this chapter.

Obstruction. Any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter which is in, along, across or projecting into any channel, watercourse or regulatory flood hazard area; and which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water or which is placed where the flow of water might carry the same downstream to the damage of life or property.

Occupant. Any individual living or sleeping in a building or having possession of a building or space therein. Unless otherwise stated, occupant is synonymous with tenant.

Occupancy Certificate. A city certificate allowing the use of a building or structure after it has been determined that all the requirements of applicable ordinances have been met.

Off-Site Impact. A condition that creates, imposes, aggravates or leads to inadequate, impractical, unsafe or unhealthy conditions on a site proposed for development or on off-site property or facilities. This includes, but is not limited to, noise, glare, and odor.

Off-Site Improvement. Improvements required to be made off-site to address impacts identified from an application for development and including, but not limited to, road widening and upgrading, storm water facilities, and traffic system improvements.

100-Year Flood. The flood having a 1 percent chance of being equaled or exceeded in any given year. Also referred to as the “base flood.”

100-Year Flood Elevation. The elevation that the 100-year flood is expected to reach. Also referred to as the “base flood elevation.”

Open Record Predecision Hearing. An open record hearing as defined by [197-11-775 WAC](#), which is held before the Planning Commission or Hearings Examiner prior to the closed record approval hearing before the City Council.

Oregon white oak woodland(s). In accordance with WDFW’s Priority Habitat & Species (PHS) List, these are stands of oak or oak/conifer associations where canopy coverage of the oak component of the stand is twenty-five percent, or where total canopy coverage of the stand is less than twenty-five percent, but oak accounts for at least fifty percent of the canopy coverage. The latter is often referred to as oak savanna. In non-urbanized areas west of the Cascades, priority oak habitat consists of stands less than one acre in size. In urban or urbanizing areas, single oaks or stands less than one acre may also be considered a priority when found to be particularly valuable to fish and wildlife.

Ordinary high water mark. (OHWM). That mark which is found by examining the bed and banks of a water body and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years that the soils and vegetation have a character distinct from that of the abutting upland area. It also can also be established by fluctuations of water and indicated by physical characteristics such as a clear, natural line

impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, it shall be the line of mean high water in areas adjoining fresh water. [WAC [173-22-030\(11\)](#)]

Ordinary Repair and Maintenance. The work for which a permit issued by the City of Vancouver is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay or damage.

Original Parcel. A lot, parcel or tract created in compliance with all regulations in effect at the time it was initially conveyed, that constitutes the basis for considering the appropriate provisions of this title for platting or short platting; provided, that any lot, parcel or tract conveyed in its present configuration prior to December 18, 1978 (the passage of the short plat ordinance, M-1930) which complies with current zoning requirements, shall be conclusively presumed to have been lawfully created.

Overlay Area. A special geographic area designated in a capital facilities plan to be served by a system improvement, which area is not generally contiguous with an established service area. An overlay area may be local (i.e., covering only a portion of a single service area), regional (i.e., covering portions or all of several service areas), or county wide (i.e., covering both incorporated and unincorporated areas).

Overlay Zone or District. A designated area within a base zoning district for which specific land use regulations apply, in addition to the base zoning requirements.

Owner. The owner of record of real property as shown on the tax rolls of the County, or a person purchasing a piece of property under contract. For the purpose of this title, in terms of violations and binding agreements between the city and the owner, the owner shall also mean a leaseholder, tenant, or other person in possession or control of the premises or property at the time of agreement, violation of agreement, or the provisions of this title.

Ownership Interest. A property interest in an existing single-family residence under a recorded deed or under a contract of purchase, recorded mortgage, recorded deed of trust or recorded lease by which the applicant is responsible under penalty of forfeiture, foreclosure or default for payment of real property taxes and/or local improvement district assessments. The

term shall also include a share ownership in a cooperative housing association, corporation or partnership if the applicant can establish that his or her share represents the specific unit or portion of such structure in which he or she resides.

Painted Wall or Wall Graphic. An advertisement painted directly on the wall of a building.

Parking Area, Public. An open area other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free of charge or as an accommodation for clients or customers.

Parking Space. A permanently surfaced and marked area not less than that specified in Chapter [20.945](#) VMC Parking and Loading, excluding paved area necessary for access, for the parking of a motor vehicle.

Parking Storage. A location where vehicles are placed or left for maintenance, repair, sale, rental or future use.

Partition. See subdivision.

Party of Record. A person or group who makes an appearance in a proceeding through the submission of either written or verbal evidence. Groups shall designate one person as a representative or contact.

Pedestrian Area. Any sidewalk, walking trail, courtyard, plaza or other area intended primarily for use by pedestrians.

Perimeter. The boundaries or borders of a lot, tract or parcel of land.

Permitted Use. Those uses allowed as a matter of right within certain zoning districts provided that such use is in accordance with requirements of the particular district and general conditions stated elsewhere in this title.

Permittee. The person who is proposing to use or who is using the land pursuant to any permit required herein.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state or local governmental entities.

Person with Functional Disabilities. A person who, because of a recognized chronic physical, mental condition or disease, is functionally disabled to the extent of:

1. needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living;
2. needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible;
3. having a physical or mental impairment which substantially limits one or more of such person's major life activities;
4. having a record of having such an impairment;
5. being regarded as having such an impairment, but such term does not include current, illegal use of or active addiction to a controlled substance.

Pervious Surface. Pervious surface is a surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, native vegetation areas, and permeable pavements.

Petroleum. Crude oil, gases (including natural gas), natural gasoline, and other related hydrocarbons, oil shale, and the products of any of such resources.

Petroleum/Oil Refinery. An industry engaged in refining crude petroleum/oil into refined petroleum/oil. Petroleum/oil refining involves one or more of the following activities: 1) fractionation; 2) straight distillation of crude oil; and 3) cracking.

Planned Action Ordinance. The applicable city ordinance establishing the geographic boundaries, impact thresholds, and mitigation measures for the particular planned action subarea in which a planned action project is located.

Planned Action Project or Development Application. A project or application for a project which meets the criteria for designation as a planned action under the provisions of Section [43.21.031](#) RCW, Section [197-11-164](#) WAC, Section [20.790.630](#), and the particular planned action ordinance for the planned action subarea in which the project is located.

Planned Action Subarea. A specific geographic area, less extensive than the city's jurisdictional boundaries, for which a subarea plan under Chapter [36.70A](#) RCW and an EIS under Chapter

[43.21C](#) RCW have been prepared and adopted to provide for prospective environmental review and comprehensive planning for future development.

Planning Commission. The Planning Commission of the City of Vancouver, Washington.

Planning Official. The city official within the community development department charged with administratively approving land use permits or her/his designate.

Planting strip. The area from the back of curb and the front of sidewalk or the area in the raised median used for grass or approved landscaping plants.

Plat. A final map, diagram or written document containing all the descriptions, specifications, and provisions concerning a subdivision of land.

Plat, Final. The final drawing of the subdivision or short subdivision and dedication prepared for filing for record with the Clark County Auditor and containing all elements and requirements set forth in this title and in state law.

Plat, Preliminary. An orderly and approximate drawing to scale of either a proposed subdivision or short subdivision showing the general layout of streets and alleys, lots and blocks, and other required submittals which shall furnish a basis for the approval or disapproval.

Poultry. Domesticated fowl such as chickens, ducks, geese and similar, and all game birds which are legally held in captivity.

Predetermination, Archaeological. A procedure by which an archaeologist makes a determination of the probable existence (presence or absence) of an archaeological site in a disturbance area and a recommendation to proceed or not to proceed with an archaeological resource survey in compliance with the provisions of this chapter.

Predominant. Regarding Infill Development, the most frequently occurring residential design characteristic along both sides of the road frontage from intersection to intersection (or block face).

Predictive Model. The classification of property according to the probability of its having archaeological resources. The probability levels are low, low-moderate, moderate, moderate-high, and high, which are based on a combination of information from inventories and predictive models provided by DAHP, other agencies, tribal governments and local permit

review. The probability levels within the urban growth boundary of the city are generally shown on maps provided by Clark County Geographic Information Systems.

Premises. A lot or number of lots on which is situated a building or group of buildings designed as a unit, or on which a building or group of buildings are to be constructed.

Preserved. Leaving in the present condition.

Primary. The largest or most substantial use or element on the property, as in “primary” activity, residence, entrance, etc. All other similar elements are secondary in size or importance.

Priority Area: The area within a Priority Species’ natural geographic distribution within which protective measures and/or management actions are need to (1) support viable populations over the long term and (2) avoid creating isolated subpopulations.

Priority Habitat: A State of Washington habitat type with unique or significant value to many species; an area with one or more of the following attributes: (1) comparatively high fish and wildlife density; (2) comparatively high species diversity; (3) important breeding habitat; (4) important seasonal ranges; (5) important movement corridors; (6) limited availability; (7) high vulnerability to habitat alteration; or (8) unique or dependent species. Examples of Priority Habitats include, but are not limited to, instream, riparian, Oregon white oak woodlands, and freshwater wetlands.

Priority Habitats and Species (PHS). Priority Habitats and Species are important fish and wildlife species and habitats as determined by the Washington State Department of Fish and Wildlife. Priority Habitats include endangered, threatened, sensitive, candidate, and vulnerable species and habitats deemed priorities of WDFW and reflective of best available science.

Priority Species. A State of Washington fish or wildlife species requiring protective measures and/or management actions to ensure its survival. A Priority Species fits one or more of the following criteria: (1) is a State-listed endangered, threatened, sensitive, or candidate species; (2) has vulnerable aggregations; or (3) is of recreational, commercial, and/or tribal importance. Examples of Priority Species include, but are not limited, to steelhead/rainbow trout, bull trout/Dolly Varden, great blue heron, cavity-nesting ducks, fisher, and elk.

Private Open Space. The space included within a development for recreational use.

Process Type. Shall mean the process by which a land use decision is rendered.

Process Type, Legislative. A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use, such as the adoption of or amendment to a comprehensive plan or development regulation.

Process Type, Quasi-Judicial. Refers to an action or decision that requires substantial discretion or judgment in applying the standards or criteria of this title, and usually involves a public hearing.

Prohibited Use. A use that is not permitted in a base zoning, overlay or plan district. Any use that is not specifically enumerated in this title as a permitted or conditional use or has not been determined by the planning official to be a legal nonconforming use.

Project Area. The portion of a site where development activity will take place.

Project Improvements. Project improvements shall mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in the capital facilities plan shall be considered a project improvement.

Project Permit. Any land use or environmental permit or approval for a proposed action which is subject to the procedural provisions of Chapter [20.210 VMC](#).

Protected Area. All land where no construction activity, tree removal, vegetation removal or soil compaction is allowed and includes the CRZ of those trees to be preserved.

Public Facilities. Regarding the Public Facilities Master Plan Ordinance:

1. Governmental facilities such as civic centers; libraries; auditoriums; police, fire and other public safety facilities; public streets; parks, open space and recreational facilities; and water, sewer; and storm water treatment facilities;
2. Public transit facilities including airports, train stations and transit centers;
3. Publicly and privately-owned medical centers;
4. Public and private elementary, middle and high schools;
5. Public and private colleges and universities; and

6. Religious institutions.

Public Improvement Plans. The technical drawings of the design and proposed construction of such items as streets, water and sewer systems, drainage and erosion control systems, meeting the requirements established by the City of Vancouver, Washington.

Public Place of Amusement, Public Amusement/Entertainment, and Public

Entertainment. An amusement, diversion, entertainment, show, performance, exhibition, display or like activity, for the use or benefit of a member or members of the public, or advertised for the use or benefit of a member or members of the public, held, conducted, operated or maintained for a profit, either direct or indirect. (Ord. M-4402 § 3(C), 2023; Ord. M-4380 § 3, 2022; Ord. M-4325 § 3, 2020; Ord. M-4179 § 64, 2016; Ord. M-4170 § 6, 2016; Ord. M-4034 § 2, 2012)

20.150.040E Meanings of Specific Words and Terms Q through T.

Qualified Professional. A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC [365-195-905\(4\)](#).

1. *Urban Forestry.* Qualified professionals in urban forestry must have academic and field experience that makes them competent in urban forestry. This may include arborists certified by the International Society of Arboriculture or foresters certified by the Society of American Foresters. Qualified professionals in urban forestry must possess the ability to evaluate the health and hazard potential of existing trees, and the ability to prescribe appropriate measures necessary for the preservation of trees during land development.
2. *Critical Areas.* Qualified professionals in critical areas must have obtained a BS or BA or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology or a related field, and two years of related work experience. In addition:
 - a. A qualified professional for frequently flooded areas or a must be a registered professional engineer or hydrogeologist licensed in the State of Washington with experience in the analyses required for the relevant

hazard(s). A qualified professional may also be an architect where provided by state or federal law.

- b. A qualified professional or specialist for wetlands must have a minimum of five years experience in wetland science, including experience preparing wetland reports for review by regulatory agencies or professional certification (Professional Wetland Scientist Certification).
- c. A qualified professional for Fish and Wildlife Habitat Conservation Areas must be a qualified ecologist; biologist; or person with an environmental science degree, professional experience, certification, and/or licensure related to the relevant type of habitat in question.
- d. A qualified professional for Geologic Hazard Areas must be a Washington-licensed geologist or engineering geologist or a Washington-registered professional geotechnical engineer.

Reasonably Funded. A mitigation measure or other transportation system improvement scheduled for completion and designated as funded upon adoption of the most recent version of the Six-Year Street Plan.

Reasonably Safe from Flooding. Development that is designed and built to be safe from flooding based on consideration of current flood elevation studies, historical data, high water marks and other reliable data known to the community. In unnumbered A zones where flood elevation information is not available and cannot be obtained by practicable means, “reasonably safe from flooding” means that the lowest floor is at least two feet above the highest adjacent grade.

Recreational Vehicle. A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regional Industry. An industrial or commercial land use which provides significant community-wide or regional economic benefit through the creation of new economic growth and employment opportunity.

Regional Public Facility. A land use which is designed to serve the needs of the community or region affected by the impact(s) of development. Regional Public Facilities include: airports, colleges, hospitals, regional parks or community centers.

Regulatory Flood. The flood used to define the outer boundary lines of the Flood Fringe. The 100-year flood will be the regulatory flood for the purposes of regulations contained in this title, but a lesser or greater flood limit may be set in any ordinance applying FF (Flood Fringe) or FW (Floodway) zoning to any land. The regulatory flood shall be based upon Flood Insurance Rate Maps (FIRMs) provided by the Federal Insurance Administration (FIA).

Remodel. An internal or external modification to an existing building or structure that does not increase the site coverage.

Remove or Removal. The act of removing a tree by digging up, cutting down or any act which causes a tree to die, significantly impacts its natural growing condition and/or results in diminished environmental benefits or a hazard tree: including but not limited to, damage inflicted on the root system by machinery, storage of material or soil compaction, changing the ground level in the area of the tree's root system, damage inflicted on the tree permitting infections or infestation, excessive pruning, paving with concrete, asphalt or other impervious material within the drip-line or any other action deemed harmful to the tree.

Residential Care Center. Any state or federally approved facility, other than a clinic, used as a residence for the care or rehabilitation of dependent children, the elderly, and the physically and/or mentally handicapped. Residential care centers shall provide care to seven or more residents.

Residential Care Home. Any state or federally approved dwelling used as a residence for the care or rehabilitation of dependent children, the elderly, and the physically and/or mentally handicapped. Residential care homes shall provide care for eight or fewer residents.

Restoration. Measures taken to restore an altered or damaged natural feature including:

1. Active steps taken to restore damaged critical areas or their buffers to the functioning condition that existed prior to an unauthorized alteration; and
2. Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events. See also wetland creation, re-establishment, and rehabilitation.

Right-of-Way, Public. The property held by the city or other governmental jurisdiction for existing and/or future public access including land occupied or intended to be occupied by a street, crosswalk, pedestrian and bike paths, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, street trees or other special use. The usage of the term right-of-way for land division purposes shall mean that every right-of-way hereafter established and shown on a plat or map is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

Riparian area. The area adjacent to aquatic systems with flowing water (e.g., rivers, perennial or intermittent streams, seeps, springs, or lakes) that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other. Riparian areas are three dimensional: longitudinal up and down streams, lateral to the width of the riparian ecosystem, and vertical from below the water table to above the canopy of mature site-potential trees. Riparian areas are defined differently in and for the purposes of the Vancouver Shoreline Management Master Program.

Riparian Buffer The Riparian Buffer is the area extending from the Riparian Management Area outward a specified distance and functions to protect the Riparian Management Area and stream, river, or lake. In situations where a channel migration zone (CMZ) is present, this occurs within one site potential tree height (SPTH) measured from the edges of the CMZ. Together, the Riparian Management Area and Riparian Buffer are the areas that have the potential to provide full riparian functions and combine to form the Riparian Area. See Figure 20.740-1 or Figure 20.170.030-6.

Riparian Management Area. The regulated area that includes the land adjacent to a lake, stream, or river measured horizontally from the ordinary high water mark to a specified distance from the waterbody. Together, the Riparian Management Area and Riparian Buffer are the areas that have the potential to provide full riparian functions and combine to form the Riparian Area. See Figure 20.740-1 or Figure 20.170.030-6.

Road. Means the same as street.

Roof. The exterior surface and its supporting structure on the top of a building.

Roof Line. The uppermost line of the roof of a building or, in the case of an extended facade, the uppermost height of said facade.

Runway. A defined area at an airport designed and constructed to accommodate the landing and takeoff of aircraft along its length.

Satellite Earth Station. The facilities used for reception and processing of programming services from a satellite prior to transfer to terrestrial distribution systems or for processing of programming and services from a terrestrial source before transmission via satellite.

School. An institution primarily engaged in academic instruction for all or part of the K through 12 educational program, public, parochial or private, and recognized or approved as such by the state. A school may also include the following uses: common accessory uses such as associated meeting rooms, auditoriums, athletic facilities and support facilities related to school district operations (e.g., offices, kitchens, counseling centers, head start, childcare, adult education, and family support centers) except for transportation, warehouse/storage, and maintenance facilities.

School, Pre. An institution primarily in child training and academic instruction prior to the mandatory first grade.

School, Specialized Instructional. An institution providing instruction and training in a specific service, art, dance, driving, and music. Includes vocation or trade such as business, real estate, travel, auto machinery repair, welding, and skill center.

Search Ring. Regarding wireless communications facilities, a geographic area identified by the communications service provider as necessary within which to locate a wireless facility or to enhance or expand its service.

Secure Community Transition Facility. A residential facility for persons civilly committed and conditionally released from a total confinement facility, operated by the Secretary of Washington Social and Health Services or under contract with the secretary pursuant to RCW [71.09.020\(10\)](#) as described in RCW [71.09.250](#) or as amended.

Seismic Hazard Area. These are areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, or debris flow. See VMC 20.740.140 for designation of seismic hazard areas.

Senior Housing. Housing limited to persons aged 62 years or older.

Sensitive Areas. For the purposes of Chapter 20.770 VMC Tree, Vegetation, and Soil Conservation, this includes streams, geologically hazardous areas, fish and wildlife habitat areas, wetlands, and their associated buffers.

Sensitive Resources. Any of the following types of sensitive areas and resources or cultural resources, when properly identified, designated or recorded as such by the applicable local, state or federal regulations:

1. Known archaeological and historical sites (to be recorded with the state);
2. FWHCAs (as identified in VMC 20.740.110);
3. Frequently Flooded Areas (as identified in VMC 20.740.120);
4. Geological Hazard Areas (as identified in VMC 20.740.130);
5. Wetlands (as identified in VMC 20.740.140); and
6. Tree tracts, set aside for the preservation of tree groves, as defined in VMC 20.770 and approved by the city's Urban Forester; and
7. Riparian areas, as identified in the Vancouver Shoreline Management Master Program.
8. Natural soils and native vegetation preserved as part of a low impact development.

SEPA. State Environmental Policy Act, as amended.

SEPA Rules. Chapter 197-11 WAC, as adopted, revised, and amended by Ecology.

Service Area. A geographic area described in the city capital facilities plan in which a defined set of public facilities provides service to development within the area, provided, that the service area for schools shall be the applicable school district. Service areas may be separately described for each type of public facility.

Serviceable. For the purposes of 20.775 VMC, Wetland and Water Bodies Protection, serviceable means presently usable.

Setback. The minimum allowable horizontal distance from a given point or line of reference, such as a property line, to the nearest vertical wall or other element of a building or structure or edge of vehicle parking area as defined herein. Where a sidewalk or private roadway is

placed in an easement, the setback shall be measured from the back of sidewalk or edge of easement if there is no sidewalk.

Sexually-Oriented Adult Arcade and Sexually Oriented Adult Arcade Premises. Any premises on which any sexually-oriented adult arcade device is located and to which patrons, customers, and/or members of the public are admitted.

Sexually-Oriented Adult Arcade Device. Also known as panorama, preview, picture arcade, or peep show, any device which, for payment of a fee, membership fee or other charge, is used to exhibit or display a picture, view, film, videotape or videodisc, live show or other graphic display of specified anatomical areas. All such devices are denominated under this ordinance by the term sexually-oriented adult arcade device.

Sexually-Oriented Adult Entertainment. Any entertainment conducted in a public place of amusement where such entertainment involves a person appearing or performing in a state of nudity, as defined herein.

Sexually-Oriented Adult Entertainment Premises. Any premises to which the public, patrons or members are invited or admitted and wherein an entertainer provides sexually-oriented adult entertainment on a regular basis and as a substantial part of the business operation.

Shorelines of the State. Shorelines as defined in the Shoreline Management Master Program.

Short Plat. A map or representation of a short subdivision.

Sidewalk. A facility made of concrete or other approved material for the conveyance of pedestrians usually adjacent to a street or between streets.

Sign. Any structure, device, advertisement, advertising device or visual representation intended to advertise, identify or communicate information to attract the attention of the public for any reason.

Sign Area. Means the entire area of a sign on which graphics, letters, figures, symbols, trademarks and/or text is to be placed, excluding sign structure, architectural embellishments and framework. Sign area is calculated by measuring the perimeter enclosing the extreme limits of the module or sign face containing the graphics, letters, figures, symbols, trademarks, and/or text; provided, however, the area of any sign using individual letters, numbers or symbols with a canopy, awning or wall as the background, without added decoration or change

in the canopy, awning or wall, shall be the area within the shortest line drawn to include all letters, design and tubing which are a part of the sign or structure. For illuminated awnings the area shall be limited to the area within the shortest line drawn to include all copy and graphics, excluding illuminated areas outside of these lines.

Sign, Awning. A sign attached to or incorporated into an awning.

Sign, Billboard. An outdoor advertising structure, 12 foot by 25 foot or larger, designed and constructed to carry posters.

Sign, Business Complex. A sign which is typically free-standing and is designed to identify multiple businesses in a business complex.

Sign, Canopy. A sign attached to or incorporated into a canopy.

Sign, Commercial. Any sign that advertises a product, service, entertainment or commodity sold or offered on the premises where it is located.

Sign, Complex. (Auto Dealership Plan District). A sign with the purpose of identifying the area and/or containing more than one manufacturers brand.

Sign, Construction. A temporary sign giving the name or names of principal contractors, architects, lending institutions, or other persons or firms responsible for construction on the site where the sign is located, together with other related information.

Sign, Directional. A sign designed and erected solely for the purpose of traffic or pedestrian direction, and which is placed on the property to which or on which the public is directed.

Sign, Electronic Message Center (EMC). Electronic message center (EMC) means an electrically activated sign whose message content, either in whole or in part, may be changed by means of electronic programming.

Sign, Elevation. Regarding sign regulations, the portion of any building exterior enclosing the applicant's place of business, measured horizontally by width of occupancy and vertically by height of occupancy on the street building frontage. In the case of a single-story building, vertical height of occupancy is measured to the eave or parapet line. For partial occupancy in a multi-story building, vertical height of occupancy is measured from floor line to floor line.

Sign Face. Means the portion of the sign on which the graphics, letters, figures, symbols, trademark or text is placed.

Sign, Fascia. A flat sign which projects less than one foot from the face or wall of the building, including parapet, upon which it is affixed, painted or attached, running parallel for its whole length to the face or wall of the building, and which does not extend beyond the horizontal width of such building.

Sign, Flashing. Any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally-mounted intermittent light source. Time and temperature signs are excluded from this definition. For the purpose of this Title, EMC's (consistent with the standards of VMC Section [20.960.060](#) I and Section [20.960.070](#) I) shall not be considered flashing signs.

Sign, Franchise. (Auto Dealership Plan District). A sign that identifies the manufacturers brand and/or name.

Sign, Free Standing. (Pole Signs and Monument Signs). A sign that is not attached to a building and is erected on a frame connected to the ground. Pole signs and monument signs are specific types of freestanding signs. A freestanding sign does not include a portable sign.

Sign Height. The vertical distance measured from grade at the point of support to the top of the sign or the sign's structure.

Sign Maintenance. The repair or refurbishment of a sign, sign structure or any part of each.

Sign, Marquee. A sign attached to or incorporated into a marquee.

Sign, Messages Without a Cabinet, Area of. The area of any single geometric shape which encompasses all lettering and/or graphic message.

Sign, Monument. Means a sign and supporting structure which is attached to the ground and has similar top and bottom dimensions and is constructed as a solid structure or one which gives the appearance of a continuous and unbroken mass, with no separations between the sign and the base.

Sign, Multi-faced. A sign with more than one face. These types of signs shall be considered one (1) sign for the purpose of determining the number of signs allowed.

Sign, NIT. A measurement of brightness used to rate luminous displays. NIT is expressed in "candelas per square meter".

Sign, Official. Means the same as Public-Sector Sign.

Sign, Off-Premises. A third-party sign that advertises goods, products, services or facilities or directs persons to a location different from where the sign is installed.

Sign, On-Premises. A sign which carries only advertisement strictly incidental to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm or corporation occupying the premises.

Sign, Pole. A sign that is supported permanently upon the ground by poles or braces and not attached to any building.

Sign, Political Campaign. Any temporary sign which displays the name and/or picture of an individual seeking election or appointment to a public office or which pertains to a forthcoming public election or referendum or which advocates political views or policies.

Sign, Portable – Permanent. Permanent portable signs shall be defined as “onsite” signs placed in the right-of-way along the business frontage and on the same side of the street of the building or establishment which it advertises. Permanent portable signs shall be meant for continuous display during the hours the business is open and shall have the primary purpose of identifying the business.

Sign, Portable – Temporary. Temporary portable signs shall be defined as “off-site” signs placed in the right-of-way advertising an approved business or use. Temporary portable signs shall be displayed during the hours the business is open and shall have the sole purpose of identifying the business or providing directions.

Sign, Private Non-Commercial. Any sign under 6 square feet that does not advertise a product, service, entertainment, or commodity sold or offered on the premises where it is located.

Sign, Projecting. Shall mean any sign other than a wall sign, which is attached to or projects 12 inches or more from a structure or building face or wall.

Sign, Public-Sector. Any sign erected by any federal, state, county or city governmental agency or at the direction of any such governmental agency or court.

Sign, Public Service Information. A sign that provides general public service information to the public such as time, date, temperature, weather or directional information.

Sign, Reader Board. A sign constructed for the placing of advertising messages, which messages are changeable by use of manually removable or electrically changeable letters.

Sign, Rooftop. A sign erected upon the roof of a building, the entire face of which is situated above the roof line of the building to which it is attached, and which is wholly or partially supported by said building.

Sign, Rotating. A sign, any portion of which moves or is movable by any mechanical manner.

Sign, Secondary. A second free-standing sign on a given frontage in excess of 300 linear feet.

Sign, Sidewalk. A portable sign, typically in the shape of an inverted V, with two sign boards attached to each other at the top of the sign; also known as a sandwich board or A-frame sign. Each board shall be considered a separate sign face for purposes of determining allowable area of sign.

Sign, Temporary. Any sign that is not permanently installed or affixed to any sign structure or building, and not displayed for longer than 30 consecutive calendar days. In the case of construction project signs, they may be maintained for the duration of construction.

Sign, Time and Temperature. Means the same as Public Service Information Sign.

Sign, Vehicle. Any sign attached to or placed on a parked vehicle or trailer used principally for advertising purposes, rather than transportation, but excluding signs relating to the sale, lease, or rental of the vehicle or trailer and excluding signs which identify a firm or its product on a vehicle operated during the normal course of business.

Sign, Video. A sign providing information in both a horizontal and vertical format (as opposed to linear), through use of pixel and sub-pixel technology having the capacity to create continuously changing sign copy in a full spectrum of colors and light intensities.

Sign, Wall. Means the same as Painted Wall or Wall Graphic.

Sign, Window. Any sign affixed to (or painted on) the inside or outside of a window and intended to be viewed from the exterior of the structure.

Single Impact. An individual incidence of noise, actually measured in decibels, which may be heard on a property and which may be greater or lesser than the Ldn value, which is derived from the logarithmic averaging of single impacts within a period of time.

Significance. A quality of a property which helps one understand the history of the local area, state or nation by illuminating the local, statewide or nationwide impact of the events or persons associated with the property or its architectural type or style in information potential. The local area may be as large as Clark County or Southwest Washington or as small as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

Single Room Occupancy (SRO). Occupancy by a single individual of a unit that contains no sanitary facilities or food preparation facilities or contains either but not both types of facilities.

Site. Any plot or parcel of land or combination of contiguous lots or parcels of land.

Site Class. The classification of a site based on the productivity of its dominant tree species. Site classes vary based on local differences in soil nutrients and moisture, light and temperature regimes, and topography. Site classes are typically described as most productive (I) through least productive (V).

Site Potential Tree Height (SPTH). The average maximum height of the tallest dominant trees for a given age and site class.

Six-Year Street Plan. That portion of the city's Capital Facilities Plan which inventories planned street and road construction and improvement, and which designates such construction projects and improvements as funded or nonfunded.

Slope. The deviation of a surface from horizontal, usually expressed in percent or degrees.

SMA. The State Shoreline Management Act of 1971, as amended.

Soft Armoring Techniques. Techniques that apply the principles of the biological, ecological, and soils sciences and structural engineering to build structures which, using live plant

materials as a main structural component, stabilize the soil against erosion, sedimentation, and flooding. Also referred to as “bioengineering techniques.”

Sound Transmission Reduction. Reduction of sound or noise from unit to unit utilizing the standards of the City Adopted Building Code(s).

Special Provisions. Street construction requirements peculiar to a special project that are not otherwise thoroughly or satisfactorily detailed and set forth in the standard specifications or standard plans.

Special Valuation Tax Incentive Program. The local option program that makes available to property owners a special tax valuation for rehabilitation of historic register properties under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to ten years, the actual cost of the rehabilitation.

Specified Anatomical Areas. Regarding Adult Businesses, less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities. Regarding Adult Businesses, human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget. This system was replaced by the North American Industrial Classification System (NAICS).

Start of Construction. The start of permanent construction or substantial improvement activity on a site within 180 days of the issuance of a building permit. Permanent construction activities include the pouring of slab or footings, the installation of pilings, construction of columns or any work beyond site preparation, excavation, setting of temporary forms or the placement of accessory buildings; or the placement of a manufactured home on a foundation. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Stealth Design. A wireless communications facility's support structure, antennae or accessory equipment structure that is designed to blend in with the existing physical environment, and reduce visual impacts to the extent possible.

Storage, Open. Storage of property outside of a fully enclosed building.

Storage Space. Sufficient space, either in individual dwelling units or common storage rooms, to provide adequate, secure, and convenient storage for items owned by building tenants.

Stormwater. Stormwater is that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes and other features of a stormwater drainage system into a defined surface waterbody or a constructed infiltration facility.

Stormwater Conveyance. Parts of a stormwater facility (such as pipes, culverts, swales, etc.) that are constructed specifically to transport water from one point to another. See Stormwater Facility.

Stormwater Facility. A constructed component of a stormwater drainage system, designed or constructed to perform a particular function or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, biofiltration swales, bioretention, permeable pavement, and vegetated roofs.

Stormwater Manual. Stormwater Manual means the Stormwater Management Manual for Western Washington, which is the 5-volume technical manual prepared by the Washington State Department of Ecology Water Quality Program, December 2014, Publication No. 14-10-055 (a revision of Publication No. 12-10-030), 5 volumes, and as hereafter amended.

Stormwater Permit. Stormwater Permit means the City of Vancouver's National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit issued August 1, 2013, which was modified, Effective January 16, 2014, by the Washington State Department of Ecology, and as hereafter amended or reissued.

Story. That portion of a building between the surface of any floor and the surface of the next floor above it; or, if there is no floor above it, the space between such floor and ceiling.

Stream. Water contained within a channel, either perennial or intermittent, and classified according to WAC [222-16-030](#) or WAC [222-16-031](#). Streams also include natural watercourses modified by humans. Streams do not include drainage ditches which are not modifications of natural watercourses.

Street. A private or public way designed primarily for vehicular traffic. It includes the terms road, highway, avenue, boulevard, thoroughfare, or other traffic way, and usually includes improvements, including curbs, sidewalks, and street pavement within the right-of-way.

Street Frontage. The linear frontage of a parcel of property abutting a single public street.

Street Functional Classification System. The adopted hierarchy of street use as it relates to volume, speed, regional, area-wide, and local characteristics.

Street, Private. A thoroughfare that is privately owned providing a means of access to a property or properties.

Street, Public. A thoroughfare or right-of-way dedicated, deeded, condemned or otherwise acquired by the public for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare.

Structure. Anything constructed or built, any edifice, building of any kind or any piece of work artificially built-up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming pools, wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts and similar recreation areas. For the purposes of VMC [20.740.120](#), Frequently Flooded Areas, a structure is a walled and roofed building, or a gas or liquid storage tank that is principally above ground.

Subdivision. The division or re-division of land into ten or more lots for the purpose of sale, lease or transfer of ownership. The term subdivision also applies to an area or tract of land that has been subdivided.

Subdivision, Short. The division, re-division or partition of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Disturbance. Disturbance such that little or no useful archaeological data could be obtained.

Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred.

“Substantial improvement” is considered to occur at the start of construction. “Substantial improvement” does not include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Substantial Noise Impact. Exterior noise levels greater than Ldn 65, which impact necessitates special sound insulation to produce noise levels of 45 Ldn or less within the interior of a residential structure.

Survey, Archaeological. Regarding archaeological resource protection, a procedure by which an archaeologist makes a determination of the presence or absence of an archaeological site in a disturbance area, a preliminary assessment of the site’s potential significance, and a recommendation for further evaluation, avoidance, mitigation or recovery of resources in compliance with the provisions of [20.710 VMC](#).

System Development Charge (SDC). The connection fee charged so that the property upon which it is imposed will pay its equitable share of the costs of water-sewer system facilities which are system-wide in nature and are not site-specific needs, including such property’s

equitable share of the amount required to upgrade such system to meet the demands imposed by the development.

System Improvements. Public facilities that are included in the capital facilities plan and are designed to provide service areas within the community at large, in contrast to project improvements.

Telecommuting. The use of telephones, computers or other similar technology to permit an affected employee to work at home or at a location closer to home than the affected employer's principal worksite.

Temporary. A period not to exceed one year except as otherwise provided in this title.

Tenant Improvements. Construction improvements typically made to the interior of a nonresidential building to fit the building to a particular tenant's needs, or to create separate tenant spaces. Typically it involves such things as adding or removing walls, ceilings and doors; re-wiring for electrical outlets and lighting; and providing plumbing, sprinklers, counters and walk-in coolers, often as part of a separate lease space in a building.

Through-Ventilation. The encouragement of natural cross-ventilation.

Total Developable Land (TDL). That portion of the subject property remaining once sensitive areas are subtracted from the total acreage of a property or collection of properties proposed for development.

Tract. A piece of land set aside in a separate area for dedication to the public, a homeowner's association, or other entity, (e.g., open space, recreational facilities, and tree preservation) wetland or other sensitive lands.

Traffic Study. A study of traffic behavior by a licensed engineer.

Transit. A multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail, shared-ride taxi, shuttle bus or vanpool.

Transit Facility. A development provided by a public transportation provider, which is designed to aid or encourage community use or multi-modal public transportation system, such as bus and van/carpools.

Transitional Surfaces. An area extending outward at 90 degree angles to an airport's runway centerline at a slope of seven feet horizontally for each foot vertically.

Transitional Zone. The areas beneath the transitional surfaces.

Transplant. The relocation of a tree from one place to another on the same property.

Tree. Any self-supporting perennial woody plant that matures at a height greater than 26 feet and is generally referred to in the nursery and landscape industry as a tree.

Tree Farm. See Commercial Nursery.

Tree, Hazard. Any tree with a combination of structural defect and/or disease and a proximity to persons or property which makes it subject to a high probability of failure, as recommended by a qualified arborist.

Tree, Mitigation. A tree planted and retained to achieve the required tree density for a parcel or to replace a tree removed in violation of city ordinance.

Tree, Nuisance. A tree that is causing physical damage to property or has been damaged by past maintenance practices, and for which horticultural practices cannot correct the problem.

Tree Preservation. The retention of a tree or trees during and after construction.

Tree, Specimen. A tree that has been given greater than standard tree density value by the planning official through the evaluation process.

Tree, Street. A tree located within a street right-of-way or street tree easement, adjacent to public or private streets, including undeveloped areas.

Tree Tract. A separate deeded tract of land, specifically set aside for the preservation and/or planting of trees. Stormwater retention/detention facilities, sensitive areas, and other common areas may be considered tree tracts if they currently support the growth of trees.

Tree Unit. A unit of measurement based upon the size of the tree as set forth in Chapter [20.770](#) VMC, Tree, Vegetation, and Soil Conservation.

Tree, Vegetation and Soil Plan. A plan that contains specific information pertaining to the protection of healthy soil, and the preservation, and planting of trees and native vegetation pursuant to Chapter [20.770](#) VMC, Tree, Vegetation, and Soil Conservation.

Tree, Vegetation and Soil Protection Area (TVSPA). A separate tract of land, which may or may not be deeded as such, specifically set aside for the preservation of healthy soils and the preservation or planting of existing and/or native vegetation and trees. Stormwater retention/detention facilities, critical area buffers and other common areas may be considered TVSPA if they currently or are improved to an extent where they can support healthy soils and the growth of native vegetation and trees. The purpose of these areas for preserving healthy soils, preserving and/or planting native vegetation and trees is stated on the face of the plat when applicable.

Tribe or Tribes. Regarding Archaeological Preservation, any federally-recognized or other local Native American government organization which may consider the site to be of historic or cultural significance.

Truck, Heavy. Trucks, including truck tractors and similar vehicles, with two or more rear axles.

Truck, Light. Trucks and similar vehicles with single rear axles and single rear wheels.

Truck, Medium. Trucks and similar vehicles other than truck tractors with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category. (Ord. M-4402 § 3(C), 2023; Ord. M-4325 § 3, 2020; Ord. M-4179 § 65, 2016; Ord. M-4034 § 2, 2012)

20.150.040F Meanings of Specific Words and Terms U through Z.

Undevelopable Area. An area that cannot be used practicably for a habitable structure because of natural conditions, such as slopes exceeding 20 percent; severe topographic relief; water bodies; or conditions that isolate one portion of a property under another portion so that access is not practicable to the unbuildable portion. Undevelopable area also includes man-made conditions such as existing development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

Undeveloped. Regarding the Tree Conservation Ordinance, a parcel of land on which no buildings or other facilities are located and which is to remain without improvements for a period of six years.

Uniform Plumbing Code. The current version of the Uniform Plumbing Code as adopted by the City of Vancouver at the time construction commences.

Urban Area. For the purposes of 20.775 VMC, Wetlands and Water Bodies Protection, urban area means the area within the Vancouver urban growth boundary.

Urban Forestry. The art and science of planning, managing, and protecting natural and planted vegetation in urban areas.

Urban Growth Boundary. The boundary of an urban growth area designated in the Clark County Comprehensive Land Use Plan.

Use. An activity or purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

Utility Facilities. All physical facilities necessary for the provision of the following services:

1. Sewer;
2. Water;
3. Electricity;
4. Natural gas;
5. Telephone;
6. Cable television;
7. Storm drainage; and
8. Transportation.

Utility Facilities, Essential. Those facilities which are necessary to support principal development and involve only minor structures such as:

1. Overhead lines and poles;
2. Underground lines and pipes;
3. Transformers and regulator stations; and

4. Private, on-site facilities such as septic tanks and wells.

Utility Facilities, Major. Those facilities which have a substantial public impact, including but not limited to:

1. Administrative offices and operation centers;
2. Sewage treatment plants and lagoons;
3. Electric generation facilities including biomass generating facilities; and
4. Essential public facilities as defined in Chapter [20.855 VMC](#), Essential Public Facilities.

Utility Facilities, Minor. Those facilities which have a local impact on surrounding properties and are necessary to provide essential services such as:

1. Transmission and distribution substations;
2. Pump stations;
3. Water towers and reservoirs;
4. Public wells;
5. Outfalls;
6. Telephone switching facilities;
7. Cable television receiver and transmission facilities, excluding wireless communications facilities as defined in Chapter [20.890 VMC](#) Wireless Communications Facilities;
8. Catch basins, retention ponds and related facilities; and
9. Water treatment facilities.

Variance. An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of the development code.

Vehicle, Accessory Recreational. A vehicle with or without motive power, which is designed for sport or recreational use or which is designed for human occupancy on an intermittent basis such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory

recreation vehicle when it is standing alone. A recreational vehicle also includes vehicles designed for off-road use:

1. Off-road vehicles;
2. Dune buggies; and
3. Recreational boats.

Vehicle, Commercial. Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire. (Per RCW [46.04.140](#))

Vehicle, Featured Display (Auto Dealership Plan District). Featured Vehicle Display is the "showcasing" of motor vehicles outdoors within the plan district.

Vehicle, Motor. Vehicles that have their own motive power and are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles with motive power.

Vehicle, Passenger. A motor vehicle designed to carry ten persons or fewer including the driver. Passenger vehicle also includes motor vehicles designed to carry ten persons or fewer that are constructed on a truck chassis or with special features for occasional use. Passenger vehicles include cars, minivans, passenger vans, and jeeps. Passenger vehicle is intended to cover the vehicles identified as passenger cars and multi-purpose passenger vehicles by the National Highway Traffic Safety Administration in Title [49](#) of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle and Truck.

Vesting. A legal right of applicants to have their development application reviewed under the regulations in effect as of a certain date when the application has met certain timing and completeness requirements. For example, an application determined by the Review Authority to be fully complete is vested under the regulations in effect at the time of such determination, regardless of subsequent changes to development regulations.

Vesting, Contingent. A legal right of applicants to have their fully complete development application, when submitted within 180 days of the pre-application conference, reviewed under the development regulations, not including fees, in effect at the time of the pre-application conference.

Vision Clearance Triangle. An area, typically triangular in shape adjacent to a driveway or at a property corner where two streets (or an alley and street) intersect, that must be maintained clear of visual obstructions to provide visibility to motorists and pedestrians.

Visual Obstruction. An obstruction of vision through landscaping, structure or device in those areas near intersections of roadways and motor vehicle access points where a clear field of vision is necessary for traffic safety.

Walkway. A facility for pedestrian use to or through a parcel for the general public which may or may not be adjacent to the street. Walkways may differ from sidewalks in standards, alignment, shape, location, construction materials, and overall installation.

Washington Heritage Register. The state listing of properties that are significant to the community, state or nation, but which do not meet the criteria of the National Register of Historic Places [Ord. [M-3243](#), 2 (part), [M-1996](#)].

Wastewater Facility. In Chapter [14.12.020](#) VMC, Water and Sewer Facilities, the City of Vancouver's industrial wastewater collection system and industrial wastewater pretreatment facility constructed in 1979, and sometimes known as the pretreatment lagoon.

Water-dependent. A use or portion of a use that requires direct contact with the water and cannot exist at a nonwater location due to the intrinsic nature of its operations. Also see the Vancouver Shoreline Management Master Program.

Water-enjoyment. A use or activity which facilitates or provides public access to the shoreline, and through its location, design, and operation assures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. A water-enjoyment use or activity must be open to the general public, and space within it must be devoted to fostering public enjoyment of the shoreline. Parks, piers, restaurants, trails, promenades, museums, aquariums, reserves, and resorts are examples of water-enjoyment uses and activities. Also see the Vancouver Shoreline Management Master Program.

Water-related. A use or activity which must be located close to the land/water interface to support a water-dependent use or activity either by its own operation or by the provision of the services it houses. The economic viability of a water-related use or activity is dependent on a location near the waterfront. Warehousing of goods transported by water, seafood processing

plants, hydroelectric generating plants, and log storage are examples of water-related uses or activities. Also see the Vancouver Shoreline Management Master Program.

Watershed. A topographically delineated area draining to a single surface water system as identified and mapped by Clark County Public Works.

Weekday. Any day of the week except Saturday, Sunday, and legal holidays.

Wetland or wetlands. An aAreas that areis inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created (but not as mitigation for impacts to wetlands) from nonwetland sites, including, but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities or those wetlands created after July 1, 1990 that were unintentionally created as a result of the construction of a road, street or highway. Wetlands shall may include those artificial wetlands intentionally created from nonwetland areas to mitigate conversion of wetlands.

Wetland Buffer. An area that surrounds and protects a wetland from adverse impacts to the functions and values of a regulated wetland.

Wetland Creation. The manipulation of the physical, chemical or biological characteristics present to develop a wetland on an upland or deepwater site where a biological wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, hydric soils, and support the growth of hydrophytic plant species. Creation results in a gain in wetland acres and functions.

Wetland Enhancement. The manipulation of the physical, chemical or biological characteristics of a biological wetland to increase or improve specific functions or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Activities typically consist of planting vegetation, controlling nonnative or invasive species, modifying site elevations to result in open water ponds or some combination of these. Enhancement results in a change in certain wetland functions and can lead to a decline in other wetland functions. It does not result in a gain in wetland acres.

Wetland Preservation. The removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes activities commonly associated with the protection and maintenance of wetlands through the implementation of appropriate legal and physical mechanisms, such as recording conservation easements and providing structural protection like fences and signs. Preservation does not result in a gain of wetland acres or functions but may result in a gain in functions over the long term.

Wetland Re-establishment. The manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historic functions and environmental processes to a former wetland. Activities could include removing fill material, plugging ditches or breaking drain tiles. Re-establishment results in a gain in wetland acres and functions.

Wetland Rehabilitation. The manipulation of the physical, chemical or biological characteristics of a site with the goal of repairing natural or historic functions, and processes of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland or breaking drain tiles and plugging drainage ditches. Rehabilitation results in a gain in wetland functions but not in wetland acres.

Wetland, Scrub-shrub. A wetland with at least 30 percent of its surface area covered by woody vegetation less than 20 feet in height as the uppermost strata.

Wetlands Delineation Manual. Approved federal wetland delineation manual and applicable regional supplements.

Wind-firm. A tree which has a high probability of withstanding windstorms.

Wireless Communications Facilities. The site, wireless communications support structures, antennae, accessory equipment structures, and appurtenances used to transmit, receive, distribute, provide or offer wireless telecommunications services. Wireless communications facilities include, but are not limited to, antennae, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronic, and switching equipment.

Wireless Communications Support Structures. A structure erected to support wireless communications antennas and connecting appurtenances. Wireless communications support structures may include, but are not limited to lattice tower, monopoles, and guyed towers.

Wireless Communications Systems. The sending and receiving of radio frequency transmissions and the connection and/or relaying of these signals to land lines and other sending and receiving stations (cell sites), and including, but not limited to cellular radiotelephone, personal communications services (PCS), enhanced/specialized mobile radio (ESMR), commercial paging services, and any other technology which provides similar services.

Writing, Written or In Writing. These terms refer to original signed and dated documents. Facsimile (fax) transmissions are a temporary notice of action that must be followed via mail or delivery of the original and dated document.

Yard. Any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed by any structure from the ground upward to the sky. Required setback areas shall be considered yards as defined herein.

Yard, Front. An open space defined by setbacks extending the full width of the lot between a setback line and the front lot line, unoccupied, and unobstructed from the ground upward, except as specified elsewhere in this title.

Yard, Rear. An open space defined by setbacks extending the full width of the lot between a setback line and the rear lot line, unoccupied, and unobstructed from the ground upward, except as specified elsewhere in this title.

Yard, Side. An open space defined by setbacks extending from the front yard to the rear yard between a setback line and the nearest side lot line, unoccupied, and unobstructed from the ground upward, except as specified elsewhere in this title.

Yard, Street Side. On corner lots where two streets intersect, an open space defined by setbacks extending from the front lot line to the rear lot line, along the side of the lot which fronts on a street and between the setback line and side street lot line, unoccupied, and unobstructed from the ground upward, except as specified in this title.

Zoning District. A geographic area which corresponds to a comprehensive plan designation and which specifies allowed and conditionally allowed uses and applicable standards for development within the district. Also referred to as Zone or District. (Ord. M-4380 § 4, 2022; Ord. M-4179 § 66, 2016; Ord. M-4176 § 4, 2016; Ord. M-4034 § 2, 2012)

The Vancouver Municipal Code is current through Ordinance M-4431, passed December 18, 2023.

Disclaimer: The city clerk's office has the official version of the Vancouver Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

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Chapter 20.740

CRITICAL AREAS PROTECTION

Sections:

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- 20.740.020 General Provisions.**
- 20.740.030 Applicability and Exemptions from Requirement to Obtain Permit.**
- 20.740.040 Approval Process.**
- 20.740.050 Submittal Requirements.**
- 20.740.060 Approval Criteria.**
- 20.740.070 Minor Exceptions.**
- 20.740.080 Reasonable Use Exceptions.**
- 20.740.090 Unauthorized Critical Areas Alterations and Enforcement.**
- 20.740.100 Designation Process for Habitats of Local Importance.**
- 20.740.110 Fish and Wildlife Habitat Conservation Areas.**
- 20.740.120 Frequently Flooded Areas.**
- 20.740.130 Geologic Hazard Areas.**
- 20.740.140 Wetlands.**

20.740.010 Purpose.

- A. The purpose of this chapter is to designate and protect critical areas and their functions and values, while also allowing reasonable use of property. Critical areas are ecologically sensitive and hazardous areas, and protecting them or mitigating any impacts to them is important for protection of the environment and quality of life for the citizens of Vancouver, and is mandated by the Washington Growth Management Act (GMA) (RCW 36.70A).
- B. This chapter provides protection for the following critical areas: Wetlands, Fish and Wildlife Habitat Conservation Areas, Geologically Hazardous Areas, and Frequently Flooded Areas. Critical Aquifer Recharge Areas are covered in VMC Chapter [14.26](#).
- C. This chapter implements the goals and policies of the Vancouver Comprehensive Plan, 2003-2023, under the GMA and other related state and federal laws. (Ord. M-3692, Added, 02/28/2005, Sec 2)

20.740.020 General Provisions.

A. *No Net Loss of Functions.* Development activity shall result in no net loss of the functions and values of critical areas. The beneficial functions provided by each type of critical area include, but are not limited to:

1. *Fish and Wildlife Habitat Conservation Areas.* Providing habitat for breeding, rearing, foraging, protection and escape, migration, and over-wintering; and providing complexity of physical structure, supporting biological diversity, regulating stormwater runoff and infiltration, providing wave attenuation, removing pollutants from water, and maintaining appropriate water temperatures.
2. *Frequently Flooded Areas.* Providing flood storage, conveyance, and attenuation of flood waters; minimizing the amount of development at risk in such areas to protect human life and safety, including reducing damage to homes, places of business, public facilities, and utilities; and minimizing business interruptions.
3. *Geologic Hazard Areas.* Providing erosion control and protecting public safety, including people, structures, and infrastructure, from damage during earthquakes and landslides.
4. *Wetlands.* Providing carbon sequestration, cleansing surface water, storing and conveying floodwater, and providing fish and wildlife habitat.

B. *Temporary and Permanent Markers and Signs.* With the exception of Frequently Flooded Areas and Seismic Hazard Areas, temporary and permanent markers and signs shall be installed for critical areas as follows:

1. The location of the outer perimeter of the critical area(s) and buffer(s) shall be marked in the field and approved by the Planning Official prior to the commencement of permitted activities and maintained throughout the duration of the construction.
2. A permanent physical demarcation along the outer/upland boundary of the critical area buffer(s) shall be installed and thereafter maintained. Such demarcation may consist of fencing, hedging, or other prominent physical marking that allows wildlife passage, blends with the critical area environment, and is approved by the Planning Official. If the function and values of the critical area would be degraded by the

existing or proposed activity, such as the presence of grazing animals, a fence shall be erected and maintained.

3. Permanent signs are posted at intervals of one every 50 feet, or, if this interval cannot be met, an interval of one per lot for single-family residential uses or at a maximum interval of 200 feet, or as otherwise determined by the Planning Official, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the Planning Official: "The area beyond this sign is a critical area or critical area buffer. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."
4. Additional standards for temporary and permanent marking of geologic hazards are contained in VMC 20.740.130.

C. Relationship to Other Regulations.

1. The critical areas regulations apply in addition to zoning and other regulations adopted by the City.
2. When more than one critical area is located on a project site, regulations protecting each critical area apply to the site. Where critical areas overlap (e.g., a wetland buffer and a riparian buffer), the most restrictive regulations that provide the most protection for the critical areas present establish the outer boundary of the regulated critical areas.
3. When there is a conflict between any provisions of this chapter and any other regulations, the requirement that provides the most protection to the critical area(s) applies.
4. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements. The applicant is responsible for complying with other state and federal requirements in addition to the requirements of this chapter.

D. *Jurisdiction.*

1. All areas within the city meeting the definition of one or more critical areas and their buffers, whether mapped or not, are hereby designated critical areas and are subject to the provisions of this chapter.

- E. *Warning and Disclaimer of Liability.* Critical areas development should be based on sound scientific and engineering considerations that may be more stringent than those presented in this chapter. The City assumes no liability if these established standards prove to be insufficient protection of property or the environment.

20.740.030 Applicability and Exemptions from Requirement to Obtain Permit.

A. *Applicability.*

1. No person, company, agency, or applicant shall alter a critical area or buffer except as consistent with the requirements of this chapter, whether or not a permit is required.

- B. *Statements of Exemption Process.* For activities listed in subsection (C)(1) of this section, a written Statement of Exemption from the requirement to obtain a Critical Areas Permit is required prior to undertaking the activity. Activities listed in subsection (C)(2) of this section do not require a statement of exemption.

1. Exempt activities are not required to obtain a Critical Areas Permit. However, all activities in critical areas, including exempt activities, are subject to the policies and regulations of this chapter. If a land use permit is not required, the Planning Official may attach conditions to building and engineering permits, as necessary, to enforce the provisions of this chapter.
2. The request for the Statement of Exemption shall be in writing, on forms required by the Planning Official, and include the information required by the Planning Official. Statements of Exemption shall be processed as a Type I procedure per Chapter 20.210 Decision Making Procedures.

C. *Exemptions from Requirement to Obtain a Critical Areas Permit.*

1. *Activities requiring a Statement of Exemption.*

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- a. *Existing Structure Remodel – Impervious Surface Increase of 500 Square Feet or Less.* Development or clearing inside a Critical Area or buffer as necessary to remodel an existing structure, provided:
- i. The activity will increase the footprint of structures with impervious surfaces by 500 square feet or less;
 - ii. The distance from the nearest structure or impervious surface to a critical area is not decreased;
 - iii. All native vegetation disturbed as a result of the development shall be replaced one-to-one, except that trees shall be replaced using tree units derived from VMC Chapter [20.770](#), Tree, Vegetation, and Soil Conservation. Native vegetation shall be used where feasible;
 - iv. Impacts to critical areas and buffers shall be minimized and mitigated in accordance with the City's critical areas approval criteria; and
 - v. No adverse impacts to priority Oregon white oak trees may result.
- b. *No Impervious Surface Increase in the Riparian Management Area (RMA) or Riparian Buffer (RB) and Located outside Frequently Flooded Areas.* Development activity on a site within the footprint of existing structures or impervious surfaces that does not increase the impervious surface area in the RMA or RB, not located in Frequently Flooded Areas, and that is not otherwise exempt under subsection [B](#) of this section shall be exempt from the provisions of VMC [20.740.110](#) (Fish and Wildlife Habitat Conservation Areas).

The applicant is encouraged to provide enhancement to the extent feasible. Such enhancement activities may include, but are not limited to, landscaping using native plants, additional treatment of stormwater as appropriate, and implementation of best management practices (BMPs) that would enhance habitat functions.

- c. *Approved Subarea Plan with EIS.* Development activity covered by and in compliance with all the conditions of an approved subarea plan that contains:

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- i. Baseline information on existing critical areas and their functions at the level of detail required for an Environmental Impact Statement (EIS) under the State Environmental Policy Act (SEPA);
 - ii. An analysis of the impacts of full development at the level of detail required for an EIS under SEPA and in keeping with the plan; and
 - iii. Mitigation for those impacts consistent with the requirements of this chapter.
 - d. *Fence*. A fence may be installed in a critical area buffer (not in a critical area) where:
 - i. The fence is necessary for safety and security;
 - ii. The property was developed prior to the effective date of VMC Chapter [20.740](#) (April 29, 2005); and/or
 - iii. The fence is designed and installed in a manner that protects the critical area and buffer functions and blends with the critical area environment.
 - e. *On-site Critical Area Will Be Avoided*. Development may be permitted on a site containing a critical area or buffer when the Planning Official determines that impacts to critical areas and buffers will be avoided. In making this determination, the Planning Official may utilize any of the following procedures and criteria or other methods as necessary to determine that the adverse impacts will be avoided.
 - i. The critical area(s) and buffer(s) has/have been identified in the field, clearly mapped by a qualified professional, and documented by a limited-scope critical areas report (for example, a wetland boundary delineation without categorization or functional assessment, but with the minimum documentation necessary to justify the boundary location).

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- ii. The site plan and preliminary plat show a development envelope that demonstrates that all activity will take place outside critical areas and buffers.
 - iii. The boundaries of the development envelope are clearly outside of all maximum critical areas and all maximum buffers.
- f. *Maintaining Fire-Defensible Space.* Maintaining fire-defensible space around a structure to reduce fire hazards, involving regular maintenance of existing trees at least 6 inches in diameter at breast height, grasses, and underbrush, not tree removal or other ground-disturbing or soil-destabilizing activities. Creating fire-defensible space or undertaking other development requires a Critical Areas Permit per the critical areas approval process and could require other permits as well.
- i. Pruning trees, grasses, and brush within a critical area or buffer to maintain fire-defensible space around a structure may be permitted when one or more of the following criteria are met:
 - (A) The structure nearest the property line is within 30 feet of a slope of at least 25 percent (also designated as a Landslide Hazard Area under this chapter);
 - (B) The nearest structure is within 30 feet of a forested area;
 - (C) The vegetation within 30 feet of the structure is comprised of less than 50 percent native species;
 - (D) The vegetation within 30 feet of the structure is higher than 12 inches;
 - (E) Trees are crowded within 30 feet of the structure or overhanging the structure's roof; or
 - (F) The structure is located in an area designated by the Fire Marshal as a "Wildfire Safety Area."
 - ii. When maintenance of a fire-defensible space is permitted, the following standards shall apply:
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- (A) Trees may be pruned or limbed-up to mitigate a hazard, but trees may not be removed without a Critical Areas Permit and any other necessary permit(s).
 - (B) Topping trees is prohibited.
 - (C) Grasses and underbrush shall be maintained between 8 inches and 12 inches in height.
 - (D) Any debris from pruning shall be disposed of promptly and properly.
 - g. *Development Located within Soil Erosion Hazard Areas Only.* When no other type of critical area, including other types of geologic hazards is present, development within Soil Erosion Hazard Areas shall meet the requirements of VMC Chapter 14,24, Erosion Control, including preparation of . a Stormwater Report, if required,. In addition, the applicant shall file a limited scope Geotechnical Report prepared by a qualified professional as defined by VMC Chapter 20.150, which shall be provided to the Planning Official for review at the earlier of development application, engineering document review, or building permit review. Upon review of the limited scope Geotechnical Report, the Planning Official may exempt the development from the need for a Critical Areas Permit.
 - h. *Development/Expansion of a Single-Family Residence with a Loss of a Single, Standalone Oregon white oak.* The loss of a single, standalone Oregon white oak tree that meets the WDFW PHS status (must not be part of a woodland that includes off-site trees) and in accordance with the definition listed in VMC 20.150.150(D) that is equal to or less than 12 inches dbh for the purpose of developing a single-family residence or expansion of an existing single-family residence structure (does not include expansion of detached garages, outbuildings, accessory dwellings, decks, gardens, etc.).
2. *Activities for which a Statement of Exemption is not required.* Reasonable methods shall be used to avoid potential impacts to critical areas. Any damage to, or alteration of, a critical area that is not a necessary outcome of the exempt activity shall be corrected at the property owner's expense.

The following activities are exempt from needing a Critical Areas Permit and do not require a statement of exemption:

- a. *Emergencies.* Those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of property damage and that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter, so long as all of the following apply:
 - i. The emergency action uses reasonable methods to address the emergency.
 - ii. The emergency action must have the minimum possible impact to the critical area or its buffer.
 - iii. The property owner, person, or agency undertaking such action shall notify the City within 10 working days following commencement of the emergency activity.
 - iv. Within 14 days the Planning Official shall determine if the action taken was within the scope of the emergency actions allowed in this section. If the Planning Official determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then the critical areas enforcement provisions shall apply.
 - v. After the emergency, the property owner, person or agency undertaking the action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved Critical Areas Report and mitigation plan. The property owner, person or agency undertaking the action shall apply for review. The alteration, Critical Areas Report, and mitigation plan shall be reviewed by the City in accordance with the review procedures contained in this chapter.

- vi. Restoration and/or mitigation activities must be initiated within three months of the date of an approved Critical Areas Report and mitigation plan or as otherwise determined by the Planning Official and completed in a timely manner.
- b. *Hazard Tree*. Emergency or hazard tree removal (as defined in VMC Chapter [20.770](#)) conducted so that critical area impacts are minimized.
- c. *Landscape Maintenance*. Landscape maintenance (other than tree removal) consistent with accepted horticultural practices, such as those recommended by the Washington State University Extension Service, within the boundaries of an existing lawn, garden or landscaped area and not associated with development.
- d. *Noxious or Invasive Plants*. Clearing of noxious or invasive plants using hand-held equipment such as a weed-whacker, provided (1) fueling and maintenance take place outside the critical area and buffer; (2) all cleared vegetation is taken away and disposed of properly; and (3) denuded soils are stabilized with native vegetation. The City of Vancouver's Noxious or Invasive Plants List and Native Plant Species List are available from the Planning Official.
- e. *Pesticides, Herbicides, Fungicides, or Fertilizers*. Application of pesticides, herbicides, fungicides, or fertilizers, when done as directed in the package instructions as required by state and federal laws.
- f. *State or Federally Approved Conservation or Preservation*. State or federally approved conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife that does not entail changing the structure or functions of the existing critical area or buffer.
- g. *Harvesting Wild Crops*. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops or other native vegetation and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the critical area or buffer by changing existing topography, water conditions or water sources.

- h. *Passive Activities.* Passive outdoor recreation, education, and scientific research activities such as fishing, hiking, and bird watching that do not degrade the critical area or buffer.
- i. *Land surveys, soil sampling, percolation tests, and other related activities.* In every case, impacts to the critical area or buffer shall be minimized and disturbed areas shall be stabilized and replanted immediately.
- j. *Navigational Aids and Boundary Markers.* Construction or modification of navigational aids and boundary markers. Impacts to the critical area or buffer shall be minimized and disturbed areas shall be restored within 72 hours.
- k. *Agricultural Activities.* Existing and ongoing agricultural activities protected under the federal Food Security Act occurring in wetland areas.

Existing and ongoing agriculture within Fish and Wildlife Habitat Conservation Areas so long as livestock and application of pesticides, herbicides, fungicides, and fertilizers is done in accordance with package instructions.

- l. *State or Federally Approved Restoration or Enhancement Project.* Implementation of a state or federally approved restoration or enhancement project not related to any development project.
- m. *Operation, Repair and Maintenance.* Operation, repair and maintenance of existing structures, infrastructure, roads, sidewalks, railroads, trails, dikes, or levees or water, sewer, stormwater, power, gas, telephone, cable, or fiber optic facilities if the activity does not further increase the impact to, or encroach farther within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, repair, or maintenance.
- n. *Public Improvement Projects.* Public improvement projects located within existing impervious surface areas.
- o. *City, State or Federally Approved Stand-alone "Critical Area" Creation Project.* Implementation of a City, State or federally approved stand-alone "critical

area” creation project that is not mitigation. Also see the definition of “Wetlands” in VMC Chapter [20.150](#).

- p. *Clearing in Frequently Flooded Areas and Seismic Hazard Areas Only*. Clearing vegetation within the floodplain and within a Seismic Hazard Area, but outside other types of critical areas.
- q. *Vegetation Clearing*. Clearing vegetation in critical areas that are only Seismic Hazard Areas
- r. *Fence Repair*. Maintenance, repair, and in-kind replacement of existing fences.
- s. *Seismic Hazard Areas Only*. Sites identified as located within only a Seismic Hazard Area (VMC [20.740.130](#) – Geologic Hazard Areas) shall be exempt from needing to obtain a Critical Areas Permit. All projects within the Seismic Hazard Area must comply with the Building Code at time of building permit review, including providing a Geotechnical Report. (Ord. M-4034 § 23, 12/03/2012; Ord. M-4017 § 5, 07/16/2012; Ord. M-3931 § 22, 11/02/2009; Ord. M-3922 § 36, 07/06/2009; Ord. M-3844 § 2, 10/01/2007; Ord. M-3692, Added, 02/28/2005, Sec 2)

20.740.040 Approval Process.

A. Critical Areas Permit Process.

1. *Pre-application Conference Required.* A pre-application meeting or waiver per VMC Chapter [20.210](#) is required prior to submitting a Critical Areas Permit. Pre-application conferences shall not be required for the following:
 - a. Activities and developments listed as exempted from critical areas standards and permits.
 - b. Proposals involving only an addition to an existing single-family or duplex house, including accessory structures, such as accessory dwelling units, attached and detached garages, and/or carports, shops, and sheds.
 - c. Other minor improvements determined by the Planning Official to not warrant a pre-application meeting or waiver.
2. *Critical Areas Permit.* If a proposed development activity is determined not to be exempt per the listed critical areas exemptions, the applicant and/or owner shall obtain a Critical Areas Permit prior to commencing the development activity. Critical Areas Permits shall be processed as a Type I permit when no other permits are filed concurrently or reviewed according to the procedures of the underlying land use application pursuant to VMC Chapter [20.210](#).
3. *Review Procedure.* The Planning Official shall make a determination as to whether the proposed activity and mitigation, if any, are consistent with the critical areas

approval criteria of VMC Chapter 20.740 and in compliance with the performance standards for the type(s) of critical area(s) involved.

4. *Expiration of Permit.* The Critical Areas Permit shall be valid for as long as the underlying land use permit is in effect or as otherwise specified by the Planning Official.

B. *Notice on Title – Covenant and Tracts.*

1. *Covenants.* This section applies to all nonexempt projects that involve critical areas and buffers, with the exception of Frequently Flooded Areas.
 - a. The owner of any property containing a critical area or buffer on which a development proposal is approved shall file a covenant with the county records and elections division according to the direction of the City. The covenant shall state the presence of the critical area and/or buffer on the property, the application of this chapter to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist, including that the area(s) within the conservation covenant be maintained in a natural state without disturbance to vegetation or other features unless otherwise approved by the City. The covenant shall “run with the land” in perpetuity. The covenant shall include a map and legal description of the critical area, with wording in the notice substantially similar to the following:

“Prior to and during the course of any grading, building construction or other development activity on this property containing or abutting a critical area, the area of development activity must be fenced or otherwise marked to the satisfaction of the City. The critical area shall be maintained in its natural state without disturbance to vegetation or other features, except as provided for by VMC Chapter 20.740 , Critical Areas Protection. Yard waste, debris, fill, equipment, vehicles, and materials shall not be placed in the critical area.”
 - b. The applicant shall submit proof that the covenant has been filed for public record before the City approves any site development or construction for the property or, in the case of subdivisions, short subdivisions, planned unit

developments, binding site plans, and other developments that involve platting, at or before recording of the plat.

- c. Any modifications to an established and recorded conservation covenant shall be consistent with the standards of this chapter and the originally issued Critical Areas Permit that established the subject conservation covenant. The modification shall be processed as under a Type I review process. Any modification of the covenant that is inconsistent with the originally issued Critical Areas Permit or with the standards of this chapter shall be subject to a review and receive a Critical Areas Permit consistent with the standards of this chapter.
2. *Tracts.* This section applies in addition to subsection (B)(1) of this section, to projects that involve platting on properties containing Fish and Wildlife Habitat Conservation Areas, Wetlands, Geologic Hazard Areas, and their buffers.
 - a. The property owner shall place the subject critical areas and buffers in one or more nondevelopable tracts except when the responsible official determines that a tract cannot be provided given the constraints of the site, such as size of the property in question, while meeting all other standards of VMC Title 20.
 - b. When the exception in subsection (B)(2)(a) of this section applies, residential lots may extend into the critical area(s) or buffer(s) provided:
 - i. Temporary and permanent markers and signs are installed in compliance with the requirements of VMC 20.740.020, General Provisions.
 - i. The applicant records a conservation covenant protecting the critical area in perpetuity in conformance with VMC 20.740.040(B)(1).

C. Financial Assurances.

1. When mitigation required pursuant to a development proposal is not completed prior to the City's final permit approval, such as final plat approval or final building inspection, the City shall require the applicant to provide security in a form deemed

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- acceptable by the City, including to ensure that mitigation is fully functional taking into account remaining construction, maintenance, and monitoring.
2. The security shall be in the amount of 125 percent of the estimated cost of restoring the functions of the critical area that are at risk.
 3. The security shall remain in effect until the City determines, in writing, that the applicable standards have been met. The security shall be held by the City for a minimum of five years to ensure fully functional mitigation.
 4. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.
 5. Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.
 6. Failure to satisfy any critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within 30 days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default, and the City may demand payment of any financial guarantees or require other action authorized by the City code or any other law.
 7. Any funds recovered pursuant to this section shall be used to complete the required mitigation. Excess funds shall be returned to the applicant.
- D. *Critical Area Inspections.* Reasonable access to the site shall be provided to the City, State, and federal agency review staff for the purpose of inspections during any proposal review, delineation, restoration, emergency action, or monitoring period.
- E. *Burden of Proof.* The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the exemption, Critical Areas Permit, Minor Exception, Reasonable Use Exception, or any other approval requested under this chapter.
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- F. *Appeals*. Any decision to approve, condition, or deny a development proposal or other activity based on the requirements of this chapter may be appealed according to VMC [20.210.130](#).
- G. *Programmatic Permits*. The purpose of a programmatic permit is to provide for ongoing, routine maintenance, operation, or repair activities on sites containing critical areas or buffers (1) so as not to impair an agency's or business's ability to operate effectively and efficiently by requiring separate Critical Areas Permits for each activity; and (2) at the same time protect critical areas and buffers in accordance with this chapter.
1. In addition to the submittal requirements in VMC [20.740.050](#) and any additional Critical Areas report requirements under VMC 20.740.110-140, applicants for a programmatic permit shall submit a proposed management plan. The management plan shall contain:
 - a. A narrative explaining the need for the programmatic permit;
 - b. A list of the ongoing, routine, maintenance, operation, or repair activities that impact or potentially impact critical areas and buffers;
 - c. A description of the potentially impacted critical area and buffer functions;
 - d. Proposed measures and standards for avoiding impacts to critical area and buffer functions and, where unavoidable, mitigating those impacts to achieve no net loss of functions; and
 - e. A training program ensuring that all employees, contractors, and individuals under the supervision of the applicant who are involved in permitted activities understand and perform them in accordance with the terms of the permit.
 2. A programmatic permit may be approved for up to seven years. The permit duration may be tied to other permits or processes.
 3. Every two years for the duration of the programmatic permit 30 days prior to the original date of permit issuance, the applicant shall submit a report to the Planning Official summarizing activities undertaken. The report shall also document the training provided in accordance with subsection [\(G\)\(1\)\(e\)](#) of this section.
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4. The applicant or the City may initiate an amendment to the programmatic permit if anticipated activities, terms, or conditions of the programmatic permit will change. An amendment shall be considered through a Type 1 process following a pre-application conference.
5. An application for reauthorization of a programmatic permit shall be submitted at least 90 days prior to the date the current permit expires. Programmatic permits may be reauthorized through a Type 1 process following a required pre-application conference. Permit standards and conditions may be modified to conform to the current codes, policies, and standards or based on past performance. Where the review of the reauthorization application will extend beyond the expiration date of the current programmatic permit, the Planning Official may extend the duration of the current permit for up to 60 days at a time, not to exceed 180 days.

20.740.050 Submittal Requirements.

- A. *Preparation by Qualified Professional.* Any required critical areas report shall be prepared by a qualified professional as defined in VMC Chapter 20.150.
- B. *General Critical Areas Report Contents.* At a minimum, the critical areas report shall contain the following:
 1. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;
 2. A copy of the site plan for the development proposal, including:
 - a. A map to scale depicting critical areas, buffers, the development proposal, and any areas to be altered or developed; and
 - b. A proposed stormwater management and sediment control plan for the development, including a description of any impacts to drainage alterations;
 3. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site. Critical Areas Reports shall be prepared by a qualified professional for the type of critical area involved;

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4. *Identification and scientific characterization of all critical areas and buffers.* The scientific characterization shall include a detailed assessment of the functional characteristics of the critical areas;
 5. An assessment of the probable impacts to critical areas and buffers and risk of injury or property damage including permanent, temporary, and indirect impacts resulting from development of the site and the operations of the proposed development;
 6. A written response to each of the approval criteria in VMC [20.740.060](#);
 7. Plans for adequate mitigation, as needed, to offset any impacts, in accordance with VMC [20.740.050\(F\)](#) Mitigation Plan Requirements; and
 8. *Additional Information.* Any additional information required for the specific critical areas and buffers as specified in VMC [20.740.110](#) Fish and Wildlife Habitat Conservation Area, VMC [20.740.120](#) Frequently Flooded Areas, VMC [20.740.130](#) Geologic Hazard Areas, and VMC [20.740.140](#) Wetlands.
- C. *Other Reports or Studies.* Unless otherwise provided, a Critical Areas Report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the Planning Official. Provided, the site conditions shall not have changed since the earlier report or study was completed.
- D. *Critical Areas Report – Modifications to Requirements.* The applicant may consult with the Planning Official prior to or during preparation of the Critical Areas Report when the Planning Official determines and a qualified professional recommends that less information is necessary to adequately address the potential impacts to any critical areas or buffers and the required mitigation. In such case the Planning Official may allow a reduced scoped critical areas report.
- E. *Mitigation Plan Requirements.* When mitigation is required, the applicant shall submit a mitigation plan as part of the Critical Areas Report. The mitigation plan shall include:
1. Mitigation rationale: A discussion of the rationale for the proposed mitigation that includes other mitigation options and why the proposed method best achieves the approval criteria in 20.740.060 as compared with other forms and locations for mitigation.
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2. 1. *Detailed Construction Plans.* The mitigation plan shall include descriptions and plans of the mitigation proposed, such as:
 - a. The proposed construction sequence, timing, and duration;
 - b. Grading and excavation details;
 - c. Erosion and sediment control features;
 - d. A planting plan specifying plant species, quantities, locations, size, spacing, and density;
 - e. Measures to protect and maintain plants until established; and
 - f. Detailed site diagrams, scaled cross sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.
 3. *Adaptive Management.* The mitigation plan shall include identification of potential courses of action and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.
 4. *Monitoring Program.* The mitigation plan shall include a program for monitoring construction of the mitigation project and for assessing a completed project.
 - a. A protocol shall be included outlining the schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met.
 - b. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the mitigation project. The mitigation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years or more than 10 years, unless otherwise specified in this code.
 - c. When the applicant believes that the conditions of the monitoring plan are met, the applicant shall contact the City and request that the City certify so in writing. The City shall conduct an on-site assessment as part of the verification process.
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- d. When the City has verified and certified that the conditions of the monitoring plan have been met, the critical area shall no longer be considered as mitigation, but as a critical area when processing a future development permit application(s).
- F. Development may be permitted on a site containing a critical area(s) or buffer(s) which may also be subject to state or federal permits prior to all necessary state or federal permits being obtained when all of the following criteria are met:
- 1. A phased master plan is submitted under VMC Chapter [20.260](#) or Chapter [20.268](#) as appropriate, demonstrating:
 - a. How the maximum critical area(s) and maximum buffer(s) will be clearly avoided until all local, state, or federal permits are obtained;
 - b. How each phase could be permitted as an individual project not relying on development of any other phases in any way;
 - c. How each phase could be developed regardless of whether any or all of the pending state or federal permits are ever obtained; and
 - d. The applicant demonstrates that there will be no net loss of critical area functions for each phase or for the project as a whole even if state and/or federal permits are not obtained.
 - 2. Development is permitted only in the area that clearly avoids the maximum critical area(s) and buffer(s). (Ord. M-4105 § 3, 11/17/2014; Ord. M-4017 § 6, 07/16/2012; Ord. M-3959 § 37, 07/19/2010; Ord. M-3931 § 23, 11/02/2009; Ord. M-3844 § 2, 10/01/2007; Ord. M-3692, Added, 02/28/2005, Sec 2)

20.740.060 Approval Criteria.

Any activity or development subject to this chapter shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria. The City may condition the proposed activity as necessary to mitigate impacts to critical areas and their buffers and to conform to the standards required by this chapter.

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- A. *Avoid Impacts.* The Applicant shall first seek to avoid all impacts that degrade the functions and values of (a) critical area(s). This may necessitate a redesign of the proposal.
 - B. *Minimize Impacts.* Where avoidance is not feasible, the applicant shall minimize the impact of the activity. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.
 - C. *Rectifying.* Rectify the impact by repairing, rehabilitating, or restoring the affected environment.
 - D. *Reducing.* Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action.
 - E. *Compensatory Mitigation.* The applicant shall compensate for the unavoidable impacts by replacing each of the affected functions. The compensatory mitigation shall be designed to achieve the functions as soon as practicable. Compensatory mitigation shall be in-kind and on-site, when feasible, and sufficient to maintain the functions of the critical area, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area. Compensatory mitigation priority for wetlands is specified in VMC 20.740.140(C)(3)(b). Compensatory mitigation shall offset both permanent and temporal impacts.
 - F. D. *No Net Loss.* The proposal protects the critical area functions and values and results in no net loss of critical area functions and values. If loss of critical area functions are expected, adequate mitigation is provided to offset impacts of anticipated loss.
 - G. E. *Consistency with General Purposes.* The proposal is consistent with the general purposes of this chapter and does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site.
 - H. *Performance Standards.* The proposal meets the specific performance standards of VMC 20.740.110 Fish and Wildlife Habitat Conservation Areas, VMC 20.740.120 Frequently Flooded Areas, VMC 20.740.130 Geologic Hazard Areas and VMC 20.740.140 Wetlands, as applicable.

20.740.070 Minor Exceptions.

- A. *Minor Exceptions Authorized.* Minor exceptions of no greater than 10 percent from the numeric standards of this chapter may be authorized by the City in accordance with the Type II procedures set forth in VMC Chapter [20.210](#). Minor exceptions shall not be combined with buffer averaging or buffer reduction for Fish and Wildlife Habitat Conservation Areas or Wetlands. Minor exceptions from the National Flood Insurance Program development standards of VMC [20.740.120](#), Frequently Flooded Areas, are prohibited.
- B. *Minor Exception Criteria.* A minor exception from the standards of this chapter may be granted only if the applicant demonstrates that the requested action conforms to all of the following criteria:
1. Unusual conditions or circumstances exist that are specific to the intended use, the land, the lot, or something inherent in the land, and that are not applicable to all other lands in the same vicinity or zoning district;
 2. The unusual conditions or circumstances do not result from the actions of the applicant;
 3. Granting the minor exception requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings under similar circumstances;
 4. The minor exception is necessary for the preservation and enjoyment of a substantial property right of the applicant such as is possessed by the owners of other properties in the same vicinity or district;
 5. The minor exception requested is the least necessary and no greater than 10 percent of the subject standard to relieve the unusual circumstances or conditions identified in Subsection VMC [20.740.070\(B\)\(1\)](#) above;
 6. The granting of the minor exception or the cumulative effect of granting more than one minor exception is consistent with the general purpose and intent of the City of Vancouver Comprehensive Plan, this title, this chapter, and the underlying zoning district;

7. Degradation of the functions (including public health and safety) of the subject critical areas and any other adverse impacts resulting from granting the minor exception will be minimized and mitigated to the extent feasible in accordance with the provision of this chapter;
 8. Granting the minor exception will not otherwise be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property; and
 9. The proposed development complies with all other applicable standards.
- C. *Conditions May Be Required.* In granting any minor exception, the City may attach such conditions and safeguards as are necessary to secure adequate protection of critical areas and developments from adverse impacts, and to ensure conformity with this chapter.

20.740.080 Reasonable Economic Use Exceptions.

- A. *Exception Request and Review Process.* If the application of this chapter would deny all reasonable economic use of the subject property, the City shall determine if compensation is an appropriate action, or the property owner may apply for an exception pursuant to this section. Exceptions from the standards of this chapter may be authorized by the City in accordance with the Type III procedures set forth in VMC [20.210](#).

An application for a reasonable economic use exception shall be made to the City and shall include a Critical Areas Report with a mitigation plan and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (RCW [43.21C](#)). The Planning Official shall prepare a recommendation to the Hearings Examiner based on review of the submitted information, a site inspection, and the proposal's ability to comply with the critical areas reasonable use exception criteria.

- B. *Reasonable Use Review Criteria.* The City shall approve applications for reasonable use exceptions when all of the following criteria are met:
1. The application of this chapter would deny all reasonable economic use of the property;

2. No other reasonable economic use of the property has less impact on the critical area;
3. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;
4. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of this chapter, or its predecessor;
5. The proposal does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;
6. The proposal mitigates for the loss of critical area functions to the greatest extent feasible; and
7. The proposal is consistent with other applicable regulations and standards.

20.740.090 Unauthorized Critical Areas Alterations and Enforcement.

A. Enforcement.

1. It shall be unlawful to violate the provisions of VMC Chapter 20.740. Any violation of this chapter shall constitute a public nuisance.
2. VMC Title 22 shall provide the enforcement provisions for VMC Chapter 20.740. VMC Title 22 may impose any of the remedies, requirements or corrective actions contained in this chapter. In lieu of or in addition to the enforcement provisions contained in VMC Title 22, the City may also seek injunctive or other relief from any court of competent jurisdiction.

- B. Requirement for Restoration Plan.*** In the event the City initiates enforcement action under VMC Title 22 or files a complaint in court, the City may require a restoration plan consistent with the requirements of this chapter. Such a plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the minimum performance standards for restoration requirements. The Planning Official shall, at the violator's expense, seek expert advice in determining whether the plan restores the affected area to its pre-existing condition or, where that is not possible,

restores the functions of the affected area. Inadequate plans shall be returned to the applicant or violator for revision and re-submittal.

C. Minimum Performance Standards for Restoration.

1. For alterations to Frequently Flooded Areas, Wetlands, and Fish and Wildlife Habitat Conservation Areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:
 - a. The structure and functions of the critical area or buffer prior to violation shall be restored, including water quality and habitat functions;
 - b. The soil types and configuration prior to violation shall be replicated;
 - c. The critical area and buffers shall be replanted with native vegetation (a list of native species is available from the Planning Official). If the critical area or buffer is on a site that meets the criteria of VMC [20.740.030\(C\)\(1\)\(f\)\(i\)](#), the vegetation for replanting must be not only native but also fire-resistant. A list of native, fire-resistant species is available from the Planning Official; and
 - d. Information demonstrating compliance with this chapter's Mitigation Plan Requirements shall be submitted to the Planning Official.
2. For alterations to Frequently Flooded and Geologic Hazard Areas, the following minimum performance standards shall be met for the restoration of a critical area or buffer, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:
 - a. The hazard shall be reduced to a level equal to, or less than, the pre-violation hazard;
 - b. The risk of personal injury resulting from the alteration shall be eliminated or minimized;
 - c. Drainage patterns shall be restored to those existing before the alteration; and

- d. The hazard area and buffers shall be replanted consistent with pre-violation conditions with native vegetation sufficient to minimize the hazard. If the critical area or buffer is on a site that meets the criteria of VMC [20.740.030\(C\)\(1\)\(f\)\(i\)](#), the vegetation for replanting must be not only native but also fire-resistant. A list of native, fire-resistant species is available from the Planning Official.
- D. *Site Investigations*. The Planning Official is authorized to make site inspections and take such actions as are necessary to enforce this chapter.
- E. *Noncompliance in Frequently Flooded Areas*. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction be subject to enforcement under subsection [A](#) of this section. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. M-4325 § 3, 2020; Ord. M-3844 § 2, 2007; Ord. M-3692 § 2, 2005)

20.740.100 Designation Process for Habitats of Local Importance.

- A. *Eligibility and Approval Criteria*. Habitats of Local Importance are Fish and Wildlife Habitat Conservation Areas that are not designated under VMC 20.740.110, but are designated as locally significant by the City. Criteria for designation include all of the following:
 - 1. A need for protection exists due to a high diversity of fish or wildlife species, declining populations, scarcity of the habitat type, sensitivity to disturbance from human activity or development, or other unique local habitat functions.
 - 2. The area is sufficient in size to support the species or habitat functions for which it is designated.
 - 3. The designation will not compromise the ability of the City to achieve the goals of the Comprehensive Plan.

4. There is a proposed management strategy describing how the functions of the habitat will be protected after designation.
 5. The area and habitat are not otherwise protected under other critical areas regulations.
- B. *Designation Process.* Habitats of Local Importance may be proposed by the property owner or the City and shall be designated according to a Type IV legislative procedure (VMC Chapter [20.210](#)). (Ord. M-3692, Added, 02/28/2005, Sec 2)

20.740.110 Fish and Wildlife Habitat Conservation Areas.

A. *Designation and Location.*

1. The City designates the following identified areas as Fish and Wildlife Habitat Conservation Areas. Final designations shall be based on site conditions and other available data or information (see VMC [20.740.020\[C\]\[1\]](#)).
 - a. Areas where endangered, threatened, and sensitive species have a primary association, including priority habitats and areas associated with priority species as listed by the Washington Department of Fish and Wildlife (WDFW). Within the city, these areas and species primarily include, but may not be limited to, the following:
 - i. Riparian areas composed of Riparian Management Areas (RMA's) and Riparian Buffers (RB's);
 - ii. Priority Oregon white oak habitat;
 - iii. Biodiversity areas;
 - iv. Waterfowl concentrations: and
 - v. Aquatic habitat.
 - b. Forage fish spawning areas;
 - c. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish and wildlife habitat;

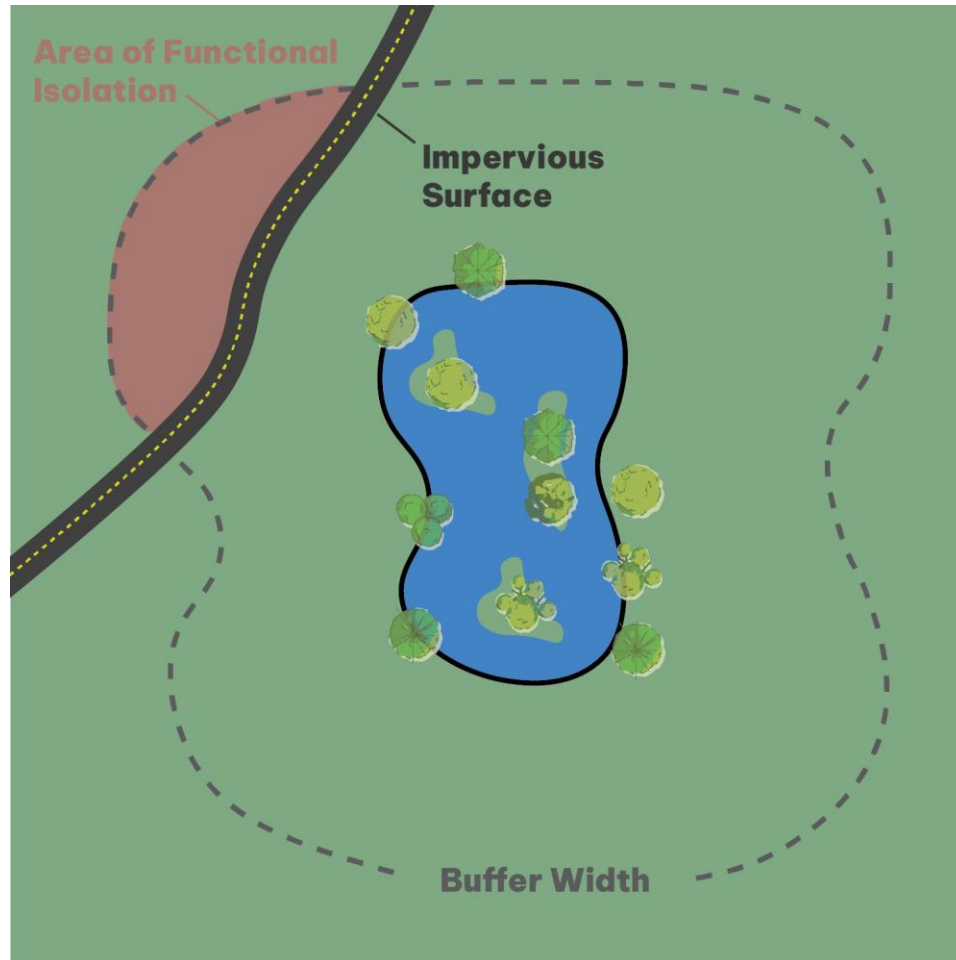
- d. Waters of the state;
- e. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;
- f. State natural area preserves, natural resource conservation areas, and state wildlife areas; and
- g. *d Habitats and Species of Local Importance*. Fish and Wildlife Habitat Conservation Areas or individual species that are designated as locally significant by the City in accordance with VMC [20.740.100](#).
- g. *Fish and Wildlife Habitat Conservation Area Locations* . Information on the approximate location and extent of Fish and Wildlife Habitat Conservation Areas is available from the following sources:
 - h. U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA) Fisheries species list;
 - i. a. WDFW Priority Habitat and Species Maps;
 - j. WDFW Anadromous and Resident Salmonid Distribution Maps in the Salmon and Steelhead Habitat Inventory Assessment Program (SSHIAP);
 - k. StreamNet.org maps from the Pacific States Marine Fisheries Commission;
 - l. Washington State Department of Natural Resources (DNR) Official Water Type Reference Maps; and
 - m. Other information acquired by the City such as site-specific or area-specific delineations or studies.

B. *Development activities that functionally or physically isolate the RMA or RMB buffer.*

When existing impervious surfaces or other built structures, such as a levee or railroad corridor, functionally or physically isolate the RMA or RB buffer from the waterbody, the regulated RMA or RB wetland buffer shall extend landward from the ordinary high water mark (OHWM) or channel migration zone (CMZ), whichever is greater and terminate at the waterward edge of the impervious surface or manmade structure. Development activities that occur within the area

of functional isolation, or further landward, are exempt from the requirement to obtain a Critical Areas Permit.

Figure 20.740.110-1: Functional Isolation



The Planning Official shall rely on a site visit, aerial photographs, or other evidence provided by the applicant or the applicant's qualified professional in making a determination to reduce the width of the RMA, RB, or wetland buffer based on functional and/or physical isolation.

Note: RMA's and RB's are measured from the OHWM or the edge of a channel migration zone (CMZ), whichever is further landward. However, no CMZs have been identified within the city limits as of the date this chapter was adopted.

C. *Performance Standards.*

1. *Development Standards*

a. *Development and Clearing Activities.*

- i. Development or clearing activities shall protect the functions of the Fish and Wildlife Habitat Conservation Areas on the site and shall result in no net loss of functions, as required by the approval criteria of this chapter.
- ii. If development or clearing activity is within a Priority Habitat and Species area, the applicant shall follow WDFW Management Guidelines, Management Recommendations, or other standards approved by WDFW.
- iii. Functionally significant habitat, defined as habitat that cannot be replaced or restored within 20 years, shall be preserved unless the activity meets the conditions of VMC 20.740.110(B)(2)(b). An example of habitat that cannot be replaced within 20 years would be a stand of mature trees or a peat bog.

b. *Mitigation.*

- i. Mitigation for impacts within Fish and Wildlife Habitat Conservation Areas shall follow the sequence specified in this chapter's approval criteria.
- ii. Disrupted functions and values shall be mitigated on site as a first priority, and off site thereafter.
- iii. An up-to-date science-based guide, such as applicable watershed, fish recovery, sub-basin, or other science-based plans should be used to guide the proposed mitigation. Any science used to guide mitigation actions, whether on site or off site, must meet the criteria and characteristics of best available science listed in WAC 365-195-905 (Criteria for determining which information is the "best available science"), or the state standards in effect at the time of application.

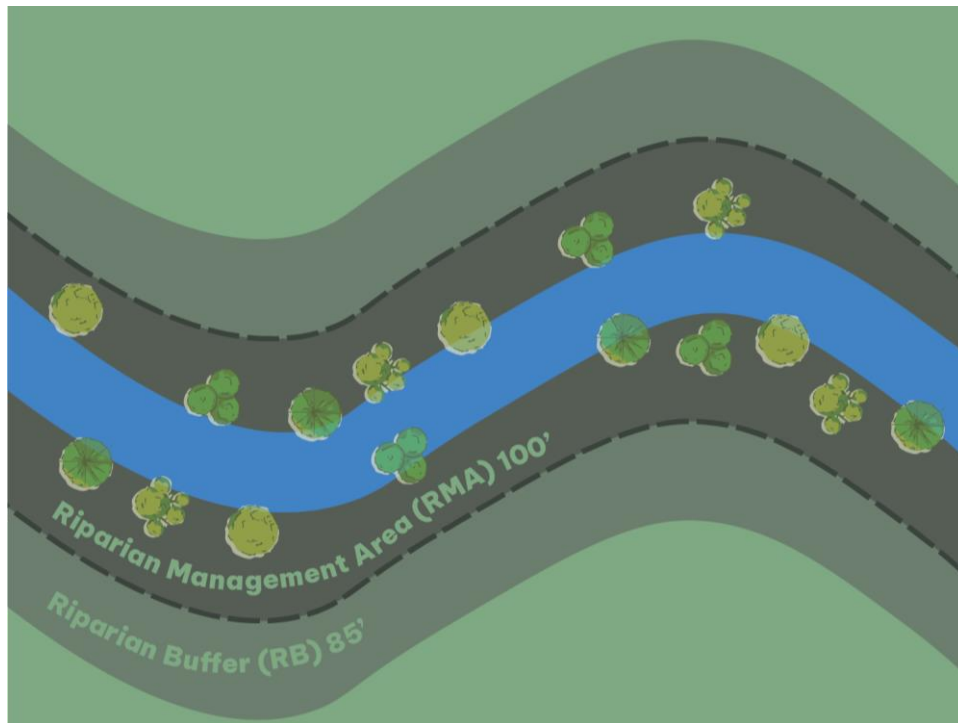
c. d. *Signs for Fish and Wildlife Conservation Areas.*

- i. Temporary and permanent markers and signs shall be installed as required by this chapter's General Provisions.

2. Standards for *RMAs RBs*.

a. RMA and RB Location and Width.

- i. *Standard Width.* Standard RMA widths are 100 feet for Shorelines of the State (Type S), for both fish-bearing and non-fish-bearing waterbodies and for unclassified streams. The RB is 85 feet for all classified and unclassified waterbody types. The RMA and RB widths shall be combined for a total regulated riparian area width of 185 feet.
- ii. *Site Potential Tree Height (SPTH) RMA and RB Width.* If the applicant cannot accommodate the standard-width RMA and RB on the project site for the proposed development, , applicants may use the 200-year SPTH mapping tool referenced in WDFW's Riparian Ecosystems, Volume 2: Management Recommendations and justify a lesser-width RMA and/or RB in the project's Critical Areas Report. For project locations with multiple SPTH values, the largest SPTH value shall be used to establish the riparian area width. If the tool does not have data available to establish SPTH, the minimum combined RMA and RB width shall be the standard width as established in subsection (2)(a)(i).
- iii. *Measurement.* Whether the standard or SPTH RMA and RB is used, the RMA is measured horizontally from the OHWM of the stream, river, or lake or from the CMZ, where present, to the specified width. The RB is measured horizontally from the landward boundary of the RMA as shown in Figure 20.740.110-1.

Figure 20.740.110-2

- b. *Riparian Management Area Width Averaging.* The width of the RMA may be modified (see VMC [20.170.080\[B\]\[1\]](#)) if all the following are met:
 - i. The total square footage of the Riparian Management Area RMA (VMC [20.740.110\[B\]\[2\]\[a\]\[i\]](#)) is not reduced;
 - ii. There is no net loss of functions as a result of the averaging; and
 - iii. The reduction of the Riparian Management Area RMA width at any location is no greater than 25 percent of the required standard or SPTH width under VMC 20.740.110(2)(a)(i or ii).
- c. *Permitted Development and Uses within RMAs and RBs and Development Standards.*
 - i. *Development and Uses within the Riparian Buffer.* Development or clearing activity is permitted in the RB that meets the general performance standards in VMC 20.740.110(B).

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- ii. *Development and Uses within the RMA* . No development or clearing activity is allowed within the RMA unless such activity is:
- (A) A water-dependent, water-related or water-enjoyment activity for which there are no feasible alternatives that would have a less adverse impact on the RMA ;
 - (B) Infrastructure, including a road, railroad, trail, dike, or levee or a water, sewer, stormwater conveyance, gas, power, cable, fiber optic, or telephone facility that cannot feasibly be located outside of the RMA.;
 - (C) Mitigation for activities allowed by this chapter, providing the activity results in no net loss of riparian habitat functions on the site; or
 - (D) Trails and wildlife viewing structures, provided that the trails and structures minimize the impact and are constructed so that they do not interfere with hydrology of the waterbody and do not result in increased sediment entering the waterbody.
- iii. *Modifications to Existing Development*. When replacing or removing existing development within an RMA or RB, the applicant shall implement the following, where applicable, during site construction:
- (A) Evaluate the RMA and RB to pinpoint the best sites to restore and consider connectivity and adjacency to other priority habitats;
 - (B) Improve aquatic connectivity by replacing culverts and removing barriers to movement;
 - (C) Revegetate with native plants and consider improvements for wildlife by integrating structures necessary for nesting, breeding, and foraging;

- (D) As existing development is remodeled or replaced, incorporate additional setbacks for streams;
- (E) Control access to RMAs and RBs during construction to limit soil compaction. Avoid operating equipment near waterbodies to reduce sedimentation and soil compaction; and
- (F) Avoid using chemicals in the RMA and RB that are not approved by the Washington State Department of Ecology (Ecology).

iv. *Mitigation.* When mitigating on-site impacts, the following guidelines, where applicable, shall be implemented when designing mitigation for impacted riparian areas, if a restoration opportunity is available on site and within the RMA or RB:

- (A) Protect riparian functions that remain, especially in places that are high functioning and implement actions that enhance degraded functions;
- (B) Increase riparian width in areas of high function; and
- (C) Prioritize opportunities to maintain and restore in-stream and riparian connectivity.

D. *Additional Critical Areas Report Requirements.*

1. A Critical Areas Report for an RMA or RB shall include:
 - a. The SPTH riparian area width in the mapping tool referenced in WDFW's Riparian Ecosystems, Volume 2: Management Recommendations document, if the applicant is not proposing to use the standard-width RMA and RB.
 - b. Evaluation of the habitat functions using a habitat evaluation tool approved by WDFW.
 - c. In addition to the standards of VMC [20.740.050\(F\)](#), where a mitigation plan is required as part of the Critical Areas Report for a Fish and Wildlife Habitat

Conservation Area that involves a waterbody, RMA, or RB, the monitoring program protocol shall include, where relevant to the impacted functions:

- i. Observations and measurements of riparian integrity and quality (buffer width, riparian corridor continuity or fragmentation, species diversity, stand age, plant survival rates);
 - ii. Large woody debris surveys; and
 - iii. Streamflow monitoring.
 - iv. Water quality monitoring to detect pollution impacts.
 - v. Biological monitoring (including fish surveys and benthic macroinvertebrate sampling).
2. If the clearing or development activity is in the RMA, the Critical Areas Report shall contain all the following information, if applicable:
 - a. How the clearing or development activity constitutes a water-dependent, water-related, or water-enjoyment use;
 - b. How the clearing or development activity cannot feasibly be located on the site outside of the RMA;
 - c. How the proposal meets the RMA width averaging standard (VMC [20.740.110\(B\)\(2\)\(b\)](#)); and
 - d. How the proposal will not adversely affect the connectivity of habitat functions.
3. For land use and development-related activities on a site with PHS-designated priority Oregon white oak woodland habitat, the applicant shall be required to demonstrate compliance with WDFW's latest guidance: *Best Management Practices for Mitigating Oregon White Oak Priority Habitat* (January 2024) the Washington Department of Fish and Wildlife WDFW's latest guidance: *Best Management Practices for Mitigating Oregon White Oak Priority Habitat* (January 2024) and any subsequent revisions. The report shall include mapping and an evaluation of the habitat functions.

- a. The critical areas report shall also identify protection and mitigation for the impacted Oregon white oaks on the site. In circumstances where it is demonstrated that preservation or mitigation of impacts on-site is not practicable, the applicant shall provide a minimum of two alternative site designs and layouts to demonstrate that impacts cannot be avoided or be reduced to result in less impacts. The planning director may approve reductions to numerical standards including parking and setbacks under the minor exception process in VMC 20.740.070 to avoid or reduce impacts.
- b. If compensation is determined to be the only available option for the proposed impact, the report shall include the quantity and method of mitigation to compensate for permanent and temporal impacts in accordance with WDFW's Best Management Practices for Mitigating Impacts to Oregon White Oak Priority Habitat, including the following:
 - i. Assessment of priority Oregon white oak woodlands and individuals to determine if they meet the designation criteria for priority habitat and species, the size of each woodland or individual, and the level of ecological function provided;
 - ii. Analysis of the physical and temporal loss of the impacted Oregon white oak woodland habitat;
 - iii. The corresponding mitigation ratios for both physical and temporal loss of the impacted Oregon white oak habitat and the location of such mitigation; and
 - iv. Description of monitoring as outlined by WDFW's guidance.

20.740.130 Geologic Hazard Areas.

A. Designation and Location.

1. Designated or potential Geologic Hazard Areas include Landslide, Seismic, and Erosion Hazard Areas. With the exception of Bank Erosion Hazard Areas and Fault Rupture Hazard Areas, their potential locations are shown on maps available from the City of Vancouver, Clark County, and the State of Washington. Final designations

- shall be based on site conditions and other available data or information (see this chapter's General Provisions section).
2. *Landslide Hazard Areas.* These areas are subject to landslides due to a combination of geologic, topographic, and hydrologic factors. They include any areas susceptible to landslide because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors as defined in VMC Chapter 20.150. Landslides are areas shown as "areas of historic or active landslides," "areas of potential instability," and "areas of older landslide debris" on maps available from Clark County Maps Online ("Slope Stability of Clark County" report [1975] and "Geologic Map of Vancouver Quadrangle" map [1987]) and maps available through the DNR's Geologic Information Portal, including the "Washington Geologic Survey-Protocol Landslide Mapping" and "Other Compiled Landslide Mapping" layers.
 3. *Seismic Hazard Areas.* Seismic Hazard Areas include Liquefaction, Ground Shaking Amplification, and Fault Rupture Hazard Areas as designated below and defined in VMC Chapter 20.150.
 - a. *Liquefaction Hazard Areas.* Settlement and soil liquefaction conditions occur in areas underlain by cohesionless soils of low density, typically in association with a shallow groundwater table. The following are designated Liquefaction Hazard Areas:
 - i. Areas with Low to Moderate,, Moderate, Moderate to High, or High liquefaction susceptibility or Peat Deposits as indicated on liquefaction susceptibility maps from the DNR Geologic Information Portal as revised or superseded.
 - b. *Ground-Shaking Amplification Areas.* The following are designated Ground Shaking Amplification Hazard Areas:

Site Classes C to D, D, D to E, E and F, as shown on the National Earthquake Hazard Reduction Program (NEHRP) Seismic Site Class layer available on the DNR Geologic Information Portal.
 - c. *Fault Rupture Hazard Areas.* Potential Fault Rupture Hazard Areas are faults identified by the DNR Geologic Information Portal "Seismogenic Folds, Known

or Suspected” and “Active Faults, Known or Suspected” layers; USGS, on geologic maps available from the Oregon Department of Geology and Mineral Industries (DOGAMI), Clark County Maps Online, or identified from other available data or in the field by a qualified professional and adjacent areas within 100 feet.

4. *Erosion Hazard Areas.* Erosion Hazard Areas include Soil Erosion and Bank Erosion Hazard Areas and as defined in VMC Chapter 20.150. These are also areas that are likely to become unstable, such as bluffs, steep slopes, and areas with unconsolidated soils.

- a. *Soil Erosion Hazard Areas.* The following are designated Soil Erosion Hazard Areas:

- i. *Severe or Very Severe Erosion Hazard Areas.* Areas with soils identified as having a severe or very severe erosion hazard by the 1972 U.S. Department of Agriculture (USDA) Soil Conservation Service Soil Survey of Clark County, Washington.
 - ii. *Bank Erosion Hazard Areas.* Bank Erosion Hazard Areas are areas along lakes, streams, and rivers that are subject to regression or retreat due to lacustrine or fluvial processes and adjacent land within 100 feet.

B. *Performance Standards.*

1. *General Standards.*

- a. Critical facilities, as defined in VMC Chapter 20.150, are prohibited in the following areas unless there is no other location available, a mitigation proposal is included in the development plan, and a Critical Areas Report prepared by a qualified professional for geologically hazardous areas establishes that the area is safe for development for the type of facility proposed and the type of hazard:
 - i. Landslide Hazard Areas
 - ii. Bank Erosion Hazard Areas
 - iii. Fault Rupture Hazard Areas

- b. Buffer width shall be measured on a horizontal plane from a perpendicular line established at all edges of the geologic hazard area (see VMC Chapter 20.170).
 - c. The applicant shall demonstrate that, during construction and for the anticipated life of the proposed development, the proposed use(s), activity(ies), and structure(s):
 - i. Are designed so that the hazard to the proposed project is eliminated or mitigated to a level equal to or less than pre-development conditions;
 - ii. Will not adversely impact other critical areas, if avoidable, given the type of critical areas involved and the characteristics of the site;
 - iii. Are designed to minimize or eliminate life safety risk; and
 - iv. Are certified by a qualified professional as safe as designed and under anticipated conditions.
2. *Landslide and Erosion Hazard Areas.* Development in non-disturbance areas shall be prohibited. In other areas, development in Landslide and Erosion Hazard Areas and their buffers shall be prohibited except where the applicant has demonstrated compliance with the following standards or requirements.
- a. Landslide Hazard Areas may be able to be mitigated through grading based on a Critical Areas Report that demonstrates that the slope will be stabilized as described in Additional Critical Areas Report Requirements for Geologic Hazards.
 - i. The Critical Areas Permit shall be conditioned on a final inspection approval confirming that the grading and site are stable. At the applicant's expense, after site grading, the applicant shall:
 - (A) Provide inspection specifications from the qualified professional who prepared the Critical Areas Report; and

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- (B) Inspect the grading and the site using an inspector acceptable to the City Building Official and submit a report to the City indicating whether the site is stable.
 - ii. Clearing, grading, uprooting, or otherwise impairing the soil stabilizing function of vegetation shall be prohibited during the wet season (November 1 to May 1), except as authorized under a valid state or federal permit or a City Type I permit.
 - b. Any required erosion mitigation work is to be performed by a certified erosion and sediment control lead in accordance with Ecology requirements.
 - c. The requirements of VMC Chapter [14.24](#), Erosion Control, shall be met.
 - d. Drainage patterns shall not be altered such that potential for damage or risk to the proposed project, the Geologic Hazard Area, or other critical areas or buffers is increased.
 - e. Trails shall be for pedestrian and nonmotorized vehicular use only and shall be the minimum width necessary to meet applicable regulations.
 - f. *Roads in Landslide and Bank Erosion Hazard Areas.* A road through or across a Landslide or Bank Erosion Hazard Area shall meet the standards of VMC [20.740.130\(B\)\(2\)](#) and shall not be:
 - i. The sole access for a proposed subdivision (not including short subdivision) or critical facility;
 - ii. Longer than 200 feet; or
 - iii. Steeper than a 15 percent grade.
 - g. *Markers and Signs in Landslide Hazard Areas.*
 - i. The boundary at the outer edge of the furthest of the Landslide Hazard Area, non-disturbance area (see this chapter's additional Critical Areas Report requirements for Geologic Hazard Areas), or buffer shall be identified with temporary signs prior to any site alteration.

- ii. The boundary at the outer edge of landslide area tracts and easements shall be delineated with permanent survey stakes, using iron or concrete markers as established by local survey standards.
- iii. These provisions may be modified by the Planning Official as necessary to ensure protection of people and structures from the hazard.

h. *Stabilization in Bank Erosion Hazard Areas.*

- i. Bank stabilization measures may be employed to protect an existing structure when a Critical Areas Report conclusively demonstrates all of the following:
 - (A) Bank erosion threatens an established use or existing structure(s) within a three-year timeframe;
 - (B) The threatened use or structure(s) cannot be relocated landward of any non-disturbance area (VMC [20.740.130\(B\)\(7\)\(a\)\(2\)](#));
 - (C) Bank stabilization measures will not cause a significant adverse impact on upstream or downstream properties or an impact that cannot be mitigated without developing bank stabilization measures for those properties; and
 - (D) Bank stabilization measures will not cause a significant adverse impact on a Fish and Wildlife Habitat Conservation Area protected by this chapter.
- i. When bank stabilization is allowed, it shall be accomplished using beach nourishment, bioengineering (soft armoring) techniques, or a combination of the two. Other techniques may be used when an approved Critical Areas Report demonstrates conclusively that beach nourishment, bioengineering (soft armoring) techniques, or a combination of the two will not provide sufficient protection for the remaining useful life of the structure(s) to be protected.

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- j. *Buffer.* The following regulations apply to Landslide and Bank Erosion Hazard Area buffers:
- i. Buffer widths
 - (A) No buffer is required for Soil Erosion Hazard Areas.
 - (B) The minimum buffer width from the top and bottom of slope for Landslide and Bank Erosion Hazard Areas shall be equal to two times the slope height or as recommended by a qualified professional in a geotechnical report.
 - (C) A larger buffer width may be required for Landslide and Bank Erosion Hazard Areas at the discretion of the Planning Official when:
 - (1) The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts;
 - (2) The area has a severe risk of slope failure or downslope stormwater drainage impacts;
 - (3) The area is directly adjacent to a riparian area, or wetland; or
 - (4) Recommended in an approved Critical Areas Report.
 - ii. Buffers may be included in non-disturbance areas (VMC 20.740.130(B)(7)(a)(2)) and required planting and maintenance activities may be undertaken within them.
 - iii. The buffer around Landslide and Bank Erosion Hazard Areas shall be vegetated and shall be maintained by the property owner. New plantings shall consist of native vegetation.
 - iv. No alteration to the buffer that involves clearing of vegetation shall be undertaken without an erosion control plan approved pursuant to the provisions of VMC [14.24](#), Erosion Control and this chapter.

3. *Seismic Hazard Areas.*

a. *Liquefaction or Dynamic Settlement and Ground Shaking Amplification Hazard Areas.* All building structures in Liquefaction or Ground Shaking Amplification Hazard Areas shall comply with the requirements of VMC Title 17, Building and Construction. No buffer is required for Liquefaction or Ground Shaking Amplification Hazard Areas.

b. *Fault Rupture Hazard Areas.*

i. A road through or across a fault rupture hazard area shall not be:

- (A) The sole access for a proposed subdivision (not including short subdivision) or critical facility;
- (B) Longer than 200 feet; or
- (C) Steeper than a 15 percent grade.

ii. Buffer.

(A) The buffer width shall be the greater of the following distances:

- (1) 50 feet from all edges of a Fault Rupture Hazard Area, except where critical facilities are involved, the minimum buffer distance shall be 100 feet (see VMC [20.170.030\[L\]](#)); or
- (2) The minimum distance recommended in an approved Critical Areas Report.

(B) A larger buffer width may be required when the Planning Official determines that the buffer is not adequate to protect the proposed development.

iii. Structures for human habitation shall be prohibited within Fault Rupture Hazard Areas and buffers.

C. *Additional Critical Areas Report Requirements.* In addition to the requirements of VMC [20.740.050](#), the following are Critical Areas Report requirements for development proposals in potential Geologic Hazard Areas. These requirements may be adjusted as appropriate by the Planning Official. The Critical Areas Report will result in a conclusion as to whether the potential geologic hazard area is an actual geologic hazard area (see VMC [20.740.130\[B\]\[6\]](#)). If it is, the Critical Areas Report requires the following additional information, mapping, and analysis (see VMC [20.740.130\[B\]\[7\]](#)):

1. Identification of the site and project area (defined at VMC [20.150](#)); topography of the site in 2-foot contours (or other increment at the discretion of the Planning Official); planned gas, power, cable, fiber optic, telephone, sewer, water, and stormwater management facilities, wells, on-site septic systems, dikes, levees; and existing structures on the site plan required by VMC [20.740.050](#);
2. Detailed review of field investigations, published data and references, data and conclusions from past geologic studies or investigations, site-specific measurements, tests, investigations, or studies, and the methods of data analysis and calculations that support the results, conclusions, and recommendations;
3. Field investigation and evaluation of the areas on Landslide, Erosion, Liquefaction or dynamic settlement, Ground Shaking Amplification, and Fault Rupture Hazard Areas on or within 100 feet of the site;
4. A description of the surface and subsurface geology, hydrology, drainage patterns, soils, and vegetation for Liquefaction or dynamic settlement, Ground Shaking Amplification, Fault Rupture, Soil Erosion Hazards, Landslide, and Bank Erosion Hazard Areas on or within 100 feet of the site;
5. Identification of any hazard area indicators that were found on site for Liquefaction or dynamic settlement, Ground Shaking Amplification, Fault Rupture, and Soil Erosion Hazards Areas and on or within 100 feet of the site for Landslide and Bank Erosion Hazard Areas;
6. Conclusion as to whether there is a geologic hazard area on site or within 100 feet of the site; and

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7. If a geologic hazard is found to exist on site or if a landslide or bank erosion hazard is found to exist on or within 100 feet of the site, the report must include the following:
- a. Labeling and showing the following on the site plan required by VMC [20.740.050](#):
 - i. The location(s), extent, and type(s) of geologic hazard area(s) identified;
 - ii. The location(s) and extent of any area(s) that must be left undisturbed to protect the proposed development from damage or destruction and to protect the hazard area(s) from the impacts of the proposed development;
 - iii. The boundaries of the area that may be disturbed;
 - iv. The dimension of the closest distance(s) between the geologic hazard area(s) and non-disturbance area and the project area;
 - v. For Bank Erosion Hazard Areas, show these areas, boundaries, and dimensions based upon natural processes and, if applicable, proposed bank stabilization measures; and
 - vi. The recommended buffer for Bank Erosion Hazard Areas.
 - b. Analysis of the erosion processes on site for Soil Erosion Hazard Areas and on or within 100 feet of the site for Bank Erosion Hazard Areas;
 - c. Evaluation of the impact of the Geologic Hazard Area(s) on the proposed development, other properties, and other critical areas, as follows:
 - i. *Landslide Hazard Areas*. The impact of the run-out hazard of landslide debris from both upslope and downslope shall be included in the evaluation.
 - ii. *Bank Erosion Hazard Areas*. Evaluation of impacts on other properties shall include properties both upstream and downstream of the subject property.

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- d. Evaluation of the impact of the proposed development on the geologic hazard area(s);
 - e. Assessments and conclusions regarding geologic hazard(s) for both existing and proposed (post-development) site conditions. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.
 - f. Written discussion of:
 - i. The risk of damage or destruction from the geologic hazard(s) with respect to human health and safety; infrastructure; the proposed development; other properties (both upstream and downstream for Bank Erosion Hazard Areas); and other critical areas; and
 - ii. Whether and to what degree the proposed development would increase the risk from the geologic hazard(s), such as the occurrence of a landslide or the rate of regression.
 - g. Recommendations for mitigation of impacts to protect:
 - i. Human health and safety;
 - ii. Infrastructure;
 - iii. The proposed development;
 - iv. Other properties (both upstream and downstream for Bank Erosion Hazard Areas);
 - v. Other critical areas; and
 - vi. The hazard area during construction and for the anticipated life of the proposed development. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.

- h. A demonstration of how the standards of VMC [20.740.130\(C\)](#) applicable to each geologic hazard area will be met.

20.740.140 Wetlands.

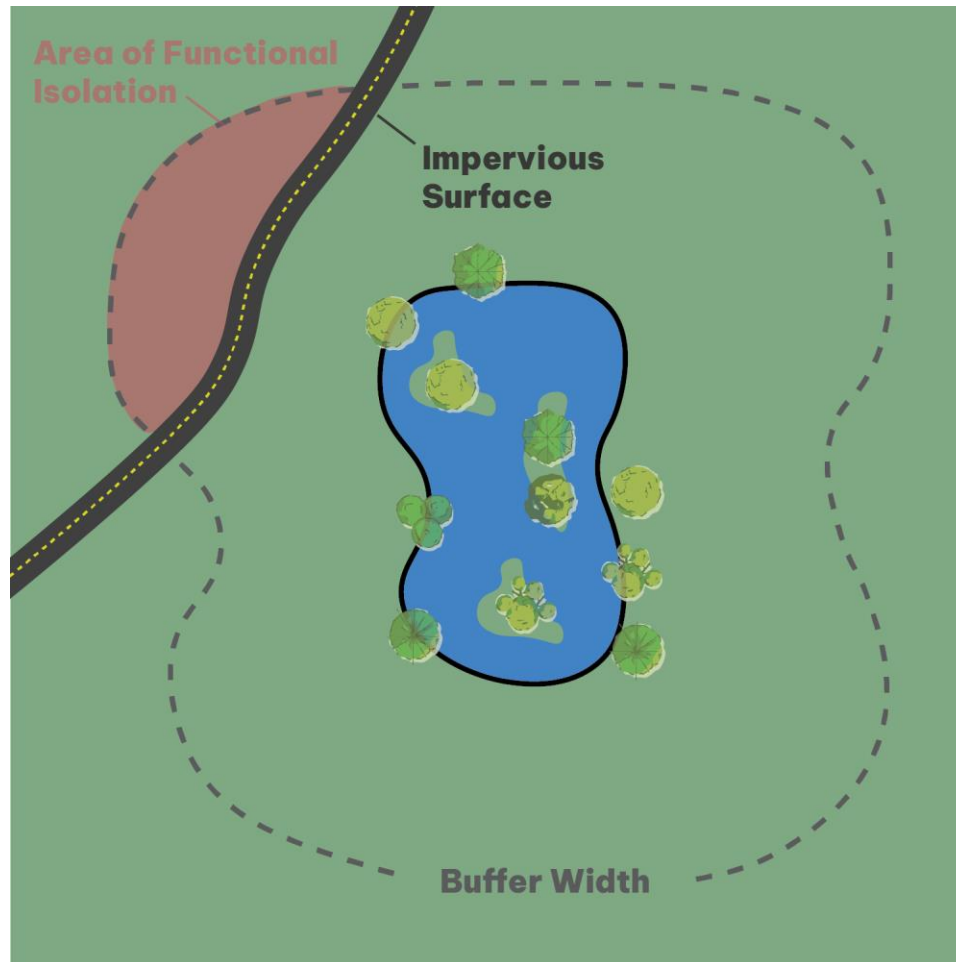
A. Designating and Rating Wetlands.

1. *Designating Wetlands.* Wetlands are areas that have been designated in accordance with the 1987 Federal Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains Valleys and Coast Region Version 2.0 (2010 or as further updated) and are defined in VMC 20.150.. Wetlands are subject to a local government's regulatory authority if they meet the definition of wetlands, including non-federally regulated (isolated) wetlands. Final designations shall be based on site conditions as documented in a Wetland Critical Areas Report, and other available data or information (see VMC [20.740.020\[C\]\[1\]](#)).
2. *Wetland Ratings.* Wetlands shall be rated according to the Ecology wetland rating system, *-Ecology Publication No. 23-06-009, Washington State Wetland Rating System for Western Washington: 2014 Update, published July 2023, or as revised by Ecology.* The rating system document contains the definitions and methods for determining if the criteria below are met. The most recent version of the rating system form must be used.
 - a. *Wetland Rating Categories.*
 - i. *Category I.* Category I Wetlands are:
 - (A) Wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program of the DNR;
 - (B) Bogs;
 - (C) Mature and old-growth forested wetlands larger than one acre

- (D) Wetlands that perform functions at a high level, scoring 23 points or more.
- ii. *Category II.* Category II Wetlands function at a moderately high function and are difficult, though not impossible to replace, scoring between 20 and 22 points.
- iii. *Category III.* Category III Wetlands have generally been disturbed in some way and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.
Category III wetlands:
 - (A) Have a moderate level of functions, scoring between 16 and 19 points; and
 - (B) Can often be adequately replaced with a well-planned mitigation project.
- iv. *Category IV.* Category IV Wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that should be able to be replaced, or in some cases improved. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions and should be protected to some degree.

B. *Development activities that functionally or physically isolate the wetland buffer.*

When existing impervious surfaces or other built structures, such as a levee or railroad corridor, functionally or physically isolate the wetland buffer from the waterbody or wetland, the regulated wetland buffer shall extend landward from the ordinary high water mark (OHWM) or channel migration zone (CMZ), whichever is greater and terminate at the waterward edge of the impervious surface or manmade structure. Development activities that occur within the area of functional isolation, or further landward, are exempt from the requirement to obtain a Critical Areas Permit.

Figure 20.740.140-1: Functional Isolation

The Planning Official shall rely on a site visit, aerial photographs, or other evidence provided by the applicant or the applicant's qualified professional in making a determination to reduce the width of the wetland buffer based on functional and/or physical isolation.

C. Performance Standards.

1. *General Requirements.* Development or clearing activities shall protect the functions of wetlands and wetland buffers on the site. Activities shall result in no net loss of wetland or buffer functions. Protection may be provided by avoiding (preferred) or minimizing and mitigating as described in the general critical areas performance standards (VMC [20.740.060](#)).

- a. *Uses in Wetlands.*

- i. In Category I Wetlands, only the following activities may be allowed:
 - (A) A road, railroad, trail, dike, or levee or a water, sewer, stormwater conveyance, gas, power, cable, fiber optic or telephone facility that cannot feasibly be located outside of the wetland, that minimizes the impact, and that mitigates for any unavoidable impact to functions;
 - (B) Trails and wildlife viewing structures, provided that the trails and structures minimize the impact and are constructed so that they do not interfere with wetland hydrology and do not result in increased sediment entering the wetland;
 - (C) Enhancement and restoration activities aimed at protecting the soil, water, vegetation, or wildlife; and
 - (D) Repair and maintenance of legally established non-conforming uses or structures, provided they do not increase the degree of nonconformity.
- ii. In Category II Wetlands, only the following activities may be allowed:
 - (A) Activities allowed in Category I Wetlands pursuant to subsection ~~(C)(1)(a)(i)~~ of this section;
 - (B) A water-dependent, water-related or water-enjoyment activity where there are not feasible alternatives that would have less impact on the wetland; or
- iii. Where non-water-dependent, related, or enjoyment activities are proposed, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited unless the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and successfully avoid or result in less adverse impacts on a wetland on another site or sites in the City or Vancouver urban growth area. In Category III Wetlands, only the following activities may be allowed:

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- (A) Activities allowed in Category II Wetlands pursuant to subsection (C)(1)(a)(ii) of this section;
- (B) *Stormwater management facilities.* A Category III wetland can be physically or hydrologically altered to meet the requirements of a Low Impact Development (LID) methodology or Flow Control BMP, if all of the following criteria are met:
- (1) If proposed, an LID BMP is determined to be feasible through a site-specific characterization;
 - (2) The wetland has a habitat score of 3 to 5 points;
 - (3) There will be no net loss of functions and values of the wetland;
 - (4) The wetland does not contain a breeding population of any native amphibian species;
 - (5) The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, and 5 of Chart 4 and questions 2, 3, and 4 of Chart 5 in *Selecting Mitigation Sites Using a Watershed Approach, (Western Washington) (Ecology Publication [#09-06-032 or #10-06-007], or as revised)*; or the wetland is part of a restoration plan intended to achieve restoration goals identified in the City of Vancouver's Shoreline Master Program or a local or regional watershed plan;
 - (6) The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing.
 - (7) All regulations regarding stormwater and wetland management are followed, including in this chapter and VMC 14.24, Erosion Control; and

- (8) Modifications that alter the structure of a wetland or its soils will require permits. Existing functions and values that are lost will need to be compensated for in accordance with the requirements of this chapter.
 - (C) Other activities may be allowed if the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and avoid or result in less adverse impacts on a wetland or its buffer than alternative uses or designs (including reduction in the size, scope, configuration or density of the project).
- iv. In Category IV Wetlands, activities and uses that result in impacts may be permitted in accordance with an approved Critical Areas Report and mitigation plan if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full mitigation for the loss of acreage and functions shall be provided under the terms established pursuant to subsection (C)(2) of this section.
 - (A) If stormwater management facilities are proposed, they must meet the requirements of an LID or flow control BMP as specified for Category III Wetlands.

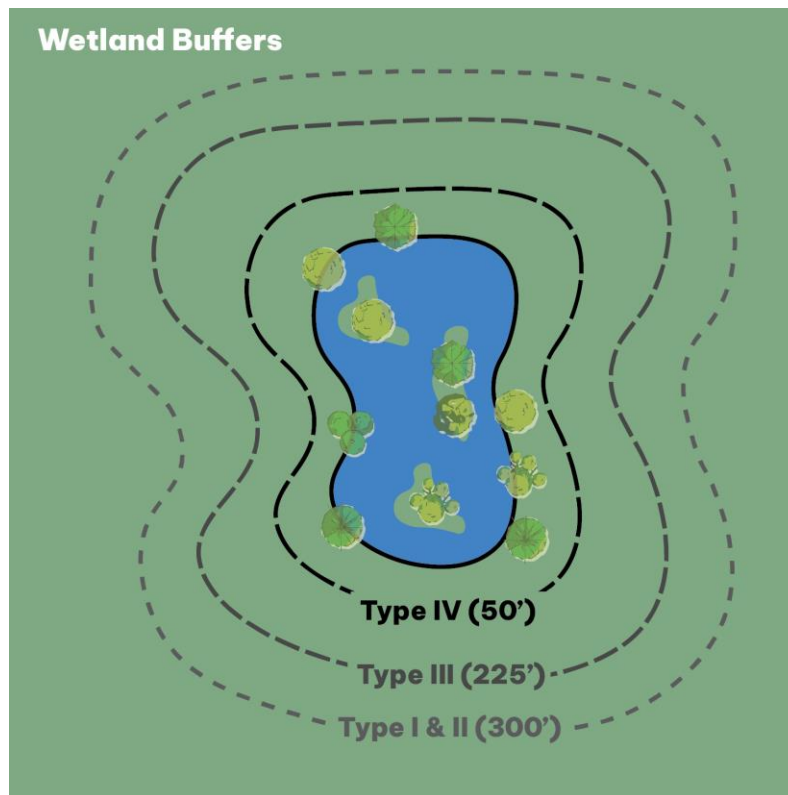
b. *Wetland Buffers.*

- i. *Required Buffer Widths.* Standard buffer widths are measured in feet from the edge of the wetland (see VMC 20.170.030[B]) and [H]). Applicants are required to implement the wetland buffer widths by wetland category as shown in Table 20.740.140-1.
- ii. If the applicant is unable to implement the full width buffers from Table 20.740.140-1 and avoid impacts as a result of proposed development, the planning director shall permit the applicant to use the alternative buffer widths in subsection (v)(B) and (v)(C) below, if the Applicant has first demonstrated they have met the following criteria:

- (A) The applicant has met the mitigation sequencing in VMC 20.740.060 (A-E).
 - (B) The applicant shall provide a minimum of two alternative site designs and layouts to demonstrate that impacts cannot be avoided or be reduced to result in less impacts. The planning director may approve reductions to numerical standards including parking and setbacks under the minor exception process in VMC 20.740.070 to avoid or reduce impacts.
- iii. The required and alternative -buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is un-vegetated, sparsely vegetated, and/or vegetated with invasive species that do not perform needed functions, the buffer must either be planted to create the appropriate native plant community or be widened to ensure that the buffer provides adequate functions to protect the wetland.
 - iv. If the buffer is functionally isolated by an existing impervious surface or built structure, the remaining buffer area must be revegetated with native species, but the buffer does not need to be widened to exceed widths greater than those listed in Tables 20.740.140-1, 20.740-140-2, and 20.740.140-4.
- (A) Required Buffers Based on Wetland Category – see Table 20.740.140-1.

Table 20.740.140-1. WETLAND BUFFER WIDTH REQUIREMENTS

Wetland Category	Buffer Width (Feet)
I	300
II	300
III	225
IV	50

Figure 20.740.140-2. WETLAND BUFFER WIDTH REQUIREMENTS

(B) Alternative 1 Wetland Buffers: Buffers based on wetland category, wetland type, and habitat score and providing a habitat corridor and implementing minimization measures.

(1) In order for an applicant to use the buffer widths of Table 20.740.140-2, the applicant must provide a habitat corridor as outlined in this subsection and implement the impact minimization measures listed in Table 20.740.140-3. Not all impact minimization measures are applicable. An undisturbed vegetated corridor at least 100 feet wide must be provided between the wetland and another priority area for preservation that meets the following:

- (a) A legally protected, high-functioning vegetated area (priority habitats; other compensation sites; wildlife areas/refuges; or national, county, and state parks that have

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- management plans with identified areas designated as Natural, Natural Forest, or Natural Area Preserve);
- (b) An area that is the site of a Watershed Project identified within and fully consistent with a Watershed Plan, as these terms are defined by RCW 89-08-460;
 - (c) An area where development is prohibited under the provisions of the local shoreline master program;
 - (d) An area with equivalent habitat quality that has conservation status in perpetuity, in consultation with WDFW;
 - (e) The corridor is permanently protected for the entire distance between the wetland and the legally protected area by a conservation easement, deed restriction, or other legal means;
 - (f) Presence of the shoreline or Priority Habitat must be confirmed by a qualified biologist or the Planning Official;
 - (g) If a wetland scores five or fewer habitat points, only the impact minimization measures listed in Table 20.740.140-3 are required, in order to use the buffers in Table 20.740.140-2; or
 - (h) If an applicant does not apply the mitigation measures in Table 20.740.140-3 and is unable to provide a protected corridor, then the

buffers in Tables 20.740.140-1 or 20.740.140-4 shall be used.

Table 20.740.140-2. ALTERNATIVE 1: WETLAND BUFFER WIDTH REQUIREMENTS

Category of Wetland	Habitat Score 3 to 5 Points (corridor not required)	Habitat Score 6 to 7 Points	Habitat Score of 8 to 9 Points	Buffer width Based on Special Characteristics
Category I: Bogs and Wetlands of High Conservation Value	NA	NA	225 feet	190 feet
Category I: Forested	75 feet	110 feet	225 feet	NA
Category I or II: Based on Rating of Wetland Functions (and not listed above)	75 feet	110 feet	225 feet	NA
Category III: All Types	60 feet	110 feet	225 feet	NA
Category IV: All Types	40 feet	40 feet	40 feet	NA

Note: Special characteristics are defined in the Washington State Wetland Rating System for Western Washington: 2014 Update, published July 2023 or as revised by Ecology.

Table 20.740.140-3. IMPACT MINIMIZATION MEASURES REQUIRED TO IMPLEMENT ALTERNATIVE 1 WETLAND BUFFERS.

Examples of Disturbance	Uses and Activities that Cause the Disturbance	Examples of Measures to Minimize Impacts
Lights	Parking lots, warehouses, manufacturing, residential, recreational	Direct lights away from wetland. Only use lighting where necessary for public safety and keep lights off when not needed. Use motion-activated lights. Use full cut-off filters to cover light bulbs and direct light only where needed. Limit use of blue-white colored lights in favor of red-amber hues. Use lower-intensity LED lighting. Dim light to the lowest acceptable intensity.
Noise	Manufacturing and other industrial, residential, commercial, recreational	Locate activity that generates noise away from wetland. Construct a fence to reduce noise impacts on adjacent wetland and buffer. Plant a strip of dense shrub vegetation adjacent to wetland buffer.
Toxic runoff	Parking lots, roads, manufacturing, residential, application of agricultural or landscaping chemicals, landscaping	Route only treated runoff to a wetland and route untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of toxic chemicals within 150 feet of wetland. Apply integrated pest management.

Examples of Disturbance	Uses and Activities that Cause the Disturbance	Examples of Measures to Minimize Impacts
Stormwater runoff	Parking lots, roads, residential, commercial/industrial, recreational, landscaping/lawns, and other impermeable surfaces/compacted soils	Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized or sheet flow from lawns that directly enters the buffer. Infiltrate or treat, detain, and disperse new runoff from impervious surfaces and lawns.
Change in water regime	Impervious surfaces, lawns, tilling	Infiltrate or treat, detain, and disperse new runoff into buffer.
Pets and human disturbance	Residential, recreational, commercial, industrial	Plant dense vegetation around buffer, such as rose or hawthorn, to delineate buffer edge and discourage disturbance. Place wetland and its buffer in a separate tract. Place signs around the wetland buffer every 50 to 200 feet and for subdivisions place signs at the back of each residential lot. When platting new subdivisions, locate greenbelts, stormwater facilities, and other lower intensity uses adjacent to wetland buffers.
Human disturbance	Residential, commercial, industrial	Plant dense vegetation around buffer, such as rose or hawthorn
Dust	Tilled fields, roads	Utilize best management practices BMPs to control dust.

- (C) Alternative 2 Wetland Buffer Widths: Buffers based on wetland category wetland type, and habitat score (see Table 20.740.140-4) without providing a habitat corridor or minimization measures as outlined in subsection (B) above.

Table 20.740.140-4. ALTERNATIVE 2 WETLAND BUFFER WIDTH REQUIREMENTS

- v. *Wetland Buffer Width Averaging.* The Planning Official may allow modification of the standard wetland buffer width in accordance with

Category of Wetland	Habitat Score 3 to 5 Points (corridor not required)	Habitat Score 6 to 7 Points	Habitat Score of 8 to 9 Points	Buffer width Based on Special Characteristics
Category I: Bogs and Wetlands of High Conservation Value	NA	NA	300 feet	250 feet
Category I: Forested	100 feet	150 feet	300 feet	NA
Category I or II: Based on rating of wetland functions (and not listed above)	100 feet	150 feet	300 feet	NA
Category III: All types	80 feet	150 feet	300 feet	NA
Category IV: All Types	50 feet	50 feet	50 feet	50 feet

an approved Critical Areas Report by averaging buffer widths. Buffer width averaging shall not be used in combination with buffer width reduction or a minor exception (VMC 20.740.070). Averaging of buffer widths (see VMC 20.170.080(B)(2)) may only be allowed when

implementing the impact minimization measures, as applicable, in Table 20.740.140-3 and where a qualified professional wetland scientist demonstrates that:

- (A) Such averaging will not reduce wetland functions or functional performance;
- (B) The wetland varies in sensitivity due to existing physical characteristics, or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;
- (C) The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and
- (D) The buffer width is not reduced at any point by more than 25 percent of the standard width and is no less than 30 feet wide.

vi. *Buffer Maintenance.* Except as otherwise specified or allowed in accordance with this chapter, wetland buffers shall be maintained and fully vegetated according to the approved Critical Areas Permit.

vii. *Buffer Uses.* The following uses may be permitted within a wetland buffer in accordance with the review procedures of this chapter, provided they are not prohibited by any other applicable laws or regulations and they are conducted in a manner so as to minimize impacts to the buffer and the wetland:

- (A) Activities allowed under the same terms and conditions as in the associated wetlands pursuant to subsection (C)(1)(a) of this section;
- (B) Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife;

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- (1) Removal of invasive plant species shall be restricted to hand removal. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the City's Noxious Weed list should be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.
 - (C) Passive recreation facilities, including trails and wildlife viewing structures, provided that the trails and structures are constructed with a surface that does not interfere with wetland hydrology;
 - (1) Trails shall be located in the outer 25 to 50 percent of the buffer, when feasible.
 - (D) Stormwater management facilities are not allowed in Category I or II Wetland buffers. Stormwater management facilities must meet the requirements of an LID or flow control BMP as specified for uses in Category III wetlands.
 - (E) Educational and scientific research activities;
 - (F) Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way, provided that the maintenance or repair does not increase the footprint or use of the facility or right-of-way;
 - (G) The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided that the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources; and
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(H) Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary, provided that the drilling does not alter the ground water connection to the wetland or percolation of surface water down through the soil column.

(1) Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column would be disturbed.

c. *Temporary and permanent markers and signs for wetlands.*

i. Temporary and permanent markers and signs are installed in compliance with the requirements of VMC 20.740.020, General Provisions.

2. *Compensatory Mitigation.* Compensatory mitigation for impacts to wetlands shall be provided pursuant to VMC [20.740.060](#) and shall be consistent with Ecology's Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance, Version 2, Ecology Publication No. 21-06-003 April 2021, and Part 2: Developing Mitigation Plans, Version 1, Ecology Publication No. 06-06-011b, March 2006, or as revised by Ecology. Watersheds are defined in VMC [20.740.020\(C\)\(2\)](#) and Chapter [20.150](#) VMC.

a. *Mitigation for Lost or Affected Functions.* Compensatory mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement and shall provide wetland or buffer functions similar to those lost, except when:

i. The lost wetland or buffer provides minimal functions as determined by a site-specific functional assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limited within a watershed through a formal Washington State watershed assessment plan or protocol; or

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- ii. Out-of-kind replacement will best meet formally identified watershed goals, such as replacement of historically diminished wetland types.
 - b. *Compensatory Mitigation Actions.* If, through mitigation sequencing in accordance with VMC 20.740.060, it is determined that compensatory mitigation is necessary, the applicant must provide an alternative approach to compensation. Compensation is prioritized as follows:
 - i. *Mitigation bank credits:* Allows applicants to compensate for wetland loss by purchasing credits from a bank that is commissioned to restore, create, enhance, or preserve wetland areas in providing compensatory mitigation for authorized impacts to wetlands;
 - ii. *In-lieu fee program credits:* Allows applicants to compensate for wetland losses by paying a fee to a third party, such as a government agency or conservation organization, where the fee is used to ensure protection, creation, and enhancement of wetlands;
 - iii. *Permittee-responsible mitigation (PRM)* under a watershed approach;
 - iv. *PRM* that is on site and in-kind;
 - v. *PRM* that is off site and/or out-of-kind.
 - c. PRM includes the following approaches:
 - i. *Creation.* The manipulation of the physical, chemical, or biological characteristics present to develop a wetland where a biological wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species. Creation results in a gain in wetland acres and functions.
 - ii. *Reestablishment.* The manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historic functions and environmental processes to a former wetland. Activities could include removing fill material, plugging ditches or

breaking drain tiles. Reestablishment results in a gain in wetland acres and functions.

- iii. *Rehabilitation.* The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions and processes of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland, or breaking drain tiles and plugging drainage ditches. Rehabilitation results in a gain in wetland functions but not in wetland acres.
- iv. *Preservation.* The removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes activities commonly associated with the protection and maintenance of wetlands through the implementation of appropriate legal and physical mechanisms (such as recording conservation easements and providing structural protection like fences and signs). Preservation does not result in a gain of wetland area and functions (but may result in a gain in functions over the long term).
- v. *Enhancement.* The manipulation of the physical, chemical, or biological characteristics of a biological wetland to increase or improve specific functions or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Activities typically consist of planting vegetation, controlling nonnative or invasive species, modifying site elevations to result in open water ponds, or some combination of these. Enhancement results in a change in certain wetland functions and can lead to a decline in other wetland functions. It does not result in a gain in wetland acres.
- vi. *Mixed Compensatory Mitigation.* Involves more than one of the listed types of compensatory mitigation.

d. *Mitigation Ratios.*

i. *Replacement Ratios.*

(A) The replacement ratios shall apply to wetland mitigation that: (1) is for the same hydrogeomorphic subclass (e.g., riverine flow-through, depressional outflow, or flats), and Cowardin class (e.g., palustrine emergent, palustrine forested or estuarine wetlands); (2) is on site; (3) is in the same category; (4) is implemented prior to or concurrent with alteration; and (5) has a high probability of success.

(B) *Mitigation Ratios.* Mitigation ratios are as follows (see subsection of this section for definitions of mitigation actions):

Table 20.740.140-5. MITIGATION REPLACEMENT RATIOS

Wetland Category and Type	Reestablishment or Creation	Rehabilitation	Preservation	Enhancement
Category I forested	6:1	12:1	24:1	24:1
Bog	NA	NA	24:1	NA
Wetlands of High Conservation Value	Consult with DNR	Consult with DNR	24:1	Consult with DNR
Category II	3:1	6:1	12:1	12:1
Category III	2:1	4:1	8:1	8:1

Wetland Category and Type	Reestablishment or Creation	Rehabilitation	Preservation	Enhancement
Category IV	1.5:1	3:1	6:1	6:1

ii. *Adjustment of Replacement Ratios.* The Planning Official may adjust the replacement ratios to compensate for deviations from the requirements under this section, subject to the following:

(A) In most cases, adjustments to the replacement ratios will increase the required amount of mitigation. The required mitigation may be decreased under exceptional circumstances—for example, if programmatic out-of-kind mitigation yields watershed-scale benefits that would not be realized from in-kind mitigation, or if out-of-kind mitigation would protect irreplaceable wetlands.

e. *Mitigation Timing.* The mitigation shall be implemented prior to or concurrent with alterations. If mitigation is implemented after alteration is allowed, the Planning Official may require additional mitigation to compensate for temporal losses of wetland functions.

f. *Buffers for Mitigation Wetlands.* Refer to Wetland Buffer Tables 20.7470.140-1, 20.740.140-1, 20.740.140-2, and through 20.740.140-4.

g. *Wetland Mitigation Banks.*

i. Credits from a wetland mitigation bank may be approved for use as mitigation for unavoidable impacts to wetlands when:

(A) The bank is certified under Chapter [173-700 WAC](#);

(B) The Planning Official determines that the wetland mitigation bank provides appropriate mitigation for the authorized impacts; and

-
- (C) The proposed use of credits is consistent with the terms and conditions of the bank's certification.
- ii. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.
 - iii. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.
- E. *Additional Critical Areas Report Requirements.* A Critical Areas Report for wetlands shall be prepared according to the Washington State Wetland Rating System for Western Washington – 2014 Update, Ecology Publication No. 14-06-02923-06-009, Washington State Wetland Rating System For Western Washington: 2014 Update, published July 2023October 2014 or as revised by Ecology. The Critical Areas Report shall contain an analysis of the wetlands including the following site- and proposal-related information:
- 1. A written assessment, data sheets, and accompanying maps of any wetlands or buffers on the site, including the following information:
 - a. Hydrogeomorphic (HGM) subclassification and Cowardin class;
 - b. Wetland category;
 - c. Wetland delineation and required buffers;
 - d. Existing wetland acreage;
 - e. Vegetative, faunal, and hydrologic characteristics;
 - f. Soil types and substrate conditions;
 - g. Topographic elevations, at one-foot contours; and
 - h. A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge, or evidence of

water depths throughout the year, including drift lines, algal layers, moss lines, and sediment deposits).

2. Functional evaluation for the wetland and buffer using Ecology's most current approved data sheets. method and including the reference of the method and all data sheets.
3. Proposed mitigation, if needed, including a discussion of alternatives and trade-offs of the various alternatives (for example, where enhancement for one function would adversely affect another) and a written description and accompanying maps of the mitigation area, including the following information:
 - a. Existing and proposed wetland acreage;
 - b. Existing and proposed vegetative and faunal conditions;
 - c. Surface and subsurface hydrological conditions of existing and proposed wetlands and hydrologically associated wetlands, including an analysis of existing hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;
 - d. Relationship to lakes, streams, and rivers in the watershed;
 - e. Soil type and substrate conditions;
 - f. Topographic elevations, at one-foot contours;
 - g. Required wetland buffers including existing and proposed vegetation;
 - h. Identification of the wetland's contributing area; and
 - i. A functional assessment of proposed mitigation to ensure no net loss of shoreline ecological function.



State of Washington
DEPARTMENT OF FISH AND WILDLIFE
Southwest Region 5 • 5525 South 11th St Ridgefield, WA 98642
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August 15, 2024

City of Vancouver
Community Development Department
415 W 6th Street
Vancouver, WA 98660

RE: City of Vancouver Draft Critical Areas Ordinance (CAO)

To Whom it may concern,

Thank you for the opportunity to comment on the **City of Vancouver's Draft Critical Areas Ordinance (CAO)**. The Washington Department of Fish and Wildlife (WDFW) offers the following recommendations for your consideration.

We want to begin by thanking the City of Vancouver for engaging WDFW throughout the planning process. WDFW's interest in Vancouver's CAO, specifically regulating Fish and Wildlife Habitat Conservation Areas (FWHCAs), is based on our agency's mandate to perpetuate fish, wildlife, and their habitat (RCW 77.04.012). We fulfill this mandate in partnership with local jurisdictions, who have the authority and responsibility to regulate land use to ensure no net loss of ecosystem functions and values. WDFW serves as a technical advisor by providing science-based resources related to fish, wildlife, and their habitat.

WDFW is supportive that the City of Vancouver incorporated our new management recommendations, including the Riparian Management Recommendations and Best Management Practices for Mitigation Impacts to Oregon White Oak Priority Habitat into this update. However, there are sections of code where WDFW recommends improvements to ensure the city is meeting no net loss of ecosystem functions and values, as required by the Growth Management Act (GMA) Please refer to our table below for specific line edit recommendations. We are supportive of other text amendments that meet the intent of our comments.

Best Available Science (BAS)

In relation to comprehensive planning, WAC 365-196-485 states, "Jurisdictions are required to include the best available science in developing policies and development regulations to protect the functions and values of critical areas." Incorporating BAS ensures that all critical areas are protected. WDFW is supportive that FWHCAs section 20.740.110(C)(1)(b)(iii) defines best available science by referencing WAC 365-195-905. **However, we recommend that BAS is referenced to encompass all critical areas and not just FWHCAs.**

Consultation with WDFW

Existing habitat conditions should not deteriorate without equivalent mitigation to offset impacts. Please refer to our table below that identifies locations within the draft ordinance where WDFW can provide technical assistance through agency consultation. By identifying areas where WDFW can provide technical assistance, our staff can provide biological expertise to ensure no net loss of ecosystem functions and values is being achieved. Moreover, we recommend that WDFW staff are tasked with evaluating if habitat meets our PHS definition.

Functionally Isolated Riparian Habitat Area (RHA) / Riparian Buffer (RB)

WDFW does not have official guidance on how to evaluate functionally isolated riparian habitat. In absence of official guidance, WDFW recommends evaluating functional isolation based on the ecosystem functions identified in our recent Riparian Management Recommendations Volume 1: Science Synthesis and Management Implications (Quinn et al. 2020). These functions include, but are not limited to: stream morphology, erosion and sedimentation process, fish and wildlife habitat availability, wood recruitment, stream temperature, shading, pollutant removal, and nutrient cycling. As this draft CAO is currently written, WDFW is concerned that the criteria for evaluating physical and functional isolation of RHAs/RBs is not supported by BAS. Riparian functions such as organic matter input and the pollutant removal function, are not captured in the identified functional and physical isolation criteria.

We recommend physical structures, such as levees or railroads, be evaluated on a case-by-case basis to determine if they are functionally isolating riparian habitat. Riparian areas are critical for the survival of numerous aquatic and terrestrial species, and their ecological integrity relies on continuous, connected habitats. A functionally isolated buffer determination permanently disrupts these connections, leading to habitat fragmentation and diminished ecological functions. **WDFW recommends the city consults with WDFW prior to making any physical or functional isolation calls.** We can review these site-specific inquiries and provide technical assistance in the absence of official guidance. Additionally, when a buffer has been deemed functionally or physically isolated by WDFW, we want to ensure adequate mitigation is required.

Miscellaneous

Update links to ensure they are associated with the correct section of code

Check Number/Letter hierarchy to ensure no duplicates and correct format (e.g FWHCA Designation and Location section)

Ensure Page 1 Section Titles match Titles in ordinance (Reasonable Economic Use Exceptions)

Current Code <i>(With Line Edits In RED)</i>	Comments
20.740.020 General Provisions C. Relationship to Other Regulations. 2. When more than one critical area is located on a project site, regulations protecting each critical area apply to the site. Where critical areas overlap (e.g., a wetland buffer and a riparian buffer), the most restrictive regulations that provide the most protection for the critical areas present establish the outer boundary of the regulated critical areas. <i>Mitigation will be required for impacts to each critical area to ensure no net loss.</i>	Ensure no net loss and mitigation requirements are applicable to all critical areas. One type of mitigation doesn't necessarily substitute for another.
D. Jurisdiction 1. All areas within the city meeting the definitions within <i>Chapter 20.150 and descriptions within 20.740.020 (A)</i>, of one or more critical areas and their buffers, whether mapped or not, are hereby designated critical areas and are subject to the provisions of this chapter.	There are no critical area definitions within this CAO. Recommend referencing the definitions within Chapter 20.150 and descriptions within 20.740.020(A).
20.740.030 Applicability and Exemptions from Requirement to Obtain Permit. A. Applicability. 1. No person, company, agency, or applicant shall alter a critical area or buffer except as consistent with the requirements of this chapter, <i>including activities within 20.740.030 Applicability and Exemptions from Requirements to Obtain Permit. whether or not a permit is required. The mitigation sequence as outlined in 20.740.060 applies.</i>	WDFW recommends clarifying which development projects are held to mitigation sequence, including compensatory mitigation. Our primary concern is that this statement, in conjunction with the exemption language within 20.740.030, is not clear if the mitigation sequence applies. WDFW recommends, and is supportive of, ensuring that the projects under 20.740.030 must follow mitigation sequence. This will allow the city to remove the specific mentions of mitigation throughout 20.750.030 as all projects would be required to go through the mitigation sequence.
C. Exemptions from Requirement to Obtain a Critical Areas Permit. 1. Activities requiring a Statement of Exemption. h. Development/Expansion of a Single-Family Residence with a Loss of a Single, Standalone Oregon white oak. The loss of a single, standalone Oregon white oak tree that meets the WDFW PHS status (must not be part of a woodland that includes off-site trees) and in accordance with the definition listed in VMC 20.150.150(D) that is equal to or less than 12 inches dbh for the purpose of developing a single-family residence or expansion of an existing single-family residence structure (does not include expansion of detached garages, outbuildings, accessory dwellings, decks, gardens, etc.).	We understand the intent behind this section of code. However, we want to highlight that this deviates from WDFW's published guidance, which recommends mitigation for all OWO >6 in DBH. To reiterate, we recommend that exempt proposals must go through the mitigation sequence to demonstrate avoidance of impacts and to mitigate for the removal of OWOs between 6 in – 12 in DBH. We still support this proposal not requiring a critical areas permit, but would like clarity to better understand if the city will require mitigation.

20.740.040 Approval Process. A. Critical Areas Permit Process. 3. Review Procedure. <i>The Planning Official shall make a determination as to whether the proposed activity and mitigation, if any, are consistent with the critical areas approval criteria of VMC Chapter 20.740 and in compliance with the performance standards for the type(s) of critical area(s) involved. The city may consult with State Agencies for preliminary review of mitigation.</i>	Include language that the city may consult with State Agencies for preliminary review of mitigation. Alternatively, we are supportive of alternative amendments that are inclusive of state agency consultation.
20.740.060 Approval Criteria. A. Avoid Impacts. <i>The Applicant shall first seek to avoid all impacts that degrade the functions and values of (a) critical area(s). If an activity impacts the functions of critical areas, the activity can only be authorized if the applicant demonstrates that there is no practicable alternative that result in less critical area impacts. This may necessitate a redesign of the proposal.</i>	WDFW recommends that the city requires applicants to explore alternative designs prior to the permitting process. By evaluating alternative design, WDFW supports this as a demonstration they are meeting avoidance step of the mitigation sequence.
B. Minimize Impacts. <i>Where avoidance is not feasible, the applicant shall explain why impact could not be avoided, then minimize the impact of the activity. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.</i>	Recommend requiring justification why impacts cannot be avoided. Adopting the above recommendation will meet justification needs.
E. Compensatory Mitigation. <i>After the applicant has demonstrated why impacts could not be minimized, the applicant shall compensate for the unavoidable impacts by replacing each of the affected functions. The compensatory mitigation shall be designed to achieve the functions as soon as practicable. Compensatory mitigation shall be in-kind and on-site, when feasible, and sufficient to maintain the functions of the critical area, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area. Compensatory mitigation priority for wetlands is specified in VMC 20.740.140(C)(3)(b). Compensatory mitigation priority for Fish and Wildlife Habitat Conservation Areas is specified in VMC 20.740.110 (C)(1)(b). Compensatory mitigation shall offset both permanent and temporal impacts.</i>	If the above edits are not adopted, recommend requiring justification why impacts cannot be minimized. Additionally, we recommend adding a sentence similar to the reference for wetland mitigation to aid applicants with finding FWHCA mitigation requirements. As written, this does not provide guidance on when offsite and out of kind mitigation will be approved.
20.740.070 Minor Exceptions. B. Minor Exception Criteria. 7. <i>Degradation of the functions (including public health and safety) of the subject critical areas and any other adverse impacts resulting from granting the minor exception will be avoided, minimized and mitigated to the extent feasible in</i>	We recommend adding avoidance to this sentence. This will clarify that applicant needs to avoid impacting critical areas functions and values prior minimizing and mitigating impacts.

accordance with the provision of this chapter;	
20.740.110 Fish and Wildlife Habitat Conservation Areas. A. Designation and Location. The City designates the following identified areas as Fish and Wildlife Habitat Conservation Areas. Final designations shall be based on site conditions and other available data or information (see VMC 20.740.020[C][1]).	This referenced code currently state: 1. The critical areas regulations apply in addition to zoning and other regulations adopted by the City. WDFW wants to confirm what this link is intended to reference and update accordingly.
a. Areas where endangered, threatened, and sensitive species have a primary association, including priority habitats and areas associated with priority species as listed defined by the Washington Department of Fish and Wildlife (WDFW) PHS List. Within the city, these areas and species primarily include, but may not be limited to, the following:	Add “defined” by WDFW “PHS List”. We want to ensure PHS determinations are based on these definitions as our webmap is not exhaustive.
B. Development activities that functionally or physically isolate the RMA or RMB buffer. When existing impervious surfaces or other built structures, such as a levee or railroad corridor, functionally or physically isolate the RMA or RB buffer from the waterbody, the regulated RMA or RB wetland buffer shall extend landward from the ordinary high water mark (OHWM) or channel migration zone (CMZ), whichever is greater and terminate at the waterward edge of the impervious surface or manmade structure. Development activities that occur within the area of functional isolation, or further landward, are exempt from the requirement to obtain a Critical Areas Permit. The Planning Official shall rely on a site visit, aerial photographs, consultation with WDFW or and other evidence provided by the applicant or the applicant’s qualified professional in making a determination to reduce the width of the RMA, RB, or wetland buffer based on functional and/or physical isolation.	Please refer to the paragraph titled “Functionally Isolated Riparian Habitat Area (RHA)/Riparian Buffer (RB)”. Summary of line edit suggestions: - WDFW does not support a levee or railroad corridor isolating an RHA or RB so we recommend taking this out. - Remove “wetland”. - Incorporate language for WDFW consultation.
iii. Functionally significant habitat, defined as habitat that cannot be replaced or restored within 20 years, shall be preserved unless the activity meets the conditions of VMC 20.740.110(B)(2)(b). An example of habitat that cannot be replaced within 20 years would be a stand of mature trees or a peat bog.	There is no line of code associated with 20.740.110(B)(2)(b). WDFW wants to confirm what code is referencing prior to providing recommendations.
b. Mitigation. i. Mitigation for impacts within Fish and Wildlife Habitat Conservation Areas shall follow the sequence specified in this chapter’s approval criteria. WDFW shall be consulted when a	We recommend adding language that consultation with WDFW can occur for all aspects of compensatory mitigation addressed in this section.

<i>project may potentially impact priority habitats and species (PHS), on or adjacent to the project area.</i>	
2. Standards for RMAs RBs. b. Riparian Management Area Width Averaging i. The total square footage of the Riparian Management Area RMA (<i>VMC 20.740.110[B][2][a][i]</i>) is not reduced;	Referenced section of code does not exist.
c. Permitted Development and Uses within RMAs and RBs and Development Standards. ii. Development and Uses within the RMA. No development or clearing activity is allowed within the RMA unless such activity is: (B) <i>Utilities and/or critical infrastructure, including a road, railroad, trail, dike, or levee or a water, sewer, stormwater conveyance, gas, power, cable, fiber optic, or telephone facility that cannot feasibly be located outside of the RMA. Efforts should be made to have these structures designed to have the least amount of impacts to critical areas.</i>	We want to ensure that the only critical infrastructure is allowed within these buffers. Efforts should also be avoid and minimize impacts of infrastructure.
iii. Modifications to Existing Development. (E) Control access to RMAs and RBs during construction to limit soil compaction. Avoid operating equipment near Waterbodies, to reduce sedimentation and soil compaction;	Although we are supportive of limiting heavy equipment use in FWHCAs, we want to ensure that this language doesn't unintentionally limit construction activities. For example, hydraulic projects often require heavy machinery use in riparian habitat.
D. Additional Critical Areas Report Requirements. 1. A Critical Areas Report for an RMA or RB shall include: b. Evaluation of the habitat functions using a habitat evaluation tool approved by WDFW.	WDFW does not have a published evaluation tool. We are interested in learning more about the applicability of this referenced tool.

WDFW appreciates the work that went into this ordinance. We welcome additional conversation and express our willingness to answer questions or address concerns that arise from our comments. We look forward to continuing to engage in this ordinance update and collaborating with Vancouver on implementing the updated ordinance.

Thank you for your consideration,



Brittney Salter
WDFW Southwest Washington Land Use Planning Lead

CC: Amaia Smith, WDFW Assistant Regional Habitat Program Manager
CC: Joy Peplinski, WDFW Habitat Biologist

References

- Nolan, M. P., and J. M. Azerrad. 2024. Management recommendations for Washington's priority habitats: Best management practices for mitigating impacts to Oregon white oak priority habitat. Washington Department of Fish and Wildlife, Olympia, Washington.
- Rentz, R., A. Windrope, K. Folkerts, and J. Azerrad. 2020. Riparian Ecosystems, Volume 2: Management Recommendations. Habitat Program, Washington Department of Fish and Wildlife, Olympia.
<https://wdfw.wa.gov/publications/01988>

Chapter 20.740

CRITICAL AREAS PROTECTION

Sections:

- 20.740.010 Purpose.**
- 20.740.020 General Provisions.**
- 20.740.030 Applicability and Exemptions from Requirement to Obtain Permit.**
- 20.740.040 Approval Process.**
- 20.740.050 Submittal Requirements.**
- 20.740.060 Approval Criteria.**
- 20.740.070 Minor Exceptions.**
- 20.740.080 Reasonable Use Exceptions.**
- 20.740.090 Unauthorized Critical Areas Alterations and Enforcement.**
- 20.740.100 Designation Process for Habitats of Local Importance.**
- 20.740.110 Fish and Wildlife Habitat Conservation Areas.**
- 20.740.120 Frequently Flooded Areas.**
- 20.740.130 Geologic Hazard Areas.**
- 20.740.140 Wetlands.**

20.740.010 Purpose.

- A. The purpose of this chapter is to designate and protect critical areas and their functions and values, while also allowing reasonable use of property. Critical areas are ecologically sensitive and hazardous areas, and protecting them or mitigating any impacts to them is important for protection of the environment and quality of life for the citizens of Vancouver, and is mandated by the Washington Growth Management Act (GMA) (RCW 36.70A).
- B. This chapter provides protection for the following critical areas: Wetlands, Fish and Wildlife Habitat Conservation Areas, Geologically Hazardous Areas, and Frequently Flooded Areas. Critical Aquifer Recharge Areas are covered in VMC Chapter [14.26](#).
- C. This chapter implements the goals and policies of the Vancouver Comprehensive Plan, 2003-2023, under the GMA and other related state and federal laws. (Ord. M-3692, Added, 02/28/2005, Sec 2)

20.740.020 General Provisions.

A. *No Net Loss of Functions.* Development activity shall result in no net loss of the functions and values of critical areas. The beneficial functions provided by each type of critical area include, but are not limited to:

1. *Fish and Wildlife Habitat Conservation Areas.* Providing habitat for breeding, rearing, foraging, protection and escape, migration, and over-wintering; and providing complexity of physical structure, supporting biological diversity, regulating stormwater runoff and infiltration, providing wave attenuation, removing pollutants from water, and maintaining appropriate water temperatures.
2. *Frequently Flooded Areas.* Providing flood storage, conveyance, and attenuation of flood waters; minimizing the amount of development at risk in such areas to protect human life and safety, including reducing damage to homes, places of business, public facilities, and utilities; and minimizing business interruptions.
3. *Geologic Hazard Areas.* Providing erosion control and protecting public safety, including people, structures, and infrastructure, from damage during earthquakes and landslides.
4. *Wetlands.* Providing carbon sequestration, cleansing surface water, storing and conveying floodwater, and providing fish and wildlife habitat.

B. *Temporary and Permanent Markers and Signs.* With the exception of Frequently Flooded Areas and Seismic Hazard Areas, temporary and permanent markers and signs shall be installed for critical areas as follows:

1. The location of the outer perimeter of the critical area(s) and buffer(s) shall be marked in the field and approved by the Planning Official prior to the commencement of permitted activities and maintained throughout the duration of the construction.
2. A permanent physical demarcation along the outer/upland boundary of the critical area buffer(s) shall be installed and thereafter maintained. Such demarcation may consist of fencing, hedging, or other prominent physical marking that allows wildlife passage, blends with the critical area environment, and is approved by the Planning Official. If the function and values of the critical area would be degraded by the

existing or proposed activity, such as the presence of grazing animals, a fence shall be erected and maintained.

3. Permanent signs are posted at intervals of one every 50 feet, or, if this interval cannot be met, an interval of one per lot for single-family residential uses or at a maximum interval of 200 feet, or as otherwise determined by the Planning Official, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the Planning Official: "The area beyond this sign is a critical area or critical area buffer. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."
4. Additional standards for temporary and permanent marking of geologic hazards are contained in VMC 20.740.130.

C. Relationship to Other Regulations.

1. The critical areas regulations apply in addition to zoning and other regulations adopted by the City.
2. When more than one critical area is located on a project site, regulations protecting each critical area apply to the site. Where critical areas overlap (e.g., a wetland buffer and a riparian buffer), the most restrictive regulations that provide the most protection for the critical areas present establish the outer boundary of the regulated critical areas.
3. When there is a conflict between any provisions of this chapter and any other regulations, the requirement that provides the most protection to the critical area(s) applies.
4. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements. The applicant is responsible for complying with other state and federal requirements in addition to the requirements of this chapter.

D. *Jurisdiction.*

1. All areas within the city meeting the definition of one or more critical areas and their buffers, whether mapped or not, are hereby designated critical areas and are subject to the provisions of this chapter.

- E. *Warning and Disclaimer of Liability.* Critical areas development should be based on sound scientific and engineering considerations that may be more stringent than those presented in this chapter. The City assumes no liability if these established standards prove to be insufficient protection of property or the environment.

20.740.030 Applicability and Exemptions from Requirement to Obtain Permit.

A. *Applicability.*

1. No person, company, agency, or applicant shall alter a critical area or buffer except as consistent with the requirements of this chapter, whether or not a permit is required.

- B. *Statements of Exemption Process.* For activities listed in subsection (C)(1) of this section, a written Statement of Exemption from the requirement to obtain a Critical Areas Permit is required prior to undertaking the activity. Activities listed in subsection (C)(2) of this section do not require a statement of exemption.

1. Exempt activities are not required to obtain a Critical Areas Permit. However, all activities in critical areas, including exempt activities, are subject to the policies and regulations of this chapter. **If a land use permit is not required, the Planning Official may attach conditions to building and engineering permits, as necessary, to enforce the provisions of this chapter.**
2. The request for the Statement of Exemption shall be in writing, on forms required by the Planning Official, and include the information required by the Planning Official. Statements of Exemption shall be processed as a Type I procedure per Chapter 20.210 Decision Making Procedures.

C. *Exemptions from Requirement to Obtain a Critical Areas Permit.*

1. *Activities requiring a Statement of Exemption.*

-
- a. *Existing Structure Remodel – Impervious Surface Increase of 500 Square Feet or Less.* Development or clearing inside a Critical Area or buffer as necessary to remodel an existing structure, provided:
- i. The activity will increase the footprint of structures with impervious surfaces by 500 square feet or less;
 - ii. The distance from the nearest structure or impervious surface to a critical area is not decreased;
 - iii. All native vegetation disturbed as a result of the development shall be replaced one-to-one, except that trees shall be replaced using tree units derived from VMC Chapter 20.770, Tree, Vegetation, and Soil Conservation. Native vegetation shall be used where feasible;
 - iv. Impacts to critical areas and buffers shall be minimized and mitigated in accordance with the City's critical areas approval criteria; and
 - v. No adverse impacts to priority Oregon white oak trees may result.
- b. *No Impervious Surface Increase in the Riparian Management Area (RMA) or Riparian Buffer (RB) and Located outside Frequently Flooded Areas.* Development activity on a site within the footprint of existing structures or impervious surfaces that does not increase the impervious surface area in the RMA or RB, not located in Frequently Flooded Areas, and that is not otherwise exempt under subsection B of this section shall be exempt from the provisions of VMC 20.740.110 (Fish and Wildlife Habitat Conservation Areas).

The applicant is encouraged to provide enhancement to the extent feasible. Such enhancement activities may include, but are not limited to, landscaping using native plants, additional treatment of stormwater as appropriate, and implementation of best management practices (BMPs) that would enhance habitat functions.

- c. *Approved Subarea Plan with EIS.* Development activity covered by and in compliance with all the conditions of an approved subarea plan that contains:

- i. Baseline information on existing critical areas and their functions at the level of detail required for an Environmental Impact Statement (EIS) under the State Environmental Policy Act (SEPA);
 - ii. An analysis of the impacts of full development at the level of detail required for an EIS under SEPA and in keeping with the plan; and
 - iii. Mitigation for those impacts consistent with the requirements of this chapter.
- d. **Fence.** A fence may be installed in a critical area buffer (not in a critical area) where:
 - i. The fence is necessary for safety and security;
 - ii. The property was developed prior to the effective date of VMC Chapter 20.740 (April 29, 2005); and/or
 - iii. The fence is designed and installed in a manner that protects the critical area and buffer functions and blends with the critical area environment.
- e. *On-site Critical Area Will Be Avoided.* Development may be permitted on a site containing a critical area or buffer when the Planning Official determines that impacts to critical areas and buffers will be avoided. In making this determination, the Planning Official may utilize any of the following procedures and criteria or other methods as necessary to determine that the adverse impacts will be avoided.
 - i. The critical area(s) and buffer(s) has/have been identified in the field, clearly mapped by a qualified professional, and documented by a limited-scope critical areas report (for example, a wetland boundary delineation without categorization or functional assessment, but with the minimum documentation necessary to justify the boundary location).

- ii. The site plan and preliminary plat show a development envelope that demonstrates that all activity will take place outside critical areas and buffers.
 - iii. The boundaries of the development envelope are clearly outside of all **maximum critical areas and all maximum buffers.**
- f. *Maintaining Fire-Defensible Space.* Maintaining fire-defensible space around a structure to reduce fire hazards, involving regular maintenance of existing trees at least 6 inches in diameter at breast height, grasses, and underbrush, not tree removal or other ground-disturbing or soil-destabilizing activities. Creating fire-defensible space or undertaking other development requires a Critical Areas Permit per the critical areas approval process and could require other permits as well.
- i. Pruning trees, grasses, and brush within a critical area or buffer to maintain fire-defensible space around a structure may be permitted when one or more of the following criteria are met:
 - (A) The structure nearest the property line is within 30 feet of a slope of at least 25 percent (also designated as a Landslide Hazard Area under this chapter);
 - (B) The nearest structure is within 30 feet of a forested area;
 - (C) The vegetation within 30 feet of the structure is comprised of less than 50 percent native species;
 - (D) The vegetation within 30 feet of the structure is higher than 12 inches;
 - (E) Trees are crowded within 30 feet of the structure or overhanging the structure's roof; or
 - (F) The structure is located in an area designated by the Fire Marshal as a "Wildfire Safety Area."
 - ii. When maintenance of a fire-defensible space is permitted, the following standards shall apply:

- (A) Trees may be pruned or limbed-up to mitigate a hazard, but trees may not be removed without a Critical Areas Permit and any other necessary permit(s).
 - (B) Topping trees is prohibited.
 - (C) Grasses and underbrush shall be maintained between 8 inches and 12 inches in height.
 - (D) Any debris from pruning shall be disposed of promptly and properly.
 - g. *Development Located within Soil Erosion Hazard Areas Only.* When no other type of critical area, including other types of geologic hazards is present, development within Soil Erosion Hazard Areas shall meet the requirements of VMC Chapter 14,24, Erosion Control, including preparation of . a Stormwater Report, if required,. In addition, the applicant shall file a **limited scope Geotechnical Report** prepared by a qualified professional as defined by VMC Chapter 20.150, which shall be provided to the Planning Official for review at the earlier of development application, engineering document review, or building permit review. Upon review of the limited scope Geotechnical Report, the Planning Official may exempt the development from the need for a Critical Areas Permit.
 - h. *Development/Expansion of a Single-Family Residence with a Loss of a Single, Standalone Oregon white oak.* The loss of a single, standalone Oregon white oak tree that meets the WDFW PHS status (must not be part of a woodland that includes off-site trees) and in accordance with the definition listed in VMC 20.150.150(D) that is equal to or less than 12 inches dbh for the purpose of developing a single-family residence or expansion of an existing single-family residence structure (does not include expansion of detached garages, outbuildings, accessory dwellings, decks, gardens, etc.).
2. *Activities for which a Statement of Exemption is not required.* Reasonable methods shall be used to avoid potential impacts to critical areas. Any damage to, or alteration of, a critical area that is not a necessary outcome of the exempt activity shall be corrected at the property owner's expense.

The following activities are exempt from needing a Critical Areas Permit and do not require a statement of exemption:

- a. *Emergencies.* Those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of property damage and that require remedial or preventative action in a time frame too short to allow for compliance with the requirements of this chapter, so long as all of the following apply:
 - i. The emergency action uses reasonable methods to address the emergency.
 - ii. The emergency action must have the minimum possible impact to the critical area or its buffer.
 - iii. The property owner, person, or agency undertaking such action shall notify the City within 10 working days following commencement of the emergency activity.
 - iv. Within 14 days the Planning Official shall determine if the action taken was within the scope of the emergency actions allowed in this section. If the Planning Official determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then the critical areas enforcement provisions shall apply.
 - v. After the emergency, the property owner, person or agency undertaking the action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved Critical Areas Report and mitigation plan. The property owner, person or agency undertaking the action shall apply for review. The alteration, Critical Areas Report, and mitigation plan shall be reviewed by the City in accordance with the review procedures contained in this chapter.

- vi. Restoration and/or mitigation activities must be initiated within three months of the date of an approved Critical Areas Report and mitigation plan or as otherwise determined by the Planning Official and completed in a timely manner.
- b. *Hazard Tree*. Emergency or hazard tree removal (as defined in VMC Chapter [20.770](#)) conducted so that critical area impacts are minimized.
- c. *Landscape Maintenance*. Landscape maintenance (other than tree removal) consistent with accepted horticultural practices, such as those recommended by the Washington State University Extension Service, within the boundaries of an existing lawn, garden or landscaped area and not associated with development.
- d. *Noxious or Invasive Plants*. Clearing of noxious or invasive plants using hand-held equipment such as a weed-whacker, provided (1) fueling and maintenance take place outside the critical area and buffer; (2) all cleared vegetation is taken away and disposed of properly; and (3) denuded soils are stabilized with native vegetation. The City of Vancouver's Noxious or Invasive Plants List and Native Plant Species List are available from the Planning Official.
- e. *Pesticides, Herbicides, Fungicides, or Fertilizers*. Application of pesticides, herbicides, fungicides, or fertilizers, when done as directed in the package instructions as required by state and federal laws.
- f. *State or Federally Approved Conservation or Preservation*. State or federally approved conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife that does not entail changing the structure or functions of the existing critical area or buffer.
- g. *Harvesting Wild Crops*. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops or other native vegetation and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the critical area or buffer by changing existing topography, water conditions or water sources.

- h. *Passive Activities.* Passive outdoor recreation, education, and scientific research activities such as fishing, hiking, and bird watching that do not degrade the critical area or buffer.
- i. *Land surveys, soil sampling, percolation tests, and other related activities.* In every case, impacts to the critical area or buffer shall be minimized and disturbed areas shall be stabilized and replanted immediately.
- j. *Navigational Aids and Boundary Markers.* Construction or modification of navigational aids and boundary markers. Impacts to the critical area or buffer shall be minimized and disturbed areas shall be restored within 72 hours.
- k. *Agricultural Activities.* Existing and ongoing agricultural activities protected under the federal Food Security Act occurring in wetland areas.

Existing and ongoing agriculture within Fish and Wildlife Habitat Conservation Areas so long as livestock and application of pesticides, herbicides, fungicides, and fertilizers is done in accordance with package instructions.

- l. *State or Federally Approved Restoration or Enhancement Project.* Implementation of a state or federally approved restoration or enhancement project not related to any development project.
- m. *Operation, Repair and Maintenance.* Operation, repair and maintenance of existing structures, infrastructure, roads, sidewalks, railroads, trails, dikes, or levees or water, sewer, stormwater, power, gas, telephone, cable, or fiber optic facilities if the activity does not further increase the impact to, or encroach farther within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, repair, or maintenance.
- n. *Public Improvement Projects.* Public improvement projects located within existing impervious surface areas.
- o. *City, State or Federally Approved Stand-alone "Critical Area" Creation Project.* Implementation of a City, State or federally approved stand-alone "critical

area” creation project that is not mitigation. Also see the definition of “Wetlands” in VMC Chapter [20.150](#).

- p. *Clearing in Frequently Flooded Areas and Seismic Hazard Areas Only*. Clearing vegetation within the floodplain and within a Seismic Hazard Area, but outside other types of critical areas.
- q. *Vegetation Clearing*. Clearing vegetation in critical areas that are only Seismic Hazard Areas
- r. *Fence Repair*. Maintenance, repair, and in-kind replacement of existing fences.
- s. *Seismic Hazard Areas Only*. Sites identified as located within only a Seismic Hazard Area (VMC [20.740.130](#) – Geologic Hazard Areas) shall be exempt from needing to obtain a Critical Areas Permit. All projects within the Seismic Hazard Area must comply with the Building Code at time of building permit review, including providing a Geotechnical Report. (Ord. M-4034 § 23, 12/03/2012; Ord. M-4017 § 5, 07/16/2012; Ord. M-3931 § 22, 11/02/2009; Ord. M-3922 § 36, 07/06/2009; Ord. M-3844 § 2, 10/01/2007; Ord. M-3692, Added, 02/28/2005, Sec 2)

20.740.040 Approval Process.

A. Critical Areas Permit Process.

1. *Pre-application Conference Required.* A pre-application meeting or waiver per VMC Chapter [20.210](#) is required prior to submitting a Critical Areas Permit. Pre-application conferences shall not be required for the following:
 - a. Activities and developments listed as exempted from critical areas standards and permits.
 - b. Proposals involving only an addition to an existing single-family or duplex house, including accessory structures, such as accessory dwelling units, attached and detached garages, and/or carports, shops, and sheds.
 - c. Other minor improvements determined by the Planning Official to not warrant a pre-application meeting or waiver.
2. *Critical Areas Permit.* If a proposed development activity is determined not to be exempt per the listed critical areas exemptions, the applicant and/or owner shall obtain a Critical Areas Permit prior to commencing the development activity. Critical Areas Permits shall be processed as a Type I permit when no other permits are filed concurrently or reviewed according to the procedures of the underlying land use application pursuant to VMC Chapter [20.210](#).
3. *Review Procedure.* The Planning Official shall make a determination as to whether the proposed activity and mitigation, if any, are consistent with the critical areas

approval criteria of VMC Chapter 20.740 and in compliance with the performance standards for the type(s) of critical area(s) involved.

4. *Expiration of Permit.* The Critical Areas Permit shall be valid for as long as the underlying land use permit is in effect or as otherwise specified by the Planning Official.

B. *Notice on Title – Covenant and Tracts.*

1. *Covenants.* This section applies to all nonexempt projects that involve critical areas and buffers, with the exception of Frequently Flooded Areas.

- a. The owner of any property containing a critical area or buffer on which a development proposal is approved shall file a covenant with the county records and elections division according to the direction of the City. The covenant shall state the presence of the critical area and/or buffer on the property, the application of this chapter to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist, including that the area(s) within the conservation covenant be maintained in a natural state without disturbance to vegetation or other features unless otherwise approved by the City. The covenant shall “run with the land” in perpetuity. The covenant shall include a map and legal description of the critical area, with wording in the notice substantially similar to the following:

“Prior to and during the course of any grading, building construction or other development activity on this property containing or abutting a critical area, the area of development activity must be fenced or otherwise marked to the satisfaction of the City. The critical area shall be maintained in its natural state without disturbance to vegetation or other features, except as provided for by VMC Chapter 20.740 , Critical Areas Protection. Yard waste, debris, fill, equipment, vehicles, and materials shall not be placed in the critical area.”

- b. The applicant shall submit proof that the covenant has been filed for public record before the City approves any site development or construction for the property or, in the case of subdivisions, short subdivisions, planned unit

developments, binding site plans, and other developments that involve platting, at or before recording of the plat.

- c. Any modifications to an established and recorded conservation covenant shall be consistent with the standards of this chapter and the originally issued Critical Areas Permit that established the subject conservation covenant. The modification shall be processed as under a Type I review process. Any modification of the covenant that is inconsistent with the originally issued Critical Areas Permit or with the standards of this chapter shall be subject to a review and receive a Critical Areas Permit consistent with the standards of this chapter.
2. *Tracts.* This section applies in addition to subsection (B)(1) of this section, to projects that involve platting on properties containing Fish and Wildlife Habitat Conservation Areas, Wetlands, Geologic Hazard Areas, and their buffers.
 - a. The property owner shall place the subject critical areas and buffers in one or more nondevelopable tracts except when the responsible official determines that a tract cannot be provided given the constraints of the site, such as size of the property in question, while meeting all other standards of VMC Title 20.
 - b. When the exception in subsection (B)(2)(a) of this section applies, residential lots may extend into the critical area(s) or buffer(s) provided:
 - i. Temporary and permanent markers and signs are installed in compliance with the requirements of VMC 20.740.020, General Provisions.
 - i. The applicant records a conservation covenant protecting the critical area in perpetuity in conformance with VMC 20.740.040(B)(1).

C. Financial Assurances.

1. When mitigation required pursuant to a development proposal is not completed prior to the City's final permit approval, such as final plat approval or final building inspection, the City shall require the applicant to provide security in a form deemed

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- acceptable by the City, including to ensure that mitigation is fully functional taking into account remaining construction, maintenance, and monitoring.
2. The security shall be in the amount of 125 percent of the estimated cost of restoring the functions of the critical area that are at risk.
 3. The security shall remain in effect until the City determines, in writing, that the applicable standards have been met. The security shall be held by the City for a minimum of five years to ensure fully functional mitigation.
 4. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.
 5. Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.
 6. Failure to satisfy any critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within 30 days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default, and the City may demand payment of any financial guarantees or require other action authorized by the City code or any other law.
 7. Any funds recovered pursuant to this section shall be used to complete the required mitigation. Excess funds shall be returned to the applicant.
- D. *Critical Area Inspections.* Reasonable access to the site shall be provided to the City, State, and federal agency review staff for the purpose of inspections during any proposal review, delineation, restoration, emergency action, or monitoring period.
- E. *Burden of Proof.* The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the exemption, Critical Areas Permit, Minor Exception, Reasonable Use Exception, or any other approval requested under this chapter.
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- F. *Appeals*. Any decision to approve, condition, or deny a development proposal or other activity based on the requirements of this chapter may be appealed according to VMC [20.210.130](#).
- G. *Programmatic Permits*. The purpose of a programmatic permit is to provide for ongoing, routine maintenance, operation, or repair activities on sites containing critical areas or buffers (1) so as not to impair an agency's or business's ability to operate effectively and efficiently by requiring separate Critical Areas Permits for each activity; and (2) at the same time protect critical areas and buffers in accordance with this chapter.
1. In addition to the submittal requirements in VMC [20.740.050](#) and any additional Critical Areas report requirements under VMC 20.740.110-140, applicants for a programmatic permit shall submit a proposed management plan. The management plan shall contain:
 - a. A narrative explaining the need for the programmatic permit;
 - b. A list of the ongoing, routine, maintenance, operation, or repair activities that impact or potentially impact critical areas and buffers;
 - c. A description of the potentially impacted critical area and buffer functions;
 - d. Proposed measures and standards for avoiding impacts to critical area and buffer functions and, where unavoidable, mitigating those impacts to achieve no net loss of functions; and
 - e. A training program ensuring that all employees, contractors, and individuals under the supervision of the applicant who are involved in permitted activities understand and perform them in accordance with the terms of the permit.
 2. A programmatic permit may be approved for up to seven years. The permit duration may be tied to other permits or processes.
 3. Every two years for the duration of the programmatic permit 30 days prior to the original date of permit issuance, the applicant shall submit a report to the Planning Official summarizing activities undertaken. The report shall also document the training provided in accordance with subsection [\(G\)\(1\)\(e\)](#) of this section.
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4. The applicant or the City may initiate an amendment to the programmatic permit if anticipated activities, terms, or conditions of the programmatic permit will change. An amendment shall be considered through a Type 1 process following a pre-application conference.
5. An application for reauthorization of a programmatic permit shall be submitted at least 90 days prior to the date the current permit expires. Programmatic permits may be reauthorized through a Type 1 process following a required pre-application conference. Permit standards and conditions may be modified to conform to the current codes, policies, and standards or based on past performance. Where the review of the reauthorization application will extend beyond the expiration date of the current programmatic permit, the Planning Official may extend the duration of the current permit for up to 60 days at a time, not to exceed 180 days.

20.740.050 Submittal Requirements.

- A. *Preparation by Qualified Professional.* Any required critical areas report shall be prepared by a qualified professional as defined in VMC Chapter 20.150.
- B. *General Critical Areas Report Contents.* At a minimum, the critical areas report shall contain the following:
 1. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;
 2. A copy of the site plan for the development proposal, including:
 - a. A map to scale depicting critical areas, buffers, the development proposal, and any areas to be altered or developed; and
 - b. A proposed stormwater management and sediment control plan for the development, including a description of any impacts to drainage alterations;
 3. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site. Critical Areas Reports shall be prepared by a qualified professional for the type of critical area involved;

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4. *Identification and scientific characterization of all critical areas and buffers.* The scientific characterization shall include a detailed assessment of the functional characteristics of the critical areas;
 5. An assessment of the probable impacts to critical areas and buffers and risk of injury or property damage including permanent, temporary, and indirect impacts resulting from development of the site and the operations of the proposed development;
 6. A written response to each of the approval criteria in VMC [20.740.060](#);
 7. Plans for adequate mitigation, as needed, to offset any impacts, in accordance with VMC [20.740.050\(F\)](#) Mitigation Plan Requirements; and
 8. *Additional Information.* Any additional information required for the specific critical areas and buffers as specified in VMC [20.740.110](#) Fish and Wildlife Habitat Conservation Area, VMC [20.740.120](#) Frequently Flooded Areas, VMC [20.740.130](#) Geologic Hazard Areas, and VMC [20.740.140](#) Wetlands.
- C. *Other Reports or Studies.* Unless otherwise provided, a Critical Areas Report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the Planning Official. Provided, the site conditions shall not have changed since the earlier report or study was completed.
- D. *Critical Areas Report – Modifications to Requirements.* The applicant may consult with the Planning Official prior to or during preparation of the Critical Areas Report when the Planning Official determines and a qualified professional recommends that less information is necessary to adequately address the potential impacts to any critical areas or buffers and the required mitigation. In such case the Planning Official may allow a reduced scoped critical areas report.
- E. *Mitigation Plan Requirements.* When mitigation is required, the applicant shall submit a mitigation plan as part of the Critical Areas Report. The mitigation plan shall include:
1. Mitigation rationale: A discussion of the rationale for the proposed mitigation that includes other mitigation options and why the proposed method best achieves the approval criteria in 20.740.060 as compared with other forms and locations for mitigation.
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2. 1. *Detailed Construction Plans.* The mitigation plan shall include descriptions and plans of the mitigation proposed, such as:
 - a. The proposed construction sequence, timing, and duration;
 - b. Grading and excavation details;
 - c. Erosion and sediment control features;
 - d. A planting plan specifying plant species, quantities, locations, size, spacing, and density;
 - e. Measures to protect and maintain plants until established; and
 - f. Detailed site diagrams, scaled cross sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.
 3. *Adaptive Management.* The mitigation plan shall include identification of potential courses of action and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.
 4. *Monitoring Program.* The mitigation plan shall include a program for monitoring construction of the mitigation project and for assessing a completed project.
 - a. A protocol shall be included outlining the schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met.
 - b. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the mitigation project. The mitigation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years or more than 10 years, unless otherwise specified in this code.
 - c. When the applicant believes that the conditions of the monitoring plan are met, the applicant shall contact the City and request that the City certify so in writing. The City shall conduct an on-site assessment as part of the verification process.
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- d. When the City has verified and certified that the conditions of the monitoring plan have been met, the critical area shall no longer be considered as mitigation, but as a critical area when processing a future development permit application(s).
- F. Development may be permitted on a site containing a critical area(s) or buffer(s) which may also be subject to state or federal permits prior to all necessary state or federal permits being obtained when all of the following criteria are met:
 1. A phased master plan is submitted under VMC Chapter 20.260 or Chapter 20.268 as appropriate, demonstrating:
 - a. How the maximum critical area(s) and maximum buffer(s) will be clearly avoided until all local, state, or federal permits are obtained;
 - b. How each phase could be permitted as an individual project not relying on development of any other phases in any way;
 - c. How each phase could be developed regardless of whether any or all of the pending state or federal permits are ever obtained; and
 - d. The applicant demonstrates that there will be no net loss of critical area functions for each phase or for the project as a whole even if state and/or federal permits are not obtained.
 2. Development is permitted only in the area that clearly avoids the maximum critical area(s) and buffer(s). (Ord. M-4105 § 3, 11/17/2014; Ord. M-4017 § 6, 07/16/2012; Ord. M-3959 § 37, 07/19/2010; Ord. M-3931 § 23, 11/02/2009; Ord. M-3844 § 2, 10/01/2007; Ord. M-3692, Added, 02/28/2005, Sec 2)

20.740.060 Approval Criteria.

Any activity or development subject to this chapter shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria. The City may condition the proposed activity as necessary to mitigate impacts to critical areas and their buffers and to conform to the standards required by this chapter.

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- A. *Avoid Impacts.* The Applicant shall first seek to avoid all impacts that degrade the functions and values of (a) critical area(s). This may necessitate a redesign of the proposal.
 - B. *Minimize Impacts.* Where avoidance is not feasible, the applicant shall minimize the impact of the activity. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.
 - C. *Rectifying.* Rectify the impact by repairing, rehabilitating, or restoring the affected environment.
 - D. *Reducing.* Reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action.
 - E. *Compensatory Mitigation.* The applicant shall compensate for the unavoidable impacts by replacing each of the affected functions. The compensatory mitigation shall be designed to achieve the functions as soon as practicable. Compensatory mitigation shall be in-kind and on-site, when feasible, and sufficient to maintain the functions of the critical area, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area. Compensatory mitigation priority for wetlands is specified in VMC 20.740.140(C)(3)(b). Compensatory mitigation shall offset both permanent and temporal impacts.
 - F. D. *No Net Loss.* The proposal protects the critical area functions and values and results in no net loss of critical area functions and values. If loss of critical area functions are expected, adequate mitigation is provided to offset impacts of anticipated loss.
 - G. E. *Consistency with General Purposes.* The proposal is consistent with the general purposes of this chapter and does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site.
 - H. *Performance Standards.* The proposal meets the specific performance standards of VMC 20.740.110 Fish and Wildlife Habitat Conservation Areas, VMC 20.740.120 Frequently Flooded Areas, VMC 20.740.130 Geologic Hazard Areas and VMC 20.740.140 Wetlands, as applicable.

20.740.070 Minor Exceptions.

- A. *Minor Exceptions Authorized.* Minor exceptions of no greater than 10 percent from the numeric standards of this chapter may be authorized by the City in accordance with the Type II procedures set forth in VMC Chapter [20.210](#). Minor exceptions shall not be combined with buffer averaging or buffer reduction for Fish and Wildlife Habitat Conservation Areas or Wetlands. Minor exceptions from the National Flood Insurance Program development standards of VMC [20.740.120](#), Frequently Flooded Areas, are prohibited.
- B. *Minor Exception Criteria.* A minor exception from the standards of this chapter may be granted only if the applicant demonstrates that the requested action conforms to all of the following criteria:
1. Unusual conditions or circumstances exist that are specific to the intended use, the land, the lot, or something inherent in the land, and that are not applicable to all other lands in the same vicinity or zoning district;
 2. The unusual conditions or circumstances do not result from the actions of the applicant;
 3. Granting the minor exception requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings under similar circumstances;
 4. The minor exception is necessary for the preservation and enjoyment of a substantial property right of the applicant such as is possessed by the owners of other properties in the same vicinity or district;
 5. The minor exception requested is the least necessary and no greater than 10 percent of the subject standard to relieve the unusual circumstances or conditions identified in Subsection VMC [20.740.070\(B\)\(1\)](#) above;
 6. The granting of the minor exception or the cumulative effect of granting more than one minor exception is consistent with the general purpose and intent of the City of Vancouver Comprehensive Plan, this title, this chapter, and the underlying zoning district;

7. Degradation of the functions (including public health and safety) of the subject critical areas and any other adverse impacts resulting from granting the minor exception will be minimized and mitigated to the extent feasible in accordance with the provision of this chapter;
 8. Granting the minor exception will not otherwise be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property; and
 9. The proposed development complies with all other applicable standards.
- C. *Conditions May Be Required.* In granting any minor exception, the City may attach such conditions and safeguards as are necessary to secure adequate protection of critical areas and developments from adverse impacts, and to ensure conformity with this chapter.

20.740.080 Reasonable Economic Use Exceptions.

- A. *Exception Request and Review Process.* If the application of this chapter would deny all reasonable economic use of the subject property, the City shall determine if compensation is an appropriate action, or the property owner may apply for an exception pursuant to this section. Exceptions from the standards of this chapter may be authorized by the City in accordance with the Type III procedures set forth in VMC [20.210](#).

An application for a reasonable economic use exception shall be made to the City and shall include a Critical Areas Report with a mitigation plan and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (RCW [43.21C](#)). The Planning Official shall prepare a recommendation to the Hearings Examiner based on review of the submitted information, a site inspection, and the proposal's ability to comply with the critical areas reasonable use exception criteria.

- B. *Reasonable Use Review Criteria.* The City shall approve applications for reasonable use exceptions when all of the following criteria are met:
1. The application of this chapter would deny all reasonable economic use of the property;

2. No other reasonable economic use of the property has less impact on the critical area;
3. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;
4. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of this chapter, or its predecessor;
5. The proposal does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;
6. The proposal mitigates for the loss of critical area functions to the greatest extent feasible; and
7. The proposal is consistent with other applicable regulations and standards.

20.740.090 Unauthorized Critical Areas Alterations and Enforcement.

A. Enforcement.

1. It shall be unlawful to violate the provisions of VMC Chapter 20.740. Any violation of this chapter shall constitute a public nuisance.
2. VMC Title 22 shall provide the enforcement provisions for VMC Chapter 20.740. VMC Title 22 may impose any of the remedies, requirements or corrective actions contained in this chapter. In lieu of or in addition to the enforcement provisions contained in VMC Title 22, the City may also seek injunctive or other relief from any court of competent jurisdiction.

- B. Requirement for Restoration Plan.*** In the event the City initiates enforcement action under VMC Title 22 or files a complaint in court, the City may require a restoration plan consistent with the requirements of this chapter. Such a plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the minimum performance standards for restoration requirements. The Planning Official shall, at the violator's expense, seek expert advice in determining whether the plan restores the affected area to its pre-existing condition or, where that is not possible,

restores the functions of the affected area. Inadequate plans shall be returned to the applicant or violator for revision and re-submittal.

C. Minimum Performance Standards for Restoration.

1. For alterations to Frequently Flooded Areas, Wetlands, and Fish and Wildlife Habitat Conservation Areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:
 - a. The structure and functions of the critical area or buffer prior to violation shall be restored, including water quality and habitat functions;
 - b. The soil types and configuration prior to violation shall be replicated;
 - c. The critical area and buffers shall be replanted with native vegetation (a list of native species is available from the Planning Official). If the critical area or buffer is on a site that meets the criteria of VMC [20.740.030\(C\)\(1\)\(f\)\(i\)](#), the vegetation for replanting must be not only native but also fire-resistant. A list of native, fire-resistant species is available from the Planning Official; and
 - d. Information demonstrating compliance with this chapter's Mitigation Plan Requirements shall be submitted to the Planning Official.
2. For alterations to Frequently Flooded and Geologic Hazard Areas, the following minimum performance standards shall be met for the restoration of a critical area or buffer, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:
 - a. The hazard shall be reduced to a level equal to, or less than, the pre-violation hazard;
 - b. The risk of personal injury resulting from the alteration shall be eliminated or minimized;
 - c. Drainage patterns shall be restored to those existing before the alteration; and

- d. The hazard area and buffers shall be replanted consistent with pre-violation conditions with native vegetation sufficient to minimize the hazard. If the critical area or buffer is on a site that meets the criteria of VMC [20.740.030\(C\)\(1\)\(f\)\(i\)](#), the vegetation for replanting must be not only native but also fire-resistant. A list of native, fire-resistant species is available from the Planning Official.
- D. *Site Investigations*. The Planning Official is authorized to make site inspections and take such actions as are necessary to enforce this chapter.
- E. *Noncompliance in Frequently Flooded Areas*. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction be subject to enforcement under subsection [A](#) of this section. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. M-4325 § 3, 2020; Ord. M-3844 § 2, 2007; Ord. M-3692 § 2, 2005)

20.740.100 Designation Process for Habitats of Local Importance.

- A. *Eligibility and Approval Criteria*. Habitats of Local Importance are Fish and Wildlife Habitat Conservation Areas that are not designated under VMC 20.740.110, but are designated as locally significant by the City. Criteria for designation include all of the following:
 - 1. A need for protection exists due to a high diversity of fish or wildlife species, declining populations, scarcity of the habitat type, sensitivity to disturbance from human activity or development, or other unique local habitat functions.
 - 2. The area is sufficient in size to support the species or habitat functions for which it is designated.
 - 3. The designation will not compromise the ability of the City to achieve the goals of the Comprehensive Plan.

4. There is a proposed management strategy describing how the functions of the habitat will be protected after designation.
 5. The area and habitat are not otherwise protected under other critical areas regulations.
- B. *Designation Process.* Habitats of Local Importance may be proposed by the property owner or the City and shall be designated according to a Type IV legislative procedure (VMC Chapter [20.210](#)). (Ord. M-3692, Added, 02/28/2005, Sec 2)

20.740.110 Fish and Wildlife Habitat Conservation Areas.

A. *Designation and Location.*

1. The City designates the following identified areas as Fish and Wildlife Habitat Conservation Areas. Final designations shall be based on site conditions and other available data or information (see VMC [20.740.020\[C\]\[1\]](#)).
 - a. Areas where endangered, threatened, and sensitive species have a primary association, including priority habitats and areas associated with priority species as listed by the Washington Department of Fish and Wildlife (WDFW). Within the city, these areas and species primarily include, but may not be limited to, the following:
 - i. Riparian areas composed of Riparian Management Areas (RMA's) and Riparian Buffers (RB's);
 - ii. Priority Oregon white oak habitat;
 - iii. Biodiversity areas;
 - iv. Waterfowl concentrations: and
 - v. Aquatic habitat.
 - b. Forage fish spawning areas;
 - c. Naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish and wildlife habitat;

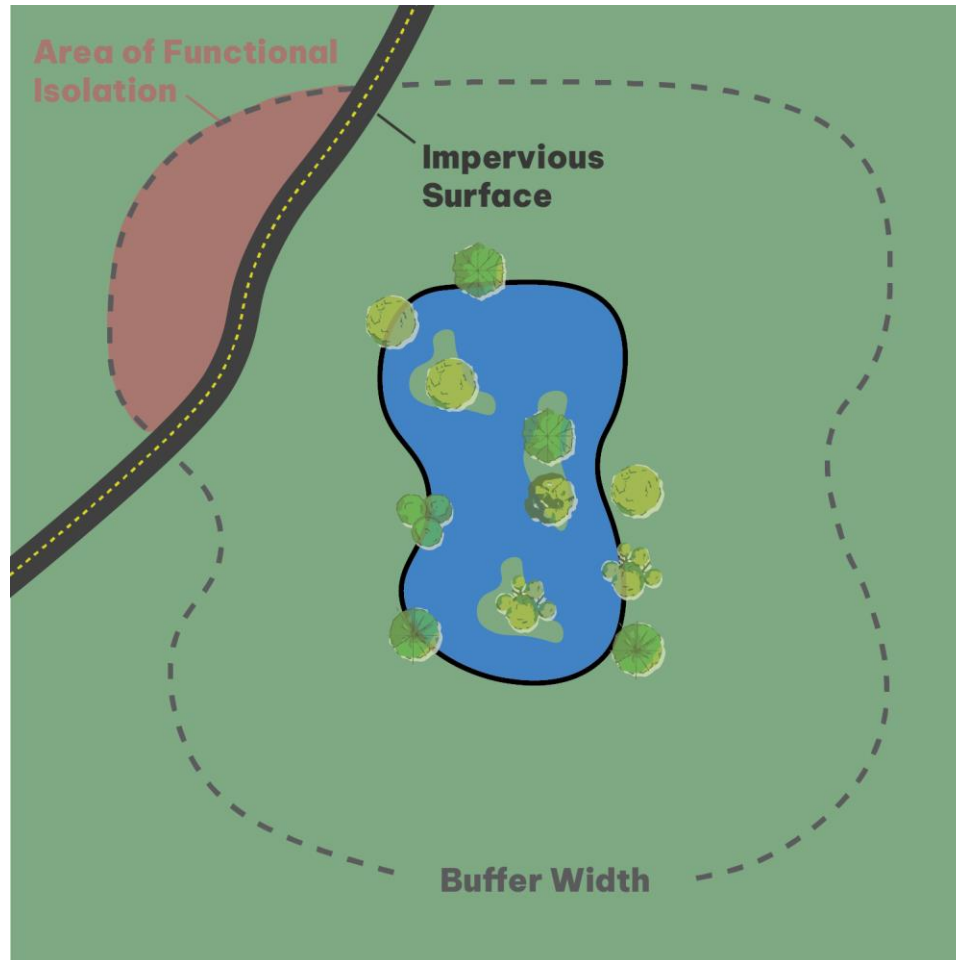
- d. Waters of the state;
- e. Lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity;
- f. State natural area preserves, natural resource conservation areas, and state wildlife areas; and
- g. *d Habitats and Species of Local Importance*. Fish and Wildlife Habitat Conservation Areas or individual species that are designated as locally significant by the City in accordance with VMC [20.740.100](#).
- g. *Fish and Wildlife Habitat Conservation Area Locations* . Information on the approximate location and extent of Fish and Wildlife Habitat Conservation Areas is available from the following sources:
 - h. U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA) Fisheries species list;
 - i. a. WDFW Priority Habitat and Species Maps;
 - j. WDFW Anadromous and Resident Salmonid Distribution Maps in the Salmon and Steelhead Habitat Inventory Assessment Program (SSHIAP);
 - k. StreamNet.org maps from the Pacific States Marine Fisheries Commission;
 - l. Washington State Department of Natural Resources (DNR) Official Water Type Reference Maps; and
 - m. Other information acquired by the City such as site-specific or area-specific delineations or studies.

B. *Development activities that functionally or physically isolate the RMA or RMB buffer.*

When existing impervious surfaces or other built structures, such as a levee or railroad corridor, functionally or physically isolate the RMA or RB buffer from the waterbody, the regulated RMA or RB wetland buffer shall extend landward from the ordinary high water mark (OHWM) or channel migration zone (CMZ), whichever is greater and terminate at the waterward edge of the impervious surface or manmade structure. Development activities that occur within the area

of functional isolation, or further landward, are exempt from the requirement to obtain a Critical Areas Permit.

Figure 20.740.110-1: Functional Isolation



The Planning Official shall rely on a site visit, aerial photographs, or other evidence provided by the applicant or the applicant's qualified professional in making a determination to reduce the width of the RMA, RB, or wetland buffer based on functional and/or physical isolation.

Note: RMA's and RB's are measured from the OHWM or the edge of a channel migration zone (CMZ), whichever is further landward. However, no CMZs have been identified within the city limits as of the date this chapter was adopted.

C. *Performance Standards.*

1. *Development Standards*

a. *Development and Clearing Activities.*

- i. Development or clearing activities shall protect the functions of the Fish and Wildlife Habitat Conservation Areas on the site and shall result in no net loss of functions, as required by the approval criteria of this chapter.
- ii. If development or clearing activity is within a Priority Habitat and Species area, the applicant shall follow WDFW Management Guidelines, Management Recommendations, or other standards approved by WDFW.
- iii. Functionally significant habitat, defined as habitat that cannot be replaced or restored within 20 years, shall be preserved unless the activity meets the conditions of VMC 20.740.110(B)(2)(b). An example of habitat that cannot be replaced within 20 years would be a stand of mature trees or a peat bog.

b. *Mitigation.*

- i. Mitigation for impacts within Fish and Wildlife Habitat Conservation Areas shall follow the sequence specified in this chapter's approval criteria.
- ii. Disrupted functions and values shall be mitigated on site as a first priority, and off site thereafter.
- iii. An up-to-date science-based guide, such as applicable watershed, fish recovery, sub-basin, or other science-based plans should be used to guide the proposed mitigation. Any science used to guide mitigation actions, whether on site or off site, must meet the criteria and characteristics of best available science listed in WAC 365-195-905 (Criteria for determining which information is the "best available science"), or the state standards in effect at the time of application.

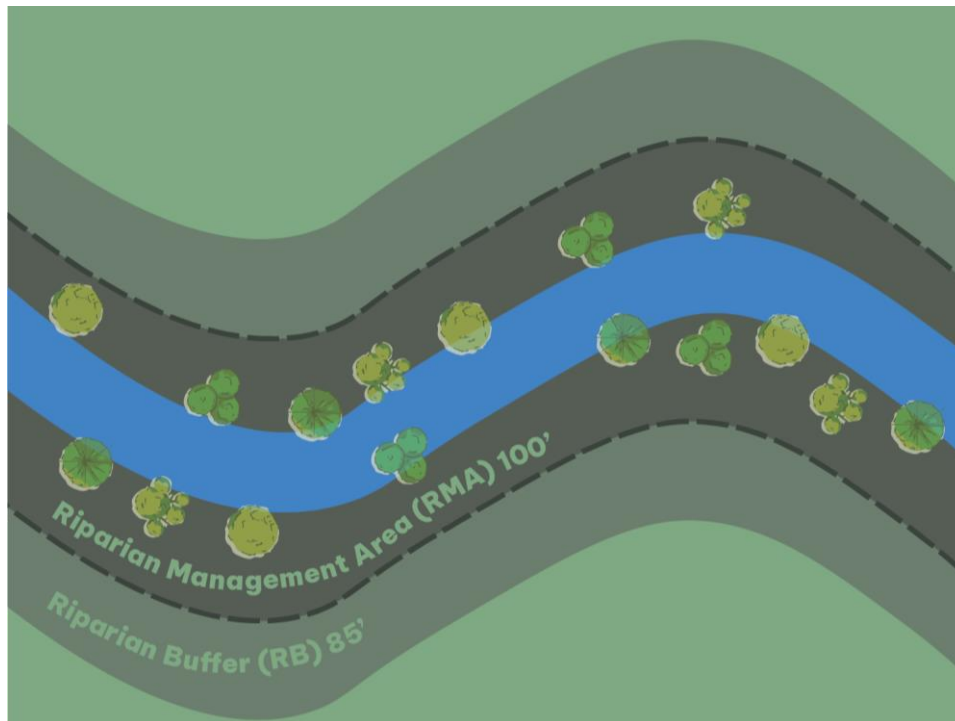
c. d. *Signs for Fish and Wildlife Conservation Areas.*

- i. Temporary and permanent markers and signs shall be installed as required by this chapter's General Provisions.

2. Standards for *RMAs RBs*.

a. RMA and RB Location and Width.

- i. *Standard Width.* Standard RMA widths are 100 feet for Shorelines of the State (Type S), for both fish-bearing and non-fish-bearing waterbodies and for unclassified streams. The RB is 85 feet for all classified and unclassified waterbody types. The RMA and RB widths shall be combined for a total regulated riparian area width of 185 feet.
- ii. *Site Potential Tree Height (SPTH) RMA and RB Width.* If the applicant cannot accommodate the standard-width RMA and RB on the project site for the proposed development, , applicants may use the 200-year SPTH mapping tool referenced in WDFW's Riparian Ecosystems, Volume 2: Management Recommendations and justify a lesser-width RMA and/or RB in the project's Critical Areas Report. For project locations with multiple SPTH values, the largest SPTH value shall be used to establish the riparian area width. If the tool does not have data available to establish SPTH, the minimum combined RMA and RB width shall be the standard width as established in subsection (2)(a)(i).
- iii. *Measurement.* Whether the standard or SPTH RMA and RB is used, the RMA is measured horizontally from the OHWM of the stream, river, or lake or from the CMZ, where present, to the specified width. The RB is measured horizontally from the landward boundary of the RMA as shown in Figure 20.740.110-1.

Figure 20.740.110-2

- b. *Riparian Management Area Width Averaging.* The width of the RMA may be modified (see VMC [20.170.080\[B\]\[1\]](#)) if all the following are met:
 - i. The total square footage of the Riparian Management Area RMA (VMC [20.740.110\[B\]\[2\]\[a\]\[i\]](#)) is not reduced;
 - ii. There is no net loss of functions as a result of the averaging; and
 - iii. The reduction of the Riparian Management Area RMA width at any location is no greater than 25 percent of the required standard or SPTH width under VMC 20.740.110(2)(a)(i or ii).
- c. *Permitted Development and Uses within RMAs and RBs and Development Standards.*
 - i. *Development and Uses within the Riparian Buffer.* Development or clearing activity is permitted in the RB that meets the general performance standards in VMC 20.740.110(B).

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- ii. *Development and Uses within the RMA* . No development or clearing activity is allowed within the RMA unless such activity is:
- (A) A water-dependent, water-related or water-enjoyment activity for which there are no feasible alternatives that would have a less adverse impact on the RMA ;
 - (B) Infrastructure, including a road, railroad, trail, dike, or levee or a water, sewer, stormwater conveyance, gas, power, cable, fiber optic, or telephone facility that cannot feasibly be located outside of the RMA.;
 - (C) Mitigation for activities allowed by this chapter, providing the activity results in no net loss of riparian habitat functions on the site; or
 - (D) Trails and wildlife viewing structures, provided that the trails and structures minimize the impact and are constructed so that they do not interfere with hydrology of the waterbody and do not result in increased sediment entering the waterbody.
- iii. *Modifications to Existing Development*. When replacing or removing existing development within an RMA or RB, the applicant shall implement the following, where applicable, during site construction:
- (A) Evaluate the RMA and RB to pinpoint the best sites to restore and consider connectivity and adjacency to other priority habitats;
 - (B) Improve aquatic connectivity by replacing culverts and removing barriers to movement;
 - (C) Revegetate with native plants and consider improvements for wildlife by integrating structures necessary for nesting, breeding, and foraging;

- (D) As existing development is remodeled or replaced, incorporate additional setbacks for streams;
- (E) Control access to RMAs and RBs during construction to limit soil compaction. Avoid operating equipment near waterbodies to reduce sedimentation and soil compaction; and
- (F) Avoid using chemicals in the RMA and RB that are not approved by the Washington State Department of Ecology (Ecology).

iv. *Mitigation.* When mitigating on-site impacts, the following guidelines, where applicable, shall be implemented when designing mitigation for impacted riparian areas, if a restoration opportunity is available on site and within the RMA or RB:

- (A) Protect riparian functions that remain, especially in places that are high functioning and implement actions that enhance degraded functions;
- (B) Increase riparian width in areas of high function; and
- (C) Prioritize opportunities to maintain and restore in-stream and riparian connectivity.

D. Additional Critical Areas Report Requirements.

1. A Critical Areas Report for an RMA or RB shall include:
 - a. The SPTH riparian area width in the mapping tool referenced in WDFW's Riparian Ecosystems, Volume 2: Management Recommendations document, if the applicant is not proposing to use the standard-width RMA and RB.
 - b. Evaluation of the habitat functions using a habitat evaluation tool approved by WDFW.
 - c. In addition to the standards of VMC [20.740.050\(F\)](#), where a mitigation plan is required as part of the Critical Areas Report for a Fish and Wildlife Habitat

Conservation Area that involves a waterbody, RMA, or RB, the monitoring program protocol shall include, where relevant to the impacted functions:

- i. Observations and measurements of riparian integrity and quality (buffer width, riparian corridor continuity or fragmentation, species diversity, stand age, plant survival rates);
 - ii. Large woody debris surveys; and
 - iii. Streamflow monitoring.
 - iv. Water quality monitoring to detect pollution impacts.
 - v. Biological monitoring (including fish surveys and benthic macroinvertebrate sampling).
2. If the clearing or development activity is in the RMA, the Critical Areas Report shall contain all the following information, if applicable:
 - a. How the clearing or development activity constitutes a water-dependent, water-related, or water-enjoyment use;
 - b. How the clearing or development activity cannot feasibly be located on the site outside of the RMA;
 - c. How the proposal meets the RMA width averaging standard (VMC [20.740.110\(B\)\(2\)\(b\)](#)); and
 - d. How the proposal will not adversely affect the connectivity of habitat functions.
3. For land use and development-related activities on a site with PHS-designated priority Oregon white oak woodland habitat, the applicant shall be required to demonstrate compliance with WDFW's latest guidance: *Best Management Practices for Mitigating Oregon White Oak Priority Habitat* (January 2024) the Washington Department of Fish and Wildlife WDFW's latest guidance: *Best Management Practices for Mitigating Oregon White Oak Priority Habitat* (January 2024) and any subsequent revisions. The report shall include mapping and an evaluation of the habitat functions.

- a. The critical areas report shall also identify protection and mitigation for the impacted Oregon white oaks on the site. In circumstances where it is demonstrated that preservation or mitigation of impacts on-site is not practicable, the applicant shall provide a minimum of two alternative site designs and layouts to demonstrate that impacts cannot be avoided or be reduced to result in less impacts. The planning director may approve reductions to numerical standards including parking and setbacks under the minor exception process in VMC 20.740.070 to avoid or reduce impacts.
- b. If compensation is determined to be the only available option for the proposed impact, the report shall include the quantity and method of mitigation to compensate for permanent and temporal impacts in accordance with WDFW's Best Management Practices for Mitigating Impacts to Oregon White Oak Priority Habitat, including the following:
 - i. Assessment of priority Oregon white oak woodlands and individuals to determine if they meet the designation criteria for priority habitat and species, the size of each woodland or individual, and the level of ecological function provided;
 - ii. Analysis of the physical and temporal loss of the impacted Oregon white oak woodland habitat;
 - iii. The corresponding mitigation ratios for both physical and temporal loss of the impacted Oregon white oak habitat and the location of such mitigation; and
 - iv. Description of monitoring as outlined by WDFW's guidance.

20.740.130 Geologic Hazard Areas.

A. Designation and Location.

1. Designated or potential Geologic Hazard Areas include Landslide, Seismic, and Erosion Hazard Areas. With the exception of Bank Erosion Hazard Areas and Fault Rupture Hazard Areas, their potential locations are shown on maps available from the City of Vancouver, Clark County, and the State of Washington. Final designations

- shall be based on site conditions and other available data or information (see this chapter's General Provisions section).
2. *Landslide Hazard Areas.* These areas are subject to landslides due to a combination of geologic, topographic, and hydrologic factors. They include any areas susceptible to landslide because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors as defined in VMC Chapter 20.150. Landslides are areas shown as "areas of historic or active landslides," "areas of potential instability," and "areas of older landslide debris" on maps available from Clark County Maps Online ("Slope Stability of Clark County" report [1975] and "Geologic Map of Vancouver Quadrangle" map [1987]) and maps available through the DNR's Geologic Information Portal, including the "Washington Geologic Survey-Protocol Landslide Mapping" and "Other Compiled Landslide Mapping" layers.
 3. *Seismic Hazard Areas.* Seismic Hazard Areas include Liquefaction, Ground Shaking Amplification, and Fault Rupture Hazard Areas as designated below and defined in VMC Chapter 20.150.
 - a. *Liquefaction Hazard Areas.* Settlement and soil liquefaction conditions occur in areas underlain by cohesionless soils of low density, typically in association with a shallow groundwater table. The following are designated Liquefaction Hazard Areas:
 - i. Areas with Low to Moderate,, Moderate, Moderate to High, or High liquefaction susceptibility or Peat Deposits as indicated on liquefaction susceptibility maps from the DNR Geologic Information Portal as revised or superseded.
 - b. *Ground-Shaking Amplification Areas.* The following are designated Ground Shaking Amplification Hazard Areas:

Site Classes C to D, D, D to E, E and F, as shown on the National Earthquake Hazard Reduction Program (NEHRP) Seismic Site Class layer available on the DNR Geologic Information Portal.
 - c. *Fault Rupture Hazard Areas.* Potential Fault Rupture Hazard Areas are faults identified by the DNR Geologic Information Portal "Seismogenic Folds, Known

or Suspected” and “Active Faults, Known or Suspected” layers; USGS, on geologic maps available from the Oregon Department of Geology and Mineral Industries (DOGAMI), Clark County Maps Online, or identified from other available data or in the field by a qualified professional and adjacent areas within 100 feet.

4. *Erosion Hazard Areas.* Erosion Hazard Areas include **Soil Erosion and Bank Erosion Hazard Areas** and as defined in VMC Chapter 20.150. These are also areas that are likely to become unstable, such as bluffs, steep slopes, and areas with unconsolidated soils.

- a. *Soil Erosion Hazard Areas.* The following are designated Soil Erosion Hazard Areas:

- i. *Severe or Very Severe Erosion Hazard Areas.* Areas with soils identified as having a severe or very severe erosion hazard by the 1972 U.S. Department of Agriculture (USDA) Soil Conservation Service Soil Survey of Clark County, Washington.
- ii. ***Bank Erosion Hazard Areas.*** Bank Erosion Hazard Areas are areas along lakes, streams, and rivers that are subject to regression or retreat due to lacustrine or fluvial processes and adjacent land within 100 feet.

B. *Performance Standards.*

1. *General Standards.*

- a. Critical facilities, as defined in VMC Chapter 20.150, are prohibited in the following areas unless there is no other location available, a mitigation proposal is included in the development plan, and a Critical Areas Report prepared by a qualified professional for geologically hazardous areas establishes that the area is safe for development for the type of facility proposed and the type of hazard:
 - i. Landslide Hazard Areas
 - ii. Bank Erosion Hazard Areas
 - iii. Fault Rupture Hazard Areas

- b. Buffer width shall be measured on a horizontal plane from a perpendicular line established at all edges of the geologic hazard area (see VMC Chapter 20.170).
 - c. The applicant shall demonstrate that, during construction and for the anticipated life of the proposed development, the proposed use(s), activity(ies), and structure(s):
 - i. Are designed so that the hazard to the proposed project is eliminated or mitigated to a level equal to or less than pre-development conditions;
 - ii. Will not adversely impact other critical areas, if avoidable, given the type of critical areas involved and the characteristics of the site;
 - iii. Are designed to minimize or eliminate life safety risk; and
 - iv. Are certified by a qualified professional as safe as designed and under anticipated conditions.
2. *Landslide and Erosion Hazard Areas.* Development in non-disturbance areas shall be prohibited. In other areas, development in Landslide and Erosion Hazard Areas and their buffers shall be prohibited except where the applicant has demonstrated compliance with the following standards or requirements.
- a. Landslide Hazard Areas may be able to be mitigated through grading based on a Critical Areas Report that demonstrates that the slope will be stabilized as described in Additional Critical Areas Report Requirements for Geologic Hazards.
 - i. The Critical Areas Permit shall be conditioned on a final inspection approval confirming that the grading and site are stable. At the applicant's expense, after site grading, the applicant shall:
 - (A) Provide inspection specifications from the qualified professional who prepared the Critical Areas Report; and

- (B) Inspect the grading and the site using an inspector acceptable to the City Building Official and submit a report to the City indicating whether the site is stable.
- ii. Clearing, grading, uprooting, or otherwise impairing the soil stabilizing function of vegetation shall be prohibited during the wet season (November 1 to May 1), except as authorized under a valid state or federal permit or a City Type I permit.
- b. Any required erosion mitigation work is to be performed by a certified erosion and sediment control lead in accordance with Ecology requirements.
- c. The requirements of VMC Chapter [14.24](#), Erosion Control, shall be met.
- d. Drainage patterns shall not be altered such that potential for damage or risk to the proposed project, the Geologic Hazard Area, or other critical areas or buffers is increased.
- e. Trails shall be for pedestrian and nonmotorized vehicular use only and shall be the minimum width necessary to meet applicable regulations.
- f. *Roads in Landslide and Bank Erosion Hazard Areas.* A road through or across a Landslide or Bank Erosion Hazard Area shall meet the standards of VMC [20.740.130\(B\)\(2\)](#) and shall not be:
 - i. The sole access for a proposed subdivision (not including short subdivision) or critical facility;
 - ii. Longer than 200 feet; or
 - iii. Steeper than a 15 percent grade.
- g. *Markers and Signs in Landslide Hazard Areas.*
 - i. The boundary at the outer edge of the furthest of the Landslide Hazard Area, non-disturbance area (see this chapter's additional Critical Areas Report requirements for Geologic Hazard Areas), or buffer shall be identified with temporary signs prior to any site alteration.

- ii. The boundary at the **outer edge of landslide area tracts** and easements shall be delineated with **permanent survey stakes**, using iron or concrete markers as established by local survey standards.
- iii. These provisions may be modified by the Planning Official as necessary to ensure protection of people and structures from the hazard.

h. *Stabilization in Bank Erosion Hazard Areas.*

- i. Bank stabilization measures may be employed to protect an existing structure when a Critical Areas Report conclusively demonstrates all of the following:
 - (A) Bank erosion threatens an established use or existing structure(s) within a three-year timeframe;
 - (B) The threatened use or structure(s) cannot be relocated landward of any non-disturbance area (VMC [20.740.130\(B\)\(7\)\(a\)\(2\)](#));
 - (C) Bank stabilization measures will not cause a significant adverse impact on upstream or downstream properties or an impact that cannot be mitigated without developing bank stabilization measures for those properties; and
 - (D) Bank stabilization measures will not cause a significant adverse impact on a Fish and Wildlife Habitat Conservation Area protected by this chapter.
- i. When bank stabilization is allowed, it shall be accomplished using beach nourishment, bioengineering (soft armoring) techniques, or a combination of the two. Other techniques may be used when an approved Critical Areas Report demonstrates conclusively that beach nourishment, bioengineering (soft armoring) techniques, or a combination of the two will not provide sufficient protection for the remaining useful life of the structure(s) to be protected.

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- j. *Buffer.* The following regulations apply to Landslide and Bank Erosion Hazard Area buffers:
- i. Buffer widths
 - (A) No buffer is required for Soil Erosion Hazard Areas.
 - (B) The minimum buffer width from the top and bottom of slope for Landslide and Bank Erosion Hazard Areas shall be equal to two times the slope height or as recommended by a qualified professional in a geotechnical report.
 - (C) A larger buffer width may be required for Landslide and Bank Erosion Hazard Areas at the discretion of the Planning Official when:
 - (1) The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts;
 - (2) The area has a severe risk of slope failure or downslope stormwater drainage impacts;
 - (3) The area is directly adjacent to a riparian area, or wetland; or
 - (4) Recommended in an approved Critical Areas Report.
 - ii. Buffers may be included in non-disturbance areas (VMC 20.740.130(B)(7)(a)(2)) and required planting and maintenance activities may be undertaken within them.
 - iii. The buffer around Landslide and Bank Erosion Hazard Areas shall be vegetated and shall be maintained by the property owner. New plantings shall consist of native vegetation.
 - iv. No alteration to the buffer that involves clearing of vegetation shall be undertaken without an erosion control plan approved pursuant to the provisions of VMC [14.24](#), Erosion Control and this chapter.

3. *Seismic Hazard Areas.*

a. *Liquefaction or Dynamic Settlement and Ground Shaking Amplification Hazard Areas.* All building structures in Liquefaction or Ground Shaking Amplification Hazard Areas shall comply with the requirements of VMC Title 17, Building and Construction. No buffer is required for Liquefaction or Ground Shaking Amplification Hazard Areas.

b. *Fault Rupture Hazard Areas.*

i. A road through or across a **fault rupture hazard area** shall not be:

- (A) The sole access for a proposed subdivision (not including short subdivision) or critical facility;
- (B) Longer than 200 feet; or
- (C) Steeper than a 15 percent grade.

ii. Buffer.

(A) The buffer width shall be the greater of the following distances:

- (1) 50 feet from all edges of a Fault Rupture Hazard Area, except where critical facilities are involved, the minimum buffer distance shall be 100 feet (see VMC [20.170.030\[L\]](#)); or
- (2) The minimum distance recommended in an approved Critical Areas Report.

(B) A larger buffer width may be required when the Planning Official determines that the buffer is not adequate to protect the proposed development.

iii. **Structures for human habitation shall be prohibited within Fault Rupture Hazard Areas and buffers.**

C. *Additional Critical Areas Report Requirements.* In addition to the requirements of VMC 20.740.050, the following are Critical Areas Report requirements for development proposals in potential Geologic Hazard Areas. These requirements may be adjusted as appropriate by the Planning Official. The Critical Areas Report will result in a conclusion as to whether the potential geologic hazard area is an actual geologic hazard area (see VMC 20.740.130[B][6]). If it is, the Critical Areas Report requires the following additional information, mapping, and analysis (see VMC 20.740.130[B][7]):

1. Identification of the site and project area (defined at VMC 20.150); topography of the site in 2-foot contours (or other increment at the discretion of the Planning Official); planned gas, power, cable, fiber optic, telephone, sewer, water, and stormwater management facilities, wells, on-site septic systems, dikes, levees; and existing structures on the site plan required by VMC 20.740.050;
2. Detailed review of field investigations, published data and references, data and conclusions from past geologic studies or investigations, site-specific measurements, tests, investigations, or studies, and the methods of data analysis and calculations that support the results, conclusions, and recommendations;
3. Field investigation and evaluation of the areas on Landslide, Erosion, Liquefaction or dynamic settlement, Ground Shaking Amplification, and Fault Rupture Hazard Areas on or within 100 feet of the site;
4. A description of the surface and subsurface geology, hydrology, drainage patterns, soils, and vegetation for Liquefaction or dynamic settlement, Ground Shaking Amplification, Fault Rupture, Soil Erosion Hazards, Landslide, and Bank Erosion Hazard Areas on or within 100 feet of the site;
5. Identification of any hazard area indicators that were found on site for Liquefaction or dynamic settlement, Ground Shaking Amplification, Fault Rupture, and Soil Erosion Hazards Areas and on or within 100 feet of the site for Landslide and Bank Erosion Hazard Areas;
6. Conclusion as to whether there is a geologic hazard area on site or within 100 feet of the site; and

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7. If a geologic hazard is found to exist on site or if a landslide or bank erosion hazard is found to exist on or within 100 feet of the site, the report must include the following:
- a. Labeling and showing the following on the site plan required by VMC [20.740.050](#):
 - i. The location(s), extent, and type(s) of geologic hazard area(s) identified;
 - ii. The location(s) and extent of any area(s) that must be left undisturbed to protect the proposed development from damage or destruction and to protect the hazard area(s) from the impacts of the proposed development;
 - iii. The boundaries of the area that may be disturbed;
 - iv. The dimension of the closest distance(s) between the geologic hazard area(s) and non-disturbance area and the project area;
 - v. For Bank Erosion Hazard Areas, show these areas, boundaries, and dimensions based upon natural processes and, if applicable, proposed bank stabilization measures; and
 - vi. The recommended buffer for Bank Erosion Hazard Areas.
 - b. Analysis of the erosion processes on site for Soil Erosion Hazard Areas and on or within 100 feet of the site for Bank Erosion Hazard Areas;
 - c. Evaluation of the impact of the Geologic Hazard Area(s) on the proposed development, other properties, and other critical areas, as follows:
 - i. *Landslide Hazard Areas.* The impact of the run-out hazard of landslide debris from both upslope and downslope shall be included in the evaluation.
 - ii. *Bank Erosion Hazard Areas.* Evaluation of impacts on other properties shall include properties both upstream and downstream of the subject property.

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- d. Evaluation of the impact of the proposed development on the geologic hazard area(s);
 - e. Assessments and conclusions regarding geologic hazard(s) for both existing and proposed (post-development) site conditions. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.
 - f. Written discussion of:
 - i. The risk of damage or destruction from the geologic hazard(s) with respect to human health and safety; infrastructure; the proposed development; other properties (both upstream and downstream for Bank Erosion Hazard Areas); and other critical areas; and
 - ii. Whether and to what degree the proposed development would increase the risk from the geologic hazard(s), such as the occurrence of a landslide or the rate of regression.
 - g. Recommendations for mitigation of impacts to protect:
 - i. Human health and safety;
 - ii. Infrastructure;
 - iii. The proposed development;
 - iv. Other properties (both upstream and downstream for Bank Erosion Hazard Areas);
 - v. Other critical areas; and
 - vi. The hazard area during construction and for the anticipated life of the proposed development. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.

- h. A demonstration of how the standards of VMC [20.740.130\(C\)](#) applicable to each geologic hazard area will be met.

20.740.140 Wetlands.

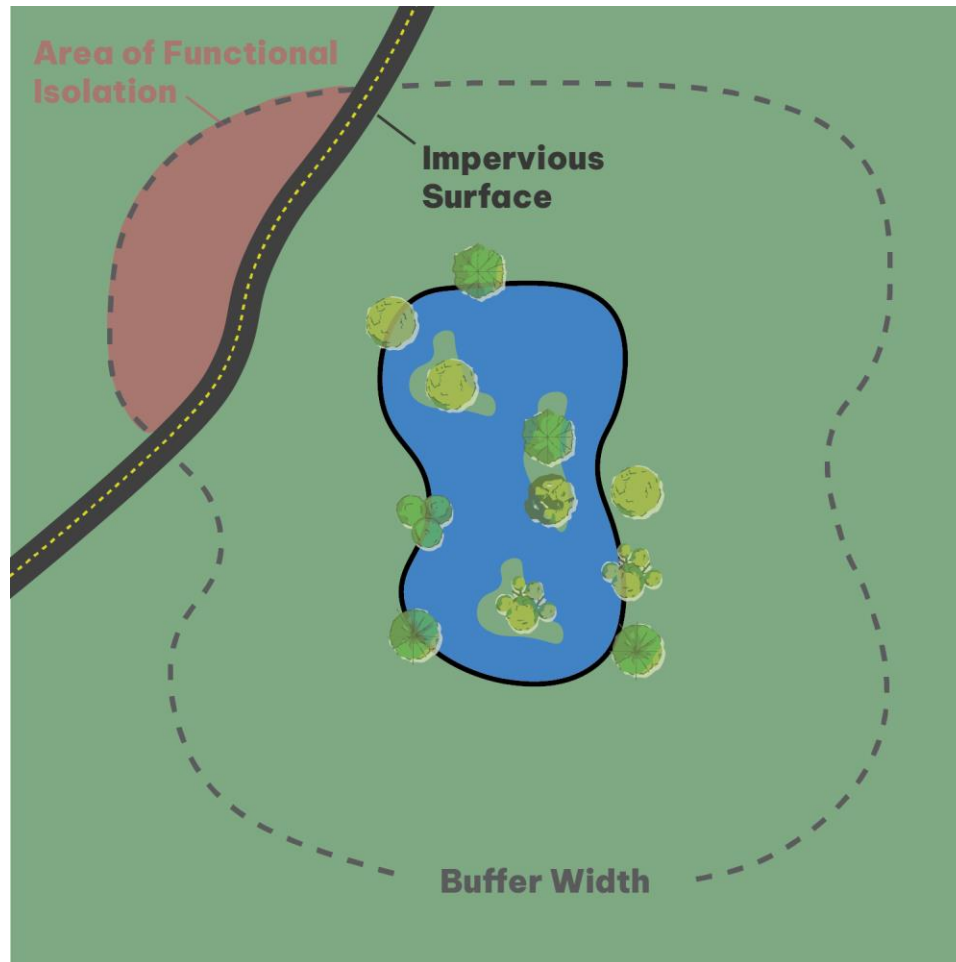
A. Designating and Rating Wetlands.

1. *Designating Wetlands.* Wetlands are areas that have been designated in accordance with the 1987 Federal Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Western Mountains Valleys and Coast Region Version 2.0 (2010 or as further updated) and are defined in VMC 20.150.. Wetlands are subject to a local government's regulatory authority if they meet the definition of wetlands, including non-federally regulated (isolated) wetlands. Final designations shall be based on site conditions as documented in a Wetland Critical Areas Report, and other available data or information (see VMC [20.740.020\[C\]\[1\]](#)).
2. *Wetland Ratings.* Wetlands shall be rated according to the Ecology wetland rating system, *Ecology Publication No. 23-06-009, Washington State Wetland Rating System for Western Washington: 2014 Update, published July 2023*, or as revised by Ecology. The rating system document contains the definitions and methods for determining if the criteria below are met. The most recent version of the rating system form must be used.
 - a. *Wetland Rating Categories.*
 - i. *Category I.* Category I Wetlands are:
 - (A) Wetlands of high conservation value that are identified by scientists of the Washington Natural Heritage Program of the DNR;
 - (B) Bogs;
 - (C) Mature and old-growth forested wetlands larger than one acre

- (D) Wetlands that perform functions at a high level, scoring 23 points or more.
- ii. *Category II.* Category II Wetlands function at a moderately high function and are difficult, though not impossible to replace, scoring between 20 and 22 points.
- iii. *Category III.* Category III Wetlands have generally been disturbed in some way and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.
Category III wetlands:
 - (A) Have a moderate level of functions, scoring between 16 and 19 points; and
 - (B) Can often be adequately replaced with a well-planned mitigation project.
- iv. *Category IV.* Category IV Wetlands have the lowest levels of functions (scoring fewer than 16 points) and are often heavily disturbed. These are wetlands that should be able to be replaced, or in some cases improved. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions and should be protected to some degree.

B. *Development activities that functionally or physically isolate the wetland buffer.*

When existing impervious surfaces or other built structures, such as a levee or railroad corridor, functionally or physically isolate the wetland buffer from the waterbody or wetland, the regulated wetland buffer shall extend landward from the ordinary high water mark (OHWM) or channel migration zone (CMZ), whichever is greater and terminate at the waterward edge of the impervious surface or manmade structure. Development activities that occur within the area of functional isolation, or further landward, are exempt from the requirement to obtain a Critical Areas Permit.

Figure 20.740.140-1: Functional Isolation

The Planning Official shall rely on a site visit, aerial photographs, or other evidence provided by the applicant or the applicant's qualified professional in making a determination to reduce the width of the wetland buffer based on functional and/or physical isolation.

C. Performance Standards.

1. *General Requirements.* Development or clearing activities shall protect the functions of wetlands and wetland buffers on the site. Activities shall result in no net loss of wetland or buffer functions. Protection may be provided by avoiding (preferred) or minimizing and mitigating as described in the general critical areas performance standards (VMC [20.740.060](#)).

- a. *Uses in Wetlands.*

- i. In Category I Wetlands, only the following activities may be allowed:
 - (A) A road, railroad, trail, dike, or levee or a water, sewer, stormwater conveyance, gas, power, cable, fiber optic or telephone facility that cannot feasibly be located outside of the wetland, that minimizes the impact, and that mitigates for any unavoidable impact to functions;
 - (B) Trails and wildlife viewing structures, provided that the trails and structures minimize the impact and are constructed so that they do not interfere with wetland hydrology and do not result in increased sediment entering the wetland;
 - (C) Enhancement and restoration activities aimed at protecting the soil, water, vegetation, or wildlife; and
 - (D) Repair and maintenance of legally established non-conforming uses or structures, provided they do not increase the degree of nonconformity.
- ii. In Category II Wetlands, only the following activities may be allowed:
 - (A) Activities allowed in Category I Wetlands pursuant to subsection ~~(C)(1)(a)(i)~~ of this section;
 - (B) A water-dependent, water-related or water-enjoyment activity where there are not feasible alternatives that would have less impact on the wetland; or
- iii. Where non-water-dependent, related, or enjoyment activities are proposed, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited unless the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and successfully avoid or result in less adverse impacts on a wetland on another site or sites in the City or Vancouver urban growth area. In Category III Wetlands, only the following activities may be allowed:

-
- (A) Activities allowed in Category II Wetlands pursuant to subsection (C)(1)(a)(ii) of this section;
- (B) *Stormwater management facilities.* A Category III wetland can be physically or hydrologically altered to meet the requirements of a Low Impact Development (LID) methodology or Flow Control BMP, if all of the following criteria are met:
- (1) If proposed, an LID BMP is determined to be feasible through a site-specific characterization;
 - (2) The wetland has a habitat score of 3 to 5 points;
 - (3) There will be no net loss of functions and values of the wetland;
 - (4) The wetland does not contain a breeding population of any native amphibian species;
 - (5) The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, and 5 of Chart 4 and questions 2, 3, and 4 of Chart 5 in *Selecting Mitigation Sites Using a Watershed Approach, (Western Washington) (Ecology Publication [#09-06-032 or #10-06-007], or as revised)*; or the wetland is part of a restoration plan intended to achieve restoration goals identified in the City of Vancouver's Shoreline Master Program or a local or regional watershed plan;
 - (6) The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing.
 - (7) All regulations regarding stormwater and wetland management are followed, including in this chapter and VMC 14.24, Erosion Control; and

- (8) Modifications that alter the structure of a wetland or its soils will require permits. Existing functions and values that are lost will need to be compensated for in accordance with the requirements of this chapter.
 - (C) Other activities may be allowed if the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and avoid or result in less adverse impacts on a wetland or its buffer than alternative uses or designs (including reduction in the size, scope, configuration or density of the project).
- iv. In Category IV Wetlands, activities and uses that result in impacts may be permitted in accordance with an approved Critical Areas Report and mitigation plan if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full mitigation for the loss of acreage and functions shall be provided under the terms established pursuant to subsection (C)(2) of this section.
 - (A) If stormwater management facilities are proposed, they must meet the requirements of an LID or flow control BMP as specified for Category III Wetlands.

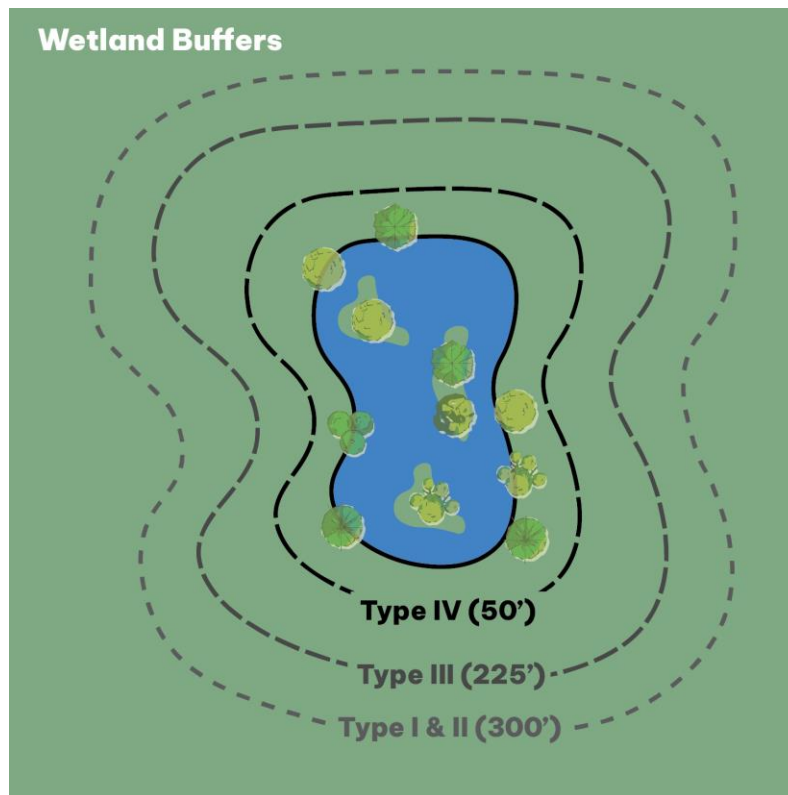
b. *Wetland Buffers.*

- i. *Required Buffer Widths.* Standard buffer widths are measured in feet from the edge of the wetland (see VMC 20.170.030[B]) and [H]). Applicants are required to implement the wetland buffer widths by wetland category as shown in Table 20.740.140-1.
- ii. If the applicant is unable to implement the full width buffers from Table 20.740.140-1 and avoid impacts as a result of proposed development, the planning director shall permit the applicant to use the alternative buffer widths in subsection (v)(B) and (v)(C) below, if the Applicant has first demonstrated they have met the following criteria:

- (A) The applicant has met the mitigation sequencing in VMC 20.740.060 (A-E).
 - (B) The applicant shall provide a minimum of two alternative site designs and layouts to demonstrate that impacts cannot be avoided or be reduced to result in less impacts. The planning director may approve reductions to numerical standards including parking and setbacks under the minor exception process in VMC 20.740.070 to avoid or reduce impacts.
- iii. The required and alternative -buffer widths assume that the buffer is vegetated with a native plant community appropriate for the ecoregion. If the existing buffer is un-vegetated, sparsely vegetated, and/or vegetated with invasive species that do not perform needed functions, the buffer must either be planted to create the appropriate native plant community or be widened to ensure that the buffer provides adequate functions to protect the wetland.
 - iv. If the buffer is functionally isolated by an existing impervious surface or built structure, the remaining buffer area must be revegetated with native species, but the buffer does not need to be widened to exceed widths greater than those listed in Tables 20.740.140-1, 20.740-140-2, and 20.740.140-4.
- (A) Required Buffers Based on Wetland Category – see Table 20.740.140-1.

Table 20.740.140-1. WETLAND BUFFER WIDTH REQUIREMENTS

Wetland Category	Buffer Width (Feet)
I	300
II	300
III	225
IV	50

Figure 20.740.140-2. WETLAND BUFFER WIDTH REQUIREMENTS

(B) Alternative 1 Wetland Buffers: Buffers based on wetland category, wetland type, and habitat score and providing a habitat corridor and implementing minimization measures.

(1) In order for an applicant to use the buffer widths of Table 20.740.140-2, the applicant must provide a habitat corridor as outlined in this subsection and implement the impact minimization measures listed in Table 20.740.140-3. Not all impact minimization measures are applicable. An undisturbed vegetated corridor at least 100 feet wide must be provided between the wetland and another priority area for preservation that meets the following:

(a) A legally protected, high-functioning vegetated area (priority habitats; other compensation sites; wildlife areas/refuges; or national, county, and state parks that have

- management plans with identified areas designated as Natural, Natural Forest, or Natural Area Preserve);
- (b) An area that is the site of a Watershed Project identified within and fully consistent with a Watershed Plan, as these terms are defined by RCW 89-08-460;
 - (c) An area where development is prohibited under the provisions of the local shoreline master program;
 - (d) An area with equivalent habitat quality that has conservation status in perpetuity, in consultation with WDFW;
 - (e) The corridor is permanently protected for the entire distance between the wetland and the legally protected area by a conservation easement, deed restriction, or other legal means;
 - (f) Presence of the shoreline or Priority Habitat must be confirmed by a qualified biologist or the Planning Official;
 - (g) If a wetland scores five or fewer habitat points, only the impact minimization measures listed in Table 20.740.140-3 are required, in order to use the buffers in Table 20.740.140-2; or
 - (h) If an applicant does not apply the mitigation measures in Table 20.740.140-3 and is unable to provide a protected corridor, then the

buffers in Tables 20.740.140-1 or 20.740.140-4 shall be used.

Table 20.740.140-2. ALTERNATIVE 1: WETLAND BUFFER WIDTH REQUIREMENTS

Category of Wetland	Habitat Score 3 to 5 Points (corridor not required)	Habitat Score 6 to 7 Points	Habitat Score of 8 to 9 Points	Buffer width Based on Special Characteristics
Category I: Bogs and Wetlands of High Conservation Value	NA	NA	225 feet	190 feet
Category I: Forested	75 feet	110 feet	225 feet	NA
Category I or II: Based on Rating of Wetland Functions (and not listed above)	75 feet	110 feet	225 feet	NA
Category III: All Types	60 feet	110 feet	225 feet	NA
Category IV: All Types	40 feet	40 feet	40 feet	NA

Note: Special characteristics are defined in the Washington State Wetland Rating System for Western Washington: 2014 Update, published July 2023 or as revised by Ecology.

Table 20.740.140-3. IMPACT MINIMIZATION MEASURES REQUIRED TO IMPLEMENT ALTERNATIVE 1 WETLAND BUFFERS.

Examples of Disturbance	Uses and Activities that Cause the Disturbance	Examples of Measures to Minimize Impacts
Lights	Parking lots, warehouses, manufacturing, residential, recreational	Direct lights away from wetland. Only use lighting where necessary for public safety and keep lights off when not needed. Use motion-activated lights. Use full cut-off filters to cover light bulbs and direct light only where needed. Limit use of blue-white colored lights in favor of red-amber hues. Use lower-intensity LED lighting. Dim light to the lowest acceptable intensity.
Noise	Manufacturing and other industrial, residential, commercial, recreational	Locate activity that generates noise away from wetland. Construct a fence to reduce noise impacts on adjacent wetland and buffer. Plant a strip of dense shrub vegetation adjacent to wetland buffer.
Toxic runoff	Parking lots, roads, manufacturing, residential, application of agricultural or landscaping chemicals, landscaping	Route only treated runoff to a wetland and route untreated runoff away from wetland while ensuring wetland is not dewatered. Establish covenants limiting use of toxic chemicals within 150 feet of wetland. Apply integrated pest management.

Examples of Disturbance	Uses and Activities that Cause the Disturbance	Examples of Measures to Minimize Impacts
Stormwater runoff	Parking lots, roads, residential, commercial/industrial, recreational, landscaping/lawns, and other impermeable surfaces/compacted soils	Retrofit stormwater detention and treatment for roads and existing adjacent development. Prevent channelized or sheet flow from lawns that directly enters the buffer. Infiltrate or treat, detain, and disperse new runoff from impervious surfaces and lawns.
Change in water regime	Impervious surfaces, lawns, tilling	Infiltrate or treat, detain, and disperse new runoff into buffer.
Pets and human disturbance	Residential, recreational, commercial, industrial	Plant dense vegetation around buffer, such as rose or hawthorn, to delineate buffer edge and discourage disturbance. Place wetland and its buffer in a separate tract. Place signs around the wetland buffer every 50 to 200 feet and for subdivisions place signs at the back of each residential lot. When platting new subdivisions, locate greenbelts, stormwater facilities, and other lower intensity uses adjacent to wetland buffers.
Human disturbance	Residential, commercial, industrial	Plant dense vegetation around buffer, such as rose or hawthorn
Dust	Tilled fields, roads	Utilize best management practices BMPs to control dust.

- (C) Alternative 2 Wetland Buffer Widths: Buffers based on wetland category wetland type, and habitat score (see Table 20.740.140-4) without providing a habitat corridor or minimization measures as outlined in subsection (B) above.

Table 20.740.140-4. ALTERNATIVE 2 WETLAND BUFFER WIDTH REQUIREMENTS

- v. *Wetland Buffer Width Averaging.* The Planning Official may allow modification of the standard wetland buffer width in accordance with

Category of Wetland	Habitat Score 3 to 5 Points (corridor not required)	Habitat Score 6 to 7 Points	Habitat Score of 8 to 9 Points	Buffer width Based on Special Characteristics
Category I: Bogs and Wetlands of High Conservation Value	NA	NA	300 feet	250 feet
Category I: Forested	100 feet	150 feet	300 feet	NA
Category I or II: Based on rating of wetland functions (and not listed above)	100 feet	150 feet	300 feet	NA
Category III: All types	80 feet	150 feet	300 feet	NA
Category IV: All Types	50 feet	50 feet	50 feet	50 feet

an approved Critical Areas Report by averaging buffer widths. Buffer width averaging shall not be used in combination with buffer width reduction or a minor exception (VMC 20.740.070). Averaging of buffer widths (see VMC 20.170.080(B)(2)) may only be allowed when

implementing the impact minimization measures, as applicable, in Table 20.740.140-3 and where a qualified professional wetland scientist demonstrates that:

- (A) Such averaging will not reduce wetland functions or functional performance;
- (B) The wetland varies in sensitivity due to existing physical characteristics, or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places;
- (C) The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and
- (D) The buffer width is not reduced at any point by more than 25 percent of the standard width and is no less than 30 feet wide.

vi. *Buffer Maintenance.* Except as otherwise specified or allowed in accordance with this chapter, wetland buffers shall be maintained and fully vegetated according to the approved Critical Areas Permit.

vii. *Buffer Uses.* The following uses may be permitted within a wetland buffer in accordance with the review procedures of this chapter, provided they are not prohibited by any other applicable laws or regulations and they are conducted in a manner so as to minimize impacts to the buffer and the wetland:

- (A) Activities allowed under the same terms and conditions as in the associated wetlands pursuant to subsection (C)(1)(a) of this section;
- (B) Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife;

-
- (1) Removal of invasive plant species shall be restricted to hand removal. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the City's Noxious Weed list should be handled and disposed of according to a noxious weed control plan appropriate to that species. Revegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.
 - (C) Passive recreation facilities, including trails and wildlife viewing structures, provided that the trails and structures are constructed with a surface that does not interfere with wetland hydrology;
 - (1) Trails shall be located in the outer 25 to 50 percent of the buffer, when feasible.
 - (D) Stormwater management facilities are not allowed in Category I or II Wetland buffers. Stormwater management facilities must meet the requirements of an LID or flow control BMP as specified for uses in Category III wetlands.
 - (E) Educational and scientific research activities;
 - (F) Normal and routine maintenance and repair of any existing public or private facilities within an existing right-of-way, provided that the maintenance or repair does not increase the footprint or use of the facility or right-of-way;
 - (G) The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided that the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources; and

(H) Drilling for utilities/utility corridors under a buffer, with entrance/exit portals located completely outside of the wetland buffer boundary, provided that the drilling does not alter the ground water connection to the wetland or percolation of surface water down through the soil column.

(1) Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column would be disturbed.

c. *Temporary and permanent markers and signs for wetlands.*

i. Temporary and permanent markers and signs are installed in compliance with the requirements of VMC 20.740.020, General Provisions.

2. *Compensatory Mitigation.* Compensatory mitigation for impacts to wetlands shall be provided pursuant to VMC [20.740.060](#) and shall be consistent with Ecology's Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance, Version 2, Ecology Publication No. 21-06-003 April 2021, and Part 2: Developing Mitigation Plans, Version 1, Ecology Publication No. 06-06-011b, March 2006, or as revised by Ecology. Watersheds are defined in VMC [20.740.020\(C\)\(2\)](#) and Chapter [20.150](#) VMC.

a. *Mitigation for Lost or Affected Functions.* Compensatory mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement and shall provide wetland or buffer functions similar to those lost, except when:

i. The lost wetland or buffer provides minimal functions as determined by a site-specific functional assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limited within a watershed through a formal Washington State watershed assessment plan or protocol; or

-
- ii. Out-of-kind replacement will best meet formally identified watershed goals, such as replacement of historically diminished wetland types.
 - b. *Compensatory Mitigation Actions.* If, through mitigation sequencing in accordance with VMC 20.740.060, it is determined that compensatory mitigation is necessary, the applicant must provide an alternative approach to compensation. Compensation is prioritized as follows:
 - i. *Mitigation bank credits:* Allows applicants to compensate for wetland loss by purchasing credits from a bank that is commissioned to restore, create, enhance, or preserve wetland areas in providing compensatory mitigation for authorized impacts to wetlands;
 - ii. *In-lieu fee program credits:* Allows applicants to compensate for wetland losses by paying a fee to a third party, such as a government agency or conservation organization, where the fee is used to ensure protection, creation, and enhancement of wetlands;
 - iii. *Permittee-responsible mitigation (PRM)* under a watershed approach;
 - iv. *PRM* that is on site and in-kind;
 - v. *PRM* that is off site and/or out-of-kind.
 - c. PRM includes the following approaches:
 - i. *Creation.* The manipulation of the physical, chemical, or biological characteristics present to develop a wetland where a biological wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species. Creation results in a gain in wetland acres and functions.
 - ii. *Reestablishment.* The manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historic functions and environmental processes to a former wetland. Activities could include removing fill material, plugging ditches or

breaking drain tiles. Reestablishment results in a gain in wetland acres and functions.

- iii. *Rehabilitation.* The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural or historic functions and processes of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland, or breaking drain tiles and plugging drainage ditches. Rehabilitation results in a gain in wetland functions but not in wetland acres.
- iv. *Preservation.* The removal of a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This term includes activities commonly associated with the protection and maintenance of wetlands through the implementation of appropriate legal and physical mechanisms (such as recording conservation easements and providing structural protection like fences and signs). Preservation does not result in a gain of wetland area and functions (but may result in a gain in functions over the long term).
- v. *Enhancement.* The manipulation of the physical, chemical, or biological characteristics of a biological wetland to increase or improve specific functions or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Activities typically consist of planting vegetation, controlling nonnative or invasive species, modifying site elevations to result in open water ponds, or some combination of these. Enhancement results in a change in certain wetland functions and can lead to a decline in other wetland functions. It does not result in a gain in wetland acres.
- vi. *Mixed Compensatory Mitigation.* Involves more than one of the listed types of compensatory mitigation.

d. *Mitigation Ratios.*

i. *Replacement Ratios.*

(A) The replacement ratios shall apply to wetland mitigation that: (1) is for the same hydrogeomorphic subclass (e.g., riverine flow-through, depressional outflow, or flats), and Cowardin class (e.g., palustrine emergent, palustrine forested or estuarine wetlands); (2) is on site; (3) is in the same category; (4) is implemented prior to or concurrent with alteration; and (5) has a high probability of success.

(B) *Mitigation Ratios.* Mitigation ratios are as follows (see subsection of this section for definitions of mitigation actions):

Table 20.740.140-5. MITIGATION REPLACEMENT RATIOS

Wetland Category and Type	Reestablishment or Creation	Rehabilitation	Preservation	Enhancement
Category I forested	6:1	12:1	24:1	24:1
Bog	NA	NA	24:1	NA
Wetlands of High Conservation Value	Consult with DNR	Consult with DNR	24:1	Consult with DNR
Category II	3:1	6:1	12:1	12:1
Category III	2:1	4:1	8:1	8:1

Wetland Category and Type	Reestablishment or Creation	Rehabilitation	Preservation	Enhancement
Category IV	1.5:1	3:1	6:1	6:1

ii. *Adjustment of Replacement Ratios.* The Planning Official may adjust the replacement ratios to compensate for deviations from the requirements under this section, subject to the following:

(A) In most cases, adjustments to the replacement ratios will increase the required amount of mitigation. The required mitigation may be decreased under exceptional circumstances—for example, if programmatic out-of-kind mitigation yields watershed-scale benefits that would not be realized from in-kind mitigation, or if out-of-kind mitigation would protect irreplaceable wetlands.

e. *Mitigation Timing.* The mitigation shall be implemented prior to or concurrent with alterations. If mitigation is implemented after alteration is allowed, the Planning Official may require additional mitigation to compensate for temporal losses of wetland functions.

f. *Buffers for Mitigation Wetlands.* Refer to Wetland Buffer Tables 20.7470.140-1, 20.740.140-1, 20.740.140-2, and through 20.740.140-4.

g. *Wetland Mitigation Banks.*

i. Credits from a wetland mitigation bank may be approved for use as mitigation for unavoidable impacts to wetlands when:

(A) The bank is certified under Chapter [173-700 WAC](#);

(B) The Planning Official determines that the wetland mitigation bank provides appropriate mitigation for the authorized impacts; and

-
- (C) The proposed use of credits is consistent with the terms and conditions of the bank's certification.
- ii. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.
 - iii. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.
- E. *Additional Critical Areas Report Requirements.* A Critical Areas Report for wetlands shall be prepared according to the Washington State Wetland Rating System for Western Washington – 2014 Update, Ecology Publication No. 14-06-02923-06-009, Washington State Wetland Rating System For Western Washington: 2014 Update, published July 2023October 2014 or as revised by Ecology. The Critical Areas Report shall contain an analysis of the wetlands including the following site- and proposal-related information:
- 1. A written assessment, data sheets, and accompanying maps of any wetlands or buffers on the site, including the following information:
 - a. Hydrogeomorphic (HGM) subclassification and Cowardin class;
 - b. Wetland category;
 - c. Wetland delineation and required buffers;
 - d. Existing wetland acreage;
 - e. Vegetative, faunal, and hydrologic characteristics;
 - f. Soil types and substrate conditions;
 - g. Topographic elevations, at one-foot contours; and
 - h. A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge, or evidence of

water depths throughout the year, including drift lines, algal layers, moss lines, and sediment deposits).

2. Functional evaluation for the wetland and buffer using Ecology's most current approved data sheets. method and including the reference of the method and all data sheets.
3. Proposed mitigation, if needed, including a discussion of alternatives and trade-offs of the various alternatives (for example, where enhancement for one function would adversely affect another) and a written description and accompanying maps of the mitigation area, including the following information:
 - a. Existing and proposed wetland acreage;
 - b. Existing and proposed vegetative and faunal conditions;
 - c. Surface and subsurface hydrological conditions of existing and proposed wetlands and hydrologically associated wetlands, including an analysis of existing hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;
 - d. Relationship to lakes, streams, and rivers in the watershed;
 - e. Soil type and substrate conditions;
 - f. Topographic elevations, at one-foot contours;
 - g. Required wetland buffers including existing and proposed vegetation;
 - h. Identification of the wetland's contributing area; and
 - i. A functional assessment of proposed mitigation to ensure no net loss of shoreline ecological function.

August 19, 2024

To: City of Vancouver

From: Matt Harding, Port of Vancouver

RE: City of Vancouver Critical Areas Ordinance Update

The Port of Vancouver is submitting the following letter as part of the public comment period on the draft Critical Areas Ordinance (CAO) update.

The draft CAO update includes a proposed change to VMC 20.740.140 (Wetlands) that establishes the following prioritization hierarchy for compensatory mitigation for wetland impacts:

- i. Mitigation bank credits*
- ii. In-lieu fee program credits*
- iii. Permittee-responsible mitigation (PRM) under a watershed approach*
- iv. PRM that is on site and in-kind*
- v. PRM that is off site and/or out-of-kind. (20.740.140(C)(2)(b))*

The Port supports this proposed update as it is consistent with best available science regarding the relative benefits and success of mitigation banks in providing ecological lift.

However, as written this hierarchy appears to only apply to compensatory mitigation for wetland impacts, and not impacts to Fish and Wildlife Habitat Conservation Areas (FHWCA).

The Approval Criteria in VMC 20.740.060 still require that “*compensatory mitigation shall be in-kind and on-site when feasible...*”. (20.740.060(E))

Similarly, the Criteria in VMC 20.740.110 (Fish and Wildlife Habitat Conservation Areas) includes the following language prioritizing on-site in-kind mitigation:

- “ii. Disrupted functions and values shall be mitigated on site as a first priority, and off site thereafter.”*
(20.740.110(C)(1)(b))

There are compensatory mitigation banks being developed and in review that propose to offer habitat mitigation credits that would provide high quality ecological lift to offset impacts to FHWCA habitat functions within the city.

For the same reasons that the City has added language prioritizing the use of bank credits for wetland impacts when such credits are available, the Port requests that the City consider

including a similar prioritization hierarchy for FHWCA compensatory mitigation in both VMC 20.740.060(E) and VMC 20.740.110(C)(1)(b).

Thank you for the opportunity to comment, and please contact me at the email or phone number below with any questions.



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August 19, 2024

Sent via email: Domenique.martinelli@cityofvancouver.us

Domenique Martinelli, Senior Long-Range Planner
City of Vancouver, Community Development
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Sent via email: Keith.jones@cityofvancouver.us

Keith Jones, Senior Land Use Planner

Sent via email: ourvancouver2045@cityofvancouver.us

RE: City of Vancouver Critical Areas Ordinance Update

To The City of Vancouver Planning Commission, Ms. Martinelli, and Mr. Jones,

Thank you for the opportunity to provide comments on the City of Vancouver's Critical Areas Ordinance (CAO) Update. We have reviewed the draft Critical Areas Ordinance Update and are respectfully requesting revisions to VMC 20.740.030(C)(1)(h) Exemptions from Requirement to Obtain a Critical Areas Permit and VMC 20.740.110 (D)(3)(b), Additional Critical Areas Report Requirements, as set forth below, to align the language with state rules and guidance regarding compensatory mitigation for Oregon White Oak Woodlands Priority Habitat, including the Washington Department of Fish and Wildlife's (WDFW) recently issued *Best Management Practices for Mitigating Impacts to Oregon White Oak Priority Habitat* (Nolan and Azerrad 2024), WDFW's *POL-M5002 Requiring or Recommending Mitigation* (WDFW 1999), and Ecology publication #12-06-015 *Interagency Regulatory Guide—Advance Permittee-Responsible Mitigation* (Corps et. al 2012).¹

Plas Newydd Farm is a family-owned small business with a long history of successful land management of its 1,625-acre property, located in Clark County at the confluence of the Lewis and Columbia Rivers. The Plas Newydd Farm land has been in my family since 1941, and is currently managed for forestry, agriculture, and leased duck hunting.

Plas Newydd Farm is the Sponsor of the Wapato Valley Oak Mitigation Bank ("Wapato Oak Bank"), which is located on a portion of the Plas Newydd Farm site. The Wapato Oak Bank was

¹ Nolan, M. P., and J. M. Azerrad. 2024. Management recommendations for Washington's priority habitats: Best management practices for mitigating impacts to Oregon white oak priority habitat. Washington Department of Fish and Wildlife, Olympia, Washington. <https://wdfw.wa.gov/publications/02465> [Accessed August 2, 2024]

Washington State Department of Fish and Wildlife. 1999. POL-M5002—Requiring or Recommending Mitigation. https://wdfw.wa.gov/sites/default/files/about/advisory/hcicag/documents/implementation_guidance/pol-m5002.pdf [Accessed August 6, 2024]

Certified by WDFW and Clark County in December of 2023 and will eventually include over 119 acres of oak habitat including over 100 acres of mature oak stands that currently meet the WDFW definition for Oregon White Oak Woodland Priority Habitat. The Wapato Oak Bank provides mitigation credits for projects with adverse impacts to Oregon white oak (*Quercus garryana*), including Oregon White Oak Woodlands Priority Habitat and Snags and Logs Priority Habitat Features, and that need to compensate for those impacts as a condition of their permits or other regulatory requirements resulting from project impacts. The Wapato Oak Bank will generate Oak Enhancement and Preservation Credits to offset temporal loss of function and Oak Creation Credits to offset physical loss of habitat to Oregon white oak including Oregon White Oak Woodlands Priority Habitat. Establishment of the Wapato Oak Bank continues my family's proud tradition of responsible land management and stewardship of the Plas Newydd Farm site and is a demonstration of our long-held belief that economic development and environmental sustainability can and should co-exist rather than conflict.

In addition to the Wapato Oak Bank, Plas Newydd Farm is the Sponsor of the Wapato Valley Mitigation and Conservation Bank, which is also located on the Plas Newydd Farm site adjacent to the Wapato Oak Bank. Upon certification (estimated for 2025), the Wapato Valley Mitigation and Conservation Bank will provide credits for adverse impacts to wetlands and other aquatic resources authorized under the Clean Water Act as well as to federally-listed fish species and their designated critical habitat under the Endangered Species Act. Implementation of Wapato Valley Mitigation and Conservation Bank's process-based restoration design will increase ecologic functions within over 335 acres of aquatic, wetland, and upland riparian habitats that span the freshwater tidal floodplain ecosystem continuum along the Columbia and Lewis Rivers.

We appreciate the City of Vancouver's stated purpose regarding updates to the City's CAO to focus on technical adjustments to align with updated state agency guidance and recent scientific developments. We support the City of Vancouver in their inclusion of specific provisions for Oregon white oak in the proposed CAO draft per the City's Best Available Science Research technical report, including the specification of using WDFW's most current Oregon white oak guidance (Nolan and Azerrad 2024). We are requesting a set of changes to the proposed revised municipal code to provide additional consistency with state guidance for Oregon white oaks and oak habitats, including mandates regarding no net loss of ecological functions. Additionally, we are providing information to support the use of local oak mitigation bank credits to offset impacts to Oregon white oak including Oregon White Oak Woodlands Priority Habitat requiring compensatory mitigation when on-site in-kind mitigation is not feasible, including the reasons why on-site in-kind mitigation is often not feasible to meet State requirements.

I. Requested Revisions to VMC 20.740.030(C)(1)(h).

We request a change to the language of draft VMC 20.740.030(C)(1)(h) to ensure consistency with WDFW management guidance for Oregon White Oak Priority Habitat. WDFW Guidance (Nolan and Azerrad 2024) on page 18 outlines guidance to be followed for calculating the amount of mitigation needed to offset the physical loss of habitat, which includes a replacement ration for trees between 6 and 12 inches dbh for compensating the loss of individual, locally-important trees. Additionally, in the WDFW functional assessment for individual Oregon white oak trees provided on page 32 of Nolan and Azerrad (2024), there is an entry for the size of oak

trees that are less than 12 inches dbh. Additionally, we are providing a correction to a typo in the referenced code in this text as the code referenced does not exist in Chapter 20.150 (Definitions).

For the reasons stated above, Plas Newydd respectfully requests that the City of Vancouver incorporate the changes shown in redline below:

VMC 20.740.030(C)(1)(h): Development/Expansion of a Single-Family Residence with a Loss of a Single, Standalone Oregon white oak. The loss of a single, standalone Oregon white oak tree that meets the WDFW PHS status (must not be part of a woodland that includes off-site trees) and in accordance with the definition listed in VMC 20.150.150040(D) that is equal to or less than 126inches dbh for the purpose of developing a single-family residence or expansion of an existing single-family residence structure (does not include expansion of detached garages, outbuildings, accessory dwellings, decks, gardens, etc.).

II. Requested Revisions to VMC 20.740.030(D)(3).

Additionally, we are requesting changes to the language of the proposed VMC 20.740.110(D)(3) to ensure consistency with State rules and WDFW guidance and to support the requirement of no net loss of ecological functions. These suggested changes include the addition of the following:

- Language referencing specific code for the Critical Areas Report submittal requirements (VMC 20.740.050). This suggested code change is intended to provide additional clarity regarding the set of requirements for projects seeking compensatory mitigation for proposed impacts;
- Language to clarify that compensatory mitigation is also required for losses to functions in addition to habitat. This added language is intended to be more aligned with current WDFW guidance (see Compensation on page 8 in Nolan and Azerrad 2024) and that requires mitigation for both the physical loss of habitat and the temporal loss of ecosystem functions. Additionally, WDFW (1999) states, “Mitigation credits and debits shall be based on a scientifically valid measure of habitat function, value, and area.”
- Language referencing the requirement of a mitigation plan as part of the Critical Areas Report per VMC 20.740.050(E). As stated in the proposed Critical Areas Report submittal requirements (VMC 20.740.050(B)(7)), a mitigation plan is only required “as needed” in accordance with VMC 20.740.050(F)². The proposed additional language specifies that a mitigation plan is required for compensatory mitigation for impacts to Oregon white oak, which is also a requirement outlined in the most current WDFW guidance document for Oregon white oak (see Developing Compensatory Mitigation Plans on page 9 in Nolan and Azerrad 2024) and State policy requiring mitigation plans for projects with significant impacts (see bullet 16 in WDFW 1999). [Additional note: VMC 20.740.050(B)(7) should reference VMC 20.740.050(E) and not VMC 20.740.050(F)]
- Language requiring the submittal of a long-term monitoring and maintenance plan. On page 16 of Nolan and Azerrad (2024), WDFW states, “A long-term maintenance plan is needed to ensure an OWO community is successfully established” and that “Individual

² There appears to be an erroneous cross-reference to VMC 20.740.050(F) in VMC 20.740.050(B)(7). We believe that this provision should reference VMC 20.740.050(E), which pertains to the Mitigation Plan Requirements.

maintenance plans incorporating relevant BMPs should be created in consultation with a biologist or a local WDFW area habitat biologist.” Pages 16–20 of that guidance outline the information that should be considered when developing long-term monitoring and maintenance plans for sites where existing Oregon white oak habitat is being enhanced or where new Oregon white oak habitat is being created. While proposed VMC 20.740.050(E) requires a monitoring plan, there is no long-term maintenance plan requirement.

- Language requiring the demonstration of all mitigation areas through perpetuity with a conservation easement or other similar tool. On page 10 of Nolan and Azerrad (2024), WDFW states, “Protecting all mitigation areas (both enhancement and newly replanted areas) through perpetuity with a conservation easement or other similar tool is also essential to ensure the function gained is protected and not lost to future development. This is again echoed on page 15 of Nolan and Azerrad (2024), “Any sites identified need to be protected in perpetuity through a conservation easement or similar means.” The addition of language pertaining to the need for an in-perpetuity site protection mechanism for any compensatory mitigation sites will help to clarify that this is a requirement of compensatory mitigation for Oregon white oak.

VMC 20.740.110(D)(3): For land use and development-related activities on a site with PHS-designated priority Oregon white oak woodland habitat, the applicant shall be required to demonstrate compliance with WDFW’s latest guidance: Best Management Practices for Mitigating Oregon White Oak Priority Habitat (January 2024) ~~the Washington Department of Fish and Wildlife WDFW’s latest guidance: Best Management Practices for Mitigating Oregon White Oak Priority Habitat (January 2024)~~ and any subsequent revisions. The report shall include mapping and an evaluation of the habitat functions.

(a) The ~~eCritical aAreas r~~Report shall also identify protection and mitigation for the impacted Oregon white oaks on the site. In circumstances where it is demonstrated that preservation or mitigation of impacts on-site is not practicable, the applicant shall provide a minimum of two alternative site designs and layouts to demonstrate that impacts cannot be avoided or be reduced to result in less impacts. The planning director may approve reductions to numerical standards including parking and setbacks under the minor exception process in VMC 20.740.070 to avoid or reduce impacts.

(b): If compensation is determined to be the only available option for the proposed impact, ~~in addition to the submittal requirements in VMC 20.740.050, the Critical Areas r~~Report shall include the quantity and method of mitigation to compensate for permanent and temporal impacts in accordance with WDFW’s Best Management Practices for Mitigating Impacts to Oregon White Oak Priority Habitat, including the following:

- i. Assessment of priority Oregon white oak woodlands and individuals to determine if they meet the designation criteria for priority habitat and species, the size of each woodland or individual, and the level of ecological function provided;
- ii Analysis of the physical and temporal loss of the impacted Oregon white oak woodland habitat ~~and functions~~;

- iii. The corresponding mitigation ratios for both physical and temporal loss of the impacted Oregon white oak habitat **and functions**, and the location of such mitigation;
- iv. **Mitigation Plan as outlined by WDFW's guidance and consistent with the requirements in VMC 20.740.050(E).**
- ~~iv.~~ **Description of Long-term monitoring and maintenance plan** as outlined by WDFW's guidance **and consistent with the requirements in VMC 20.740.050(E).**
- vi. **Demonstration of protection of all mitigation areas through perpetuity with a conservation easement or other similar tool.**

III. Requested Revisions to VMC 20.740.110(C)(1)(a)(iii).

There appears to be an erroneous cross-reference to the VMC in VMC 20.740.110(C)(1)(a)(iii). The cross-referenced provision, VMC 20.740.110(B)(2)(b), does not exist in proposed the redline version of the code. Based on reviewing the code provisions currently in effect and the proposed redline version, we believe that this provision should be revised as follows:

VMC 20.740.110(C)(1)(a)(iii). Functionally significant habitat, defined as habitat that cannot be replaced or restored within 20 years, shall be preserved unless the activity meets the conditions of ~~VMC 20.740.110(B)(2)(b)~~ **VMC 20.740.110(C)(1)(b)**. An example of habitat that cannot be replaced within 20 years would be a stand of mature trees or a peat bog.

IV. Benefits of Oak Mitigation Banks as Compensatory Mitigation.

In addition to the requested changes to VMC as detailed above, I would like to discuss specific reasons why on-site in-kind mitigation is often not feasible to meet Washington State and local municipality requirements for impacts to Oregon white oak and oak habitats, and why greater habitat functions and values can generally be achieved off-site at in-kind mitigation banks. The Washington Department of Fish and Wildlife follows State guidance outlined in WDFW's Pol-M5002 *Requiring or Recommending Mitigation* (WDFW 1999) for Oregon white oak and oak habitats (Nolan and Azerrad 2024) for mitigation sequencing and location and type when compensating for a project impact. In the Washington State guidance, preference is given to on-site in-kind followed by off-site in-kind (see bullet 6 in WDFW 1999); however, on-site in-kind mitigation is often not feasible or adequate for replacing lost ecosystem functions due to habitat removal. When the City of Vancouver is evaluating development projects with impacts to Oregon white oak and oak habitats needing compensatory mitigation or is prescribing enforcement actions for violations of VMC related to Oregon white oak and/or oak habitats, mitigation banks offering oak credits should be considered as an ecologically preferable mitigation option as compared to on-site in-kind mitigation options for the following reasons:

- **On-site mitigation generally cannot adequately address both the physical loss of Oregon white oak habitat and the temporal loss in ecological function.** Projects with impacts to Oregon white oak often do not have the adequate space or options for on-site mitigation, especially with the consideration of replacement ratios requiring larger mitigation areas than the impact area. This is inherently not an issue for mitigation banks. Additionally, it can take hundreds of years to replace temporal losses to Oregon white oak ecological functions; therefore, impacts to Oregon white oak can only adequately address temporal losses to ecological functions through preservation or enhancement mitigation actions to existing Oregon white oak woodland habitat, and not through the

creation of new Oregon white oak woodland habitat. Most development projects within the City of Vancouver do not have existing oak woodlands that can be preserved or enhanced for an on-site mitigation option; however, some mitigation Banks, such as the Wapato Oak Bank, are able to offer mitigation credits for preserved and enhanced mature Oregon white oak woodlands with a high degree of ecological functions and values, thus more appropriately offsetting temporal losses to ecological functions.

- Per Nolan and Azerrad (2024), “The long lifespan of OWO makes it a challenge to develop a compensatory mitigation plan that can offset the loss of ecological function. Many of the critical ecological functions OWO provides are only provided by mature trees, with trees gaining functional capacity as they age. Thus, the loss of functional mature trees can take many decades to replace with young seedlings or saplings. This temporal loss of habitat function further compounds the physical loss of mature trees.”
- Nolan and Azerrad (2024) also state that, “Because of the time it takes for OWO to grow and mature, compensatory mitigation will require significantly more land area to compensate for the impacted area.”...“Remnant OWO habitat with established oaks should also be secured, protected, and enhanced to offset the temporal loss in function.”
- **On-site mitigation is often not feasible in advance of project impacts, which increases temporal losses to ecological functions.** However, mitigation banks represent a form of advanced mitigation, which can minimize or eliminate temporal losses in habitat functions.
 - In the Interagency Regulatory Guide—Advance Permittee-Responsible Mitigation advanced mitigation³ (Corps et al. 2012), WDFW, The Washington State Department of Ecology, and The U.S. Army Corps of Engineers collectively state that, “The regulatory agencies, in signing this document show their support for advance mitigation because it provides mitigation in advance of impacts so the temporal loss of functions common with concurrent mitigation is eliminated or reduced. The risk of mitigation sites not achieving the targeted improvement to wetlands, water quality, and/or fish and wildlife habitat are eliminated because advance mitigation sites will not generate credits until the targeted functions are achieved and the site is proposed for use by an applicant.”
 - The Washington Department of Fish and Wildlife’s (1999) mitigation guidance states, “Mitigation shall proceed along with project construction. Mitigation measures are an integral part of a construction project and shall be completed before or during project construction, except projects with impacts that have no proven mitigation techniques. Those projects require advance mitigation.” Further, “Delayed mitigation shall include replacement that is greater than losses. Mitigation that is implemented after project construction, or that requires a long time to reach replacement value, shall include additional habitat value (over and above replacement value) equal to the loss through time.”

³ U.S. Army Corps of Engineers (USACE), Washington State Department of Ecology (Ecology), and Washington Department of Fish and Wildlife (WDFW). 2012. Interagency Regulatory Guide—Advance Permittee-Responsible Mitigation. Ecology publication #12-06-015. <https://apps.ecology.wa.gov/publications/publications/1206015.pdf> [Accessed August 6, 2024]

- **Mitigation banks represent a greater likelihood of success than on-site permittee-responsible mitigation.** Mitigation banks must adhere to a strict set of requirements that are developed in collaboration with the agencies having jurisdiction over the resource, which includes the development and implementation of a restoration design by qualified experts; stringent performance standards, long-term monitoring requirements, and adaptive management mandates to ensure that the restoration is successful; establishing site protection such as a conservation easement to preclude any future impacts to restored and preserved habitats; and establishing a long-term maintenance plan to ensure that the habitat functions are maintained over time. Additionally, mitigation banks are required to have a performance bond or similar guarantee to ensure that the mitigation actions outlined in the restoration design will occur as stated, as well as funding for a long-term maintenance plan to ensure that oak habitats continue to maintain ecological functions over time. In general, the requirements for on-site mitigation is less stringent, not as strictly enforced, can be prohibitively expensive and cumbersome for the landowner, and require the landowner or their designee to track and adhere to the mitigation requirements over long periods of time, all of which contribute to a lower likelihood of success and thus a greater likelihood that the permittee-responsible on-site mitigation will not meet the goal of no net loss of ecological functions. For these reasons, mitigation banks are the preferred Federal option for compensatory mitigation for losses of aquatic resources (USACE and EPA 2008), as well as the preferred State option by the Washington Department of Ecology as discussed in Section 4.4 of the City of Vancouver’s Technical Report—Best Available Science Research, which is reflected in the proposed VMC 20.740.140(C)(2)(b) pertaining to wetlands.

 - In the case of the Wapato Oak Bank, if a permit applicant utilizes Oak Enhancement and Preservation Credits and/or Oak Creation Credits from the Oak Bank, the required credits for impacts will be multiplied by a “risk reduction factor” of 0.5 to determine the final number of credits required for the overall impact. This risk reduction factor was established to reflect the high likelihood of success associated with the establishment and operation of the Bank.
 - Per USACE and EPA (2008)⁴: “Since a mitigation bank must have an approved mitigation plan and other assurances in place before any of its credits can be used to offset permitted impacts, this rule establishes a preference for the use of mitigation bank credits, which reduces some of the risks and uncertainties associated with compensatory mitigation.”
- **Mitigation Banks are often larger areas as compared to on-site mitigation options and are thus more likely to support habitat corridors and habitat connectivity and to buffer against edge effects and habitat fragmentation.** The Wapato Oak Bank includes 119.5 acres of diverse oak habitats, 100.1 acres of which are mature oak stands that meet the WDFW definition for Oregon White Oak Woodland Priority Habitat. Additionally, the Wapato Oak Bank is part of a larger, contiguous area of diverse and protected habitats including the adjacent Ridgefield National Wildlife Refuge, the

⁴ U.S. Army Corps of Engineers (USACE) and Environmental Protection Agency (EPA). 2008. Compensatory Mitigation Losses of Aquatic Resources. Final Rule. Federal Register 73(70): 19594–19705. https://www.epa.gov/sites/default/files/2015-03/documents/2008_04_10_wetlands_wetlands_mitigation_final_rule_4_10_08.pdf [Accessed August 6, 2024]

proposed Wapato Valley Mitigation and Conservation Bank for impacts to aquatic resources, and the Lewis and Columbia rivers.

- Per Nolan and Azerrad (2024), “When identifying a location to offset temporal loss of ecological function, we recommend consulting with a biologist or WDFW area habitat biologist. In general, we suggest protecting stands near other stands of OWO or adjacent to lands set aside for natural resource protection (e.g., parks or open space), even if the adjacent protected lands do not have OWO present. We also recommend locations that create and protect a habitat corridor.”
- Per USACE and EPA (2008): Mitigation banks typically involve larger, more ecologically valuable parcels, and more rigorous scientific and technical analysis, planning and implementation than permittee-responsible mitigation.

Thank you for your consideration of these comments and for your work to update the City’s Critical Areas Ordinance.

Respectfully,



David Morgan
Managing Partner
Plas Newydd Farm

Staff Report: (This field will be completed by the agenda manager.)

To: Mayor and City Council
From: City Manager
Date: December 2, 2024

Subject

Parking Advisory Committee Appointment

Key Points**Strategic Plan Alignment**

High Performing Government – a government that is reliable, fiscally responsible, equitable, and open to compromise

Present Situation

The Parking Advisory Committee advises City Council on policy issues related to all city-owned on-street and off-street parking facilities and makes recommendations on facilities and parking regulations.

Council Committee 2 recently interviewed candidates for this committee and recommends the reappointment of Jonathan Wheeler to midterm positions that would begin immediately and expire April 18, 2025.

This appointment will be presented for Council action at the **Monday, December 2, 2024**, Council meeting.

Advantage(s)**Challenge(s)****Budget Impact****Prior Council Review****Action Requested**

Appoint Jonathan Wheeler to a midterm position on the Parking Advisory Committee with a term beginning immediately and expiring on April 18, 2025.

Council Subcommittee 2

Staff Contact

Tawny Maruhn, Senior Support Specialist, tawny.maruhn@cityofvancouver.us

Attachments:

1. Wheeler_Appointment Memo_PAC
2. Parking November 2024



MEMORANDUM

DATE: December 2, 2024

TO: Mayor and City Councilmembers

FROM: Council Committee 2 (Fox, Stober, Harless) / Mayor McEnery-Ogle

CC: Lon Pluckhahn, City Manager
Tawny Maruhn, Boards & Commissions

RE: Recommendation for Appointments to the Parking Advisory Committee
--

The Parking Advisory Committee advises City Council on policy issues related to all city-owned on-street and off-street parking facilities and makes recommendations on facilities and parking regulations.

Council Committee 2 recently interviewed candidates for this committee and recommends the reappointment of Jonathan Wheeler to mid-term positions that would begin immediately and expire April 18, 2025.

This appointment will be presented for Council action at the **Monday, December 2, 2024**, Council meeting.

Attachments:

- Appointment Letter
- Current Roster

Parking Advisory Committee

Position	Term	Name & Address	Phone
1	07-15-2024	Jocelyn Cross 30411 NE Harrison Rd, Battle Ground, WA 98604 jocelync@hurleydev.com	360-910-0304
2	07-15-2024	Ryan Morin 1926 Franklin St., Vancouver, WA 98660 ryanedwardmorin@gmail.com	413-824-8260
3	06-01-2020	Douglas Varenas 611 W 32nd , Vancouver, WA 98660 varenasd@gmail.com	503-295-3602
4	08-14-2023	Jason Cromer 330 E Mill Plain Blvd Apt 622, Vancouver, WA 98660 jasonmcromer@gmail.com	805-591-9475
5	04-01-2019	Kurt Stonex 1432 S. 38th Court, Ridgefield, WA 98642 kurt@olsonengr.com	360-695-1385 (work) 360-907-5979
6	04-01-2024	Travis Schemp 1300 Columbia St Unit 501, Vancouver, WA 98660 travis.schemp@gmail.com	360-635-7662
7	08-05-2019	Garret Ginter 1310 Grand Place, Vancouver, WA 98661 gfginter@gmail.com	503-295-3602

Parking Advisory Committee

Term Length: 48 Months

Max Terms: 2 Term(s)

Number of Members: 7

Meeting Schedule: Second Wednesday of each month

Meeting Time: 8:00 AM

Meeting Location: City Hall - Aspen Conference Room

Meeting Address: 415 W 6th St. Vancouver, WA 98660

Type: Committee

Description: The Parking Advisory Committee advises City Council on policy issues related to all city-owned on-street and off-street parking facilities and makes recommendations on parking regulations.

Council Liaison:

Staff Liaison:

Position Number	Name	Appt Date	No. of Terms Served	Term Expiration Date
1	Jocelyn Cross	07/15/2024	2	06/30/2028
2	Ryan Morin	07/15/2024	2	06/30/2028
3	Douglas Varenas	06/01/2020	1	04/18/2025
4	Jason Cromer	08/14/2023	1	04/18/2025
5	Kurt Stonex	04/01/2019	2	07/01/2027
6	Travis Schemp	04/01/2024	1	07/31/2028
7	Garret Ginter	08/05/2019	1	04/18/2025

Staff Report: (This field will be completed by the agenda manager.)

To: Mayor and City Council
From: City Manager
Date: December 2, 2024

Subject

Citizen Noise Advisory Committee Reappointment

Key Points**Strategic Plan Alignment**

High Performing Government – a government that is reliable, fiscally responsible, equitable, and open to compromise

Present Situation

The Parking Advisory Committee advises City Council on policy issues related to all city-owned on-street and off-street parking facilities and makes recommendations on facilities and parking regulations.

Council Committee 2 recently interviewed candidates for this committee and recommends the reappointment of Mike Yee to a midterm position that would begin immediately and expire November 30, 2025, and John Pusieski to a full-term appointment that would begin November 30, 2024, and expire November 30, 2027.

Council Subcommittee 2

Advantage(s)**Challenge(s)****Budget Impact**

none

Prior Council Review**Action Requested**

The reappointment of Mike Yee to a midterm position that would begin immediately and expire November 30, 2025, and John Pusieski to a full-term appointment that would begin November 30, 2024, and expire November 30, 2027.

Council Subcommittee 2

Staff Contact

Tawny Maruhn, Senior Support Specialist, tawny.maruhn@cityofvancouver.us

Attachments:

1. Mike Yee Letter of Continued Interest for PDX CNAC
2. Pusieski_Continued Letter of Interest 2024
3. PDX Noise Roster Nov 2024
4. Reappointment Memo_PDX Noise

9/10/24

City of Vancouver
City Council Committee
PO Box 1995
Vancouver, WA 98668

Re: Letter of Continued Interest – Citizens Noise Advisory Committee

Dear Council Committee,

It has been my honor to serve the (**Citizens Noise Advisory Committee**) for the past (15) years. Please accept this letter of continued interest as my formal application for reappointment.

I believe that my participation on the (**Citizens Noise Advisory Committee**) has benefitted its work in the following ways:

- Established a continuous decent agreement with the Oregon Air national Guard (ORANG) and informed and educated the public to ease fears and annoyance.
- Participated in community outreach efforts to citizens in areas affected by PDX noise.
- Helped to clarify and establish accepted CNAC meeting participation methods for members and citizens during the COVID pandemic and into the future.

I am proud of what this group has accomplished throughout my term(s) of service, and look forward to future opportunities.

Now that GPS based navigation is fully implemented in our national aviation system. PDX and the FAA has the opportunity to better fine tune the flight paths of our air traffic. CNAC has the charter to advise them the best coordinates to use to reduce the effects on the local communities. The PDX noise office has a department that solicits noise complaints on line and directly to a real person. Every complaint is investigated and followed up with direct contact to help the citizen understand the circumstances of the noise. CNAC has no legal authority over the airport or the FAA. Our main charter is to investigate noise complaints and keep the citizen informed about the situation and be an advocate for them if it is found to be a problem affecting too broad of an area.

Once again, it has been my honor to serve the (**Citizens Noise Advisory Committee**). I hope that you will grant my request for reappointment.

Thank you in advance for your consideration.

Sincerely,

Mike Yee

Maruhn, Tawny

From: John Pusieski <rum1@comcast.net>
Sent: Tuesday, August 27, 2024 10:56 AM
To: Maruhn, Tawny
Subject: RE: Citizen Noise Advisory- Term ending

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.

08/27/2024

City of Vancouver
City Council Committee
PO Box 1995
Vancouver, WA 98668

Re: Letter of Continued Interest – Citizen Noise Advisory Committee

Dear Council Committee,

It has been my honor to serve the **Citizen Noise Advisory Committee** for the past 6 years. Please accept this letter of continued interest as my formal application for reappointment.

As a retired airline employee, I bring a unique perspective to the **Citizen Noise Advisory Committee** that I **believe** has benefitted its work.

I am proud of what this group has accomplished throughout my term(s) of service, and look forward to future opportunities.

Once again, it has been my honor to serve the **Citizen Noise Advisory Committee** I hope that you will grant my request for reappointment.

Thank you in advance for your consideration.

Sincerely,

John Pusieski

From: Maruhn, Tawny <Tawny.Maruhn@cityofvancouver.us>
Sent: Monday, August 26, 2024 11:49 AM
To: rum1@comcast.net
Cc: City B&C Coordinator <bc_coordinator@cityofvancouver.us>
Subject: Citizen Noise Advisory- Term ending
Importance: High

Hello John,

Thank you for your valuable service on the Citizen Noise Advisory Committee. Our records indicate that your current term on will expire 11/30/2024. You are eligible for reappointment for another full term.

Per City Council Policy, we will be opening a recruitment to accept applications for this position. If you desire to extend your service on the Citizen Noise Advisory, please submit a letter of continued interest by 9/27/2024. This will serve as your application for reappointment. I have attached a sample template for your reference.

Interviews for the position will take place in mid- October followed by Council action at a meeting early December. The term for this position would be 11/30/2024-11/30/2027. We will reach out to you once the application period has closed to schedule a time for you to speak with the City Councilmembers reviewing this recruitment.

Please let me know if you have any questions at this time.

Thank you once again for your service.

Boards and Commissions Coordinator

City of Vancouver

City Manager's Office

Office: 360-487-8600 Relay: 711

[Boards and Commissions -The City of Vancouver, WA](#)



This message, in whole or in part, may be subject to public disclosure, including routine disclosure to the media.

Citizen Noise Advisory Committee

Position	Term	Name & Address	Phone
1	10-15-2018	John Pusieski 7514 Delaware Lane, Vancouver, WA 98664 rum1@comcast.net	360-695-9983 360-606-0825
2	01-04-2016	Mike Yee 16905 SE Evergreen Hwy, Vancouver, WA 98683 yeem1@comcast.net	360-253-2095

Citizen Noise Advisory Committee

Term Length: 36 Months

Max Terms: No Limit

Number of Members: 2

Meeting Schedule: Bi-Monthly on the Second Thursday

Meeting Time: 5:30 PM

Meeting Location: Port of Portland HQ - Anchor Room

Meeting Address: 7200 NE Airport Way Portland, OR 97218

Type: Committee

Description:

The Citizen Noise Advisory Committee (CNAC) is the official forum to address the community's aircraft noise concerns. Local jurisdictions and the Port of Portland appoint the 15-member committee to represent residential and business concerns. CNAC was organized in 1998 as an official Port of Portland advisory committee on aircraft noise issues.

CNAC members review noise abatement projects, provide input for the implementation of the current Portland International Airport Noise Compatibility Plan, develop ideas and recommend proposals for consideration in future airport noise plans, participate on advisory committees involved in long-range airport facilities and capital improvement planning, and promote citizen understanding of airport noise issues.

Use the following links to find additional information about CNAC members and the committee's projects, or to learn about the role of the Federal Aviation Administration in determining where planes fly and how the Port of Portland and the airlines manage airport and aircraft operations.

Council Liaison:

Staff Liaison:

Position Number	Name	Appt Date	No. of Terms Served	Term Expiration Date
1	John Pusieski	10/15/2018	2	11/30/2024
2	Mike Yee	01/04/2016	4	11/30/2022



MEMORANDUM

DATE: November 18, 2024

TO: Mayor and City Councilmembers

FROM: Council Committee 1 (Hansen, Paulsen, Perez)

CC: Lon Pluckhahn, City Manager
Tawny Maruhn, Boards & Commissions

RE: Recommendation for Reappointments to the Citizen Noise Advisory
--

The Parking Advisory Committee advises City Council on policy issues related to all city-owned on-street and off-street parking facilities and makes recommendations on facilities and parking regulations.

Council Committee 2 recently interviewed candidates for this committee and recommends the reappointment of Mike Yee to a mid-term position that would begin immediately and expire November 30, 2025, and John Pusieski to a full-term appointment that would begin November 30, 2024, and expire November 30, 2027.

This appointment will be presented for Council action at the at the **Monday, November 18, 2024** Council meeting.

Attachments:

- Yee and Pusieski Letters of Continued Interest
- Current Roster

To: Mayor and City Council
From: City Manager
Date: December 2, 2024

Subject

Approval of Claim Vouchers

Action Requested

Approve claim vouchers for December 2, 2024.

Attachments:

1. December 2, 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:

\$ 12,936,904.20 this 2nd day of December 2024.

MAYOR

Anthony Glenn

AUDITING OFFICER

COUNCILMEMBER

COUNCILMEMBER

DATE	INCLUSIVE CHECK NUMBERS	CHECK TOTAL
November 11, 2024 - November 24, 2024	Accounts Payable Checks (see attached)	\$ 12,921,771.30
November 11, 2024 - November 24, 2024	Hansen City Payments (see attached)	\$ 10,173.90
November 11, 2024 - November 24, 2024	Visa Refunds (see attached)	\$ 4,959.00
November 11, 2024 - November 24, 2024	Payroll Checks (see attached)	\$ -
TOTAL		\$ 12,936,904.20

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	22267	11/13/2024	180.18	Baxter,Teresa	1601 NE 158TH CT ,VANCOUVER,WA,98684
Ad Hoc Payment	Check	22268	11/13/2024	157.17	Brandenburg,Stephanie	16331 NE 21ST ST ,VANCOUVER,WA,98684
Ad Hoc Payment	Check	22269	11/13/2024	1,649.20	Delta Management	5951 E 18TH ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22270	11/13/2024	5,323.00	Delta Management	5951 E 18TH ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22271	11/13/2024	147.00	Essegian,Howard or Brandi	2115 NE 81ST AVE ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22272	11/13/2024	52.67	Faye or Pan Fu Lai	16902 NE 79TH WAY ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	22273	11/13/2024	97.68	Hopkins,Shaun or Kimberly	5306 NE 65TH ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22274	11/13/2024	2,440.02	Kondos,Sandra	16006 SE 29TH ST ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22275	11/13/2024	31.40	Nyangoro,Melissa	5707 NE 64TH ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22276	11/13/2024	117.89	Ruth Lenore, Peter Lenore, or Marie Campbell	619 NE 127TH AVE ,VANCOUVER,WA,98684
Ad Hoc Payment	Check	22277	11/13/2024	63.66	Tania or John Cooksey	4501 NE 131ST AVE ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	22278	11/13/2024	113.31	Thomas or Mindy Davis	15210 NE 99TH CIR ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	22279	11/13/2024	121.71	Westlake,Eleanor	2204 KAUFFMAN AVE ,VANCOUVER,WA,98660
Ad Hoc Payment	Check	22280	11/13/2024	298.41	William or Lois Riverman	10517 NE 84TH ST ,VANCOUVER,WA,98662
Supplier Payment	Check	22281	11/13/2024	293.49	Accurate Corporate Services Inc	
Supplier Payment	Check	22282	11/13/2024	4,050.00	Action Onsite Inc	
Supplier Payment	Check	22283	11/13/2024	585.20	Action Technology Systems	
Supplier Payment	Check	22284	11/13/2024	303.75	Afghan Associates Inc	
Supplier Payment	Check	22285	11/13/2024	113.81	Airgas, Inc	
Supplier Payment	Check	22286	11/13/2024	1,649.07	A-Line Asphalt Maintenance Inc	
Supplier Payment	Check	22287	11/13/2024	798.00	Allegheny Answering Services	
Supplier Payment	Check	22288	11/13/2024	4,304.00	Berry Dunn McNeil & Parker LLC	
Supplier Payment	Check	22289	11/13/2024	5,379.50	BSK Associates - Remit- To: Supplier BSK Associates	
Supplier Payment	Check	22290	11/13/2024	23,255.44	CECO Inc	
Supplier Payment	Check	22291	11/13/2024	52.44	Cellco Partnership - Remit- To: Cellco - Dallas	
Supplier Payment	Check	22292	11/13/2024	6,000.00	CFM Strategic Communications, Inc.	
Supplier Payment	Check	22293	11/13/2024	324.50	Chicago Title Company of WA	
Supplier Payment	Check	22294	11/13/2024	140.18	Cintas	
Supplier Payment	Check	22295	11/13/2024	500.00	Citywide	
Supplier Payment	Check	22296	11/13/2024	948,237.22	Clark County - Remit-To: Clark County - Treasurer Vancouver	
Supplier Payment	Check	22297	11/13/2024	10.89	Clark Public Utility District No. 1	
Supplier Payment	Check	22298	11/13/2024	1,713.50	Clark Public Utility District No. 1	
Supplier Payment	Check	22299	11/13/2024	121,290.92	Clary Longview LLC	
Supplier Payment	Check	22300	11/13/2024	4,769.00	Columbia Resource Company	
Supplier Payment	Check	22301	11/13/2024	25,000.00	Columbia River Economic Development Council Inc	

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	22302	11/13/2024	32.89	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	22303	11/13/2024	14,572.19	Comcast Holdings Corporation - Remit-To: Comcast Holding Corporation - Boston	
Supplier Payment	Check	22304	11/13/2024	20,014.09	Comcast Holdings Corporation - Remit-To: Comcast Holdings Corporation - Philadelphia	
Supplier Payment	Check	22305	11/13/2024	674.17	Connecta Satellite Solutions LLC	
Supplier Payment	Check	22306	11/13/2024	557.09	Core and Main LP - Remit-To: Core and Main LP	
Supplier Payment	Check	22307	11/13/2024	610.68	CyberSource Corporation - Remit-To: CyberSource - Los Angeles	
Supplier Payment	Check	22308	11/13/2024	1,902.25	Datec Inc	
Supplier Payment	Check	22309	11/13/2024	500.00	Fircrest Neighborhood Association	
Supplier Payment	Check	22310	11/13/2024	825.05	Fire, Health & Safety Equipment Co., Inc	
Supplier Payment	Check	22311	11/13/2024	500.00	First Place Neighborhood Association	
Supplier Payment	Check	22312	11/13/2024	30,257.12	Fourth Plain Forward	
Supplier Payment	Check	22313	11/13/2024	5,677.38	H&H Wood Recyclers	
Supplier Payment	Check	22314	11/13/2024	2,582.84	HMI Oregon - Remit-To: Pacific WRO	
Supplier Payment	Check	22315	11/13/2024	1,988.54	Inventus Media LLC	
Supplier Payment	Check	22316	11/13/2024	29,722.54	KBT Distributing LLC	
Supplier Payment	Check	22317	11/13/2024	270.00	Keller Associates Inc	
Supplier Payment	Check	22318	11/13/2024	1,173.98	Kurita America Inc - Remit-To: US Water - Minneapolis	
Supplier Payment	Check	22319	11/13/2024	9,324.15	L.N. Curtis & Sons - Remit-To: Supplier L.N. Curtis & Sons	
Supplier Payment	Check	22320	11/13/2024	14,175.89	Lakeyland Inc	
Supplier Payment	Check	22321	11/13/2024	12,017.08	Landa Northwest, LLC	
Supplier Payment	Check	22322	11/13/2024	155.49	LeMay Mobile Shredding	
Supplier Payment	Check	22323	11/13/2024	2,526.67	Level 3 Financing, Inc	
Supplier Payment	Check	22324	11/13/2024	2,508.23	Loomis Armored US LLC - Remit-To: Loomis - Palatine	
Supplier Payment	Check	22325	11/13/2024	2,459.81	Mallory Safety & Supply LLC	
Supplier Payment	Check	22326	11/13/2024	364.15	Mark IV Enterprises Inc	
Supplier Payment	Check	22327	11/13/2024	10,637.72	McFarlanes Bark Inc	
Supplier Payment	Check	22328	11/13/2024	16,105.00	MGT of America LLC	
Supplier Payment	Check	22329	11/13/2024	1,531.96	Municipal Emergency Services Inc - Remit-To: Municipal Emergency Services - Chicago	
Supplier Payment	Check	22330	11/13/2024	515.00	National Association for County Community and Economic Development	
Supplier Payment	Check	22331	11/13/2024	37,291.65	Nelson Nygaard Consulting Associates Inc - Remit-To: Nelson Nygaard Consulting Associates Inc	
Supplier Payment	Check	22332	11/13/2024	500.00	Ogden Neighborhood Assn.	
Supplier Payment	Check	22333	11/13/2024	38,743.45	Parametrix, Inc	
Supplier Payment	Check	22334	11/13/2024	645.95	Parkeon	

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INVOICE PAYMENTS REPORT

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Supplier Payment	Check	22335	11/13/2024	9,034.16	Passport Labs Inc. - Remit-To: Passport Labs Inc	
Supplier Payment	Check	22336	11/13/2024	70.00	Porter W Yett Company	
Supplier Payment	Check	22337	11/13/2024	1,458.00	Portland Adventist Medical Center	
Supplier Payment	Check	22338	11/13/2024	51,698.00	PPC Solutions Inc	
Supplier Payment	Check	22339	11/13/2024	10,476.36	Public Safety Testing Inc	
Supplier Payment	Check	22340	11/13/2024	9,328.92	Qwest Corporation - Remit-To: Qwest Corp- Seattle	
Supplier Payment	Check	22341	11/13/2024	1,017.00	Rapid Response Bio Clean Inc.	
Supplier Payment	Check	22342	11/13/2024	1,858.02	Resolute Documentation Services	
Supplier Payment	Check	22343	11/13/2024	4,774.00	SafeFire LLC	
Supplier Payment	Check	22344	11/13/2024	3,923.46	Safeware Inc.	
Supplier Payment	Check	22345	11/13/2024	96.48	Software House International SHI - Remit-To: SHI - Dallas	
Supplier Payment	Check	22346	11/13/2024	213,217.95	Stantec Consulting Services Inc - Remit-To: Stantec - Chicago	
Supplier Payment	Check	22347	11/13/2024	120,250.00	State of Washington Department of Employment Security - Remit-To: State of Washington Department of Employment Security / Seattle	
Supplier Payment	Check	22348	11/13/2024	21,538.80	State of Washington Department of Transportation - Remit-To: WADOT - 11018 NE 51st Cir.	
Supplier Payment	Check	22349	11/13/2024	65.75	Stericycle Inc - Remit-To: Shred-It	
Supplier Payment	Check	22350	11/13/2024	6.93	Stericycle Inc - Remit-To: Shred-It	
Supplier Payment	Check	22351	11/13/2024	2,023.50	The Loudenback Corporation	
Supplier Payment	Check	22352	11/13/2024	14,113.34	Traffic Safety Supply Co Inc	
Supplier Payment	Check	22353	11/13/2024	1,819.03	Transunion Risk & Alternative Data Solutions Inc	
Supplier Payment	Check	22354	11/13/2024	6,250.00	Trauma Intervention Programs	
Supplier Payment	Check	22355	11/13/2024	410.89	Triple J Enterprises	
Supplier Payment	Check	22356	11/13/2024	21,895.67	Vancouver School District #37	
Supplier Payment	Check	22357	11/13/2024	110.68	Vestis Group, Inc - Remit-To: Vestis - Pasadena	
Supplier Payment	Check	22358	11/13/2024	423.95	W.B. Sprague Co. Inc.	
Supplier Payment	Check	22359	11/13/2024	1,464.00	Walter E Nelson Company	
Supplier Payment	Check	22360	11/13/2024	172.23	Washington State Fire Fighters Apprenticeship Trust	
Supplier Payment	Check	22361	11/13/2024	12,791.19	Waste Connections of Washington - Remit-To: Waste Connections - Vancouver	
Supplier Payment	Check	22362	11/13/2024	25,235.15	Waste Connections of Washington - Remit-To: Waste Connections - Vancouver	
Supplier Payment	Check	22363	11/13/2024	1,663.27	Wex Bank	

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	22364	11/13/2024	800.00	Willis Towers Watson Insurance Services West inc	
Supplier Payment	Check	22365	11/13/2024	1,083.68	Yakima County	
Miscellaneous Payment	Check	22366	11/13/2024	1,258.33	AFP Systems Inc	FRI-362983 (jobsite: 5920 NE 162ND AVE.)
Miscellaneous Payment	Check	22367	11/13/2024	1,072.00	American Crown Circus, Inc.	Refund of Permit Fees for Cancelled Circus Event.
Miscellaneous Payment	Check	22368	11/13/2024	1,977.18	Clark Public Utilities	Refund check #587275 deposited but belongs to another customer
Miscellaneous Payment	Check	22369	11/13/2024	182.00	Express Fire Systems Inc	Refund duplicate payment to INV#77069588
Miscellaneous Payment	Check	22370	11/13/2024	120.00	Safeway	Refund duplicate payment to INV#77067923
Miscellaneous Payment	Check	22371	11/13/2024	214.01	United Fire, Health & Safety Equipment Co., Inc	FRI-356010 (Jobsite: 8100 NE Parkway Drive)
Miscellaneous Payment	Check	22372	11/13/2024	888.00	Why Racing Events	Refund overpayment of permit fees 77068636, 77048914, 77065783
Miscellaneous Payment	Check	22373	11/13/2024	339.29	Your Home Improvement Co LLC	RES-362606 (jobsite: 13118 SE 27th Street)
Ad Hoc Payment	Check	22374	11/20/2024	196.90	Adria or Conner Mccarthy	14126 SE 12TH ST ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22375	11/20/2024	115.73	AH4R Properties 5 Llc	6106 NE 33RD CIR ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22376	11/20/2024	84.00	Avery Assets LLC	3307 R ST ,VANCOUVER,WA,98663
Ad Hoc Payment	Check	22377	11/20/2024	70.70	Ball Family Trust	8412 MEADOW LN ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22378	11/20/2024	205.59	Berrissoul,Ahmed or Fatna	3004 E 26TH ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22379	11/20/2024	1,032.50	Boline,John or Katherine	11227 NE 84TH CIR ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	22380	11/20/2024	130.89	Boswell,Daniel	2607 SE 152ND AVE ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22381	11/20/2024	288.48	Carter,James or Anna	18537 SE 44TH LN ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22382	11/20/2024	83.32	Chukie Norzom or Ugyen Shola	11910 NE 46TH ST ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	22383	11/20/2024	178.22	Easterday,Andrew R or Stephanie F	8405 NE STARFLOWER CT ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22384	11/20/2024	350.63	Emily Saldana or Alfredo Saldana Pedro	1129 W 31ST ST ,VANCOUVER,WA,98660
Ad Hoc Payment	Check	22385	11/20/2024	180.00	Estate of Bonnie Nealeigh and Audra Humphrey,or Annie Humphrey	807 SE 94TH AVE ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22386	11/20/2024	133.00	Estate of Judith Zeller	2620 E 6TH ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22387	11/20/2024	168.00	Estate of Lynette Scales	5000 E 18TH ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22388	11/20/2024	13.08	Fenske,Linda L	Utility Refunds: 0091041100-05 - Replaces Ck 19852
Ad Hoc Payment	Check	22389	11/20/2024	51.64	Flanigan,James	15010 NE 47TH ST ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	22390	11/20/2024	83.65	Gallagher,Mark or Jennifer	115 W 38TH ST ,VANCOUVER,WA,98660
Ad Hoc Payment	Check	22391	11/20/2024	61.88	Graves,Ricardo	2812 NE 177TH AVE ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	22392	11/20/2024	154.00	Gunn,Talayna	307 NW 49TH ST ,VANCOUVER,WA,98663
Ad Hoc Payment	Check	22393	11/20/2024	1,544.23	Ho,Hieng P	1505 SE 186TH CT ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22394	11/20/2024	610.27	James E or Vickie L Flanigan	15010 NE 47TH ST ,VANCOUVER,WA,98682

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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	22395	11/20/2024	73.97	Lan or Lixin Wang or Scott Philips or David Zhai	3805 THOMPSON AVE ,VANCOUVER,WA,98660
Ad Hoc Payment	Check	22396	11/20/2024	89.24	Lerno Properties LLC	3613 E MCLOUGHLIN BLVD ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22397	11/20/2024	176.38	Letcher,Susan	809 NE 150TH AVE ,VANCOUVER,WA,98684
Ad Hoc Payment	Check	22398	11/20/2024	118.86	Little,Carl	16117 SE 3RD ST ,VANCOUVER,WA,98684
Ad Hoc Payment	Check	22399	11/20/2024	120.03	Martin,Teresa	2322 NE 52ND ST ,VANCOUVER,WA,98663
Ad Hoc Payment	Check	22400	11/20/2024	135.87	Matthew or Kathleen Alderson	2806 NE 129TH AVE ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	22401	11/20/2024	62.52	Maynard or Owieda Moe	1520 SE 125TH AVE ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22402	11/20/2024	78.02	Michael Blasko or Michelle Castan Blasko	2808 WATSON AVE ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22403	11/20/2024	251.76	Mynd Management Inc	16607 NE 19TH ST ,VANCOUVER,WA,98684
Ad Hoc Payment	Check	22404	11/20/2024	66.97	Novinger,Alasondra	8619 MT OLYMPUS AVE ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22405	11/20/2024	70.77	Nylund Inc	815 SE BLAIR ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22406	11/20/2024	90.76	OD Labs Property	9510 NE 6TH ST ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22407	11/20/2024	67.86	Paul,John or Dorthea	11412 NE 97TH ST ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	22408	11/20/2024	332.00	Schwark,Teresa	12610 SE ANGUS ST ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22409	11/20/2024	54.61	Soulinthone,Bethany or Khamsouk	1119 SE 80TH AVE ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22410	11/20/2024	226.07	Stickel,Kelly or Kerry	14616 NE 49TH CIR ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	22411	11/20/2024	81.16	Thomson,Stuart	9218 NE 92ND ST ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	22412	11/20/2024	59.84	Todd Davis or Daniel Silva	4400 NE VALLEY VIEW LN ,VANCOUVER,WA,98663
Ad Hoc Payment	Check	22413	11/20/2024	218.68	Torgerson,Justin	12701 NE 31ST ST ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	22414	11/20/2024	200.00	Van Nostern,Donald	5515 NE 46TH AVE ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22415	11/20/2024	21.88	Ware,Kendall	5264 NE 121ST AVE ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	22416	11/20/2024	177.65	Warren,Linda or Thomas	123 W 38TH ST ,VANCOUVER,WA,98660
Ad Hoc Payment	Check	22417	11/20/2024	81.64	Way,Judith	304 E 22ND ST ,VANCOUVER,WA,98663
Miscellaneous Payment	Check	22418	11/20/2024	279.87	AECOM	FRI-353463 (jobsite: 1499 SE TECH CENTER PL 220 VANCOUVER WA 98683)
Miscellaneous Payment	Check	22419	11/20/2024	673.50	AECOM	FRI-353456 (jobsite: 1499 SE TECH CENTER PL 220 VANCOUVER WA 98683)
Miscellaneous Payment	Check	22420	11/20/2024	120.00	Bagley Downs Neighborhood Association	RecycleU Grant Approved
Miscellaneous Payment	Check	22421	11/20/2024	519.96	Chloe Schafer	Reissue of payroll check #2220
Miscellaneous Payment	Check	22422	11/20/2024	570.32	Cuongquoc Nguyen	Refund parking permit no longer needed
Miscellaneous Payment	Check	22423	11/20/2024	91.00	Express Fire Systems Inc	Refund duplicate payment to INV #77069588
Miscellaneous Payment	Check	22424	11/20/2024	100.00	Heather Zundel	Damage Deposit Refund

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Miscellaneous Payment	Check	22425	11/20/2024	12,206.25	Legacy 6 Inc	Randy K Sprenger and Kathleen A Sprenger (5318 NE 66TH AVE) Invoice # 62405202
Miscellaneous Payment	Check	22426	11/20/2024	30.00	Michael N. Williams	Refund Parking Fee Lot 18 P3
Miscellaneous Payment	Check	22427	11/20/2024	2,491.34	Morgan Frazier	Past Forward Conference Reimbursement to Commissioner
Miscellaneous Payment	Check	22428	11/20/2024	780.00	Omar Alajan	Rental Refund
Miscellaneous Payment	Check	22429	11/20/2024	4,386.82	Provision Investments Inc.	CMI-361006 (jobsite: 1911 Broadway St. (Townhome A))
Miscellaneous Payment	Check	22430	11/20/2024	4,386.82	Provision Investments Inc.	CMI-361061 (jobsite: 1911 Broadway St. (Townhome B))
Miscellaneous Payment	Check	22431	11/20/2024	150.00	Quad Investments -3000 LLC	ROW-348852 (3000 Columbia House Blvd)
Supplier Payment	Check	22433	11/20/2024	866.02	Accurate Corporate Services Inc	
Supplier Payment	Check	22434	11/20/2024	73.05	Action Technology Systems	
Supplier Payment	Check	22435	11/20/2024	3,437.10	AKS Engineering & Forestry LLC - Remit-To: Tualatin Address	
Supplier Payment	Check	22436	11/20/2024	497.37	AKS Engineering & Forestry LLC - Remit-To: Tualatin Address	
Supplier Payment	Check	22437	11/20/2024	224.00	Allegiance Benefit Plan Management Inc (COBRA)	
Supplier Payment	Check	22438	11/20/2024	10,320.00	Alpha Media	
Supplier Payment	Check	22439	11/20/2024	136.00	American Sani-Can	
Supplier Payment	Check	22440	11/20/2024	862.58	APS, INC.	
Supplier Payment	Check	22441	11/20/2024	16,121.95	Arborscape Ltd Inc	
Supplier Payment	Check	22442	11/20/2024	11,441.76	CECO Inc	
Supplier Payment	Check	22443	11/20/2024	25,023.23	Cellco Partnership - Remit-To: Cellco - Dallas	
Supplier Payment	Check	22444	11/20/2024	1,283.57	Choice Charities	
Supplier Payment	Check	22445	11/20/2024	77,745.17	Clark County - Remit-To: Clark County - Treasurer Vancouver	
Supplier Payment	Check	22446	11/20/2024	800.00	Clark County Title Company - Remit-To: Clark County - Reconveyance Fees	
Supplier Payment	Check	22447	11/20/2024	657.14	Clark Public Utility District No. 1	
Supplier Payment	Check	22448	11/20/2024	683.71	Clark Public Utility District No. 1	
Supplier Payment	Check	22449	11/20/2024	10,391.23	Columbia Resource Company	
Supplier Payment	Check	22450	11/20/2024	15,000.00	Columbia Springs	
Supplier Payment	Check	22451	11/20/2024	1,755.43	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	22452	11/20/2024	800.00	Commercial Appraisal and Consulting LLC	
Supplier Payment	Check	22453	11/20/2024	540.00	County of Clark School District #101 LaCenter School District	
Supplier Payment	Check	22454	11/20/2024	30,700.00	Date Park Condominium Inc.	
Supplier Payment	Check	22455	11/20/2024	6,615.00	Davidson Benefits Planning	
Supplier Payment	Check	22456	11/20/2024	867.68	Elcon Associates Inc	

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Supplier Payment	Check	22457	11/20/2024	300.00	ERF Company Inc	
Supplier Payment	Check	22458	11/20/2024	270.66	Fidelity National Title Co of Washington	
Supplier Payment	Check	22459	11/20/2024	840.00	Government Finance Officers Association	
Supplier Payment	Check	22460	11/20/2024	300.00	Grace Therapeutic Horse Program	
Supplier Payment	Check	22461	11/20/2024	4,902.50	Groundwater Solutions, Inc.	
Supplier Payment	Check	22462	11/20/2024	968.75	Harper Houf Peterson Righellis Inc	
Supplier Payment	Check	22463	11/20/2024	929.52	Herren Printing Co	
Supplier Payment	Check	22464	11/20/2024	8,949.19	Herrera Environmental Consultants Inc	
Supplier Payment	Check	22465	11/20/2024	6,654.50	J.S. Held LLC	
Supplier Payment	Check	22466	11/20/2024	500.00	John D Van Beek Music We Remember	
Supplier Payment	Check	22467	11/20/2024	7,009.48	KBT Distributing LLC	
Supplier Payment	Check	22468	11/20/2024	623.70	Kelley Connect Co	
Supplier Payment	Check	22469	11/20/2024	3,382.49	Lakeside Industries Inc - Remit-To: Lakeside - LB Seattle	
Supplier Payment	Check	22470	11/20/2024	45,991.06	Life Insurance Company of North America	
Supplier Payment	Check	22471	11/20/2024	8,300.00	Maria C Magno	
Supplier Payment	Check	22472	11/20/2024	20,658.96	McFarlanes Bark Inc	
Supplier Payment	Check	22473	11/20/2024	8,774.61	Municipal Emergency Services Inc - Remit-To: Municipal Emergency Services - Chicago	
Supplier Payment	Check	22474	11/20/2024	902.50	Nancy Pionk Coaching and Consulting, LLC	
Supplier Payment	Check	22475	11/20/2024	1,000.00	National Testing Network, Inc.	
Supplier Payment	Check	22476	11/20/2024	86,584.14	North Sound Auto Group LLC	
Supplier Payment	Check	22477	11/20/2024	22.00	Northwest Natural Gas Company - Remit-To: NW Natural - Portland	
Supplier Payment	Check	22478	11/20/2024	15,759.00	Portland Adventist Medical Center	
Supplier Payment	Check	22479	11/20/2024	30,075.00	Rapid Response Bio Clean Inc.	
Supplier Payment	Check	22480	11/20/2024	8,682.91	Ready Rebound, Inc.	
Supplier Payment	Check	22481	11/20/2024	19,327.10	Software House International SHI - Remit-To: SHI - Dallas	
Supplier Payment	Check	22482	11/20/2024	55,002.50	Southwest Washington Humane Society	
Supplier Payment	Check	22483	11/20/2024	20,197.55	Spacesaver Specialists	
Supplier Payment	Check	22484	11/20/2024	276.10	Speed's Towing of Vancouver	
Supplier Payment	Check	22485	11/20/2024	500.00	Spiritual Assembly Baha'i of Vancouver WA	
Supplier Payment	Check	22486	11/20/2024	51,788.64	Stantec Consulting Services Inc - Remit-To: Stantec - Chicago	
Supplier Payment	Check	22487	11/20/2024	42,332.13	Stateline LLC	
Supplier Payment	Check	22488	11/20/2024	9.43	State of Oregon Department of Transportation - Remit-To: OR DMV - Salem	
Supplier Payment	Check	22489	11/20/2024	1,107.90	State of Washington Department of Transportation - Remit-To: WADOT - PO Box 47305	
Supplier Payment	Check	22490	11/20/2024	1,312.50	Teragan & Associates Inc	
Supplier Payment	Check	22491	11/20/2024	4,603.89	Terex USA LLC	

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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>
Supplier Payment	Check	22492	11/20/2024	63,267.75	TMG Services Inc	
Supplier Payment	Check	22493	11/20/2024	165.00	T-Mobile	
Supplier Payment	Check	22494	11/20/2024	488.07	Towing & Recovering Services Inc	
Supplier Payment	Check	22495	11/20/2024	180.00	Treadway Events & Entertainment LLC	
Supplier Payment	Check	22496	11/20/2024	1,060.00	Triangle Resources Inc	
Supplier Payment	Check	22497	11/20/2024	1,708.22	Triple J Enterprises	
Supplier Payment	Check	22498	11/20/2024	3,424.17	United States Department of Agriculture - Remit-To: USDA APHIS - St Louis	
Supplier Payment	Check	22499	11/20/2024	2,057.70	United States Postal Service - Remit-To: United States Postal Service Caples	
Supplier Payment	Check	22500	11/20/2024	896.83	W.B. Sprague Co. Inc.	
Supplier Payment	Check	22501	11/20/2024	12,243.60	Wallis Engineering PLLC	
Supplier Payment	Check	22502	11/20/2024	786.61	Walter E Nelson Company	
Supplier Payment	Check	22503	11/20/2024	900.00	Washington Economic Development Association	
Supplier Payment	Check	22504	11/20/2024	15,684.36	Waste Connections of Washington - Remit-To: Waste Connections - Vancouver	
Supplier Payment	Check	22505	11/20/2024	8,380.00	Willis Towers Watson Northeast Inc - Remit-To: Willis Towers Watson Northeast Inc	
Supplier Payment	Check	22519	11/22/2024	39,485.96	Accela Inc - Remit-To: Supplier Accela	
			Check	2,827,836.54		
Cash Advance Payment	Direct Deposit	EFT-00272075	11/14/2024	136.25	John Schultz	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00272076	11/14/2024	197.75	Elena Miron	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00272077	11/14/2024	299.50	Clesson Werner	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00272078	11/14/2024	379.50	Meagan Renner	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00272079	11/14/2024	215.00	Jarrod Grahn	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00272080	11/14/2024	111.00	Erica Nilsen	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00272081	11/14/2024	197.75	Nicole Vigil	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00272082	11/14/2024	111.00	Amanda Cestnik	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00272083	11/14/2024	379.50	Brian Schaffer	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00272084	11/14/2024	369.50	McAvoy Shipp	Travel Advance
Expense Payment	Direct Deposit	EFT-00272085	11/14/2024	31.02	Robert Givens	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00272086	11/14/2024	138.00	Norman Ballhorn	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00272087	11/14/2024	250.00	Luke Koistinen	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00272088	11/14/2024	102.00	Douglass Cope	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00272089	11/14/2024	39.50	Nat Krase	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00272090	11/14/2024	60.00	Olivia Osborne	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00272091	11/14/2024	104.49	Branden Werry	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00272186	11/21/2024	287.80	Scott Boyer	Employee Reimbursement

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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>
Expense Payment	Direct Deposit	EFT-00272187	11/21/2024	350.00	Timothy Benack	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00272188	11/21/2024	211.25	Joshua Potter	Employee Reimbursement
Cash Advance Payment	Direct Deposit	EFT-00272189	11/21/2024	111.00	Jeremy Vanroyce	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00272190	11/21/2024	467.00	Madeline Vogelsang	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00272191	11/21/2024	111.00	Darren McShea	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00272192	11/21/2024	111.00	Jaycee Elliott	Travel Advance
Expense Payment	Direct Deposit	EFT-00272193	11/21/2024	192.49	Ryan McTague	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00272194	11/21/2024	228.22	Daniel Elliott	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00272195	11/21/2024	250.00	Denver Taylor	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00272196	11/21/2024	73.25	Mariah Bridger	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00272197	11/21/2024	79.50	Kyle Ballhorn	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00272198	11/21/2024	170.00	Daniel Kumpula	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00272199	11/21/2024	154.77	Nichole Brannan	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00272200	11/21/2024	56.25	Gary Zumwalt	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00272201	11/21/2024	250.00	David Lopez	Employee Reimbursement
			Direct Deposit	6,225.29		
Supplier Payment	EFT	EFT-00272092	11/14/2024	1,580.00	Rotschy Inc	
Supplier Payment	EFT	EFT-00272093	11/14/2024	28,691.63	Pacific Landscape Services Inc	
Supplier Payment	EFT	EFT-00272094	11/14/2024	8,378.52	Western Water Works Supply Co Inc	
Supplier Payment	EFT	EFT-00272095	11/14/2024	880.18	Praxair Distribution Inc	
Supplier Payment	EFT	EFT-00272096	11/14/2024	7,501.20	FuelCare Inc	
Supplier Payment	EFT	EFT-00272097	11/14/2024	273,687.12	Share	
Supplier Payment	EFT	EFT-00272098	11/14/2024	500.00	Minnehaha PTA/PTSA	
Supplier Payment	EFT	EFT-00272099	11/14/2024	578.00	Mayer Reed Inc.	
Supplier Payment	EFT	EFT-00272100	11/14/2024	500.00	Inner Beauty In U	
Supplier Payment	EFT	EFT-00272101	11/14/2024	5,163.25	Aguilar Construction, LLC	
Supplier Payment	EFT	EFT-00272102	11/14/2024	2,939.75	Otak Inc	
Supplier Payment	EFT	EFT-00272103	11/14/2024	183.79	YWCA Clark County	
Supplier Payment	EFT	EFT-00272104	11/14/2024	9,069.50	Second Step Housing	
Supplier Payment	EFT	EFT-00272105	11/14/2024	11,401.38	Retail Lockbox Inc	
Supplier Payment	EFT	EFT-00272106	11/14/2024	11,512.50	The Gunter Group LLC	
Supplier Payment	EFT	EFT-00272107	11/14/2024	40,356.00	Brown and Caldwell - Remit-To: Brown & Caldwell - San Francisco	
Supplier Payment	EFT	EFT-00272108	11/14/2024	12,637.19	Operations Management International Inc	
Supplier Payment	EFT	EFT-00272109	11/14/2024	182,039.90	Del Sol Inc	
Supplier Payment	EFT	EFT-00272110	11/14/2024	8,751.47	Waxie's Enterprises Inc	
Supplier Payment	EFT	EFT-00272111	11/14/2024	1,709.85	RELX Inc.	
Supplier Payment	EFT	EFT-00272112	11/14/2024	343,713.65	Holt Services Inc	
Supplier Payment	EFT	EFT-00272113	11/14/2024	15,954.77	State of Washington Auditor's Office	
Supplier Payment	EFT	EFT-00272114	11/14/2024	934.82	CoStar Reality Information Inc.	
Supplier Payment	EFT	EFT-00272115	11/14/2024	38.38	Ziply Fiber	
Supplier Payment	EFT	EFT-00272116	11/14/2024	7,178.50	Picard Corp	
Supplier Payment	EFT	EFT-00272117	11/14/2024	839.38	Pitney Bowes Inc	
Supplier Payment	EFT	EFT-00272118	11/14/2024	3,220.00	Brad Piesch Aggressive Enterprises, Inc	
Supplier Payment	EFT	EFT-00272119	11/14/2024	451,106.66	Colf Construction LLC	

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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>
Supplier Payment	EFT	EFT-00272120	11/14/2024	1,440.00	Rock Creek Communications, LLC	
Supplier Payment	EFT	EFT-00272121	11/14/2024	6,385.16	Bound Tree Medical LLC	
Supplier Payment	EFT	EFT-00272122	11/14/2024	10,003.23	Evoqua Water Technologies LLC	
Supplier Payment	EFT	EFT-00272123	11/14/2024	1,184.56	Clark County Volunteer Lawyers Program	
Supplier Payment	EFT	EFT-00272124	11/14/2024	3,778.35	Live Love Outreach	
Supplier Payment	EFT	EFT-00272125	11/14/2024	5,850.00	Andrews Terry Jeffers LLP	
Supplier Payment	EFT	EFT-00272126	11/14/2024	697.86	ICC Codification, Inc.	
Supplier Payment	EFT	EFT-00272127	11/14/2024	14,913.64	Oregon Rifleworks LLC	
Supplier Payment	EFT	EFT-00272128	11/14/2024	516.00	Branlo Enterprises, LLC	
Supplier Payment	EFT	EFT-00272129	11/14/2024	500.00	Bagley Downs Neighborhood Association	
Supplier Payment	EFT	EFT-00272130	11/14/2024	153,158.30	McClure and Sons Inc.	
Supplier Payment	EFT	EFT-00272131	11/14/2024	3,000.00	The Amy VanCamp Experience LLC	
Supplier Payment	EFT	EFT-00272132	11/14/2024	156,313.32	Vancouver National Historic Reserve Trust	
Supplier Payment	EFT	EFT-00272133	11/14/2024	15,932.47	Northwest Staffing Resources Inc - Remit-To: Northwest Staffing Resources	
Supplier Payment	EFT	EFT-00272134	11/14/2024	1,933.39	Emerald Services Inc - Remit-To: Emerald - Dallas TX	
Supplier Payment	EFT	EFT-00272135	11/14/2024	500.00	Immanuel Lutheran Church	
Supplier Payment	EFT	EFT-00272136	11/14/2024	1,909.73	Rigid Plumbing Inc	
Supplier Payment	EFT	EFT-00272137	11/14/2024	25,170.00	AgreeYa Solutions, Inc. - Remit-To: AgreeYa Solutions, Inc	
Supplier Payment	EFT	EFT-00272138	11/14/2024	310.00	Performance Occupational Health Services, LLC	
Supplier Payment	EFT	EFT-00272202	11/21/2024	857.33	Praxair Distribution Inc	
Supplier Payment	EFT	EFT-00272203	11/21/2024	1,753,549.82	Tapani Inc	
Supplier Payment	EFT	EFT-00272204	11/21/2024	2,351.88	Canopy Wellbeing	
Supplier Payment	EFT	EFT-00272205	11/21/2024	30,450.50	Brown and Caldwell - Remit-To: Brown & Caldwell - San Francisco	
Supplier Payment	EFT	EFT-00272206	11/21/2024	2,023.30	Bound Tree Medical LLC	
Supplier Payment	EFT	EFT-00272207	11/21/2024	925.00	Thrive2Survive	
Supplier Payment	EFT	EFT-00272208	11/21/2024	254.36	Harry's Key Service Inc	
Supplier Payment	EFT	EFT-00272209	11/21/2024	10,975.44	Fire Systems West	
Supplier Payment	EFT	EFT-00272210	11/21/2024	760.00	FuelCare Inc	
Supplier Payment	EFT	EFT-00272211	11/21/2024	4,858.00	Northwest Performing Arts Alliance	
Supplier Payment	EFT	EFT-00272212	11/21/2024	328,792.93	One Way Trigger LLC	
Supplier Payment	EFT	EFT-00272213	11/21/2024	3,311.16	Nolan Merriman	
Supplier Payment	EFT	EFT-00272214	11/21/2024	12,845.64	Distinctive Landscape LLC	
Supplier Payment	EFT	EFT-00272215	11/21/2024	324,685.52	Jacobs Engineering Group Inc	
Supplier Payment	EFT	EFT-00272216	11/21/2024	4,275.00	Brodin Studios, Inc.	
Supplier Payment	EFT	EFT-00272217	11/21/2024	5,741.82	Junk It JunkRemoval LLC	
Supplier Payment	EFT	EFT-00272218	11/21/2024	13,246.61	Housing Connector	
Supplier Payment	EFT	EFT-00272219	11/21/2024	41,714.00	The Exhibits Department, LLC	
Supplier Payment	EFT	EFT-00272220	11/21/2024	750.00	CivicPlus, LLC	
Supplier Payment	EFT	EFT-00272221	11/21/2024	60.50	MacKay Sposito Inc	
Supplier Payment	EFT	EFT-00272222	11/21/2024	8,325.40	Northwest Staffing Resources Inc - Remit-To: Northwest Staffing Resources	
Supplier Payment	EFT	EFT-00272223	11/21/2024	9,213.96	Copiers Northwest Inc.	
Supplier Payment	EFT	EFT-00272224	11/21/2024	4,760.75	Mead and Hunt Inc	

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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>
Supplier Payment	EFT	EFT-00272225	11/21/2024	6,703.95	Clark and Sons Excavating Inc	
Supplier Payment	EFT	EFT-00272226	11/21/2024	2,966.48	State of Washington Consolidated Technology Services	
Supplier Payment	EFT	EFT-00272227	11/21/2024	320.37	Garon Roofing & Sheet Metal Inc	
Supplier Payment	EFT	EFT-00272228	11/21/2024	1,153.25	Consor North America Inc	
Supplier Payment	EFT	EFT-00272229	11/21/2024	10,924.35	George Elevator Service LLC	
Supplier Payment	EFT	EFT-00272230	11/21/2024	1,470.04	Accurate Investigation Services	
Supplier Payment	EFT	EFT-00272231	11/21/2024	8,837.31	Magnet Forensics, LLC	
Supplier Payment	EFT	EFT-00272232	11/21/2024	5,670.82	PC Specialists Inc - Remit-To: TIG - San Diego	
Supplier Payment	EFT	EFT-00272233	11/21/2024	2,533.80	Western Water Works Supply Co Inc	
Supplier Payment	EFT	EFT-00272234	11/21/2024	49,630.00	United Site Services of Nevada, Inc.	
Supplier Payment	EFT	EFT-00272235	11/21/2024	360.00	Rotschy Inc	
Supplier Payment	EFT	EFT-00272236	11/21/2024	21,706.50	PBS Engineering and Environmental Inc	
Supplier Payment	EFT	EFT-00272237	11/21/2024	13,000.00	Sazan Group, Inc	
Supplier Payment	EFT	EFT-00272238	11/21/2024	4,524.09	Workday Inc	
Supplier Payment	EFT	EFT-00272239	11/21/2024	2,495.00	Haley & Aldrich, Inc	
Supplier Payment	EFT	EFT-00272240	11/21/2024	138,715.41	SLE, Inc	
Supplier Payment	EFT	EFT-00272241	11/21/2024	951,426.15	Operations Management International Inc	
			EFT	5,621,709.84		
Supplier Payment	Manual Wire		11/1/2024	3.87	Hinderliter, De Llamas and Associates	
Supplier Payment	Manual Wire		11/1/2024	52,688.03	JP Morgan Chase Bank, N.A.	
Supplier Payment	Manual Wire		11/8/2024	254.55	Keybank National Association	
Supplier Payment	Manual Wire		11/12/2024	1,332,774.26	Internal Revenue Service	
Supplier Payment	Manual Wire		11/13/2024	50,107.28	State of Oregon Department of Revenue	
Supplier Payment	Manual Wire		11/13/2024	11,388.16	Bank Of America N.A. - Remit-To: Charlotte NC	
Supplier Payment	Manual Wire		11/13/2024	266.67	Bank Of America N.A. - Remit-To: Charlotte NC	
Supplier Payment	Manual Wire		11/14/2024	316,685.99	Blue Cross Blue Shield of Oregon	
Supplier Payment	Manual Wire		11/14/2024	23,780.35	Washington Dental Service	
Procurement Card Payment	Manual Wire		11/14/2024	813,935.04	CoV JPM Procurement Card	
Supplier Payment	Manual Wire		11/15/2024	943,785.25	State of Washington Department of Retirement Systems (DRS)	
Supplier Payment	Manual Wire		11/15/2024	606,365.76	Clark County - Remit-To: Clark County - Treasurer Vancouver	
Supplier Payment	Manual Wire		11/15/2024	266.67	Bank Of America N.A. - Remit-To: Charlotte NC	
Supplier Payment	Manual Wire		11/15/2024	53,631.62	Liberty Mutual Group Inc.	
Supplier Payment	Manual Wire		11/15/2024	7,930.21	Superior, LLC	
Supplier Payment	Manual Wire		11/15/2024	1,073.90	JP Morgan Chase Bank, N.A.	
Supplier Payment	Manual Wire		11/15/2024	150.10	Bank Of America N.A. - Remit-To: Account Analysis	
Supplier Payment	Manual Wire		11/19/2024	66,044.01	Liberty Mutual Group Inc.	
Supplier Payment	Manual Wire		11/22/2024	167,203.61	Blue Cross Blue Shield of Oregon	

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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>
Supplier Payment	Manual Wire		11/22/2024	17,664.30	Washington Dental Service	
			Manual Wire	4,465,999.63		
			Checks	2,827,836.54		
			Direct Deposit	6,225.29		
			EFT	5,621,709.84		
			11/18/2024	5,149.26	City Payments	Posted 11-11-24 to 11-17-24
			11/25/2024	5,024.64	City Payments	Posted 11-18-24 to 11-24-24
			Hansen Total	10,173.90		
			11/18/2024	1,479.00	Miscellaneous	Parks Class Refunds FCC 11-11-24 to 11-17-24
			11/18/2024	1,240.00	Miscellaneous	Parks Class Refunds MCC 11-11-24 to 11-17-24
			11/25/2024	1,005.00	Miscellaneous	Parks Class Refunds FCC 11-18-24 to 11-24-24
			11/25/2024	1,235.00	Miscellaneous	Parks Class Refunds MCC 11-18-24 to 11-24-24
			VISA Total	4,959.00		
			Payroll Total	0.00		
			GRAND TOTAL	12,936,904.20		

City of Vancouver
Payroll Council Report
November 11, 2024 - November 24, 2024

Check No.	Date	Explanation	Amount
		No payroll this period	

\$ -

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: December 2, 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

Consent Agenda - November 18, 2024

Action Requested

On December 2, 2024, subject to second reading and public hearing, approve the ordinance.

Staff Contact

Aaron Lande, Program and Policy Development Manager, aaron.lande@cityofvancouver.us

Attachments:

1. Ordinance

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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: December 2, 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
- November 18, 2024, Consent Agenda

Action Requested

On December 2, 2024, subject to second reading and public hearing, approve the ordinance, expanding the boundary of the Fourth Plain residential target area of the multifamily tax exemption program.

Staff Contact

Bryan Monroe, Associate Housing Project Coordinator, bryan.monroe@cityofvancouver.us

Attachments:

1. Presentation
2. Ordinance



MFTE Fourth Plain Target Area Amendment

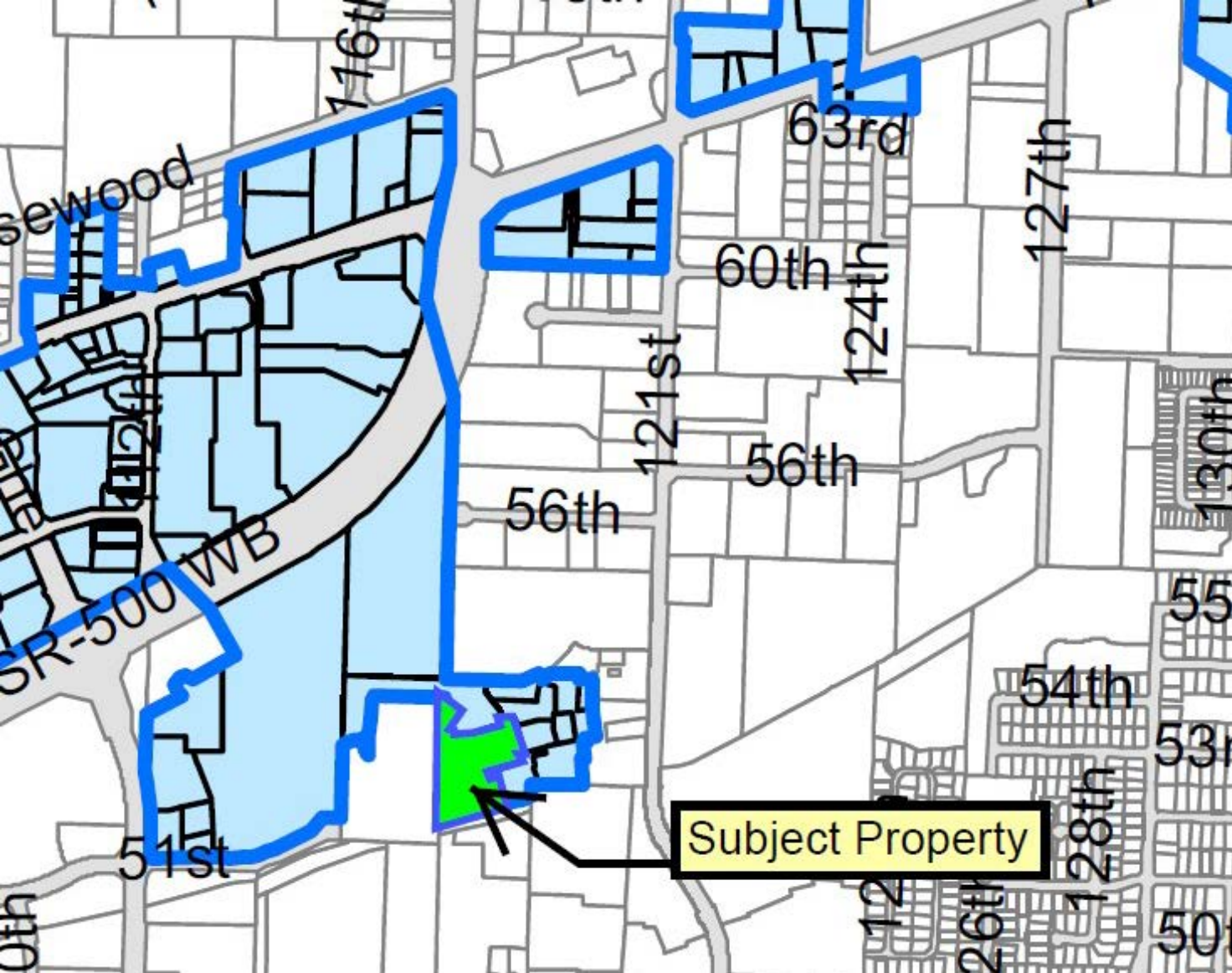
Bryan Monroe

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.

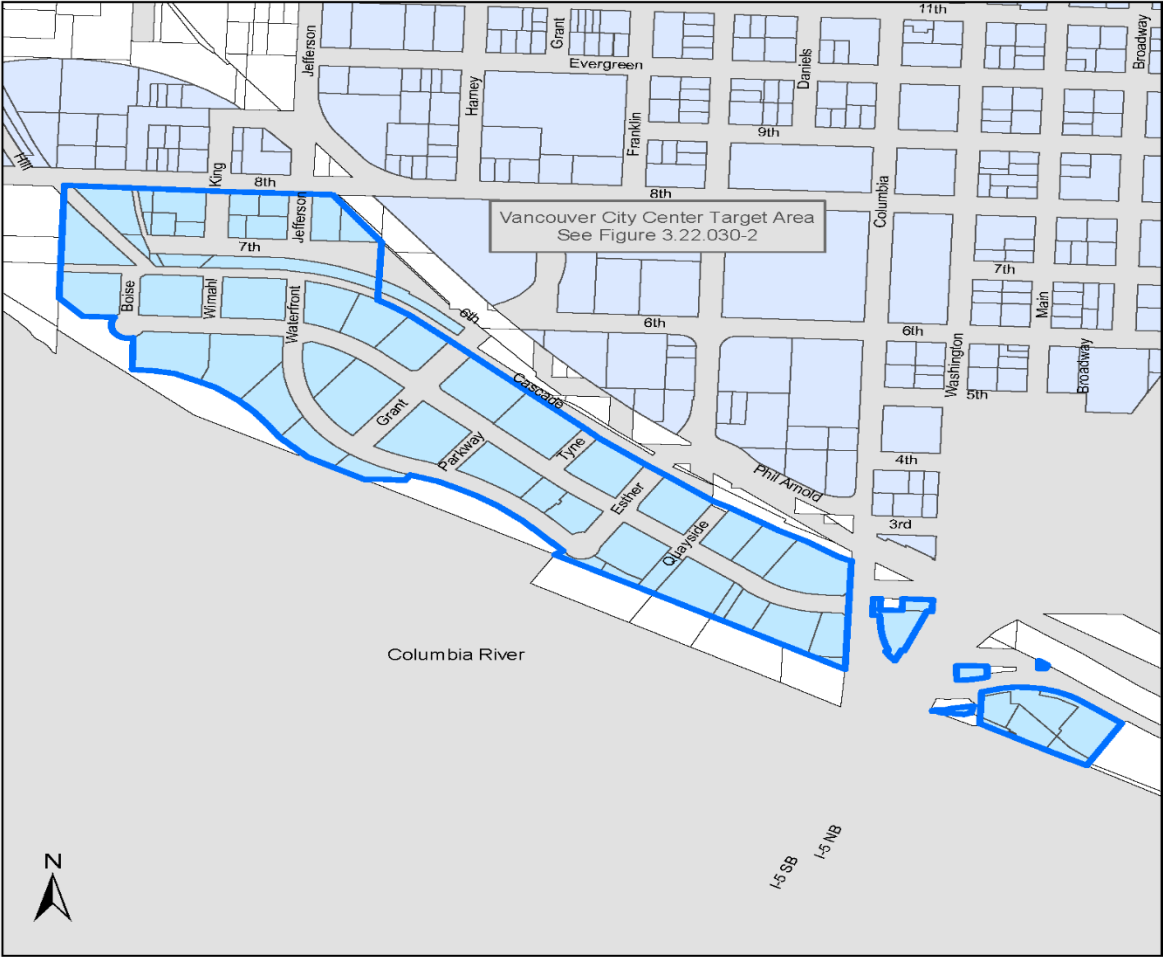
5. When designating a residential target area, the city council shall give notice of a hearing to be held on the matter and that notice shall be published once each week for two consecutive weeks, not less than seven days nor more than 30 days before the date of the hearing. The notice must state the 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



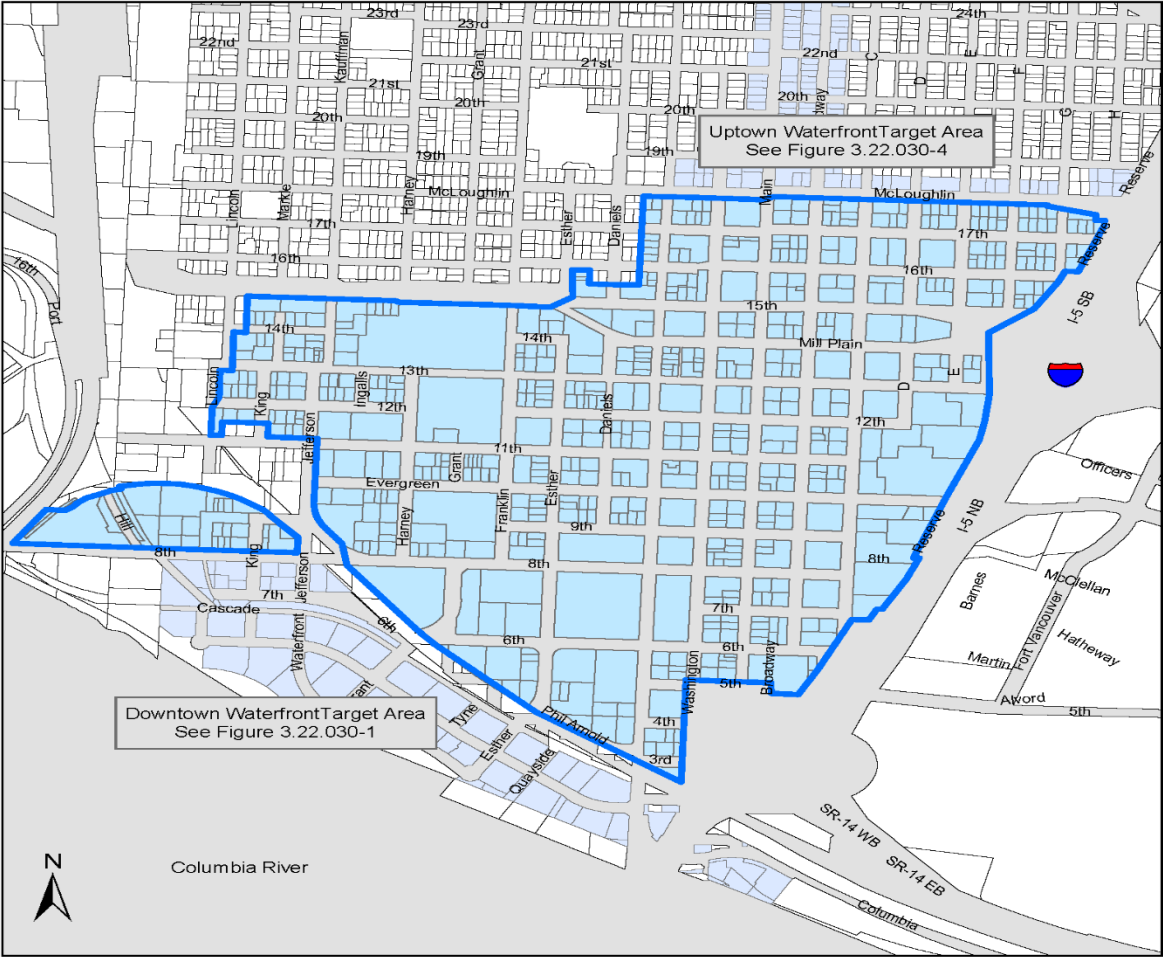
**FIGURE
3.22.030-1**

 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



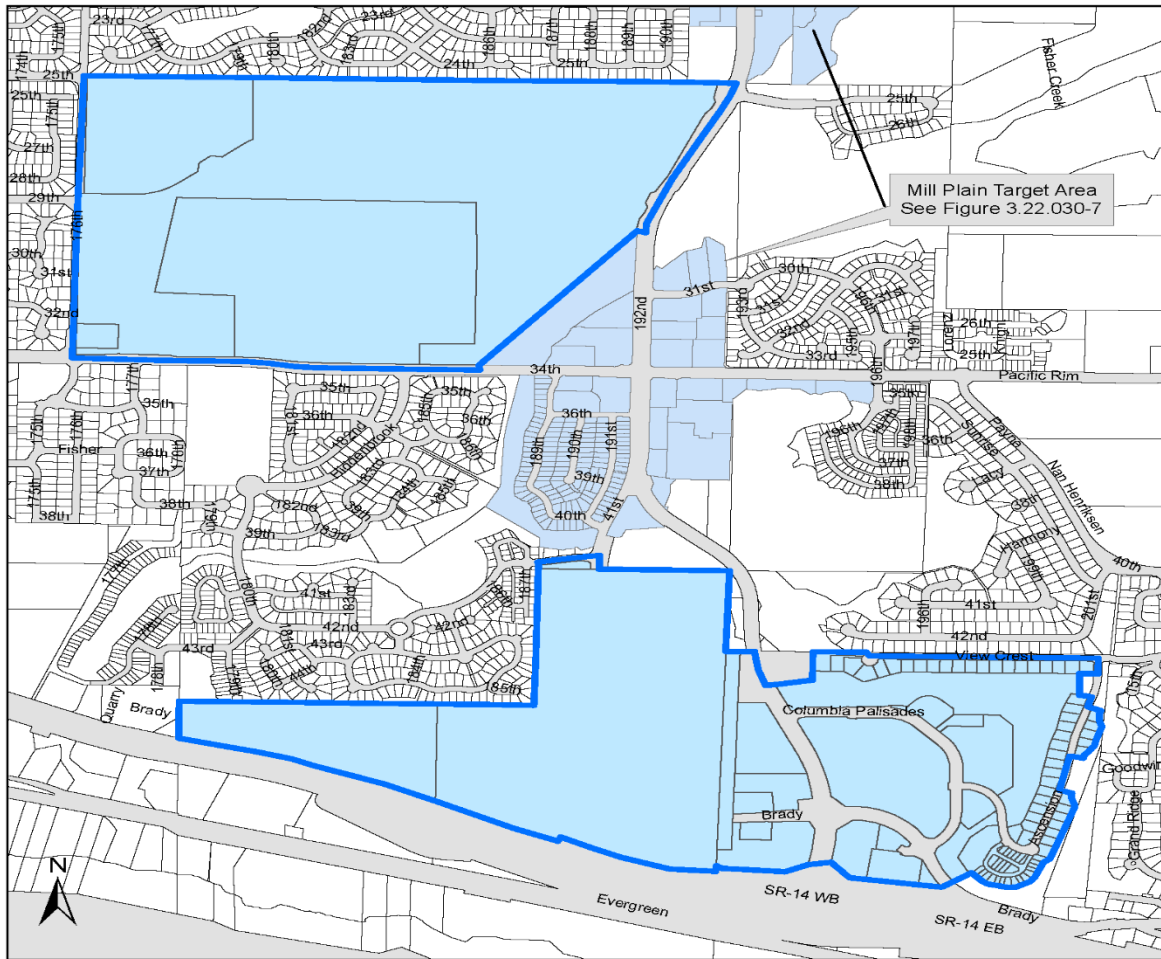
**FIGURE
3.22.030-2**

 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



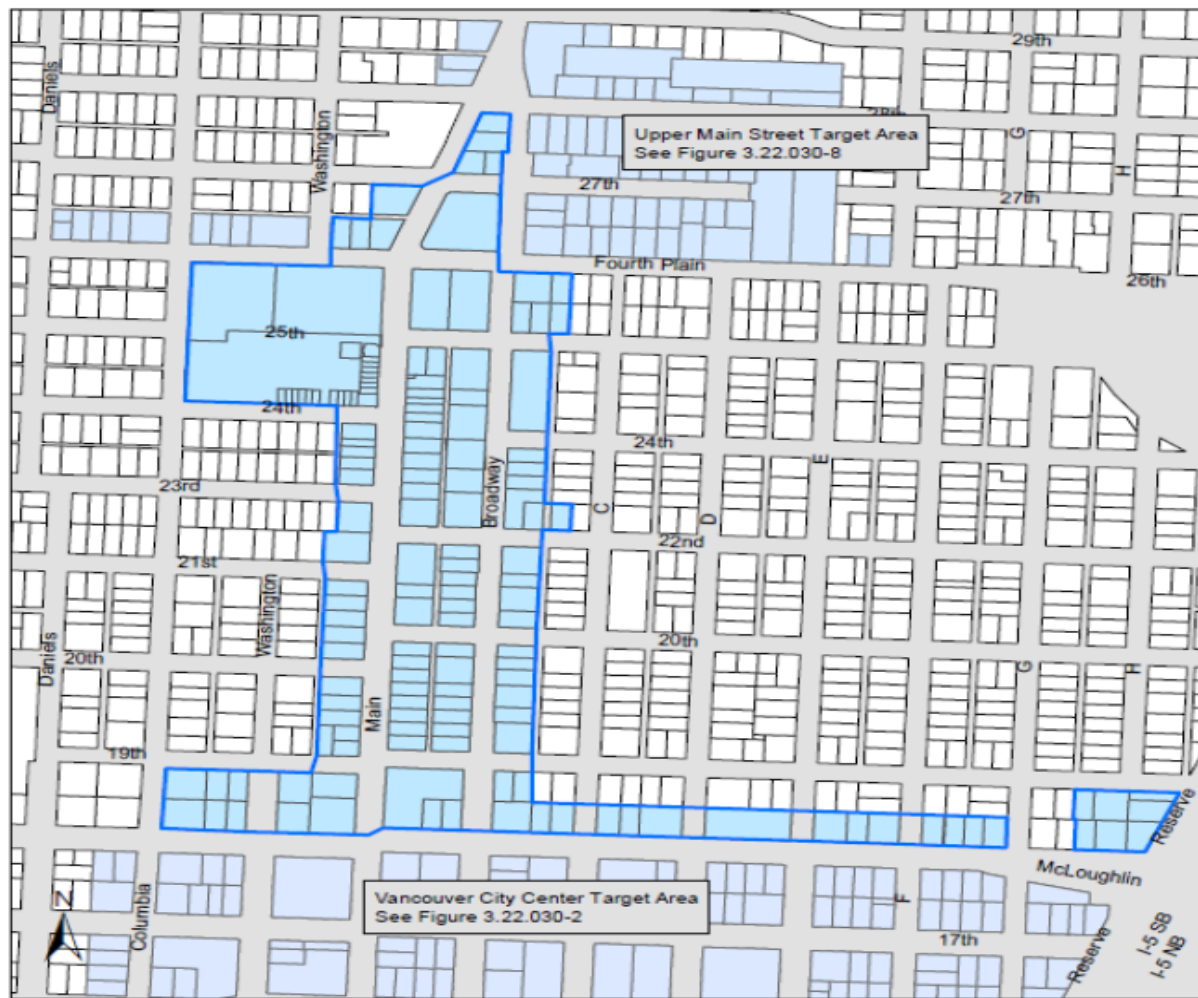
**FIGURE
3.22.030-3**

 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



0 500 1,000 2,000 Feet

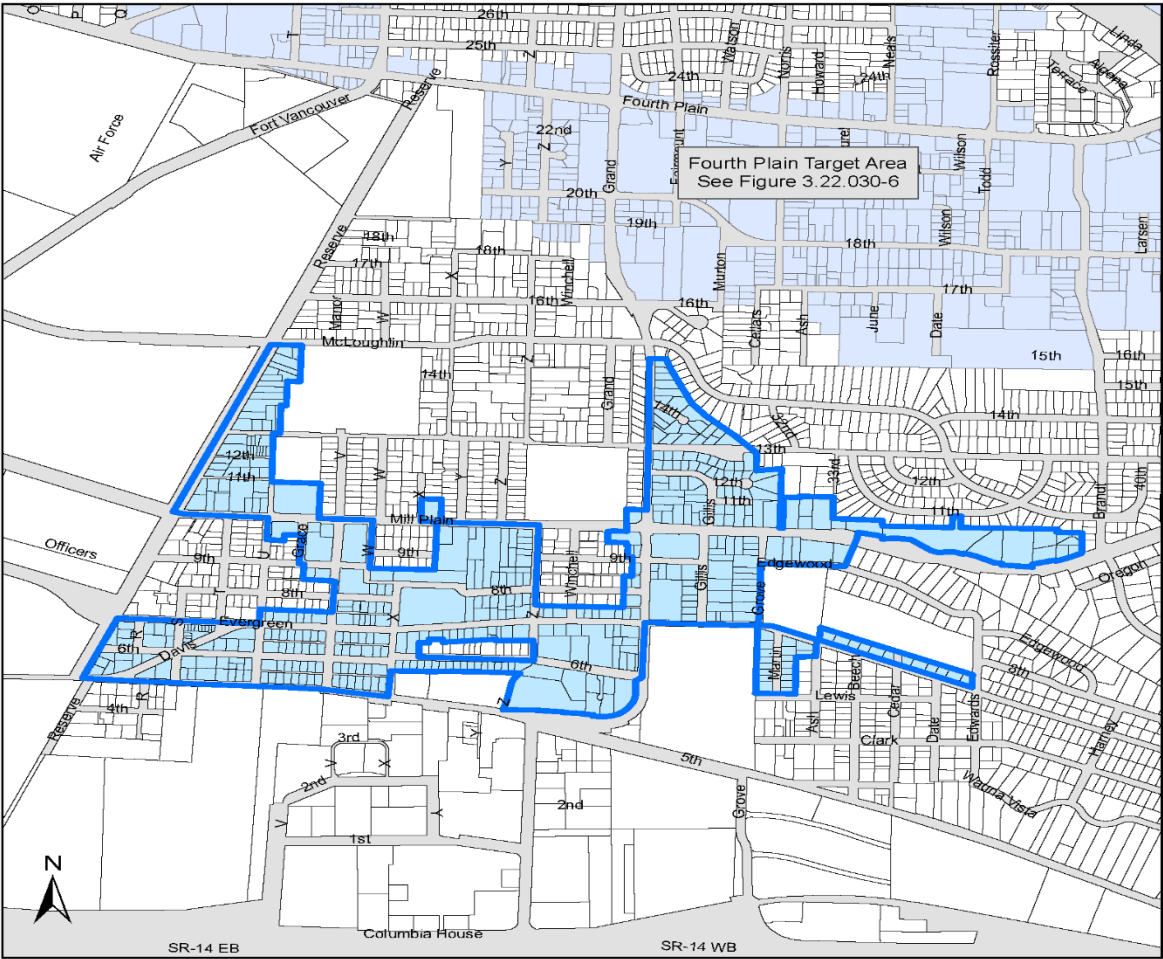
**FIGURE
3.22.030-4**

 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



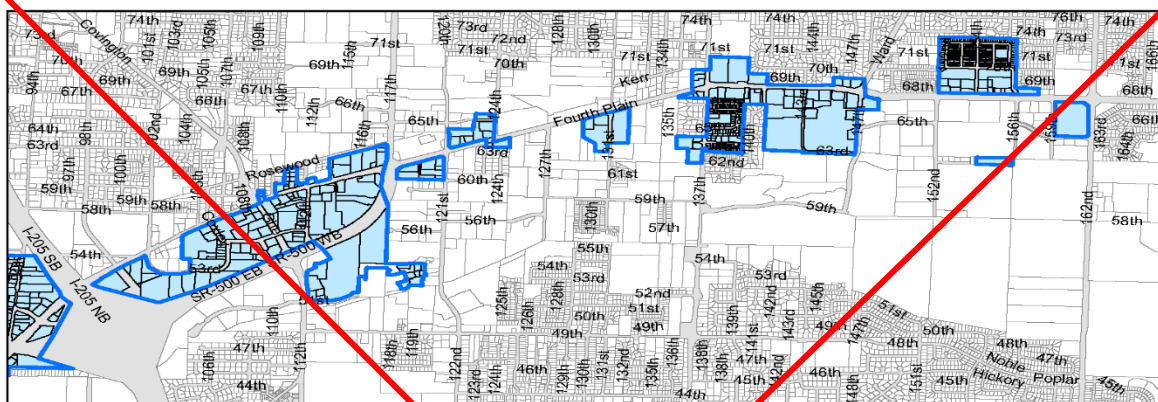
**FIGURE
3.22.030-5**

 Evergreen / Grand MFTE Target Area Boundary

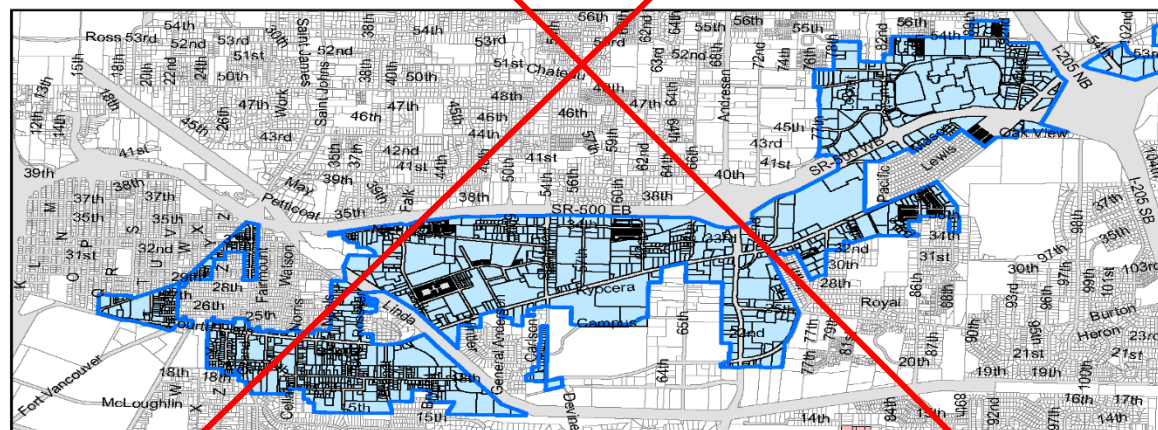
Multifamily Tax Exemption Boundary

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



0 0.25 0.5 1 Miles East of I-205

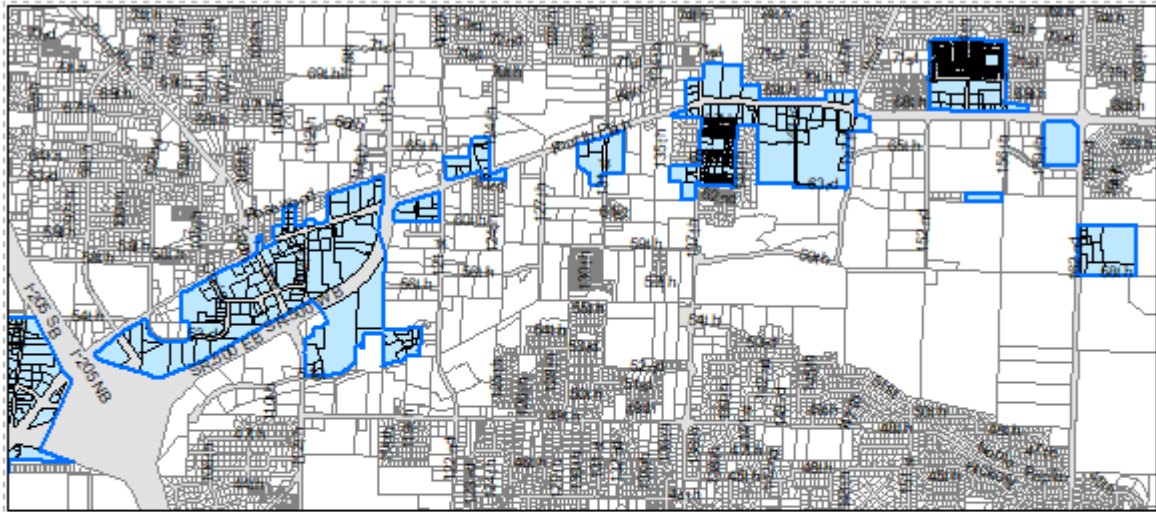


0 0.25 0.5 1 Miles West of I-205

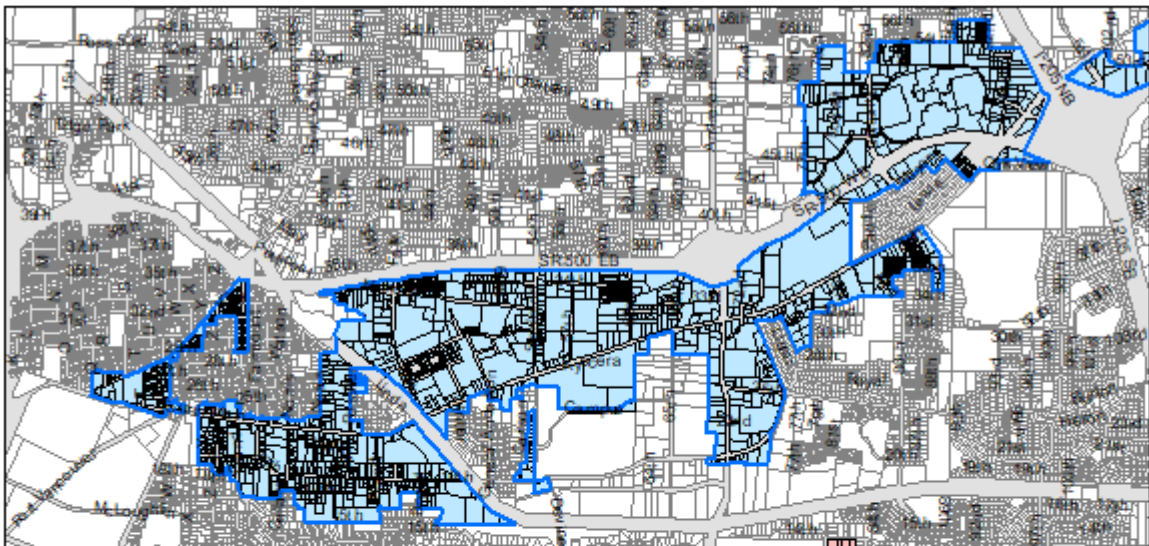
Fourth Plain MFTE Target Area Boundary

Multifamily Tax Exemption Boundary

**FIGURE
3.22.030-6**



N
0 0.25 0.5 1 Miles East of I-205



N
0 0.25 0.5 1 Miles West of I-205

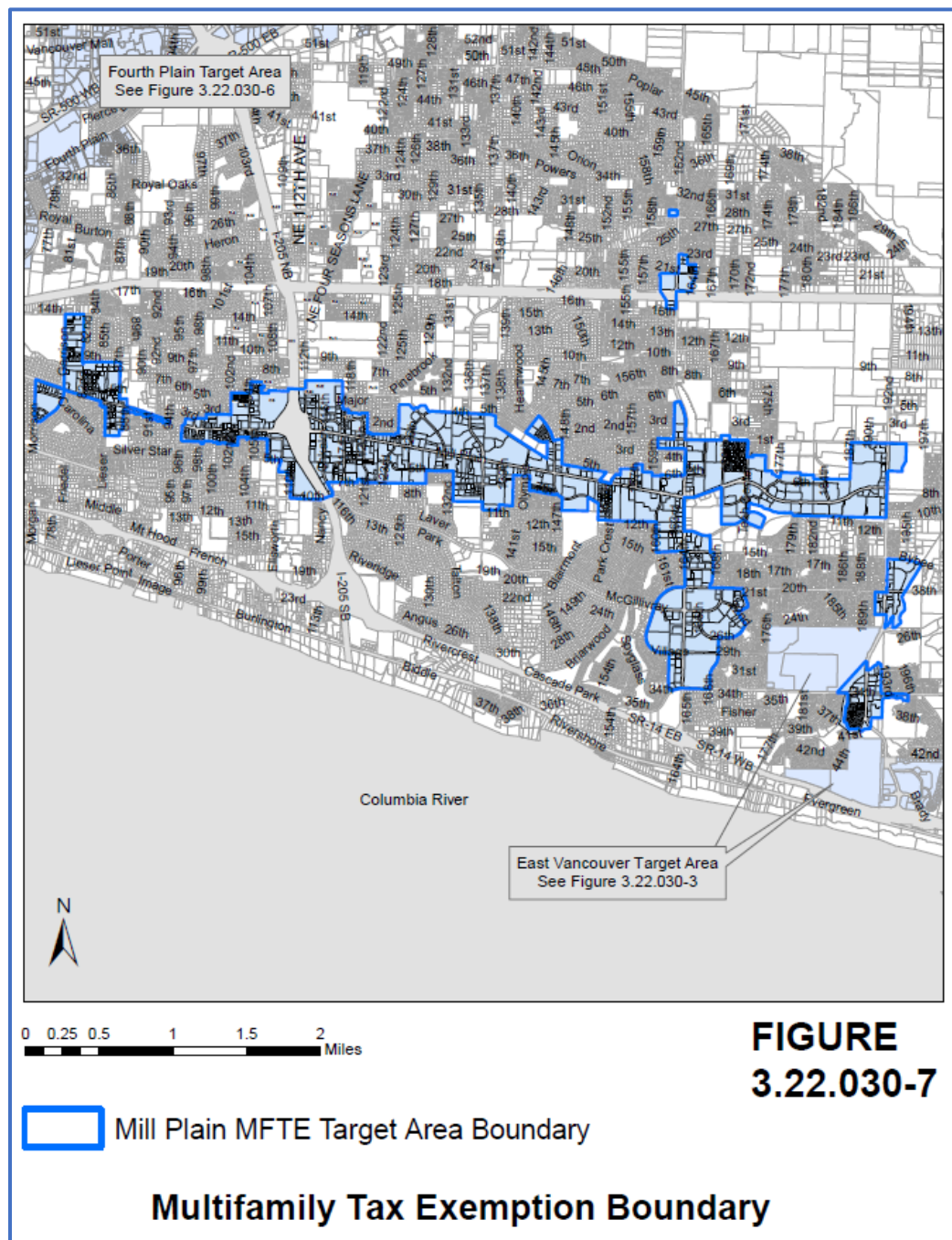
**FIGURE
3.22.030-6**

 Fourth Plain MFTE Target Area Boundary

Multifamily Tax Exemption Boundary

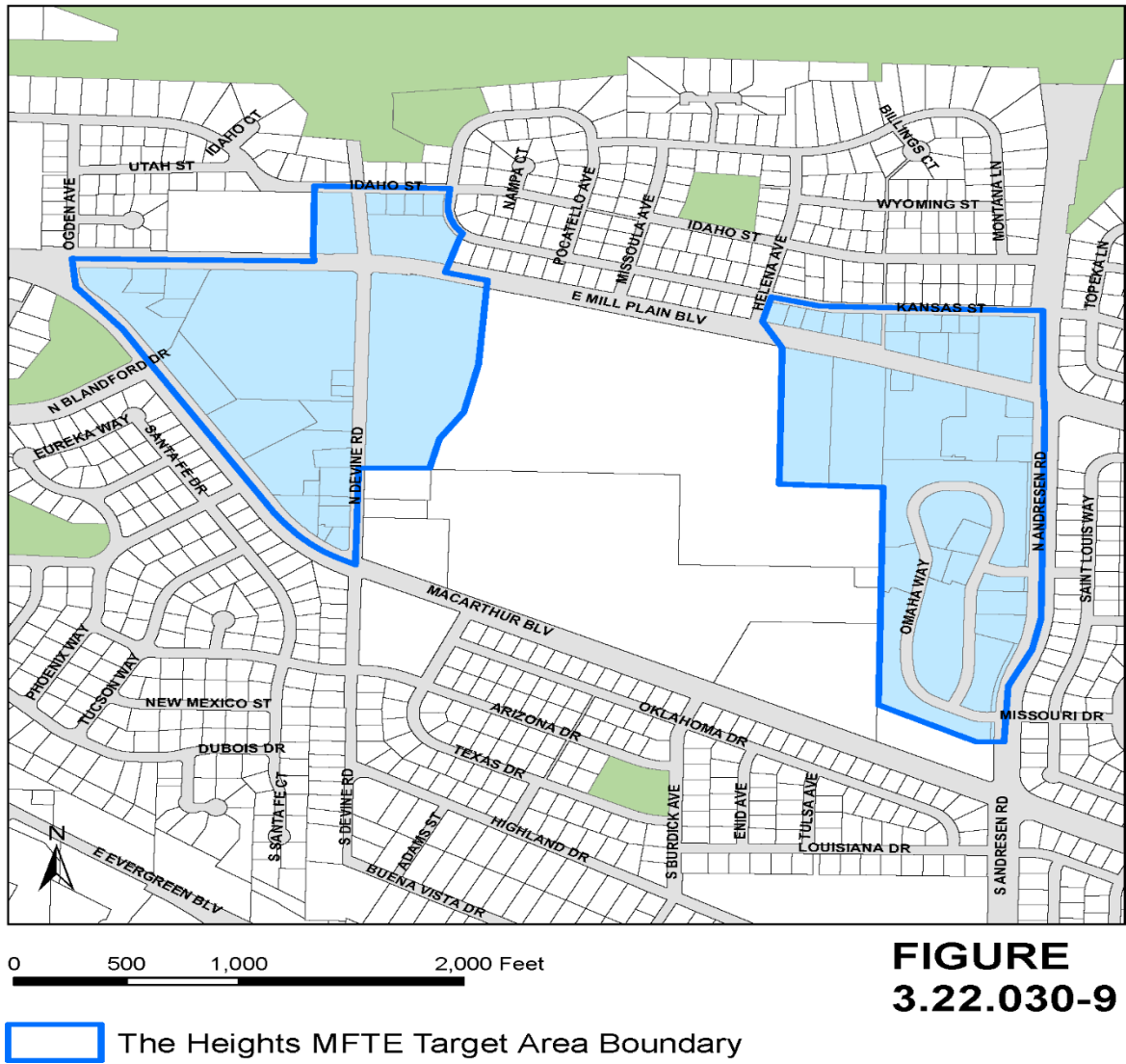
7. Mill Plain Target Area depicted on Map 7 below. Projects in this target area must meet the zoning requirements of the underlying zoning district as the market rate or income-based requirements under VMC 3.22.040(D)(9)(a):

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: December 2, 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

Consent Agenda - November 18, 2024

Action Requested

On December 2, 2024, subject to second reading and public hearing, approve ordinance

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.

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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: December 2, 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

- Various budget workshops in 2024.
- Consent Agenda - November 18, 2024

Action Requested

On December 2, 2024, subject to second reading and public hearing, approve the ordinance.

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 McEnerny-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, 5.93.030, 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: December 2, 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

- Various budget workshops in 2024
- Consent Agenda - November 18, 2024

Action Requested

On December 2, 2024, subject to second reading and public hearing, approve the ordinance.

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, 5.93.030, 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, 5.93.030, 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: December 2, 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

- Various budget workshops in 2024
- Consent Agenda - November 18, 2024

Action Requested

On December 2, 2024, subject to second reading and public hearing, approve the ordinance.

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: December 2, 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

- Various budget workshops in 2024
- Consent Agenda - November 18, 2024

Action Requested

On December 2, 2024, subject to second reading and public hearing, approve the ordinance.

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: December 2, 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

Consent Agenda - November 18, 2024

Action Requested

On December 2, 2024, subject to second reading and public hearing, approve the ordinance.

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: December 2, 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

- Various budget workshops in 2024
- Consent Agenda - November 18, 2024

Action Requested

On December 2, 2024, subject to second reading and public hearing, approve the ordinance.

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 McEnerny-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: December 2, 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

- Workshops on the 2025-26 Biennial Budget
- Consent Agenda - November 18, 2024

Action Requested

On December 2, 2024, subject to second reading and public hearing, approve the ordinance.

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: December 2, 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
Consent Agenda - November 18, 2024

Action Requested

On December 2, 2024, subject to second reading and public hearing, approve the ordinance and approve the attached Planning Fee Changes, to be effective January 1, 2025.

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>
<u>A.B.</u>	Single-family and duplex lots (fee per applicable critical area)	
<u>1.</u>	Fish and wildlife habitat areas	\$1,798.00 <u>\$1,500.00</u>
<u>2.</u>	Frequently flooded areas	\$361.00 <u>\$1,500.00</u>
<u>3.</u>	Geologic hazard areas	\$361.00 <u>\$1,500.00</u>
<u>4.</u>	Wetland areas	\$1,798.00 <u>\$1,500.00</u>
<u>B.C.</u>	All others (fee per applicable critical area)	
<u>1.</u>	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: December 2, 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
- Consent Agenda - November 18, 2024

Action Requested

On December 2, 2024, subject to second reading and public hearing, approve the ordinance and amend the Vancouver Municipal Code sections 14.04.210, 14.04.230, and 14.09.060.

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

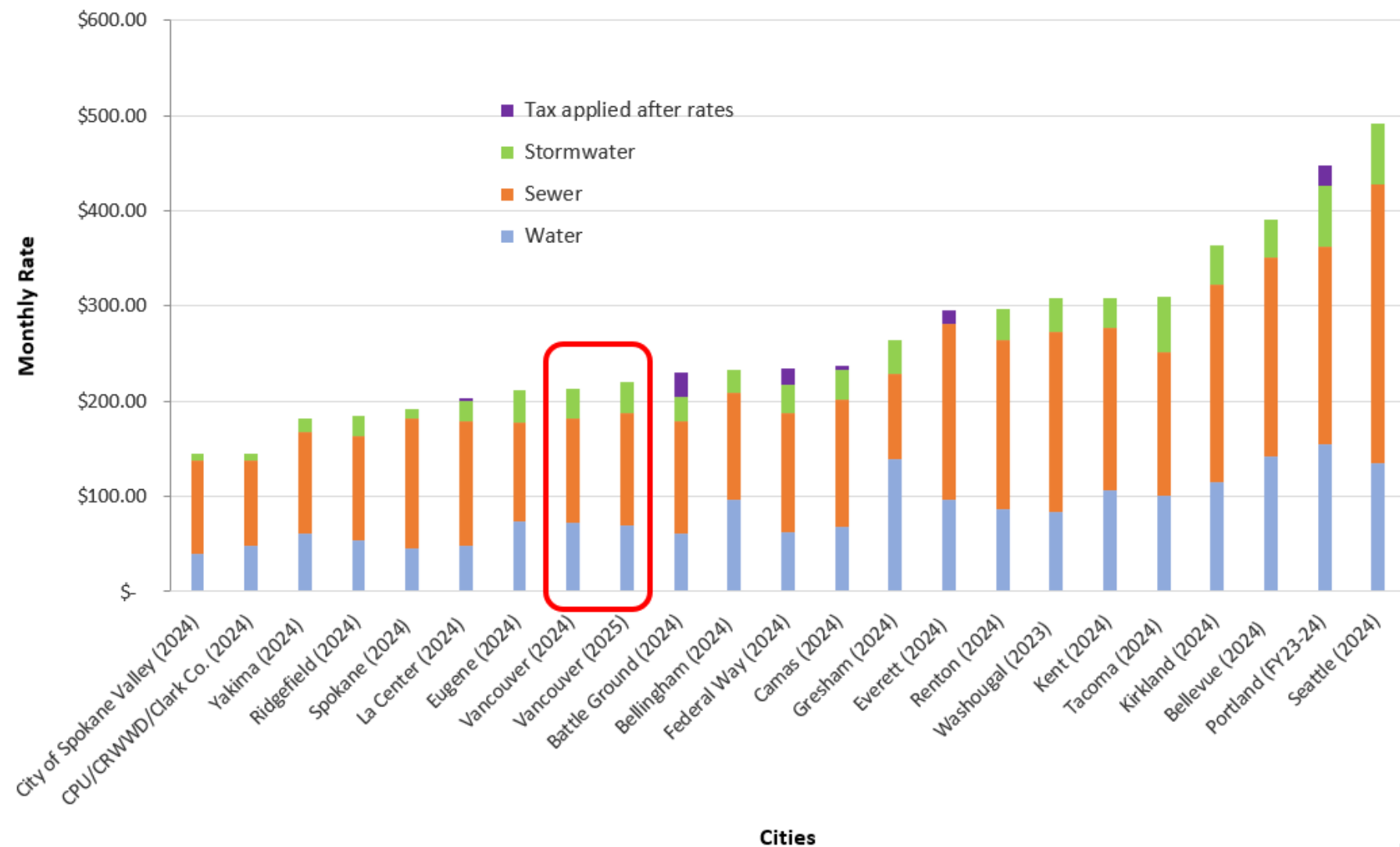
ORDINANCE NO. _____

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: December 2, 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
- Consent Agenda - November 18, 2024

Action Requested

On December 2, 2024, subject to second reading and public hearing, approve the ordinance and adopt the attached VMC Title 16 amendments, to be effective January 1, 2025.

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.

~~A~~105.8.1. 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.

~~B~~105.8.2. 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 ~~B~~building ~~O~~fficial or the ~~F~~fire ~~C~~ode ~~O~~fficial 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 Order.

~~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 ~~Ffire Ceode 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 Building Official, after consultation with the Fire Code Official, determines by use of the following criteria that the building constitutes a hazard to life.

DB. In making determinations under this section, the Building Official and Fire Code Official 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 907.87.2, 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 McEnery-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.

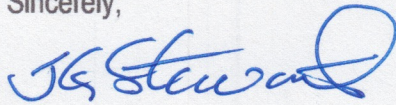
Proposed VMC Title 17 substantive modifications:

- 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: December 2, 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.
- Expediated 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
- Consent Agenda - November 18, 2024

Action Requested

On December 2, 2024, subject to second reading and public hearing, approve the ordinance and adopt the attached VMC Title 17 amendments, to be effective January 1, 2025.

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 (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</u> <u>hour beyond</u> <u>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

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.

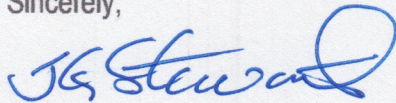
Proposed VMC Title 17 substantive modifications:

- 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 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: December 2, 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
- Consent Agenda - November 18, 2024

Action Requested

On December 2, 2024, subject to second reading and public hearing, approve the ordinance.

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 Amended
6. Presentation

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		Date	End Date
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	FY 2025	FY 2026	Total 2025-26
				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	Non Union Nonexempt Support Specialist	\$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	Non Union Nonexempt Senior Support Specialist	\$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 Management Analyst 2 Procurement Specialist 3 Treasury Analyst 2 Non Union Nonexempt Digital Forensics Investigator 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
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

Salary Grade	Job Profiles	Annual Minimum	Annual Midpoint	Annual Maximum	Monthly Minimum	Monthly Midpoint	Monthly Maximum
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
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

Salary Grade	Job Profiles	Annual Minimum	Annual Midpoint	Annual Maximum	Monthly Minimum	Monthly Midpoint	Monthly Maximum
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
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

Salary Grade	Job Profiles	Annual Minimum	Annual Midpoint	Annual Maximum	Monthly Minimum	Monthly Midpoint	Monthly Maximum
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



CITY OF
Vancouver
WASHINGTON

2025-2026 Budget and Supporting Ordinances

Lon Pluckhahn, City Manager

Natasha Ramras, CFO

Shannon Olsen, Budget Manager

December 2, 2024

Budget Ordinances Packet

- Utility Rate increase ordinances (Water, Sewer, Surface Water)
 - 6% annual increase, weighted
 - Change basis to all gross revenues
- Special license fees adjusted for inflationary pressures
- Credit card company fees passed to consumers
- Fire Marshal's fees, land use and other fee updates
- Cable Utility Excise Tax 6%
- Admissions Tax 5%



Budget Ordinances Packet *(continued)*

- Commercial parking tax
 - \$0.15 per transaction in lots
 - \$0.20 for street
- B&O Tax \$0.001/\$1,000 on Retailing (future new bridge shelter)
- Update to Vancouver Tax Administration Code
- Cultural Access Program and Sales Tax 1/10 of 1% Implementation
- 2025-2026 Biennial Budget Ordinance (Attachments A, B, C, D)



2025-2026 City of Vancouver Budget

Biennial Budget: \$2.1 billion

**Operating Budget
\$1.5 billion**

**Capital Budget
\$0.6 billion**

**General, Street,
Fire Funds
\$769 million**

**All Other
Operating Funds
\$763 million**

**Capital Projects
\$440 million**

**Funding
Transfers
\$143 million**

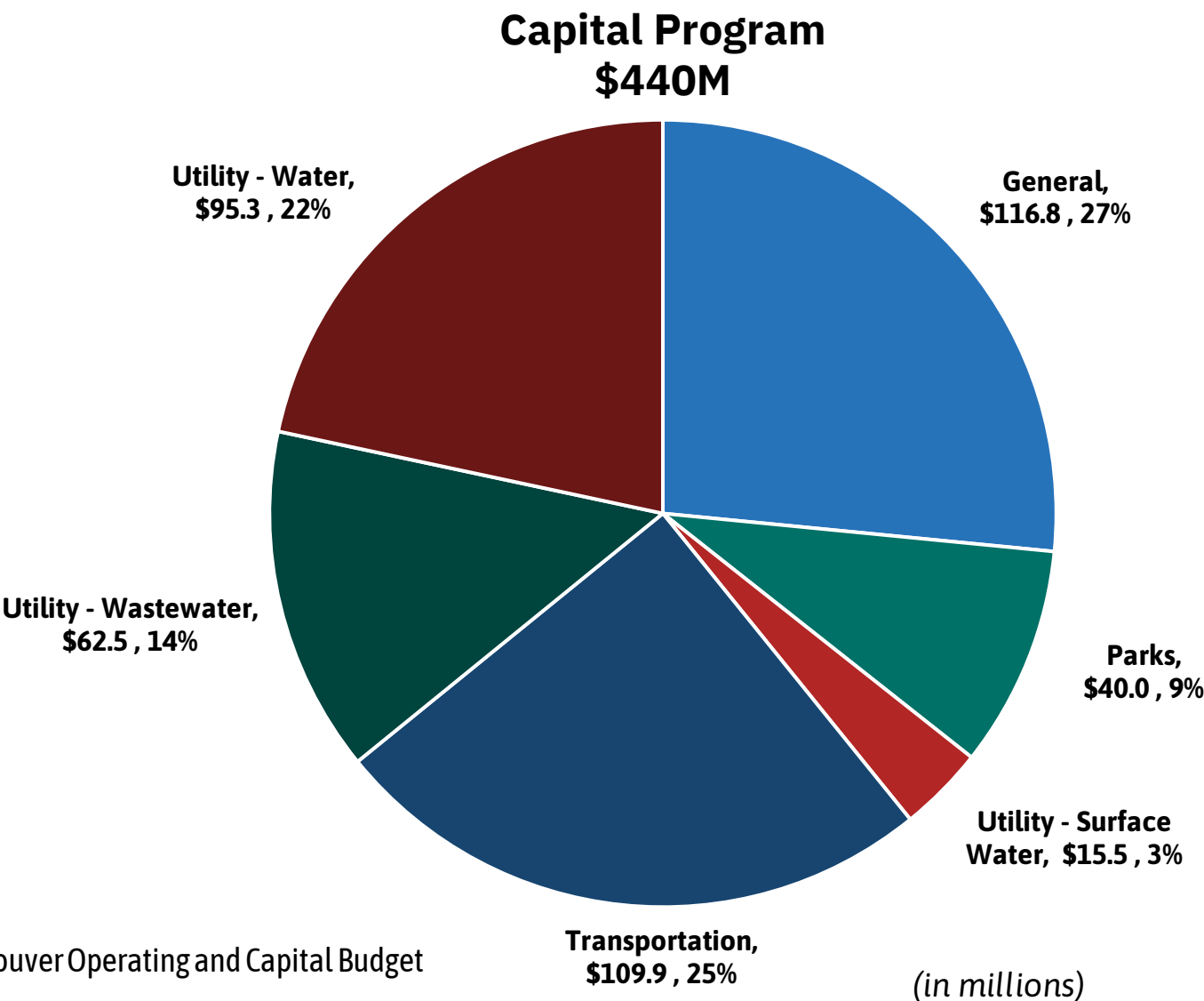


2025-2026 Staffing Changes (Attachment B)

- **Net city-wide reduction of 9.05 FTEs compared to 2024**
 - Reduced 27.55 Regular FTEs
 - All sworn public safety positions were maintained
 - 9.00 FTEs were filled, impacting twelve employees
 - Reduced 8.50 LTD FTEs
 - 1.50 FTE were filled, impacting two employees
 - Added 21.00 FTEs
 - Majority are funded by new revenue or utility funds, or charging to capital projects
 - Added 6.00 LTD FTEs
 - 5.00 to support Operations Center Campus Construction
 - 1.00 to support implementation of Tiered Rates

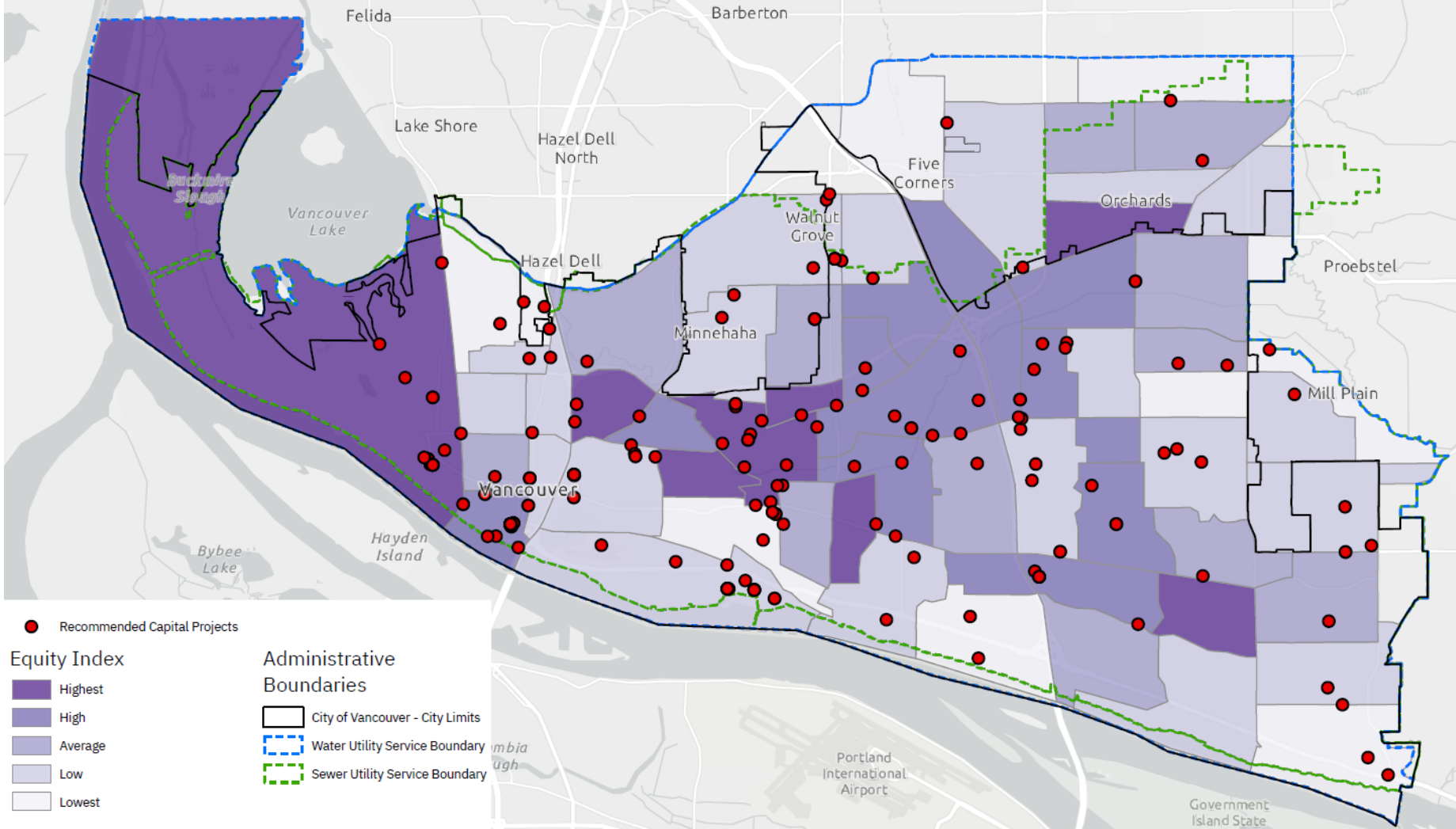


2025-2026 Capital (Attachment C)



2025-2026 City Manager's Recommended Budget

Capital



2025-2026 Council Changes to Recommended

- **Fireworks Enforcement by Fire Marshal's Office** (2025 only, \$20,000)
- **Overtime Budget for Additional Fire Suppression Training** (2025 only, \$80,000)
- **Reduce Grounds Cemetery Maintenance** (reduction of \$100,000 over the biennium)
- **Contracts with Other Agencies:**
 - Children's Justice Center - Victim Advocate Grant Funded Positions (2025, only, \$283,000)
 - Vancouver Watershed Alliance (2025 only, \$100,000)
 - Columbia Springs (2025 only, \$30,000)



Thank You

shannon.olsen@cityofvancouver.us | 360-487-8497 | cityofvancouver.us



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: December 2, 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

Consent Agenda - November 18, 2024

Action Requested

On December 2, 2024, subject to second reading and public hearing, approve the ordinance.

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

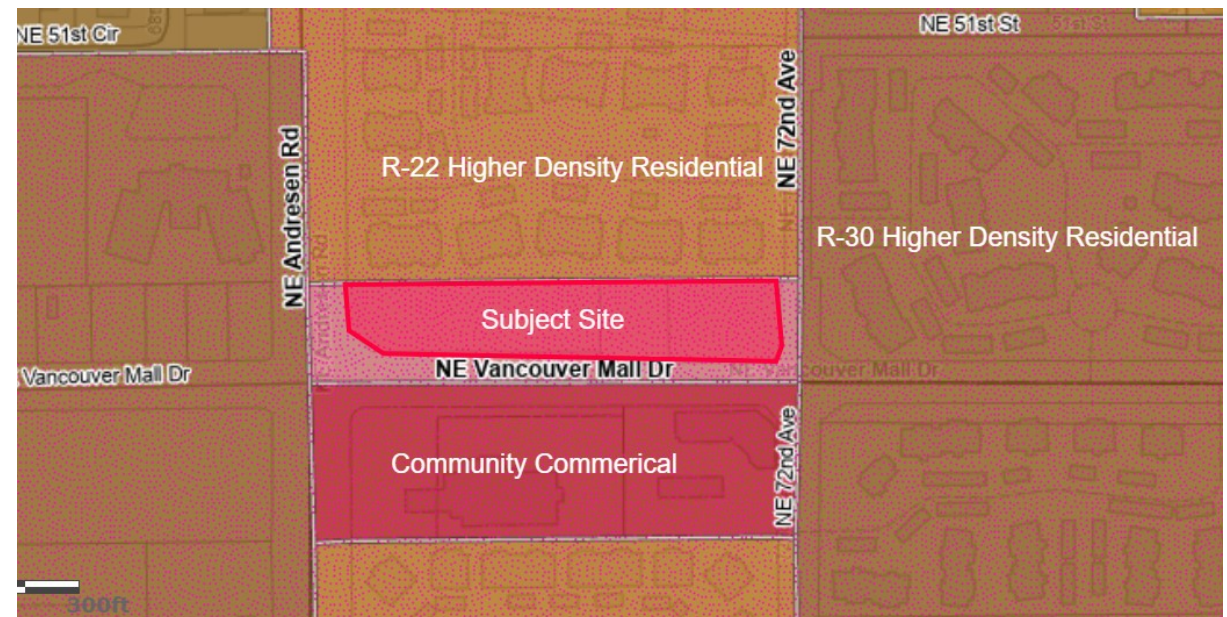
- A proposed Mixed Use Master Plan for multiple uses.
- Two phased development.



Vancouver Food Carts Mixed Use Master Plan

Current Zoning Map

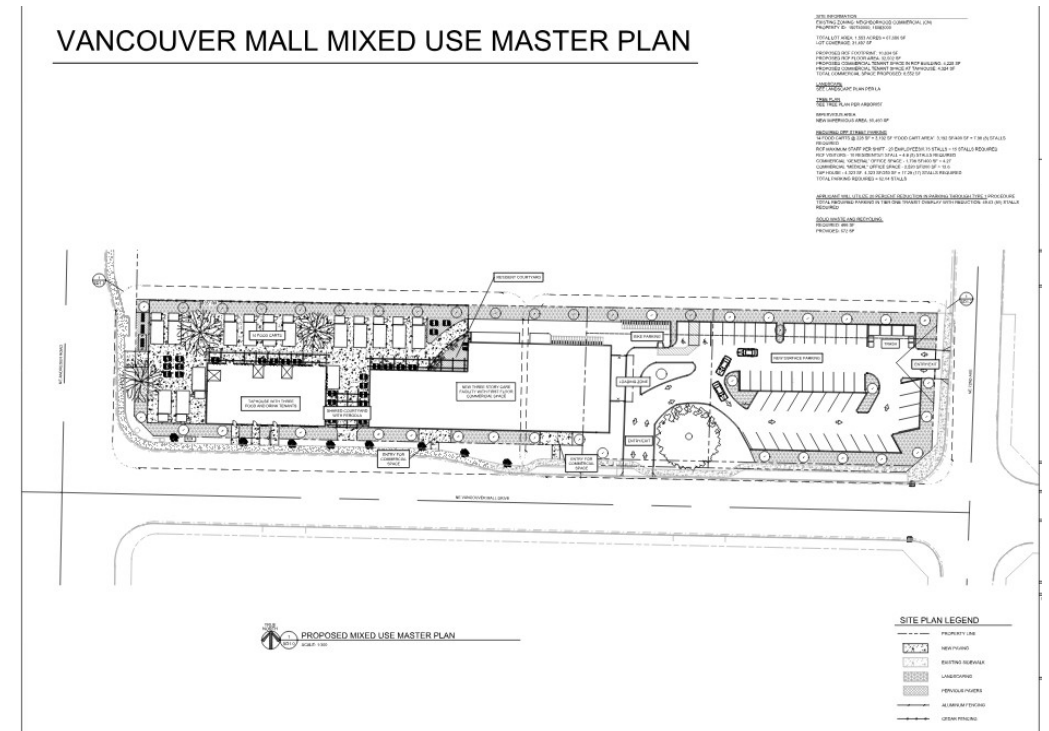
- Currently zoned Neighborhood Commercial.
- Approval of a Mixed-Use Master Plan changes the zoning to Mixed Use.



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.



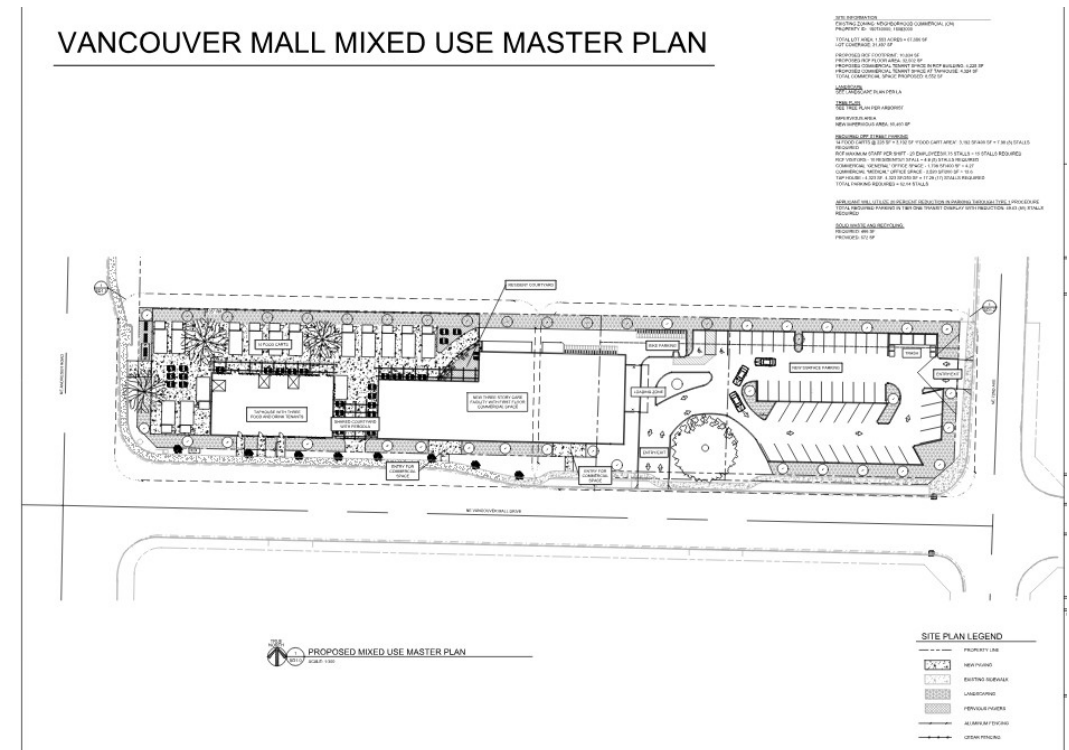
Vancouver Food Carts Mixed Use Master Plan

Public Comment

No public comments were received.

Summary

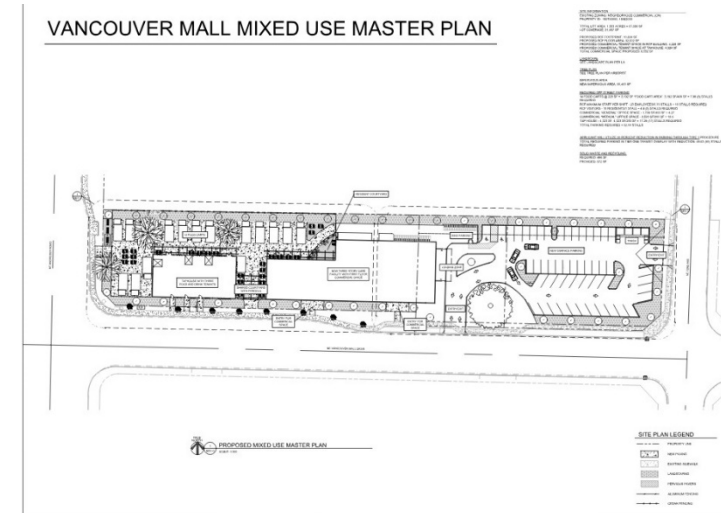
- Mixed Use Master Plan for Food Truck Pod, Taproom, Office and Residential Care Facility.
- Two phase development.
- Phase 1 site plan.



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 McEnery-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

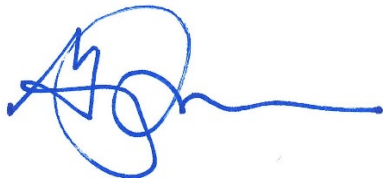
This report to the hearing examiner is a recommendation from Community Development Department. The examiner may adopt, modify or reject this recommendation. The hearing examiner recommendation will be forwarded to City Council for a final decision.

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

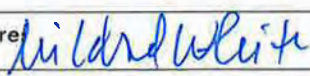
- 1) Staff Report
 - A. Application
 - B. Applicant Narrative
 - C. Proposed Development Plans
 - D. SEPA Checklist
 - E. Notice of Application/Remote Hearing and Optional DNS dated May 1, 2024
 - F. Revised Notice of Application/Remote Hearing dated August 1, 2024
 - G. Trip Generation Letter by Clemow 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.

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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.

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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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Portland, Oregon 97202
Ph: 503.253.4283
Email: admin@bamadesign.com

10028
REGISTERED
ARCHITECT

MILDRED WHITE
STATE OF WASHINGTON

EXPIRES 12/31/2025

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and Design

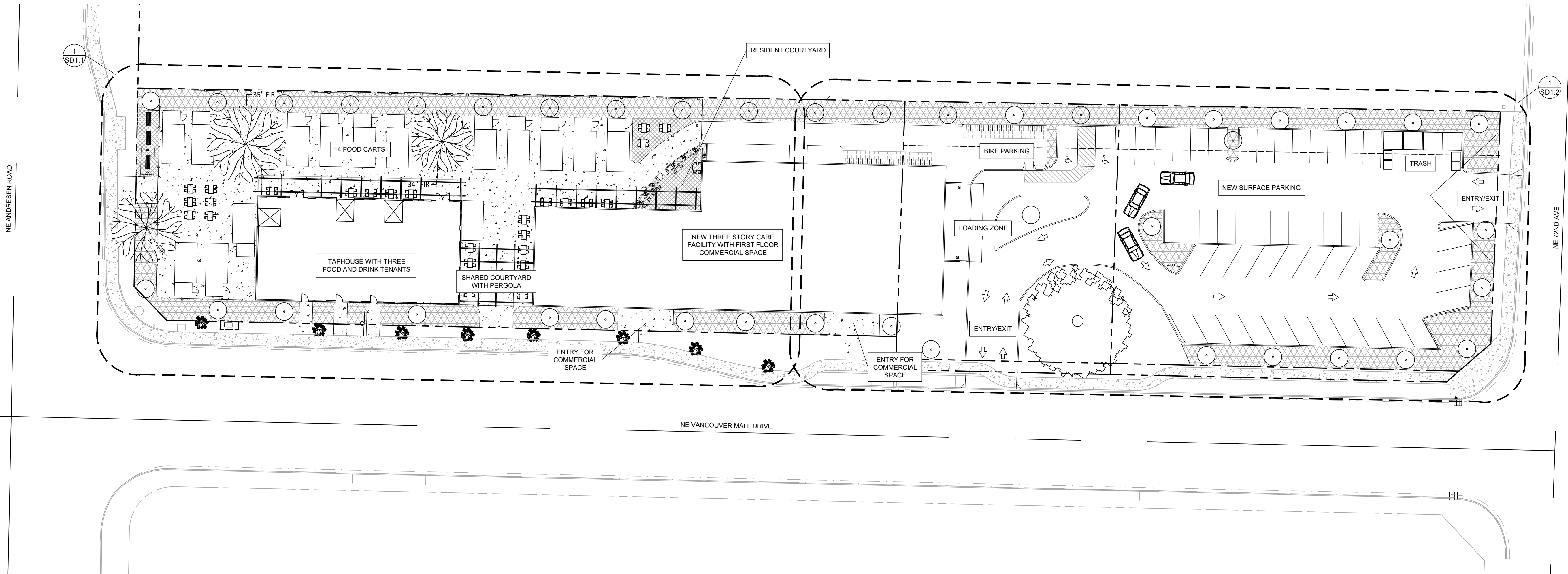
VANCOUVER MALL
DEVELOPMENT

Vancouver Mall Drive

Proj # 202025

REVISIONS:

Mixed Use Master Plan:
5/2/23
SHEET NO.
SD1.0
MASTER SITE PLAN

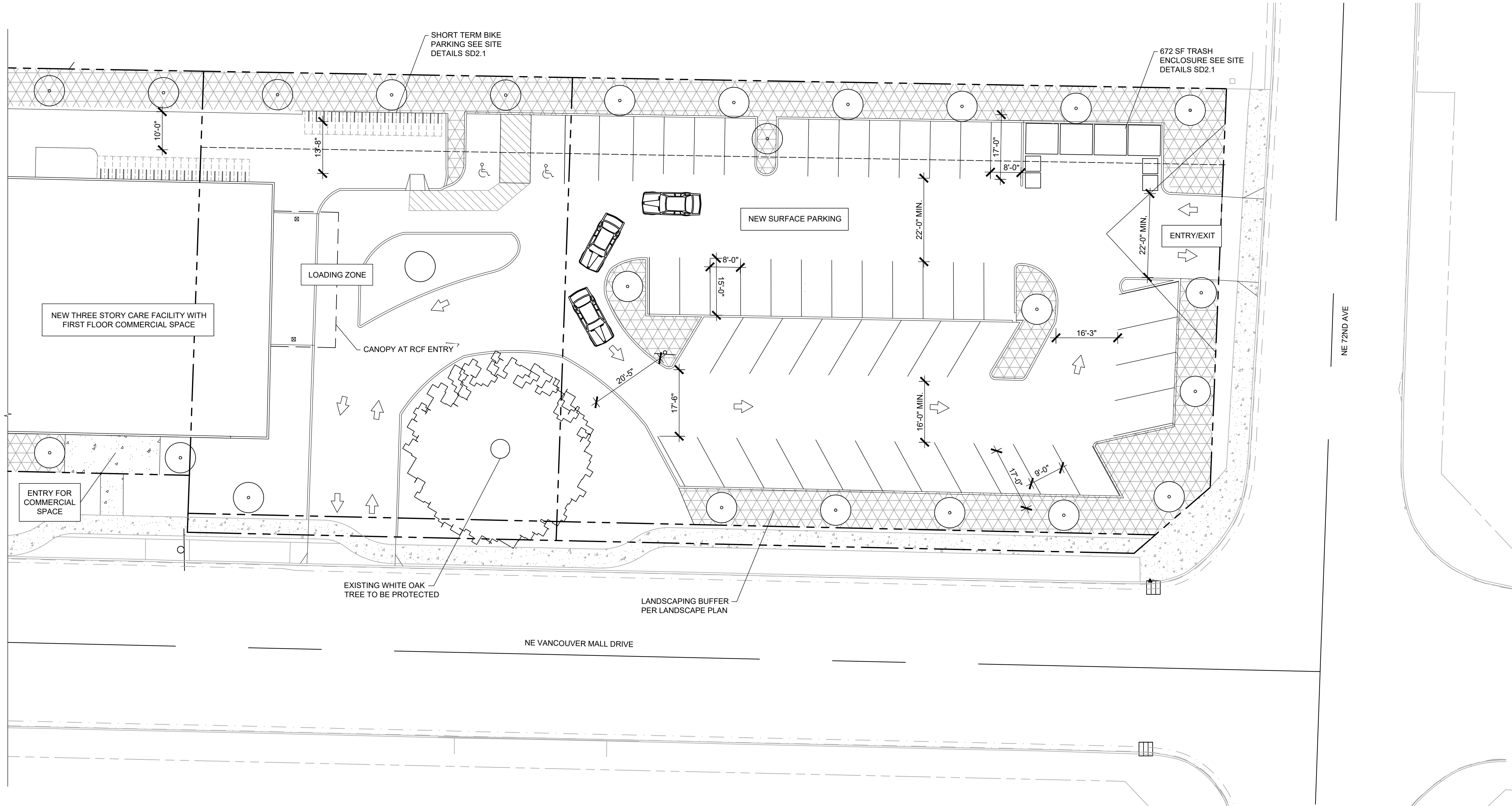


TRUE NORTH
1
SD1.0
PROPOSED MIXED USE MASTER PLAN
SCALE: 1:300

SITE PLAN LEGEND

- PROPERTY LINE
- NEW PAVING
- EXISTING SIDEWALK
- LANDSCAPING
- PERVIOUS PAVERS
- ALUMINUM FENCING
- CEDAR FENCING

Page 1348 of 1410



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
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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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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and Design

VANCOUVER MALL DEVELOPMENT

Vancouver Mall Drive

Proj # 202025

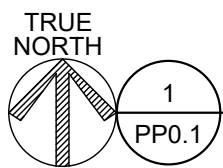
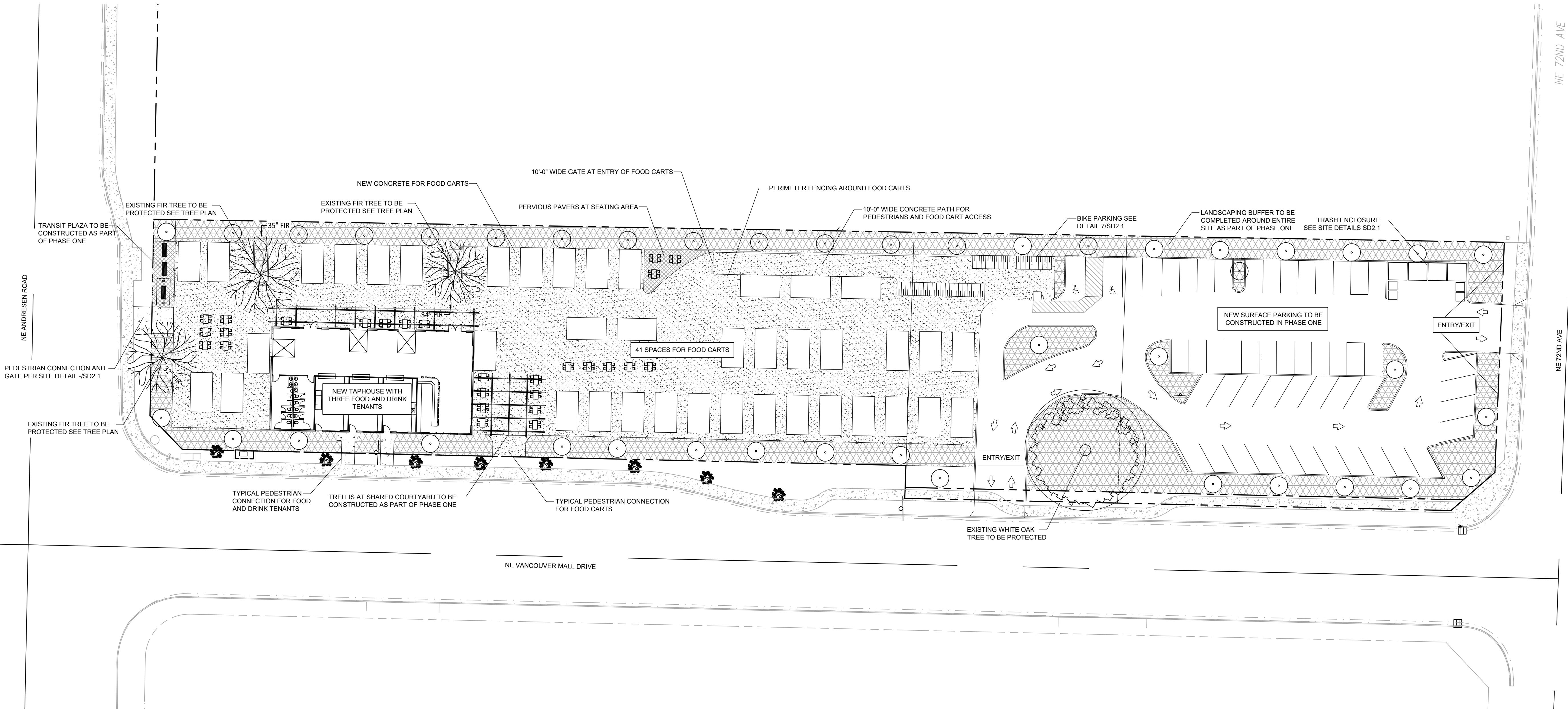
REVISIONS:

Mixed Use Master Plan:
5/2/23

SHEET NO.

PP0.1

PHASING PLAN: PHASE ONE



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

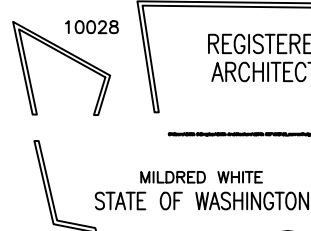
- PROPERTY LINE
- NEW ASPHALT PAVING
- NEW PERMEABLE PAVING
- EXISTING SIDEWALK
- LANDSCAPING
- PERVIOUS PAVERS
- ALUMINUM FENCING
- CEDAR FENCING

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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EXPIRES 12/31/2025

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VANCOUVER MALL DEVELOPMENT

Vancouver Mall Drive

Proj # 202025

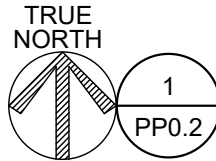
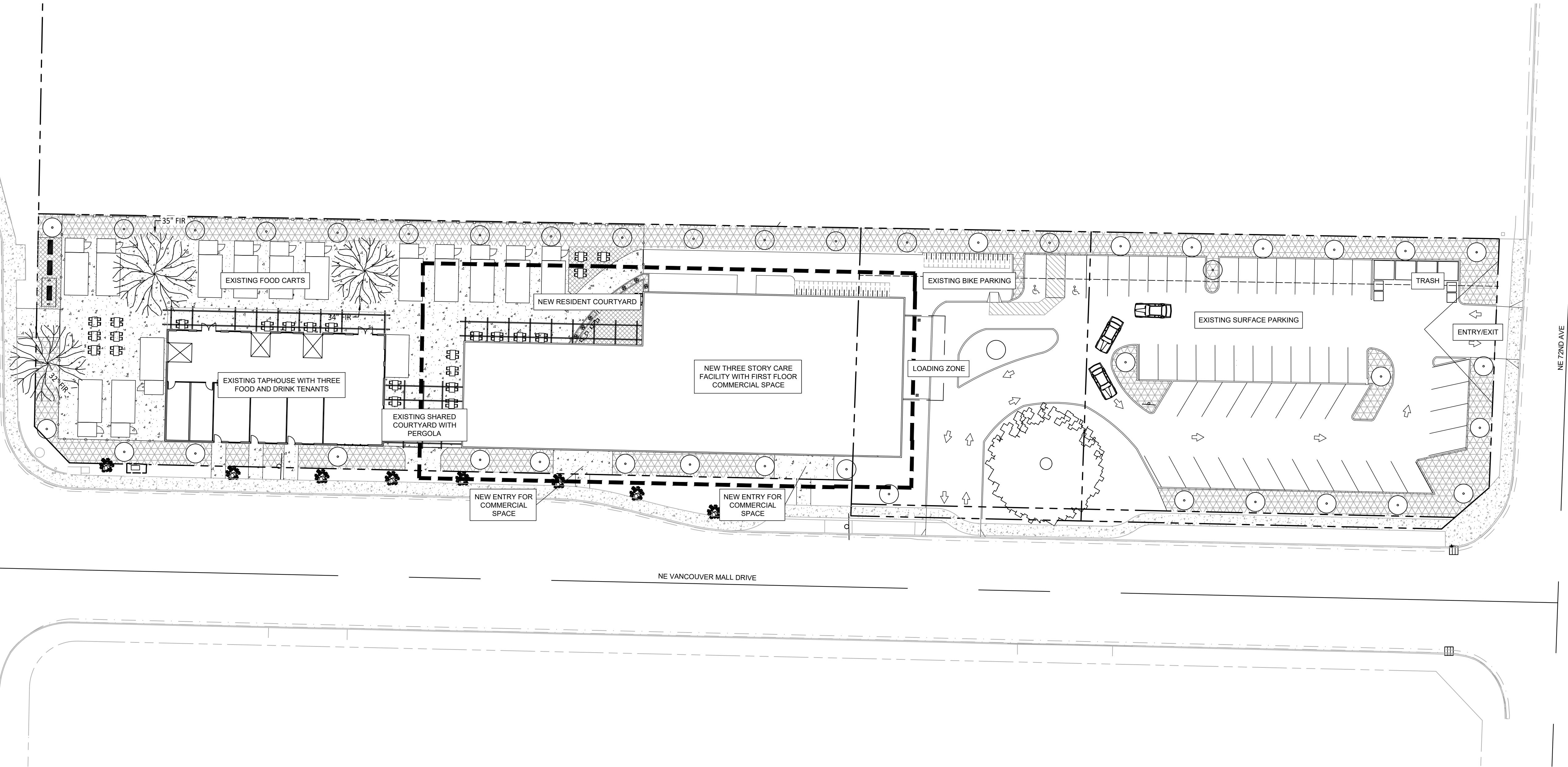
REVISIONS:

Mixed Use Master Plan:
5/2/23

SHEET NO.

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

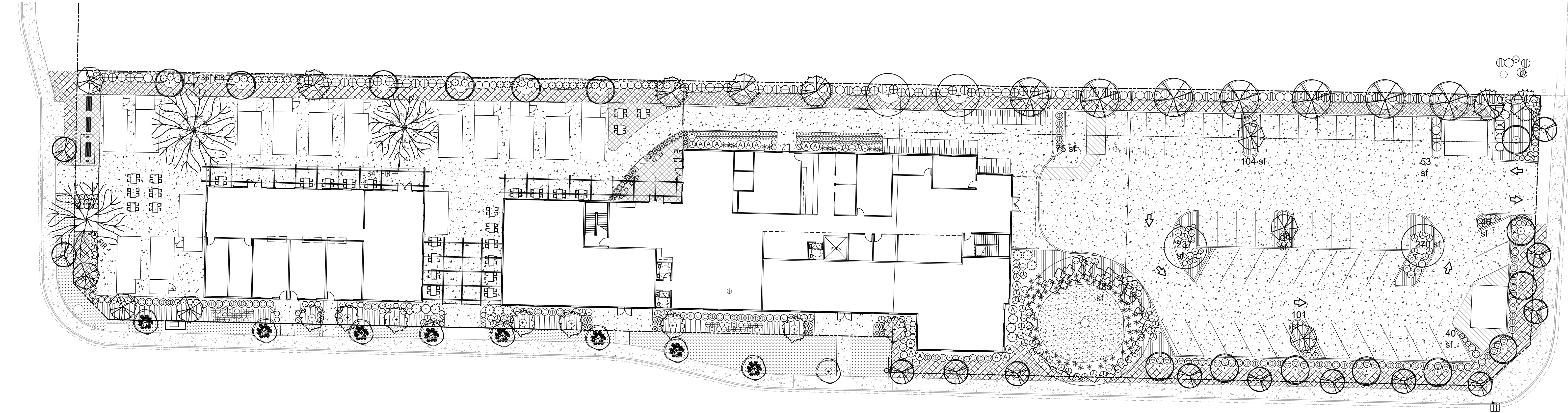
APPLICANT WILL UTILIZE 20 PERCENT REDUCTION IN PARKING THROUGH TYPE 1 PROCEDURE
TOTAL REQUIRED PARKING IN TIER ONE TRANSIT OVERLAY WITH REDUCTION: 49.63 (50) STALLS REQUIRED

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

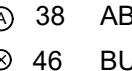
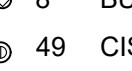
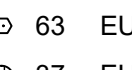
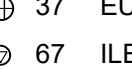
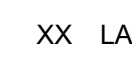
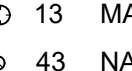
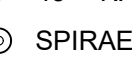
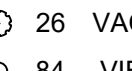
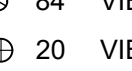
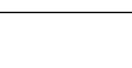


PLANT LIST

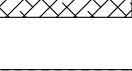
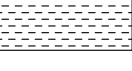
TREES

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	LAVANDULA 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'
	SP	PIRAEA 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
	xx	POLYSTICHUM MUNITUM	SWORD FERN	1 GAL	AS SHOWN
	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		

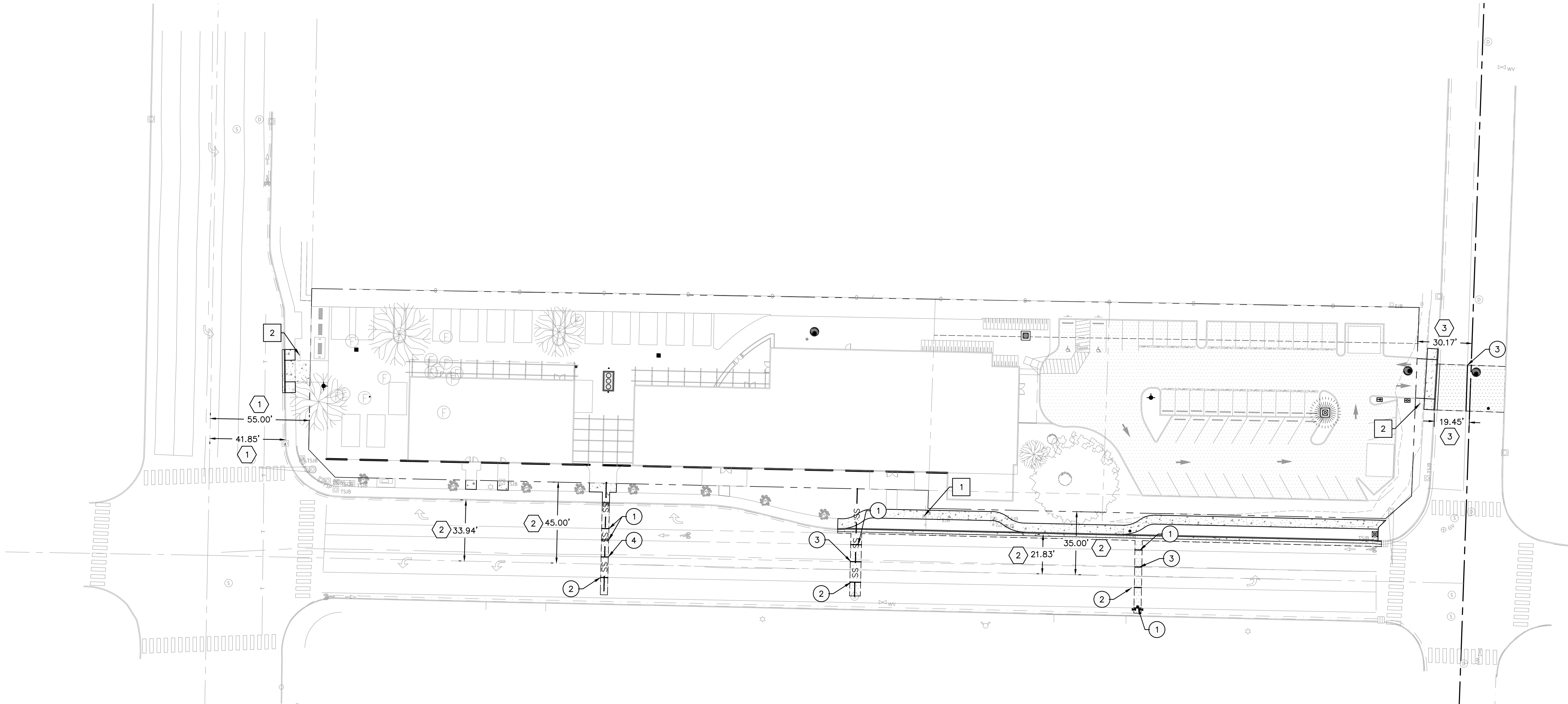
EXISTING TREES

	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



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	



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503.620.3030 tel | 503.620.5539 fax | www.aaieng.com

**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

JOB NUMBER: A23027.10

03/11/2024 - LAND USE SUBMITTAL

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

- a. Check the types of vegetation found on the site:
- ☒ X deciduous tree: alder, maple, aspen, other
 - ☒ X evergreen tree: fir, cedar, pine, other
 - ☒ X shrubs
 - ☒ X 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
 - ☒ X other types of vegetation
- b. 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.*
- c. List threatened and endangered species known to be on or near the site.
- *None.*
- d. 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.*
- e. 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

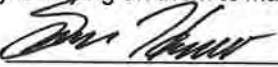
- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe.
- *It is not anticipated that this project will increase the need for any public service.*
- b. Proposed measures 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

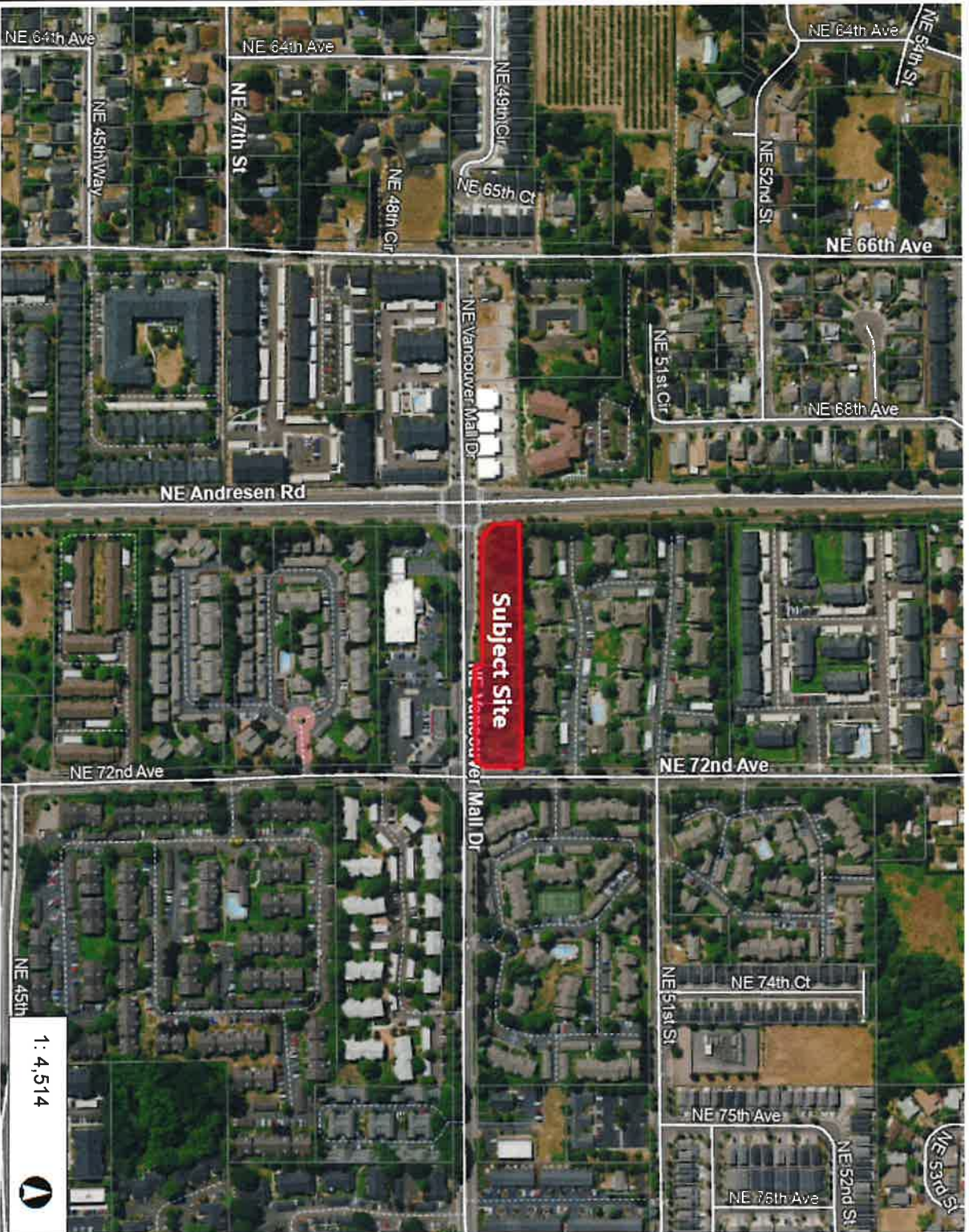
Name

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

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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.

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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.**

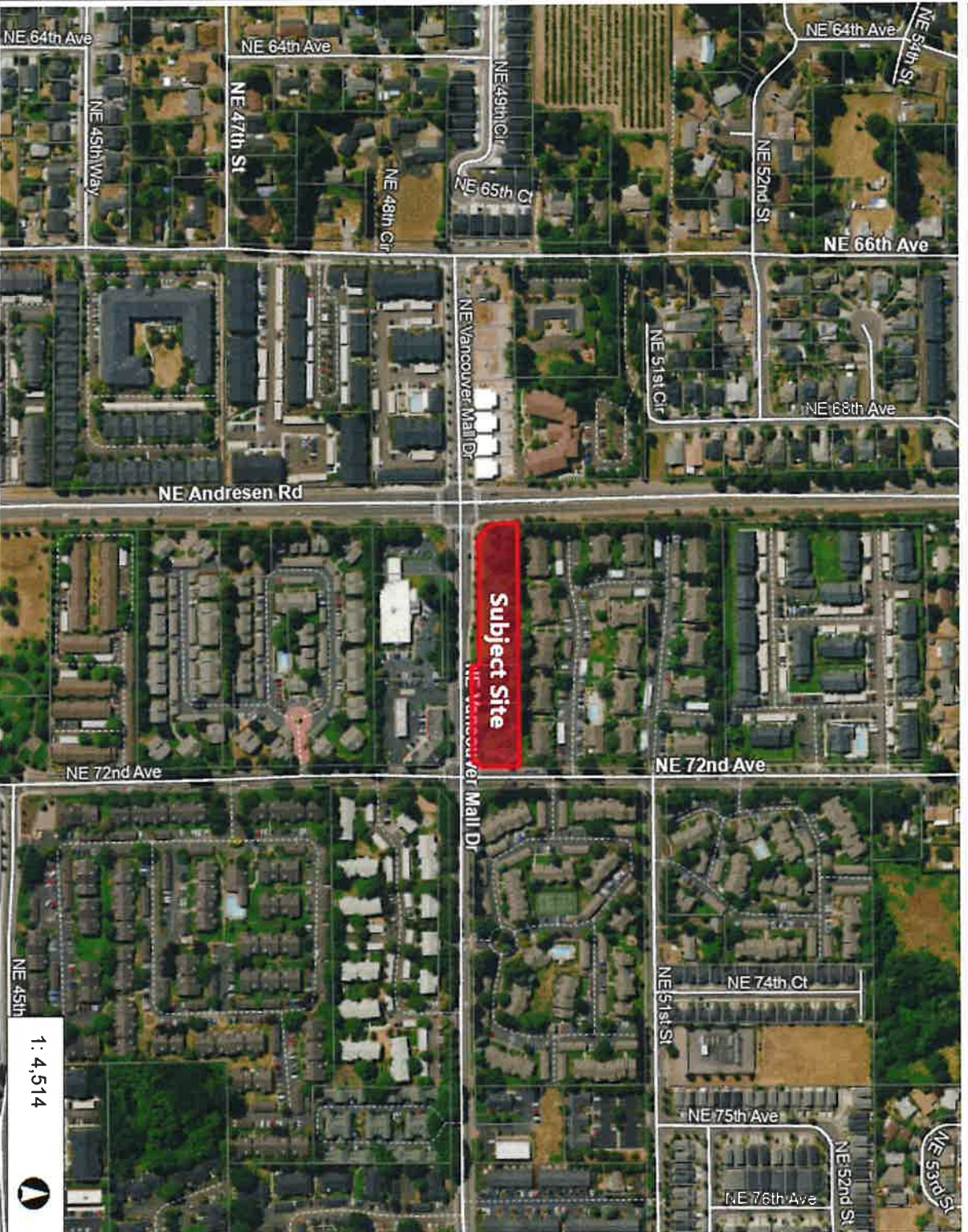
After the close of the record, the hearing examiner has 10 business days to submit recommendation regarding the project to City Council. As a type four application City Council will make their final decision A copy of the final recommendation may be obtained upon e-mail request. Please include any one 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



1: 4,514



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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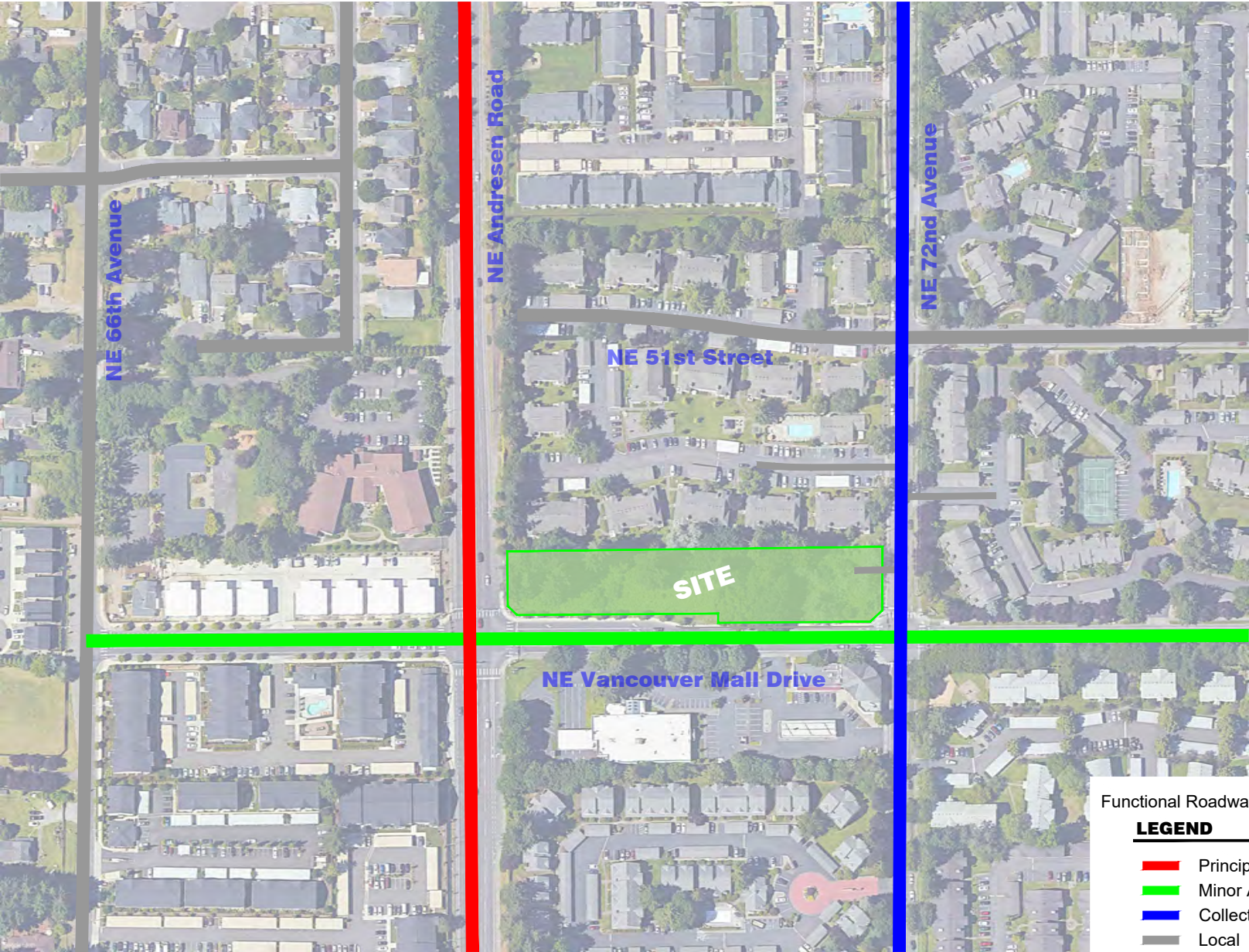


Legend

- ☐ Taxlots
- All Roads
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 - Collector
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Notes:

Vancouver Food Carts
PRJ-165518/LUP-83447



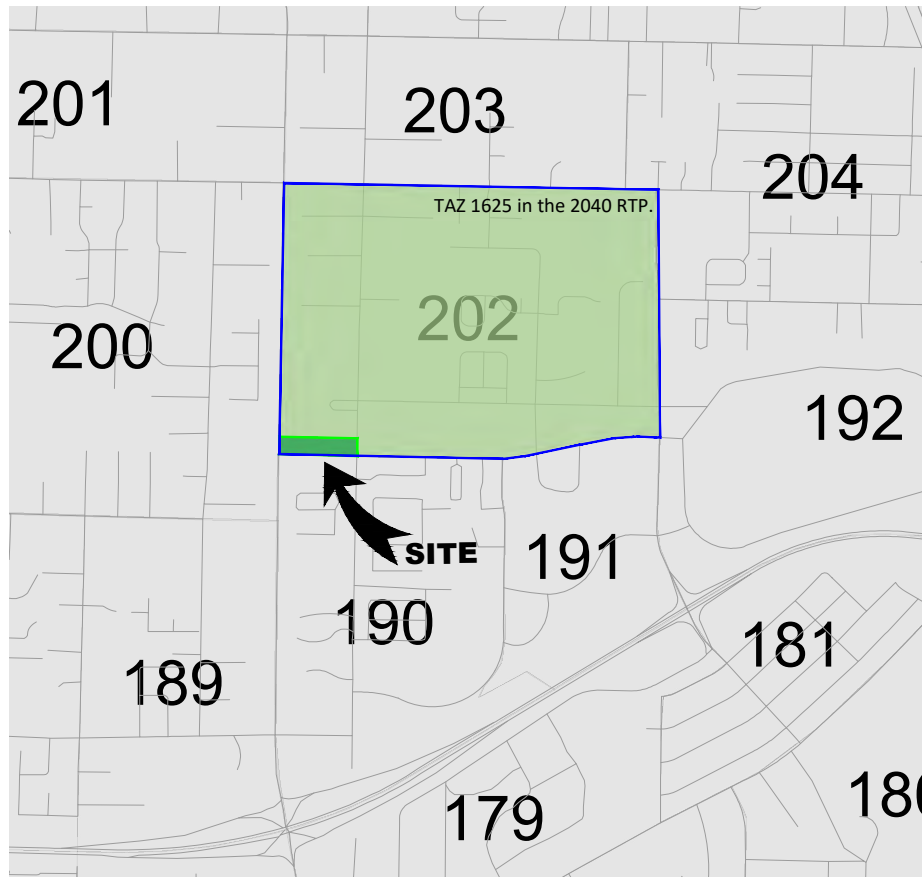
2237 NW Torrey Pines Drive
Bend, Oregon 97703
541-579-8315
cclemow@clemow-associates.com

SITE AREA	
Vancouver Mall Mixed-Use Development	
C&A Project No. 20220901.00	

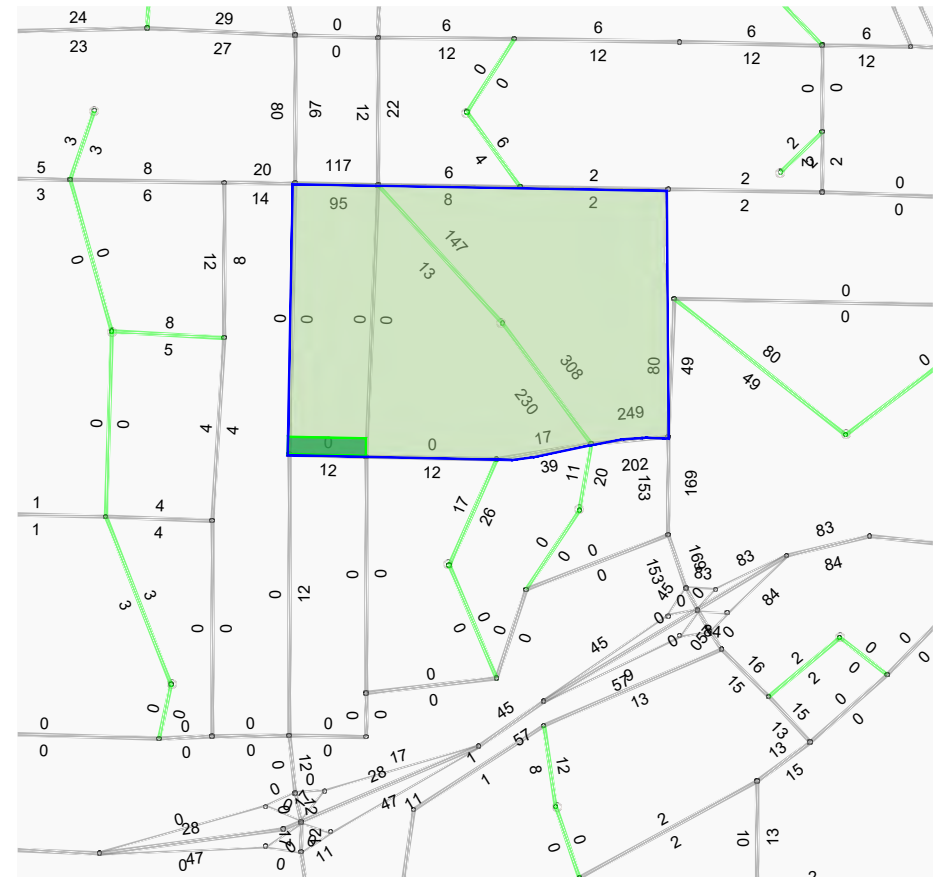
FIGURE

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

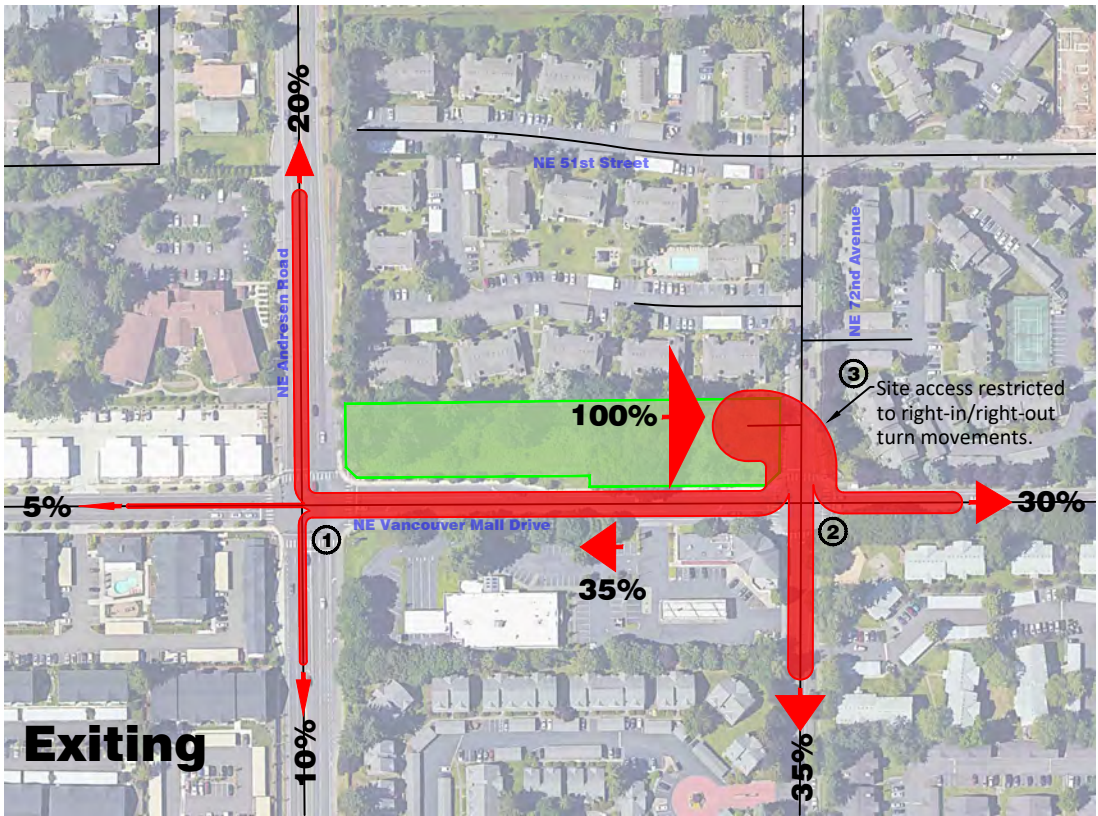
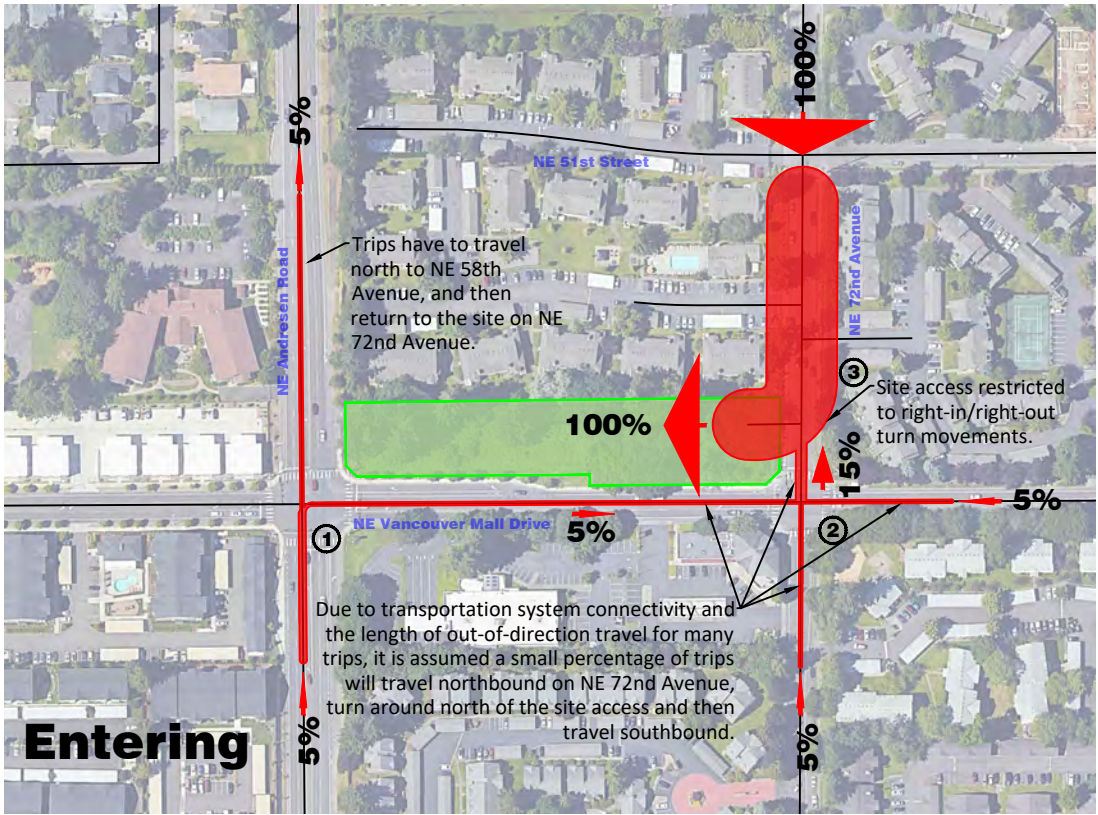
TRANSPORTATION ANALYSIS ZONE and MODEL ASSIGNMENT

Vancouver Mall Mixed-Use Development

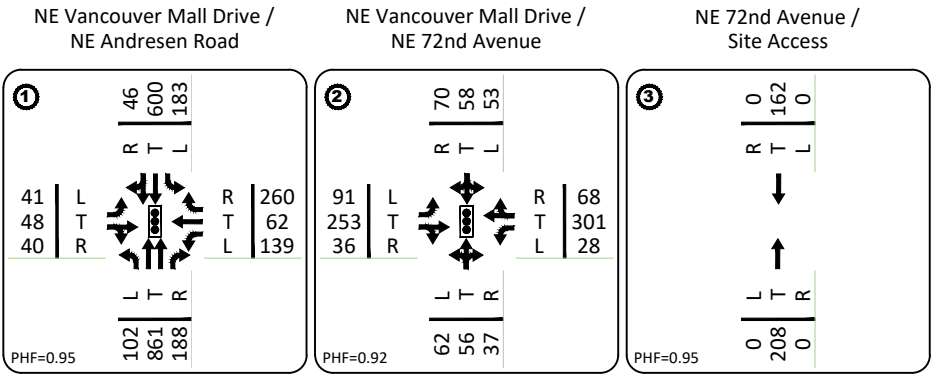
C&A Project No. 20220901.00

FIGURE

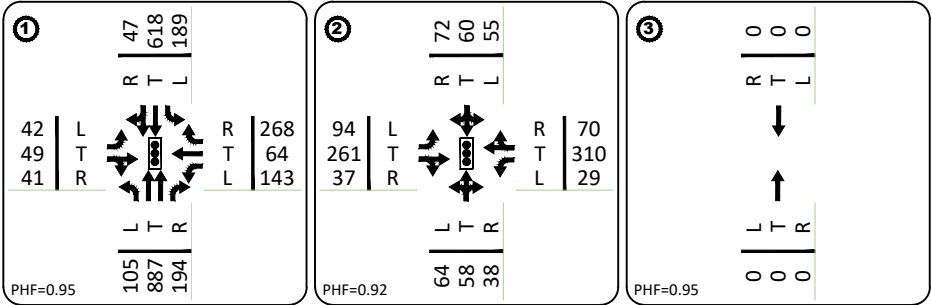
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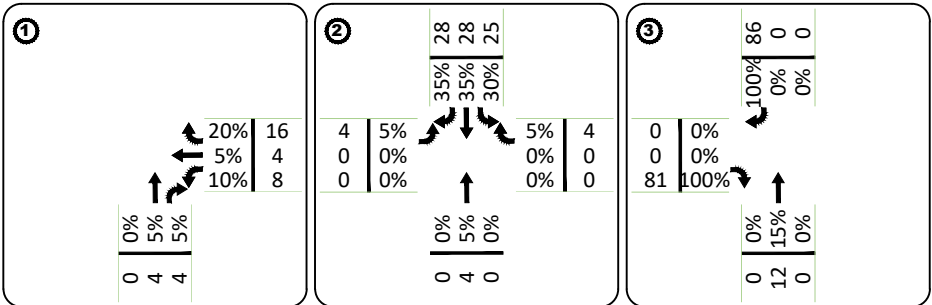
2023 Base Volumes



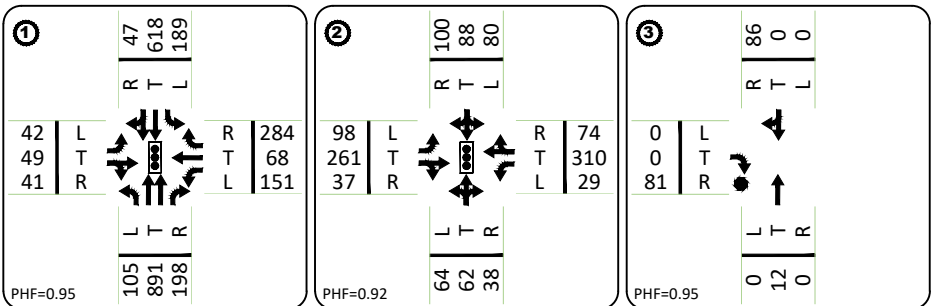
2025 Pre-Development



Development



2025 Post-Development



2030 Post-Development

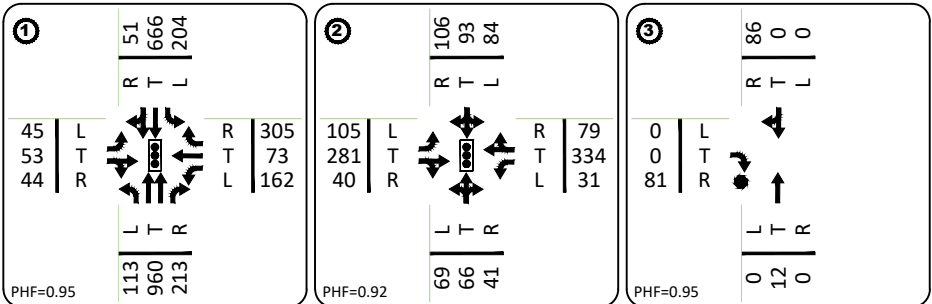


EXHIBIT H

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 taphouse. Applicant PowerPoint slide 9 states “taphouse 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.I 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

(Meeting date)

RESOLUTION NO. M-_____

A RESOLUTION of the City Council of the City of Vancouver adopting an Equity and Inclusion Vision Statement and acknowledging its responsibilities to address existing inequities in City policies, programs, services, funding, and services for the benefit of all members of the public.

WHEREAS, the history of Vancouver is comprised of the stories of people across the millennia who have contributed to the land and today's unique and vibrant culture. These stories include patterns of inequality and unequal distribution of resources, power, and economic opportunities seen throughout the United States. Its vulnerable populations continue to face unrectified historical injustices; and

WHEREAS, Washington State has sought to address racial and sex-based discrimination through the Washington Law Against Discrimination, initially passed in 1949 and updated over the years; and

WHEREAS, in 1979, the voters of Vancouver inserted prohibitions on discrimination into the City Charter, which were further expanded in 2015; and

WHEREAS, the City of Vancouver has prioritized the advancement of equity through numerous proactive initiatives, including:

1. In 2020, the City Council adopted equity as a core value;
2. The 2021-23 budget authorized the creation of an Office of Equity and Inclusion with a full-time dedicated staff;
3. In 2019, Reside Vancouver, an anti-displacement strategy, was developed.
4. In 2023, the Council reiterated its commitment by adopting equity as a core value of the 2023-2029 Strategic Plan, embedded equity as a foundation of the updated transportation System Plan and Climate Action Framework, adopted the Fourth Plain for All investment plan, and endorsed an equity framework for the development of the 2025-2045 Comprehensive Plan;
5. The city developed a social vulnerability index to identify disparities in housing, health, education, criminal justice, environment, and employment often correlated with race and vulnerable population status. Identified disparities are addressed through methodologies and strategies, such as equitable programming in city services and long-range planning, resident engagement toolkits, and professional development;
6. Improving representation and participation opportunities for vulnerable populations, including seeking ways to overcome language and accessibility barriers;
7. Ensuring the development and implementation of inclusive recruitment and

- appointment practices for City Boards and Commissions, actively seeking candidates reflective of the city's diversity;
8. Actively monitoring, documenting, and addressing discrimination in the execution of city programs and activities as directed by Section 7.10 of the Vancouver City Charter;
 9. Improving access to and facilitating participation of persons with disabilities within all City services, programs, and facilities;
 10. Identifying, promulgating, and offering professional development programs for City Councilmembers, board and commission members, and City employees to enhance their understanding of and skills to advance equity, cultural competence, trauma-informed interaction and programming, and equitable and inclusive decision-making;
 11. Pursuing and supporting the development and implementation of equitable policies and services, using data and metrics such as the Vancouver Social Vulnerability Index where possible, and pursue continuous improvement in the same;
 12. Supporting and strengthening intergovernmental relations with the Indigenous Tribal Nations; and

AND WHEREAS, many other stories and actions have created Vancouver's current reality.

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF VANCOUVER
THAT:

Section 1. Findings. The recitals set forth above, and the information supplied within Staff Report SR-_____, are adopted as findings in support of the action of the City Council in adopting this resolution.

Section 2. Vision Statement. The City Council hereby adopts the following Equity & Inclusion Vision Statement:

The Vancouver City Council is dedicated to creating an environment where individuals can live with dignity and opportunity and contribute to the health and vibrancy of the city. The Council actively works to ensure the safety and well-being of its residents, both physically and mentally and strives to make all aspects of living in the city attainable. In addition, the Council strives for community members to be able to express their true selves and feel a solid connection to the city.

Section 3. City Council Commitment. The City Council believes that our collective strength lies in our ability to embrace and celebrate our community's richness and is committed to fostering an environment where everyone who calls Vancouver home, or their place of employment, or visits, has equal opportunities for prosperity, participation, and quality of life. Consistent with this belief, and in addition to the initiatives outlined above, the City Council affirms its dedication to:

1. Adopting policies consistent with the Vision memorialized herein that recognize and address those historical injustices that have been perpetuated by the code and_____

- programs of the city, advance equity, eliminate structural and system barriers, and, through its example, extend Vancouver's influence beyond the city organization;
2. Promoting a better comprehension of the ongoing issues related to equity, fairness, and civic involvement and facilitating a practical plan for the City's continuous response to these issues;
 3. Committing to working with all whom we represent and partner with, including residents, institutions, organizations, businesses, and other stakeholders, to achieve more equitable outcomes within the city;
 4. Identifying and developing opportunities to elevate and enhance understanding of the history and stories of Vancouver's current and future vulnerable populations through civic leadership and involvement in community events, collaboration, policy, program, and project recommendations developed through the City's advisory boards, commissions, and authorities.

Section 4. Direction to City Manager. The City Council hereby directs the City Manager to continue the important initiatives outlined above, support the City Council in meeting its commitment to equity and inclusion, and seek new opportunities to advance equity within the resources and authorities provided for in the City Charter and by policy and budget action of the City Council.

Section 6. Effective date. This Resolution shall be effective immediately upon adoption.

ADOPTED at a Regular Meeting of the Vancouver City Council this _____, of _____, 2024.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney



MEMORANDUM

DATE: December 2, 2024

TO: Anne McEnerny-Ogle, Mayor
City Council

FROM: Lon Pluckhahn, City Manager
Natasha Ramras, Chief Financial Officer
Shannon Olsen, Budget Manager

RE: **2024 Second Supplemental Budget**

Executive Summary

Budget adjustments are made each year to reflect changes in revenues and expenditures that occur after the biennial budget is adopted. The 2024 Second Supplemental Budget will have no impact on the 2025-2026 Biennial budget, in accordance with state law. The unexpended appropriation will expire at the end of 2024, unless carried forward via a subsequent 2025 supplemental budget action.

This supplemental includes mostly administrative items, such as accounting true-ups, expenditures associated with new external revenues, expenditures related to contractual increases, and dissolution of funds that are no longer needed.

The recommended expenditure appropriation increases for the City's Operating and Capital funds included in the 2024 Second Supplemental Budget totals \$17.2 million. An increase of \$19.8 million relates to changes in the Operating budget, with the remaining appropriation representing a decrease of \$2.6 million for changes in capital projects and supporting funding transfers. The Supplemental will result in utilizing \$5.2 million in city resources; of that amount, the General Fund's share is \$3.6 million.

This December 2 Communication is intended to:

- Review and affirm a shared understanding of the elements included in the 2024 Second Supplemental Budget.

2024 Second Supplemental: \$17.2 million

Operating Budget
\$19.8 million

Capital Budget
-\$2.6 million

General, Street,
Fire Funds
\$8.7 million

All Other
Operating Funds
\$11.1 million

Capital Projects
-\$2.0 million

Funding
Transfers
-\$0.6 million

Operating Budget

The total Operating Budget appropriation change in the General, Street and Fire funds represents an increase of \$8.7 million. Major items are summarized below:

Miscellaneous grants include:

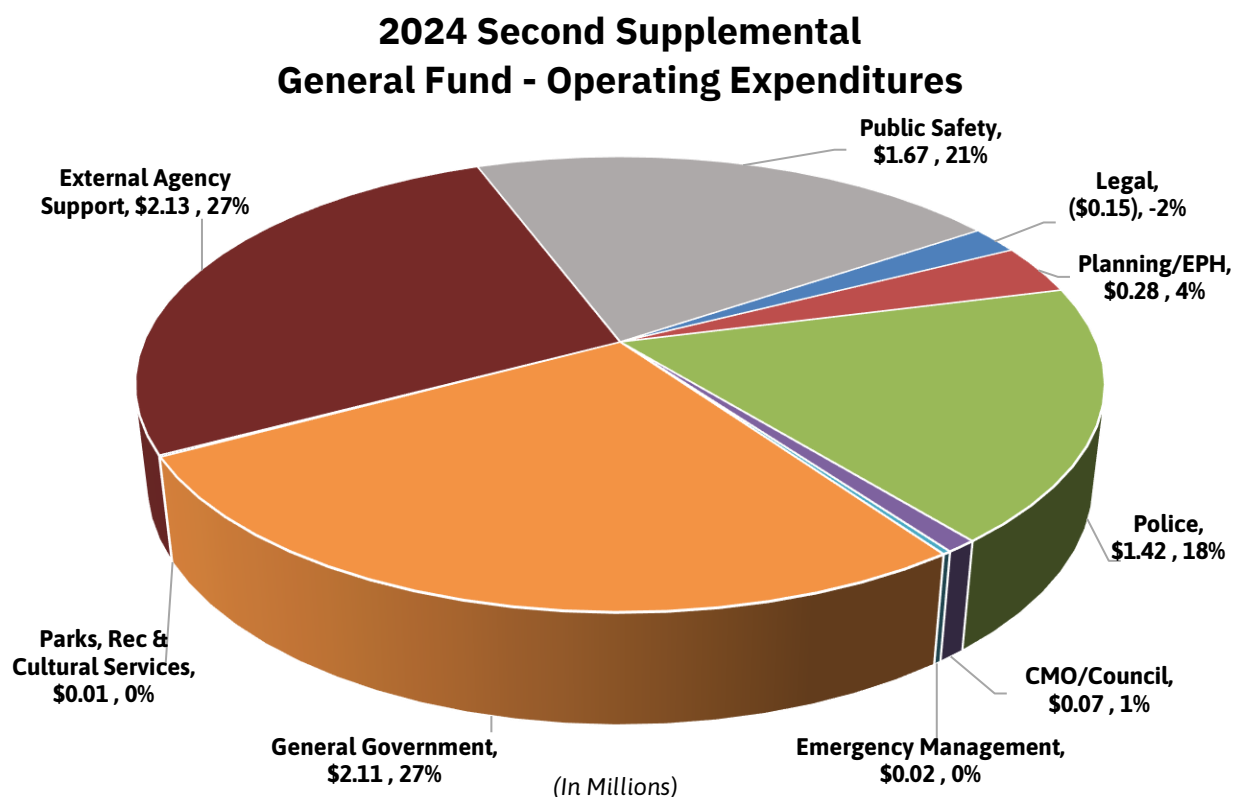
- Transportation Improvement Board Grant and project cost reallocation for a Pavement Management project on Fourth Plain (\$0.7 million).
- Department of Commerce Grant for Home Electrification and Appliance Rebates program (\$0.3 million).
- Washington Association of Police Chiefs grant for overtime related to Registered Sex Offender Monitoring Program (\$0.1 million).
- Department of Ecology grant for HazMat Spill Prevention and Preparedness and Response Equipment in Fire Department (\$0.1 million).

Administrative items include:

- Within the Police Department, an additional appropriation of \$3.8 million for expenses related to overtime, medical benefits, and educational pay.
- Within the Fire Department, an additional appropriation of \$2.2 million for expenses related to overtime, medical expenses, vehicle and facilities repairs/maintenance.
- Increased appropriation for County Jail and County Corrections expenses (\$1.7 million).
- Increased appropriation for Public Defense Services (\$0.3 million), Humane Society Services (\$0.2 million), and Animal Control (\$0.1 million).
- Adjustment true-up to the City's cost allocation interfund plan. This adjustment is a decrease of \$1.2 million to department budgets.

The remaining \$11.1 million increase relates to changes in other operating funds. Major changes are summarized below.

- Increased appropriation of \$6.5 million to the Water Utility Fund for Operations Center, Brookside, English Pit, and Zhen buildings rental expenses. This trues up expenses dating back to 2022.
- Increased appropriation of \$1.5 million for increased medical claim expenses and \$1.0 million for increased workers' compensation and general liability claims.
- Within Grounds Services, increased appropriation of \$0.4 million for salary and benefit adjustments.
- Within Fleet Services, an additional appropriation of \$0.4 million for the increased costs in supplies used for equipment repairs.



Capital Budget

The total net decrease to the Capital Budget appropriation of \$2.6 million (including capital funding) is included in the 2024 Second Supplemental. Expenditures by project are outlined in Attachment C to the ordinance. Highlights of Attachment C are listed below:

General Capital/Asset Management projects totaling -\$4.7 million:

- Reduced appropriation of \$4.9 million for an economic development acquisition not occurring in 2024

Parks Capital projects totaling \$2.1 million:

- Vancouver Innovation Center (VIC) Design
- Waterfront Gateway Development
- Raymond E Shaffer Park Development

Streets/Transportation Capital projects totaling \$0.7 million:

- SE 34th Street Complete Street
- Fourth Plain Safety & Mobility - Fort Vancouver Way to Andresen

Next Steps

On Monday, December 9, recommend advancing the ordinance on first reading, setting the date of second reading and public hearing for Monday, December 16, 2024. On Monday, December 16, subject to second reading and public hearing, recommend approving the ordinance.

Attachments

Attachment A to the ordinance of changes in appropriation by fund
Attachment C to the ordinance of changes in Capital projects

City of Vancouver

Expenditures by Fund

Attachment A

Fund	2024 Second Supplemental (2024)
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Operating Budget

General, Street, and Fire Funds

General Fund	\$	7,556,264
Street Fund	\$	(131,011)
Street Funding Initiative - Operating Fund	\$	31,520
Fire Fund	\$	1,251,422
Total General, Street, and Fire Funds	\$	8,708,195

Special Revenue Funds

Investigative Fund	\$	4,049
Drug Enforcement Fund	\$	1,340
CED Grants	\$	175,629
Tourism Fund	\$	408,481
Affordable Housing	\$	18,150
American Rescue Plan Act 2 Fund	\$	90,349
Parkhill Cemetery Improvement Fund	\$	(647)
Criminal Justice Fund	\$	1,825
Transportation Special Revenue Fund	\$	23,680
REET 1 (2002 Special Revenue Fund)	\$	24,035
Economic Development Fund	\$	(17,845)
VNHR Properties	\$	(8,030)
Fire Equipment Fund	\$	(44,174)
Emergency Ambulance Services Contract Admin Fund	\$	(12,564)

Capital Funds

Fire Acquisition Fund	\$	82,503
Parks Construction Fund (Capital Projects only)	\$	(1,093)
Capital Improvement Fund	\$	21,505

Enterprise Funds

City Tree Reserve Fund	\$	(60,673)
Drainage Construction Fund	\$	(27,127)
Surface Water Management Fund	\$	23,540
Water Utility Fund	\$	6,328,433
Water Construction Fund	\$	(6,748)
SCIP Fund	\$	2,522
Debt Service Reserves	\$	875,367

City of Vancouver

Expenditures by Fund

Attachment A

Fund	2024 Second Supplemental (2024)	
Sewer Utility Fund	\$	(170,515)
Airport Fund	\$	22,557
Building Inspection Fund	\$	(39,948)
Solid Waste Fund	\$	(47,320)
Parking Services Fund	\$	37,015
Internal Service Funds		
Facilities Asset Management and Replacement Reserve	\$	19,525
Equipment Services Operations Fund	\$	270,764
Equipment Services Capital Fund	\$	129,511
Computer Repair & Replacement	\$	(4,191)
Facilities Maintenance Services Fund	\$	(146,903)
Grounds Services Fund	\$	359,899
Self-Insured Worker's Comp & Liability Fund	\$	848,279
Benefits Fund	\$	(27,408)
Self-Insured Health Insurance Fund	\$	1,420,612
Fiduciary Funds		
SW Washington Regional SWAT Team Fund	\$	152,926
Police Pension Trust Fund	\$	1,971
Fire Pension Trust Fund	\$	(3,685)
City/County Cable TV Fund	\$	107,889
Total Other Funds Expense Budget	\$	11,103,069
Total Operating Expense Budget	\$	19,811,264
Capital Budget		
Capital Project Funds		
General Fund Capital	\$	(4,855,000)
Street Funding Initiative - Capital Fund	\$	700,000
Capital Improvement Fund	\$	150,000
VNHR Property Capital	\$	(130,000)
Parks Construction Fund (Capital Projects only)	\$	2,115,773
Total Capital Project Funds	\$	(2,019,227)
Capital Funding Transfers Supporting COV Capital Projects Budget		
General Fund	\$	1,334,937

City of Vancouver

Expenditures by Fund

Attachment A

Fund	2024 Second Supplemental (2024)	
Street Fund	\$	250,000
Street Funding Initiative Operating	\$	700,000
REET 1 (2002 Special Revenue Fund)	\$	(1,219,784)
Downtown Initiatives Fund	\$	(4,855,000)
Fire Fund	\$	482,770
PIF - District B	\$	431,453
PIF - District C	\$	1,644,167
Total Transfers for Capital	\$	(628,537)
Total Capital Expense Budget	\$	(2,647,764)
Total Operating and Capital Expense Budget	\$	17,163,500

**City of Vancouver
Capital Project Changes**

Attachment C

Capital Group	Project Name	Capital Project Budget Change
General	Economic Development Acquisition	(4,855,000)
General Total		(4,855,000)
General - Asset Management	Police Training Center	150,000
General - Asset Management Total		150,000
Parks	Waterfront Gateway	602,920
	Raymond E Shaffer Park Development	431,453
	Vancouver Innovation Center (VIC)	1,644,167
	Marine Park Play Equipment Replacement	(510,000)
	Columbia Lancaster Park Play Equipment Replacement	(52,767)
Parks Total		2,115,773
Transportation/Streets - Street Initiatives	Fourth Plain Safety & Mobility - Fort Vancouver Way to Andresen	450,000
	Multi Modal Safety and Accessibility Program	(250,000)
	SE 34th Street Complete Street Project	500,000
Transportation/Streets - Street Initiatives Total		700,000
VNHR	Historic Reserve Chimney Repairs	(75,000)
	Historic Reserve Duplex Kitchen and Bath Upgrades	(25,000)
	Historic Reserve Duplex Air Conditioning Installations	(30,000)
VNHR Total		(130,000)
Grand Total		(2,019,227)