

PLANNING COMMISSION MEETING MINUTES

Vancouver City Hall – Council Chambers – 415 W. Sixth Street
PO Box 1995 – Vancouver, Washington 98668-1995
www.cityofvancouver.us

Marjorie Ledell • Steve Schulte • Larry Blaufus • Zachary Pyle • Nena Cavel

July 12, 2022

REGULAR MEETING

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

CALL TO ORDER

The July 12, 2022, meeting of the Planning Commission was called to order at 4:00 p.m. by Chair Ledell.

ROLL CALL

Present: Marjorie Ledell, Zachary Pyle, Larry Blaufus, Nena Cavel, and Steve Schulte

ADOPTION OF MINUTES

Motion by Commissioner Cavel, second by Commissioner Blaufus, and carried unanimously to adopt the June 14, 2022 minutes as written.

COMMUNICATIONS FROM CHAIR AND STAFF

The Chair reminded Commissioners to notify her and staff for any future planned absences. Bryan Snodgrass indicated he was filling in for Rebecca Kennedy for this meeting.

WORKSHOPS

4:02 P.M. CLIMATE ACTION PLAN (CAP)

Aaron Lande, Policy and Program Manager, CMO; Rebecca Small, Senior Policy Analyst, CMO

Aaron Lande began the presentation with an overview of the plan, the Climate Action goals, community emissions from 2019, the estimated impacts of the CAP, and strategies of the plan covering transportation, land use, building and energy, natural systems, solid waste and wastewater, equity and the green economy and government operations. Rebecca Small presented an overview of the actions that are particularly relevant to the Planning Commission, including middle housing and upzoning, clean building performance standards, a green building policy, electric heat pumps in new construction, and transportation fueling. Staff will present the draft plan to City Council in August, and a public hearing in September.

Commission Discussion

The Commission and staff discussed the following topics:

- Regarding review evaluations, what are you hearing on moving faster? Staff responded the State legislature is ambitious. The chart on slide 12 shows in the grey section, reductions due to state

and federal actions. As we learn more about urban heat islands and how heat effects the community, it builds momentum to increase the urban tree canopy and expand green spaces.

- Regarding building and energy, considerations for goals related to active re-use and utilization of existing buildings. Staff responded there is an action item on that topic. When the plan is adopted, it will act as a starting point for the City to begin this process. There may be events in the future that effect the pace of the actions, but plan that there will be time to make up for slower periods throughout the process. Many of these actions will come to the Planning Commission, and also tied into other plans like the Comprehensive Plan.
- On middle housing, discussions with the local transit provider regarding inverting the current approach where lines are added after density is built. Staff responded there has been early discussions with C-TRAN. They have been involved with this process, and plan to have those conversations in the future.
- On housing development, the anticipated challenges or drawbacks, such as affordability, to these new building policies. Staff responded equity is a guiding star for this plan and we are working with our partners to make sure the changes are implemented in a way that benefit the community. For example, staff plan to work with affordable housing providers to accelerate the weatherization and insulation of buildings. The State recently issued an economic report regarding the impact of heating sources we use. For new construction, electricity is the more affordable option. These conversations will be ongoing, and plan to revisit this plan every four years to evaluate what is working or not working.
- On green building policy, based on what the Commission has heard in the past, flexible approaches to green building is highly valued. Staff agreed flexibility is a priority for green building, and potentially would develop the City's own plans and policies to meet the goals.
- How emissions are measured and take into consideration that people travel outside of the City as well as within. Staff responded the data is from regional vehicle miles traveled, which covers miles measured in the community via traffic counts. We work with the County to understand traffic volumes. If you commute to Portland from Vancouver, the first part of the trip would be counted. These counts include all people who travel in Vancouver, not just residents.
- How to calculate the impact of denser housing and displacing more carbon intensive sprawl outside of the City or in the greater County. Staff responded they would need to review the details of the modeling to understand how that might be measured.
- From slide 12, what are process and fugitive emissions? Staff responded process emissions refers to industrial emissions within the City. Fugitive emissions are non-productive emissions, such as a leak in a gas line.
- The process to prioritizing the topics covered in the presentation. Staff responded some actions have a greater impact but expect the City to be able to advance multiple actions simultaneously. Many of the actions will be incorporated into the regular business operations of the City. There are actions that are prioritized because they have a greater impact, community support, and cost effectiveness. There are grants available that address these issues and the City wants to be able to access those funds while they are available.
- Understanding what other communities are doing on this topic.
- Regarding building policies, it's important to make a decision quickly so that developers can understand the rules and requirements to adapt now.

4:53 P.M. UPDATES TO FOSSIL FUEL STORAGE REGULATIONS

Chad Eiken, Director, CDD; Bryan Snodgrass, Principal Planner, CDD; Lisa Grueter and Jason Hennessy, BERK Consulting

Chad Eiken introduced the workshop, covering the background for the fossil fuel facility moratorium and Council's direction to amend Title 20 VMC. Jason Hennessy provided an overview of the fossil fuel economy in Washington, the fossil fuel market, the composition for the price of fuel, population growth in Washington compared to rates of consumption, and the expected cost effects of code changes.

Commission Discussion

The Commission and staff discussed the following topics:

- Were new refineries planning to export gas? Staff and consultants responded that once gasoline is produced, it's a commodity. Once it enters the market, it's sold to the highest bidder, and most of these are locked into long term contracts. It's difficult to say certainly, but it may have been slightly affected the recent price increases.
- The impact to employment at refineries. Staff and consultants responded much of the process is automated and there are not that many employees at any one refinery.
- Of the three proposed refineries, the amount of public and private funds spent for the application process and potential future savings. Staff responded they would need to look into that question and will follow up with additional information on this.

Chad continued the presentation with a summary of the proposed fossil fuel code changes. Bryan Snodgrass presented more details of the proposed change, covering the new land use categories and changes to storage and handling regulations, definitions of cleaner fuels, cleaner fuels storage and handling uses, small storage and distribution facilities, new special use standards, and other code clean up amendments. Chad covered the stakeholder outreach process and the next steps for these proposed changes.

Commission Discussion

The Commission and staff discussed the following topics:

- Switching from a dirtier to a cleaner fossil fuel qualify or would it need to switch to a cleaner non-fossil fuel to qualify? Staff responded the recommendation is not to allow new cleaner facilities but to allow the option to conversion from conventional bulk facility.
- How many facilities are in Vancouver? Staff responded there are a mix of storage and trans-shipment facilities. There are 3 or 4 storage facilities.
- If an existing facility has current capacity of 1.5 million gallons, could they increase to 2 million under the proposed changes? Staff and consultants responded they could not increase capacity unless they converted to a cleaner fuel.
- How 15% expansion was chosen, and if it is enough of an incentive to convert. Consultants responded this was modeled on the Tacoma example, but they do not have cost estimates for seismic upgrades.
- Has anyone in Tacoma chosen to expand? Consultants responded this change was effective in December 2021 and there have not been any applications yet.
- The differences between the three cities proposals? Staff responded there are some differences, and we have a table that compares all three cities. Vancouver's proposal is simpler than the changes made in Tacoma.

- How many fossil fuel facilities might be built if these changes were not enacted? Staff responded of the stakeholders that staff communicated with, they did not express any concerns about not being able to expand, as most were out of space to expand. Staff did not hear about any new facilities.
- Has there been consideration to remove the conditional use permit requirement related to expansion? Staff responded Tacoma doesn't require a conditional use permit for expansion.
- Where would battery storage fall in this code or other code and should be addressed here? Staff responded it is not addressed in the code. Staff will look into this further.
- The reasoning behind removing the reference to a 2 million gallon threshold. Staff responded if it's limited to existing facilities only, we don't need that threshold. Staff wanted to build incentives to switch to cleaner fuels, which is where the expansion idea came from.
- Stakeholders comfort with the proposed changes. Staff responded they are comfortable with the level of specificity that was provided. There was some concern with the conditional use permit for cleaner fuels, as it's a discretionary approval and there is more uncertainty.

COMMUNITY FORUM

Cathryn Chudy was present to provide comments on the fossil fuel storage code changes. The City and consultants have done a thorough job of providing a sense of protection to the community for health and safety. She expressed concern if the conditional use permit was not included in the code changes and would like the community to be a part of the process to be able to review applications and understand potential impacts before it is permitted.

Dan Serres, Conservation Director for Columbia Riverkeeper, was present to provide comments on the fossil fuel storage code changes. He was encouraged by the depth of analysis that the City is going through and to echo what Cathryn Chudy said in her comments about the importance of keeping the conditional use permit to maintain community engagement in the process.

WORKSHOP

6:38 P.M. 2022 ANNUAL REVIEW COMPREHENSIVE PLAN AND ZONING CODE MAP AND TEXT CHANGES

Bryan Snodgrass, Principal Planner, CDD

Bryan Snodgrass presented an overview of four Comprehensive Plan and zoning map designation change requests, one Comprehensive Plan text change, and fourteen zoning text changes.

The first Comprehensive Plan zoning map change is the Stutesman proposal to change from general commercial to R-22.

Commission Discussion

The Commission and staff discussed the following topics:

- The proximity to the mall and transit seems like a good location to have housing.
- Concern for displacement of people in the mobile home park and notification of changes. Staff responded they have not been notified yet but will soon.

- Location could be suitable for middle housing options. Staff responded the cottage option would not be an option here, but other types of housing would be possible. If the cottage housing met the density requirements it might be allowed.

Staff continued the presentation with the Schwartz proposal, with a change from residential to commercial.

Commission Discussion

The Commission and staff discussed the following topics:

- What is LI/BP zone of the nearby property in the City of Camas? Staff responded it is light industrial business park, and this particular parcel does have some level of light industrial on it.
- The nature of the business on the site? Staff responded it's a consultancy.
- The residential nature of the area.
- Staff presentation of issues to the applicant. Staff responded there was a pre-application meeting, where staff identified potential issues.
- Would there be access off SE 1st Street and increased traffic? Staff responded there is access from SE 1st Street, and there is a signalized intersection there. Given the proposal, there likely would be slightly higher traffic.

Staff continued the presentation with the SRHV proposal, with a change from industrial to mixed use.

Commission Discussion

The Commission and staff discussed the following topics:

- Should consider the potential job loss with the loss of an industrial site.
- Denser residential near industrial could be beneficial for those who work near the industrial site.

Staff continued the presentation with the Lieser School redevelopment, with a change from R-6 to R-30.

Commission Discussion

The Commission and staff discussed the following topics:

- Encouraging applicants to make use of the recent housing code updates. Staff responded they have, and there has been discussion about utilizing the density bonus for affordable housing.
- Connection of the road through the site to SE Northgate Avenue. Staff responded they did mention that to the applicant, and there was some community concern for traffic in the neighborhood. More information will be provided at the September workshop.

Staff continued the presentation with the text changes to the Comprehensive Plan and zoning and the capital facilities plans.

Commission Discussion

The Commission and staff discussed the following topics:

- Why the School Impact Fees go up so often. LeAnne Bremer, representing the three school districts, was present to respond. The fees don't always go up, and there are many variables in the formula that impacts the fee. The fee depends on existing capacity to accommodate growth.
- What the implications would be of the proposed zone change to remove the Central Park Overlay. Staff explained that impacts would be limited in the R-9 single family area, which forms the bulk

of the neighborhood residential area, since land divisions and ADUs have been allowed under the Overlay and would continue to be allowed if the Overlay is removed. Impacts would be greater in the smaller area made up of multifamily zoned areas, where the Overlay has prevented properties with single family homes or duplexes from redeveloping consistent with the underlying zoning.

- Other zoning code text changes generated little discussion.

The audio connection to the virtual meeting was lost during this presentation. Staff will provide a thorough summary of the remainder of the presentation for the next workshop on this topic. There was no further discussion during the presentation.

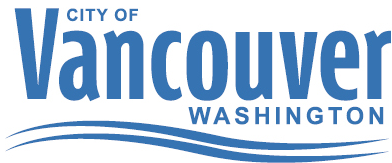
ADJOURNMENT 7:19 PM

Marjorie Ledell, Chair

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



Short-Term Rentals Planning Commission Workshop September 13, 2022



Jason Nortz

Development Review Manager

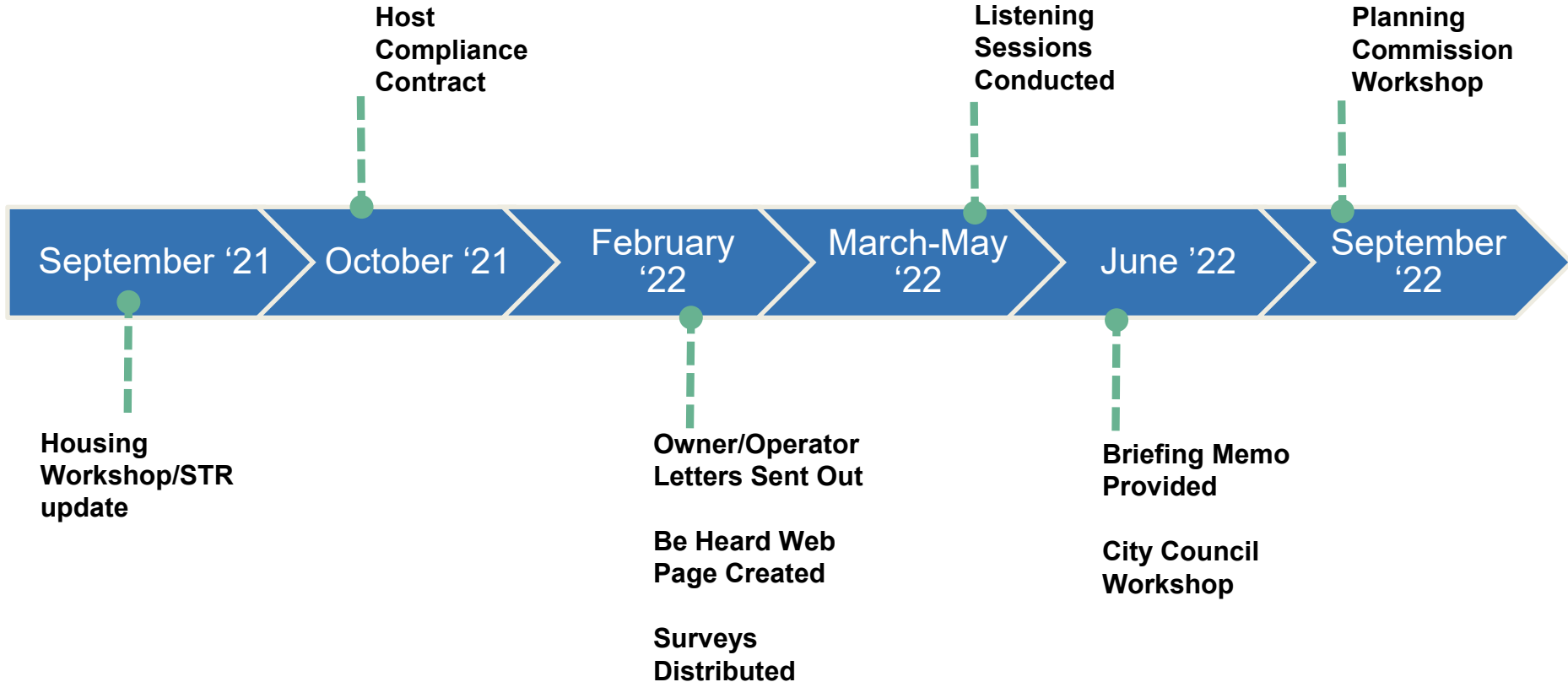
William Cooley

Community Engagement Manager

Agenda

- Timeline of Events
- Current Rules
- Existing Conditions
- Regulatory Options/Next Steps

Short-Term Rental Timeline



Short-Term Rentals: Where We are Now?

- Short-term rentals: stays of less than 30 days
- We do not currently have a short-term rental ordinance
- Not permitted in any residential zone
- Bed and Breakfast use is allowed but requirements different than traditional short-term rental

Major Short-Term Rental Platforms Include:



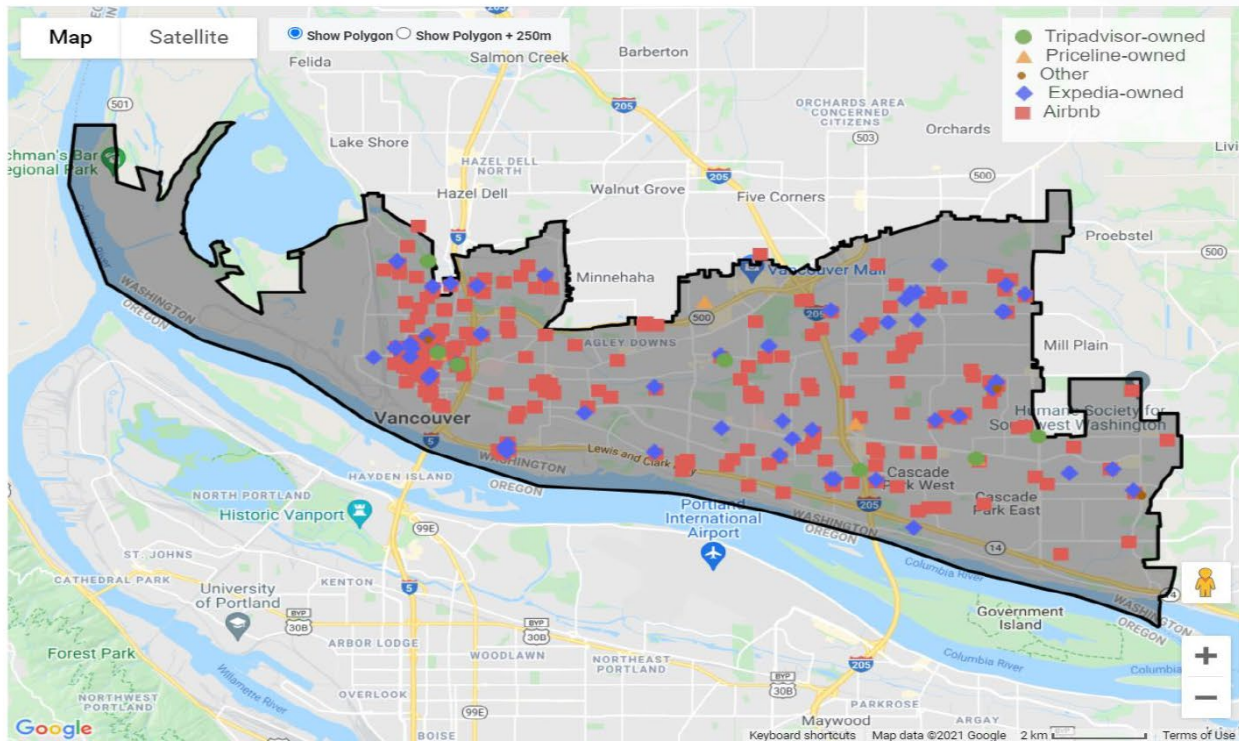
Short-Term Rentals: Where We are Now?

- 250 to 350 short-term rentals are operating in the City of Vancouver
- Short-term rentals represent an 0.4% of Vancouver's 83,868 estimated housing units
- Short-term rentals are increasing steadily in Vancouver, but still low relative to larger cities.
- Complaints remain low

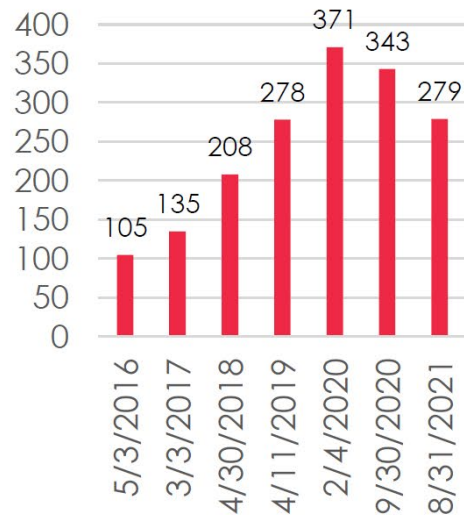


Short-Term Rentals: Where We are Now?

Short-term rentals in Vancouver as of August 31, 2021



166% Rental Unit Growth since 2016



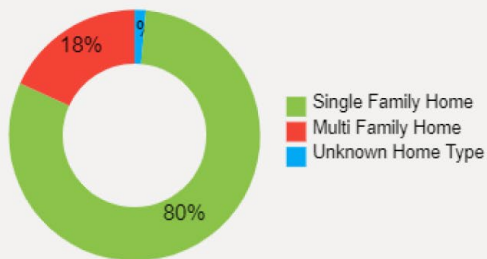
Short-Term Rentals: Where We are Now?

Vancouver STR Market Details

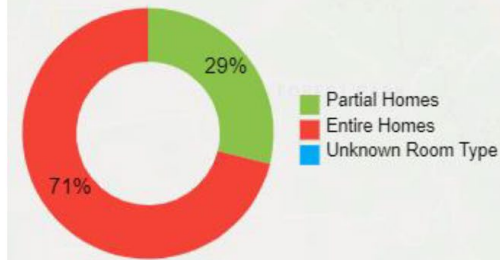
Median Nightly Rate
(USD)

\$118

Listing Types

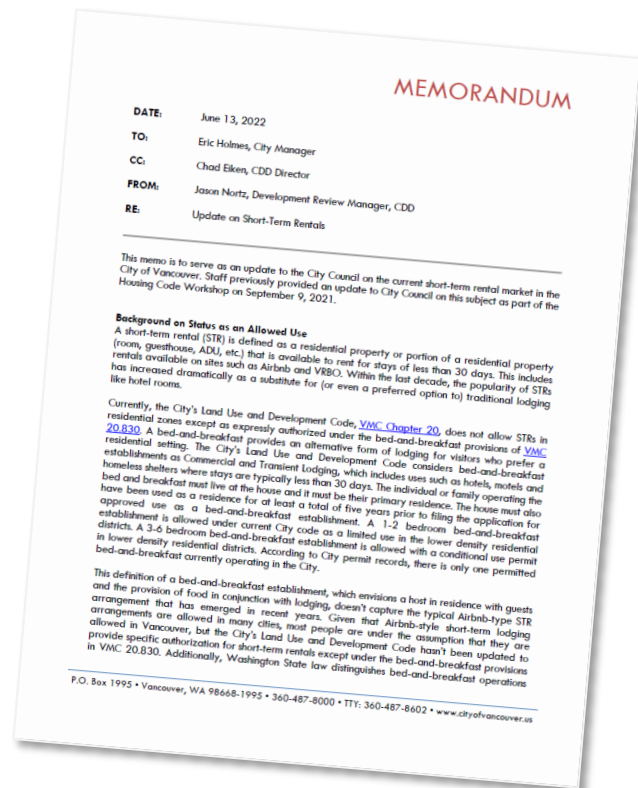


Unit Types



Short-Term Rentals: Where We are Now?

- February 2022: Letters sent out to all owner/operators
- February to March 2022: Surveys reach approximately 800 community members
- Currently engaging in listening sessions with the community
- Provided update to Council at June 27 City Council Meeting



Next Steps/Options

City Council Direction:

- Develop an immediate regulatory response
- Amend the code to allow short-term rentals in residential zones through a permitted process
- 1 year pilot program



Next Steps/Options

- Regulatory focal points:
 - Owner occupancy
 - Lodging tax collection
 - Life safety inspections
 - Housing impacts



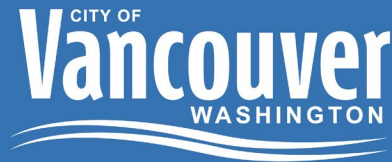
Next Steps/Options

- Regulatory focal points to be considered in the context of allowing STRs in residential zones:
 - Owner occupancy
 - Lodging tax collection
 - Life safety inspections
 - Housing impacts



Thank You

Jason Nortz, Development Review Manager, Community Development Department
Jason.nortz@cityofvancouver.us



DATE: September 13, 2022

TO: Chair Ledell and Planning Commission Members

FROM: Jason Nortz, Development Review Manager, Community Development Department

RE: Update on Short-Term Rentals

This memo is to serve as an update to the Planning Commission on the current short-term rental (STR) market in the City of Vancouver. Staff previously provided an update to City Council on June 27, 2022 and also as part of the Housing Code Workshop on September 9, 2021. Council directed staff to develop an immediate regulatory response that could allow STRs as a permitted use in residential zones subject to a defined permit process.

Background

A short-term rental is defined as a residential property or portion of a residential property (room, guesthouse, ADU, etc.) that is available to rent for stays of less than 30 days. This includes rentals available on sites such as Airbnb and VRBO. Within the last decade, the popularity of STRs has increased dramatically as a substitute for (or even a preferred option to) traditional lodging like hotel rooms.

Currently, the City's Land Use and Development Code, [VMC Chapter 20](#), does not allow STRs in residential zones except as expressly authorized under the bed-and-breakfast provisions of [VMC 20.830](#). A bed-and-breakfast provides an alternative form of lodging for visitors who prefer a residential setting. The City's Land Use and Development Code considers bed-and-breakfast establishments as Commercial and Transient Lodging, which includes uses such as hotels, motels and homeless shelters where stays are typically less than 30 days. The individual or family operating the bed and breakfast must live at the house and it must be their primary residence. The house must also have been used as a residence for at least a total of five years prior to filing the application for approved use as a bed-and-breakfast establishment. A 1-2 bedroom bed-and-breakfast establishment is allowed under current City code as a limited use in the lower density residential districts. A 3-6 bedroom bed-and-breakfast establishment is allowed with a conditional use permit in lower density residential districts. According to City permit records, there is only one permitted bed-and-breakfast currently operating in the City.

This definition of a bed-and-breakfast establishment, which envisions a host in residence with guests and the provision of food in conjunction with lodging, doesn't capture the typical Airbnb-type STR arrangement that has emerged in recent years. Given that Airbnb-style short-term lodging arrangements are allowed in many

Short-Term Rental Update

September 13, 2022

Page 2 of 5

cities, most people are under the assumption that they are allowed in Vancouver, but the City's Land Use and Development Code hasn't been updated to provide specific authorization for short-term rentals except under the bed-and-breakfast provisions in VMC 20.830. Additionally, Washington State law distinguishes bed-and-breakfast operations from STRs in [Chapter 64.37 RCW](#) and regulation of transient accommodations under [Chapter 246-360 WAC](#), specifically in the definitions provided by [WAC 246-360-010](#).

As with other activities, enforcement of existing STRs in Vancouver is complaint-driven. Staff estimates that the City has received fewer than six inquiries about STRs. The City has received feedback about noise, trash, and parties in regard to specific properties. At least two community members mentioned calling VPD, most likely regarding parties or noise. Most of the concerns from the public have focused less on impacts from existing STR's than on their impact on supply of housing and the potential for future problems in the face of continued growth and investment.

As previously mentioned, staff provided the City Council with an overview of the current STR market as part of the September 9, 2021 City Council meeting. The overview included the following data:

- There are approximately 250-300 existing STR units in the City of Vancouver out of approximately 83,900 households
- The number of Vancouver STR units has increased 165% from 2016
- 80% of STRs are in single family homes, 18% in multi-family homes, with the remainder undetermined
- 71% of STRs rent out an entire home, rather than a room or portion of an occupied home
- The median nightly rental rate is \$118
- Geographically, STRs are spread throughout the City with a modest concentration in downtown and west side neighborhoods
- Approximately 75% of STRs are advertised through Airbnb with the remaining quarter listed through Expedia/VRBO and other platforms

While these types of businesses are not illegal under state or federal law, they are not currently allowed to operate in the City of Vancouver, except as an approved Bed and Breakfast establishment. The City is aware that there are roughly 300 STRs operating in Vancouver, and it is possible that many of these property owners do not realize they are operating out of compliance with current code requirements.

At the September 2021 workshop, staff presented four options for the City Council to consider:

- **Increase enforcement.** All existing listings would be contacted and advised that they are not in compliance with current standards unless located in a commercial zone.
- **Maintain the status quo.** STRs would continue to be considered commercial and transient lodging uses and prohibited in residential zoning districts, but enforced only on a complaint-driven basis.
- **Monitor and report back.** Staff would more closely track local STRs and any related complaints and report back in six months to a year. If needed, regulatory options consistent with the scale of local activities could also be provided.

- **Develop an immediate regulatory response.** Staff would develop recommendations in the short term for Council consideration.

City Council advised staff to continue to monitor the situation and provide an update within a year.

In October of 2021 the City enlisted the services of Host Compliance, a platform of Granicus. Host Compliance is an industry leader in STR monitoring and compliance and was able to provide the City a comprehensive list of all current STRs in the City of Vancouver, including parcel and owner information. In addition, Host Compliance now provides the City with ongoing monthly updates on the current number of rentals in the City, including: location, property type, room type, average duration of stay and rental platform(s) used. Please refer to the June 13, 2022 City Council Memo on STRs and associated attachments- referred to as Attachment A of this memo- for charts summarizing current STR information.

In February 2022, the City began reaching out to owners of known STRs to advise them of the existing restrictions and to invite their participation in a broader community engagement process around STRs. The intent of the City's communication was to alert operators that there is an issue of noncompliance, and to bring awareness to the City's efforts to determine the extent to which STRs should be regulated and invite existing STR operators into that process. An example of Owner/Operator letters is provided as part of Attachment A.

Between March and June 2022 the project team engaged in an extensive outreach campaign consisting of two community wide surveys and several small group conversations. The intent of the outreach was to learn more about community experiences, attitudes, concerns and ideas related to STRs in Vancouver. Staff will continue to engage in small-group conversations in the coming months specifically focusing on the regulatory direction provided by City Council. For a comprehensive summary of all outreach efforts to date please refer to Attachment A.

At the June 27, 2022 workshop staff provided City Council with an extensive overview of the current short-term rental market in the City. The overview included:

- The current rules for STRs
- The existing STR market conditions
- Stakeholder outreach efforts
- Possible regulatory options for consideration

Staff asked City Council to consider the following options for next steps:

1. **Develop an immediate regulatory response/amend the code to allow STRs.** Given the minimal amount of STRs (currently 0.4% of total households) one option would be to allow STRs to operate in residential zones but develop a permit process so the City has more control, can track revenues (business license, lodging tax) and conduct basic life safety inspections (smoke/carbon monoxide detectors, egress, etc...). This could be run as a pilot program for a year or longer at which point staff could review if changes to the current rules are required. Amendments to the land use and development code would

be required for this option. Any amendment to the land use and development code would go to the Planning Commission for a recommendation to Council.

2. **Maintain the status quo/begin proactive code enforcement.** This requires continued investment of staff time, and resources for technical (software) support to review and verify online listings, and enforcement of the municipal code. Updates to the land use and development code would also be required to explicitly prohibit STRs in all residential zones. Additional resources would likely be needed to effectively engage in proactive enforcement.

City Council directed staff to consider option #1 and develop an immediate regulatory response that could allow STRs as a permitted use in residential zones subject to a defined permit process. Council also asked staff take a closer look at implementing regulations that pay specific attention to:

- An owner occupancy requirement
- Lodging tax collection
- Life/Safety inspection standards
- Impacts to housing availability

Regulatory Environment

Government regulations overall are still evolving. The Washington Municipal Research Service Center lists the cities of Seattle, Tacoma, Kirkland, Spokane, Bellingham, Leavenworth, Ilwaco, Poulsbo, Clyde Hill, Walla Walla, and Westport as having or developing STR regulations as of 2017. Please refer to last chart in Attachment B for additional information on how other WA cities are currently regulating STRs. Cities have cited collection of taxes, mitigation of traffic, parking and noise, and compliance with safety standards faced by other lodging as reasons for implementing STR regulations. Larger cities have also cited the need to retain more housing stock for long-term rental opportunities to address affordability concerns.

Locally, City of Vancouver staff believes that STRs do not meet existing Vancouver Municipal Code definitions of residential uses and are considered commercial uses. As previously mentioned, STRs are not allowed in residential zones, however they are allowed in a majority of our commercial zones as a Commercial and Transient Lodging use (e.g., hotel/motel). Any owner of an STR in Washington State is required to obtain a state business license and to register with the Washington Department of Revenue. Per [RCW 64.37.020](#), STR operators must remit all applicable local, state, and federal taxes unless the platform does this on the operator's behalf. This includes occupancy, sales, lodging, and other taxes, fees, and assessments to which an owner or operator of a hotel or bed and breakfast is subject in the jurisdiction in which the STR is located. If the STR platform collects and remits an occupancy, sales, lodging, and other tax, fee, or assessment to which an STR operator is subject on behalf of such operator, the platform must collect and remit such tax to the appropriate authorities. Locally, the City of Vancouver requires businesses generating more than \$12,000 annually to obtain a business license. Data provided by our Department of Financial and Management Services indicates that approximately 40 business license holders operating STRs paid lodging tax in 2021.

Review Criteria

As previously mentioned, the City's Land Use and Development Code, [VMC Chapter 20](#), does not allow STRs in residential zones except as expressly authorized under the bed-and-breakfast provisions of [VMC 20.830](#). Any proposed text changes shall be reviewed by the Planning Commission as outlined in the review criteria below.

Vancouver Municipal Code 20.285.070 provides the approval criteria for comprehensive plan or zoning code text amendments:

- A. Text amendments to the comprehensive plan or VMC Title 20 zoning standards shall demonstrate the following:
 - 1. The proposal is consistent with applicable policies of the Vancouver strategic plan and comprehensive plan; and
 - 2. The proposal is necessary to further the public interest based on present needs and conditions.

Next Steps

While the number of STRs in Vancouver represent a very small percentage of total households (roughly 0.4%), operating STRs in single-family homes and multi-family units is increasingly popular. Staff requests the Planning Commission discuss options for a regulatory framework that would allow STRs in residential zones through a defined permitted process. Examples of other Washington Cities STR regulations are provided as Attachment B. Staff would return to the Planning Commission as another workshop item at a future date to review the proposed regulations and potential text amendments.

Attachment(s):

- A. June 13 Briefing Memo and Attachments
- B. Example Regulations

MEMORANDUM

DATE: June 13, 2022

TO: Eric Holmes, City Manager

CC: Chad Eiken, CDD Director

FROM: Jason Nortz, Development Review Manager, CDD

RE: Update on Short-Term Rentals

This memo is to serve as an update to the City Council on the current short-term rental market in the City of Vancouver. Staff previously provided an update to City Council on this subject as part of the Housing Code Workshop on September 9, 2021.

Background on Status as an Allowed Use

A short-term rental (STR) is defined as a residential property or portion of a residential property (room, guesthouse, ADU, etc.) that is available to rent for stays of less than 30 days. This includes rentals available on sites such as Airbnb and VRBO. Within the last decade, the popularity of STRs has increased dramatically as a substitute for (or even a preferred option to) traditional lodging like hotel rooms.

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This definition of a bed-and-breakfast establishment, which envisions a host in residence with guests and the provision of food in conjunction with lodging, doesn't capture the typical Airbnb-type STR arrangement that has emerged in recent years. Given that Airbnb-style short-term lodging arrangements are allowed in many cities, most people are under the assumption that they are allowed in Vancouver, but the City's Land Use and Development Code hasn't been updated to provide specific authorization for short-term rentals except under the bed-and-breakfast provisions in VMC 20.830. Additionally, Washington State law distinguishes bed-and-breakfast operations

from STRs in [Chapter 64.37 RCW](#) and regulation of transient accommodations under [Chapter 246-360 WAC](#), specifically in the definitions provided by [WAC 246-360-010](#).

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- Approximately 75% of STRs are advertised through Airbnb with the remaining quarter listed through Expedia/VRBO and other platforms

While these types of businesses are not illegal under state or federal law, they are not currently allowed to operate in the City of Vancouver, except as an approved Bed and Breakfast establishment. The City is aware that there are roughly 300 STRs operating in Vancouver, and it is possible that many of these property owners do not realize they are operating out of compliance with current code requirements.

At the September workshop, staff presented four options for the City Council to consider:

- **Increase enforcement.** All existing listings would be contacted and advised that they are not in compliance with current standards unless located in a commercial zone.
- **Maintain the status quo.** STRs would continue to be considered commercial and transient lodging uses and prohibited in residential zoning districts, but enforced only on a complaint-driven basis.
- **Monitor and report back.** Staff would more closely track local STRs and any related complaints and report back in six months to a year. If needed, regulatory options consistent with the scale of local activities could also be provided.
- **Develop an immediate regulatory response.** Staff would develop recommendations in the short term for Council consideration.

City Council advised staff to continue to monitor the situation and provide an update within a year.

In October of 2021 the City enlisted the services of Host Compliance, a platform of Granicus. Host Compliance is an industry leader in STR monitoring and compliance and was able to provide the City a comprehensive list of all current STRs in the City of Vancouver, including parcel and owner information. In addition, Host Compliance now provides the City with ongoing monthly updates on the current number of rentals in the City, including: location, property type, room type, average duration of stay and rental platform(s) used. Please refer to Attachment A for more information.

In February 2022, the City began reaching out to owners of known STRs to advise them of the existing restrictions and to invite their participation in a broader community engagement process around STRs. The intent of the City's communication was to alert operators that there is an issue of noncompliance, and to bring awareness to the City's efforts to determine the extent to which STRs should be regulated and invite existing STR operators into that process. An example of Owner/Operator letters is provided as Attachment B.

Outreach Efforts

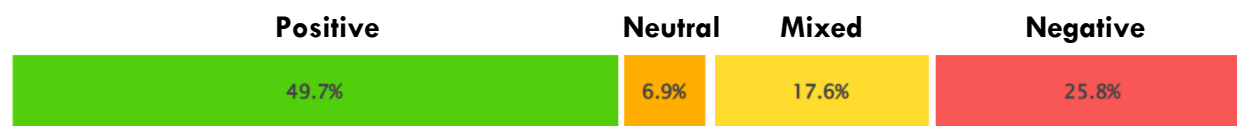
City staff have conducted two surveys and several small-group conversations to learn more about community experiences, attitudes, concerns and ideas related to STRs in Vancouver. Staff plan to conduct additional community engagement in the coming months, based on City Council feedback.

Community Survey

The City conducted an online community survey from February 3 to March 6, 2022 using the City's Be Heard Vancouver website. A total of 783 community members took the survey.

Participants and Overall Sentiment

- 81.5% of respondents were homeowners and 9.6% were renters. While renters were significantly underrepresented in the survey, they were more likely than the average respondent to support allowing STRs in Vancouver. Additional engagement with renters is needed to better understand the views of this group.
- A plurality of respondents (49.7%) expressed positive sentiments toward STRs, while 6.9% were neutral, 17.6% expressed mixed feelings and 25.8% were negative.



Key Survey Themes

- The majority of respondents (55.8%) said that they would like to see the City allow STRs with regulations. 23.6% said that they would like to see the City allow STRs with no regulations. 19.4% said that they would like to see STRs banned in all circumstances.
- Community support was significantly higher for allowing STRs in single-family homes (70%) and Accessory Dwelling Units (ADUs) (69.5%) than apartments (36.30%) and mobile or manufactured homes (40.70%). Majorities of respondents voiced support for allowing STRs in townhouses (56.72%) and condominiums (53.75%). 18.48% of respondents said that STRs should not be allowed anywhere.
- 66% of respondents said that they have not had negative experiences with STRs. Among those expressing negative experiences, the most common concerns were:

- Parking shortages or other parking problems
 - Excessive noise
 - Increased traffic
- Respondents were also asked their thoughts about potential regulations. More detailed feedback on these questions is available through the community survey [response report](#).

Among those who expressed **positive sentiments**, participants mentioned:

- The view that STRs can provide an important source of income for homeowners, in particular homeowners who are retired, low-income, have lost a job during the pandemic or are financially supporting family members (in college or dealing with an illness).
- Belief that STRs help to support tourism in Vancouver and contribute to the City's service economy.
- Many spoke about positive personal experiences using STRs in other cities
 - Respondents expressed appreciation for the flexibility that STRs provide, when compared to hotels, including specific amenities, such as a kitchen, larger living space, multiple bedrooms for families, etc.
 - When visiting another city, respondents said that they appreciate the chance to get to know a neighborhood or the community from a more residential setting.
- Multiple respondents also spoke to the role that STRs play in providing accommodations for a range of uses, including:
 - Business travelers, including travelling nurses, people who are looking for a home, visiting for a job interview, attending a funeral, taking care of family, etc.
- Some respondents wrote about a belief that homeowners should have a right to use their home how they want.

Among those who expressed **neutral sentiments**, participants mentioned:

- No opinion or indifference on STRs
- Factual statements about the nature of STRs

Among those who expressed **mixed feelings**, participants mentioned:

- Many respondents spoke about the potential benefits of STRs, such as tourism or extra income for rental hosts, while expressing concern about potential downsides, such as noise, parking or trash.
- Several respondents also spoke about their personal positive experiences with STRs, but expressed mixed feelings about having an STR near their home. This mixed sentiment is consistent with [past research](#).
- Some community members offered conditional responses, noting that they would support STRs if certain regulations were in place, such as registration, taxation or residency requirements.

Among those who expressed **negative sentiments**, participants mentioned:

- Belief that STRs reduce the amount of housing available to rent or own, thereby reducing supply and increasing housing costs.
- Concern that STRs encourage speculative real estate investing and purchases from outside the community.
- Multiple respondents spoke to negative experiences living near an STR, including:
 - Negative parking impacts, noise, trash or litter, concern about people "coming and going" and disruptive parties.

- Belief that businesses of any type should not be allowed in residential areas.
- Multiple respondents expressed concern about an incident in June 2020, when someone shot at a property being rented through VRBO in the First Place neighborhood.

STR Host Survey

The City also conducted an online survey of STR hosts from February 3 to March 6, 2022. City staff shared a link to the survey with 300 STR hosts using direct mail. A total of 85 STR hosts completed the survey.

Key Findings

- Most respondents operate a single STR property:
 - 79.73 percent of respondents operate one STR
 - 10.81 percent operate two STRs
 - A small number of respondents (5.41%) operate 5 or more STRs
- If they were no longer allowed to operate an STR, respondents indicated that they would:
 - Rent to a long-term tenant (45.95%)
 - Sell the property (45.95%)
 - Keep it vacant – maintain ownership as an investment property (27.03%)
 - Invite a friend or family member to move in (16.22%)
 - Make the property their primary residence (14.86%)
- Additional feedback is available through the rental host survey [response report](#).

Themes from Open-Ended Responses

Feedback from the rental host survey was consistent with comments made by those voicing support for STRs as part of the larger community survey. Respondents spoke about:

- Positive experiences operating an STR.
- Personal benefits to themselves or their family, including the role that rental income plays in helping hosts to afford monthly mortgage payments or other expenses.
- Belief that STRs positively contribute to Vancouver's economy, through tourism, taxation and support for local businesses.

Online Comment Box

Since March 2022, 51 community members have also shared their thoughts about STRs through an online comment box on the City's [Be Heard Vancouver](#) website.

- 37.3% of respondents have voiced opposition to STRs. Their concerns include housing affordability, negative impacts on the city's housing stock, noise, parking availability, parties, people "coming and going," and issues generated by specific properties in their neighborhoods.
- 35.3% of respondents have voiced support for STRs. They suggest that STRs generate valuable income for homeowners, offer accommodations for those whose needs might not be met by a hotel, while contributing to the local economy through tourism. Responding rental hosts also mentioned the effort they put into enforcing "house rules," as a way to reduce negative experiences with STR guests.
- 23.5% of respondents have offered mixed feedback. These respondents, including some STR hosts, have voiced support for allowing STRs with certain regulations, such as licensing of taxation.
- 3.9% have offered neutral comments, such as questions or requests for more information.

Small-Group Conversations

Over the past several months staff have also conducted several small-group conversations with a variety of stakeholders. These groups include hotel and tourism professionals, STR hosts, realtors, neighborhood associations and housing advocates. This information supplements information gathered through online surveys and comment box.

Housing Advocates

The housing advocates interviewed were community focused organizations including Fourth Plain Forward, Council for the Homeless, and Evergreen Habitat for Humanity. From their view, STRs pose a real threat by removing housing stock from the market. While the City may not have thousands of units, any unit being taken of the market for vacation home instead of a permanent residence is exacerbating the affordable housing crisis. As STRs grow in popularity, there is an incentive to build units specifically for STRs versus long-term rentals. This disincentivizes building long-term rental units. In response to arguments for STRs helping build wealth is often not true for low-middle income families. There is a large barrier to entry to buying an additional property or renting out a spare room. Allowing STRs can pose a gentrification risk and displace people from the area. If not an outright ban, the group would like to see vulnerable populations living in the city protected by not allowing STRs in those neighborhoods. It's important to put in place safeguards so our low-income communities don't get left behind. One housing advocate had a more positive view, that STRs can be a benefit to the community. One example being STRs have been used to house refugees, specifically from Afghanistan. They agreed any policy created should consider outcomes to vulnerable populations.

STR Hosts

City staff held four virtual one-hour conversations with a total of 28 STR owners and operators. Most hosts owned one to two STRs and have lived in Vancouver for at least five years. Each conversation group was asked a series of questions. When asked what their reason was to own or operate an STR include having a supplemental income, often to pay for mortgage payments, retirement, medical bills, other monthly expenses, and in general increases disposable income. Running their unit as an STR vs long-term rental was less hassle. Some hosts felt owning an STR was a way to meet people and to give back to the community. Some make operating STRs their primary income. As far as the type of guests that would typically stay at the rental were people in the area for work such as traveling nurses, people scoping out the area before the move, families who need a different setup than a traditional hotel room, people undergoing medical procedures, people having work done on their house, and people that need a place to stay in between housing situations. To address issues that can come up from STRs, hosts are requiring additional screening, requiring guests to disclose the reason for their stay—if the reason is a party, the host will decline—limiting the number of guests, making sure surrounding neighbors know they are operating an STR, implementing quiet hours, installing noise-monitoring technology, and using security cameras.

STR hosts were asked to share any additional thoughts and to identify any misconceptions that they believe community members may have about STRs. Host shared that they feel STRs bring a value, asset, and benefit to the City & local economy. In Vancouver a lot of the owners and hosts are long-time community members, who live in the neighborhood and care about these neighborhoods. A reason people are STR hosts is because they are making more money than long-term rentals. When people buy properties to convert into an STR, they are investing in properties and raising property values. To address the point that STRs are taking housing units off the market, this is a misconception because STRs are second homes or vacation homes that would not be getting used otherwise. STRs

were a benefit during Covid which helped other small businesses like restaurants. One host had someone book STRs for a domestic abuse victim and a homeless individual. Overall STRs promote tourism and generates revenue for the City and provides jobs to those who work in the communities that support this use (e.g., housekeepers, landscapers, etc.).

Hotel and Tourism Professionals

Staff spoke with several hotel industry professionals during a small group conversation. The group felt strongly that STRs should be required to have the same inspections and regulations as hotels, including requirements related to OSHA, fire and safety inspections, electrical, plumbing, ADA, and the state tourism office. Participants expressed concern that allowing too many STRs in any given neighborhood could have a lasting impact on the community, citing the change from fully residential to having business operating in the area. This same principle could lower home values. The group informed that smaller hotels are listing on STR sites. Strong HOAs could have the authority to push out STRs. Hotels are offering monthly rates that are competitive to STR rates. There is precedence in other Cities to require parking and annual operation fees to cover inspection costs. A majority of hotel operators believe STRs should be beholden to the same regulations as hotels.

Ongoing Outreach

Staff will continue to engage in small-group conversations in the coming months. Stakeholders include: local employers (Peace Health, Vancouver Clinic), neighborhood associations, STR platforms (VRBO, Airbnb), the Tenants Union of Washington State, and affordable housing advocates.

SUMMARY OF LOCAL GOVERNMENT ISSUES/CONCERNS

Generally, local government concerns about STRs fall into at least one of the following categories:

- Collection of lodging and sales tax on STR stays
- Mitigation of traffic, parking, noise and other impacts on the surrounding neighborhood
- Compliance with life/safety standards that are commonly applied to other types of lodging establishments (such as hotels, motels and bed-and-breakfasts)

Another issue of increasing concern is the impact of STRs on a community's affordable housing supply. In this case, the concern isn't necessarily about a homeowner renting out a room or backyard cottage to help with monthly mortgage payments. Instead, local governments fear that property owners will purchase residential units and rent them out on a short-term basis to out-of-town visitors, thereby taking them out of the year-round rental housing supply.

Regulatory Environment

Government regulations overall are still evolving. The Washington Municipal Research Service Center lists the cities of Seattle, Tacoma, Kirkland, Spokane, Bellingham, Leavenworth, Ilwaco, Poulsbo, Clyde Hill, Walla Walla, and Westport as having or developing STR regulations as of 2017. Please refer to Attachment C for additional information. Cities have cited collection of taxes, mitigation of traffic, parking and noise, and compliance with safety standards faced by other lodging as reasons for implementing STR regulations. Larger cities have also cited the need to retain more housing stock for long-term rental opportunities to address affordability concerns.

Locally, City of Vancouver staff believes that STR's do not meet existing Vancouver Municipal Code definitions of residential uses and are considered commercial uses. As previously mentioned, STRs are not allowed in residential zones, however they are allowed in a majority of our commercial zones as a Commercial and Transient Lodging use (e.g., hotel/motel). Any owner of an STR in Washington State is required to obtain a state business license and to register with the Washington

Department of Revenue. Per [RCW 64.37.020](#), STR operators must remit all applicable local, state, and federal taxes unless the platform does this on the operator's behalf. This includes occupancy, sales, lodging, and other taxes, fees, and assessments to which an owner or operator of a hotel or bed and breakfast is subject in the jurisdiction in which the STR is located. If the STR platform collects and remits an occupancy, sales, lodging, and other tax, fee, or assessment to which an STR operator is subject on behalf of such operator, the platform must collect and remit such tax to the appropriate authorities. Locally, the City of Vancouver requires businesses generating more than \$12,000 annually to obtain a business license. Data provided by our Department of Financial and Management Services indicates that approximately 40 business license holders operating STRs paid lodging tax in 2021.

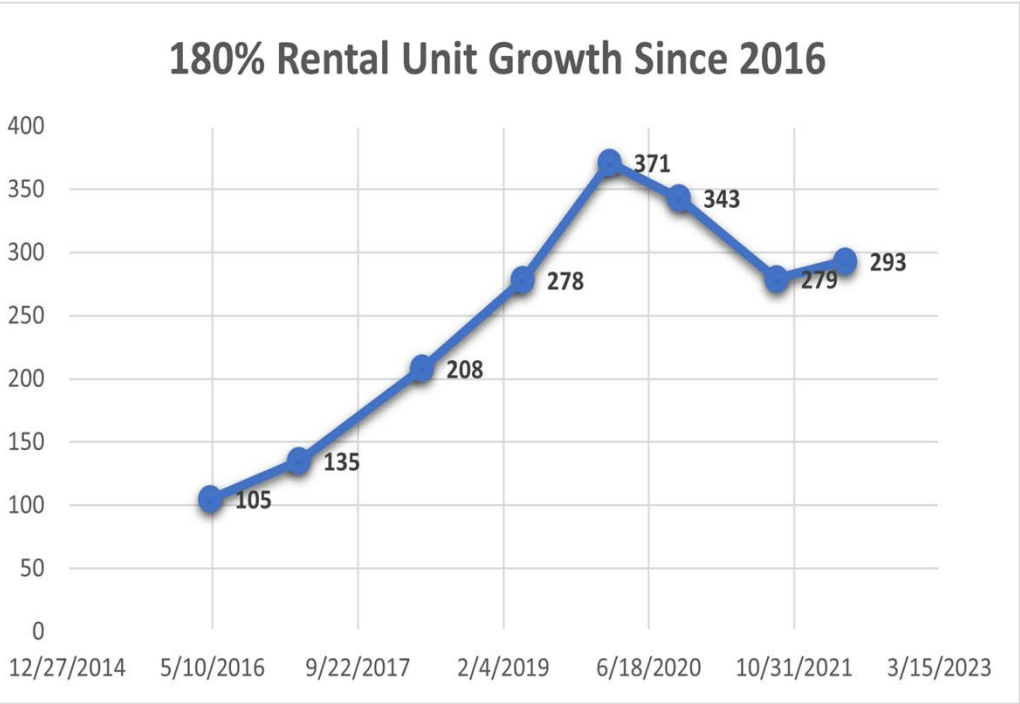
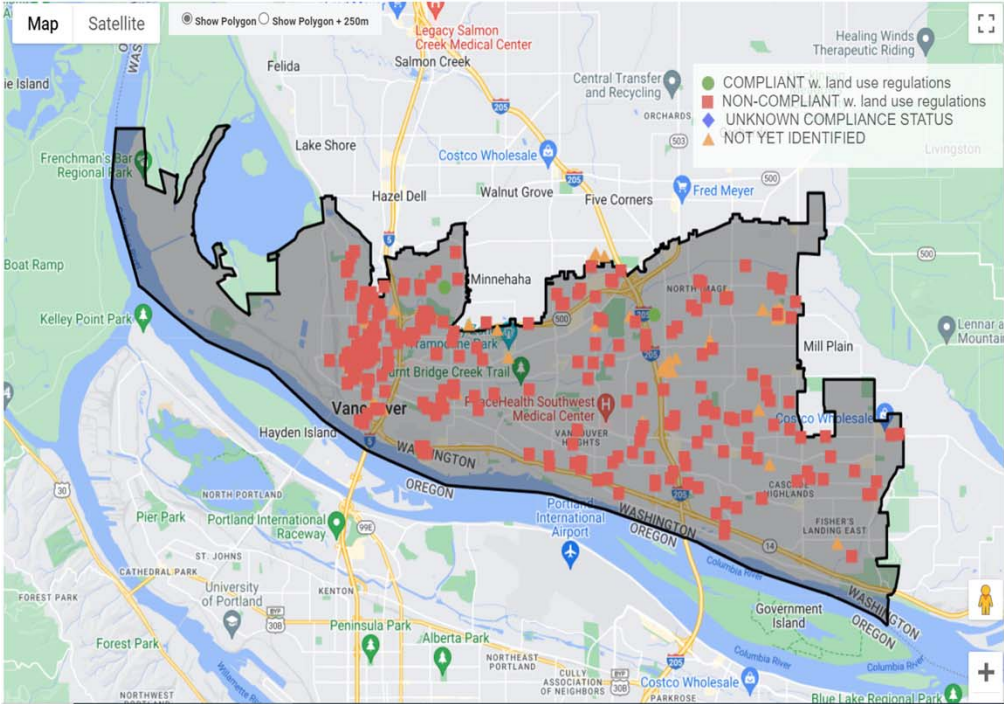
Next Steps

While the number of STRs in Vancouver represent a very small percentage of total households (roughly 0.4%), operating STRs in single-family homes and multi-family units is increasingly popular. Staff is recommending returning to Council in the Fall, as part of a workshop to discuss regulatory options for Council to consider.

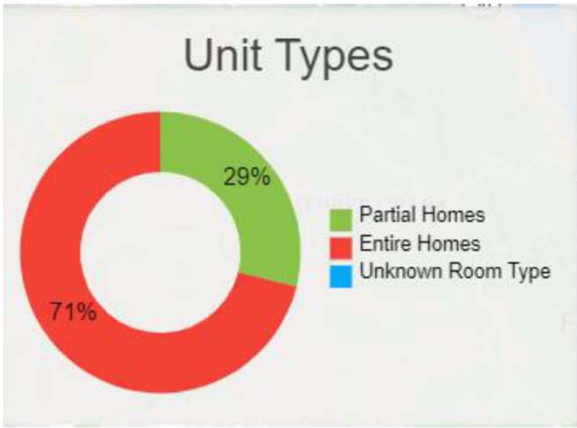
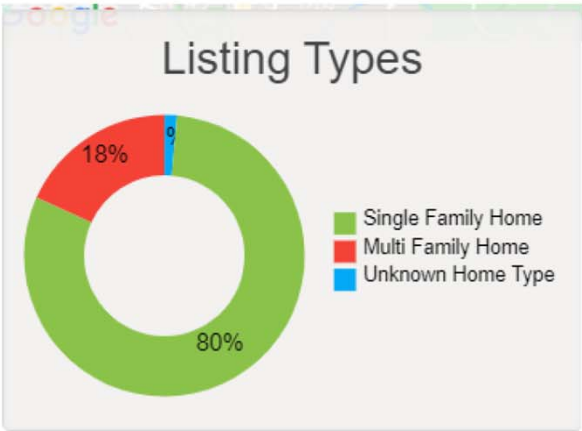
Attachment(s):

- A. Host Compliance Data/Charts
- B. Owner Compliance Letters
- C. WA Cities STR Table

Vancouver STR Market Details

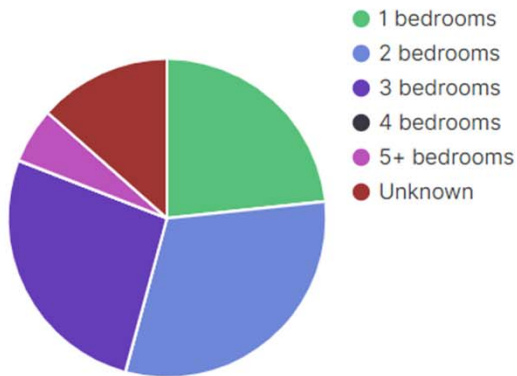


Vancouver STR Market Details

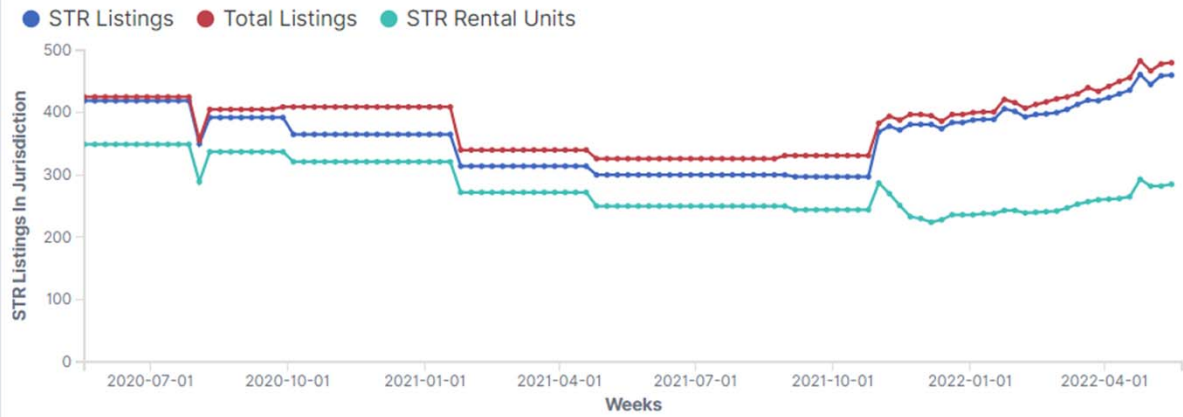


Attachment A

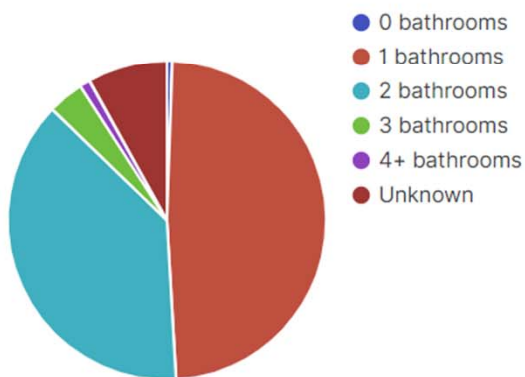
Bedrooms ⓘ



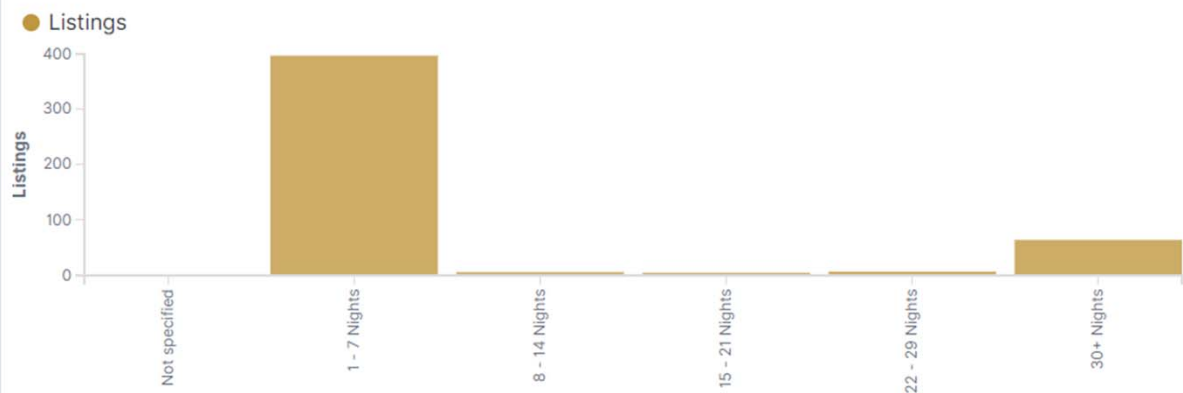
Rental Units and Listings Over Time ⓘ



Bathrooms ⓘ



Minimum Nights Stay ⓘ



REVISED
2.4.22



Dear City of Vancouver Property Owner,

An earlier draft of this letter was sent in error. At this time, the City of Vancouver is NOT asking short-term rentals to cease operations. We would like to apologize for the confusion and assure all hosts that any changes to short-term rental policy will occur through a public engagement process, with ample opportunity for input and concerns to be shared.

We encourage you to share your thoughts by taking the city's short-term rental host survey and to sign up for email updates using the links below. We also invite you to contact the project team to share your perspective. Below is the letter that was intended to go out to hosts. We again apologize for the confusion that the previous letter may have caused.

It has come to our attention that a short-term rental is being operated at one or more of your properties located in Vancouver, Washington. Currently, City code does not allow short-term rentals in a residential zone per the City's Land Use and Development Code, VMC Chapter 20.

We realize that you may not have known until just now that short-term rentals are not currently allowed in Vancouver, or you may not be directly involved in this commercial activity at your property, which is why we're reaching out to you with this information. If a tenant is operating the short-term rental at your property without your knowledge, you are still accountable as the property owner.

The Vancouver City Council will be considering changes to the City's Land Use and Development Code to possibly allow short-term rentals. Before the City Council takes action, the City wants to hear from you. Please share your thoughts, ideas, and experiences by taking our online short-term rental host survey at: cityofvancouver.us/hostsurvey.

This survey will be available through February 28, 2022 and is designed specifically to gather feedback from short-term rental hosts. If you would like to participate in an upcoming conversation with the City and other short-term rental hosts, please share your email as part of the survey or contact Jason Nortz using the contact information below.

If you have any questions about this letter or the possible code changes, please email me at jason.nortz@cityofvancouver.us. You may also visit beheardvancouver.org/short-term-rentals for more information or to contact the project team.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Nortz", with a stylized flourish at the end.

Jason Nortz
Development Review Manager
City of Vancouver
(360) 487-7844

C: Chad Eiken, Director, Community Development Department

Summary of large/mid-size Washington cities

	Fees if applicable	Frequency of use	Parking or noise provisions	Other requirements
Seattle				
Allowed in structures established as dwelling units, but NOT RVs, tents, garages, boats, floating residences, live-work unites, and caretaker's quarters. Allow "legacy units"- those that were rented prior to Sept 30 2017 to operate in Downtown Urban Core, First Hill/Capitol Hill Urban Center	Seattle business license tax certificate and a Short-term rental operator's license (\$75 per unit)	Not mentioned	Not mentioned	As a general rule, Short term operators can only operate two units- one being the primary residence and the other can be in any dwelling unit owned by operator.
Spokane				
Permitted in all residential zones	Application fee \$150 and Renewal fee of \$100 every year; Liability insurance; Spokane Business License	May only be rented up to 30 days	Follows Spokane municipal code 17c.230- Minimum ratio is 1 stall per 1,000 gross square feet of floor area	Total number of guests per bedroom is 2; Must maintain a guest log
Tacoma				
Renting 1-2 rooms allowed within all single family districts; Renting 3-9 rooms requires CUP in R-3, R-4L, R-4, R-5, RCX, and NRX Districts (these are generally residential districts that allow duplex, triplex, and multifamily dwellings).	Business license	Guests may only stay up to 30 days	Not mentioned	Must live in home if renting rooms or separate unit such as ADU. If renting the entire home, operator not required to live on site.
Bellevue				
Single family districts allowed but MUST be owner-occupied- this is considered a boarding housing. Non owner occupied is considered a rooming house which is not allowed in single family zones.	Business license; Home occupation permit	Not mentioned	Not mentioned	Term used is "transient lodging or room rental". Max of two rooms for rental and maximum of two lodgers/renters.

Attachment B

Kent				
Permitted in all residential zones	Business license, \$51; state lodging tax, 1% on overnight stay	Stay is limited to 30 consecutive nights	Not mentioned.	Owner must live at the home being rented at least six months per year.
Renton				
Doesn't specify	Business license \$125	Stay must be less than 30 continuous days.	Additional parking for guests, pursuant to Title IV RMC, one additional space is required if unit is owner-occupied.	Applies only to those who advertise through an online market place, uses a property manager, engages in renting unit more than three times a year. Must be owner occupied.



Fall 2022 Comprehensive Plan and Zoning Amendments

September 13th, 2022
Vancouver Planning Commission Workshop



Bryan Snodgrass
Principal Planner
Community Development Department

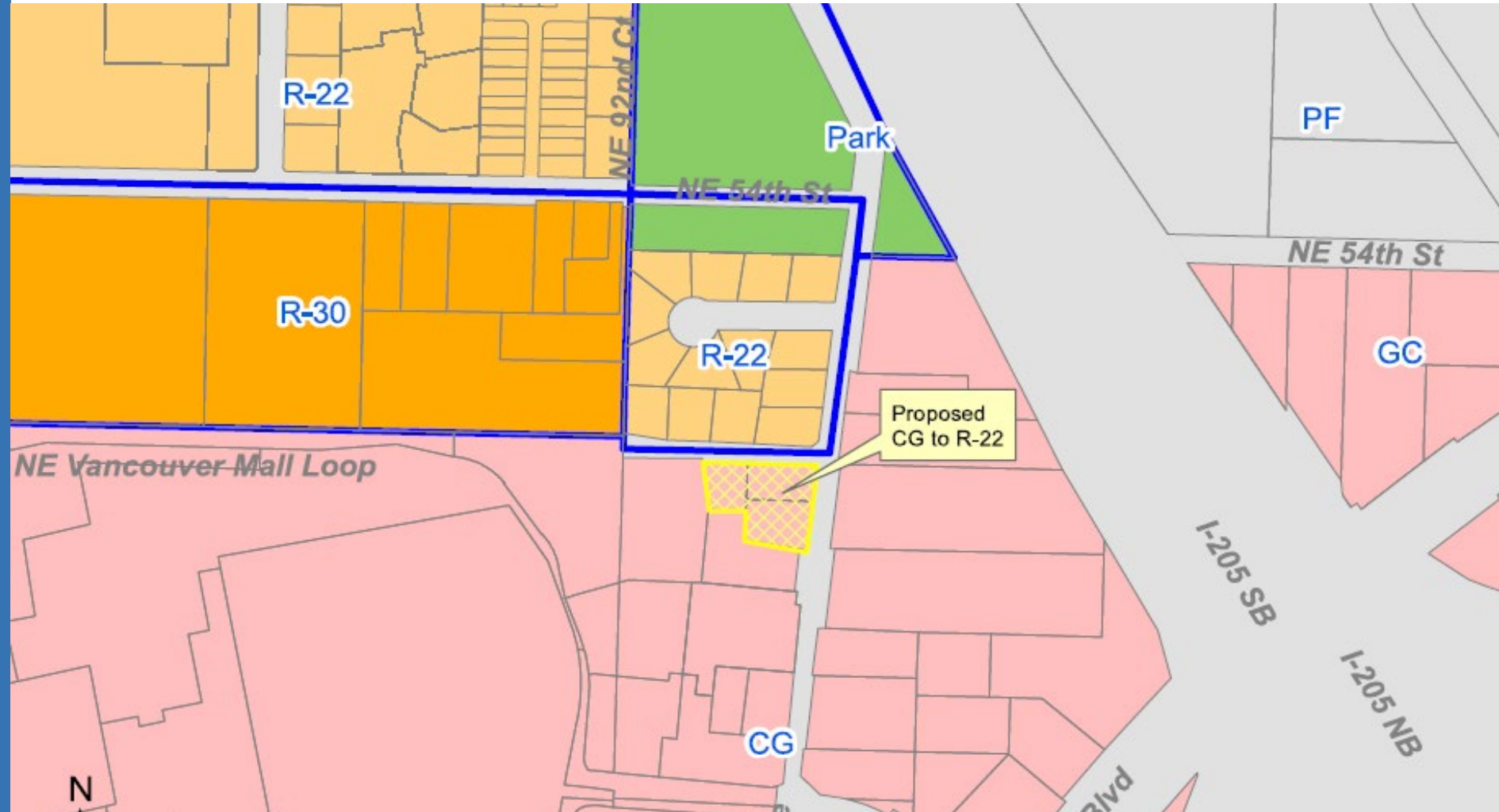
Presentation Overview

- Four Comprehensive Plan and zoning map designation change requests
- One Comprehensive Plan text change
- Fifteen zoning text changes
- Pause for questions and discussion after each

Stutesman – CG to R-22 near Van Mall



Stutesman - Vicinity Zoning



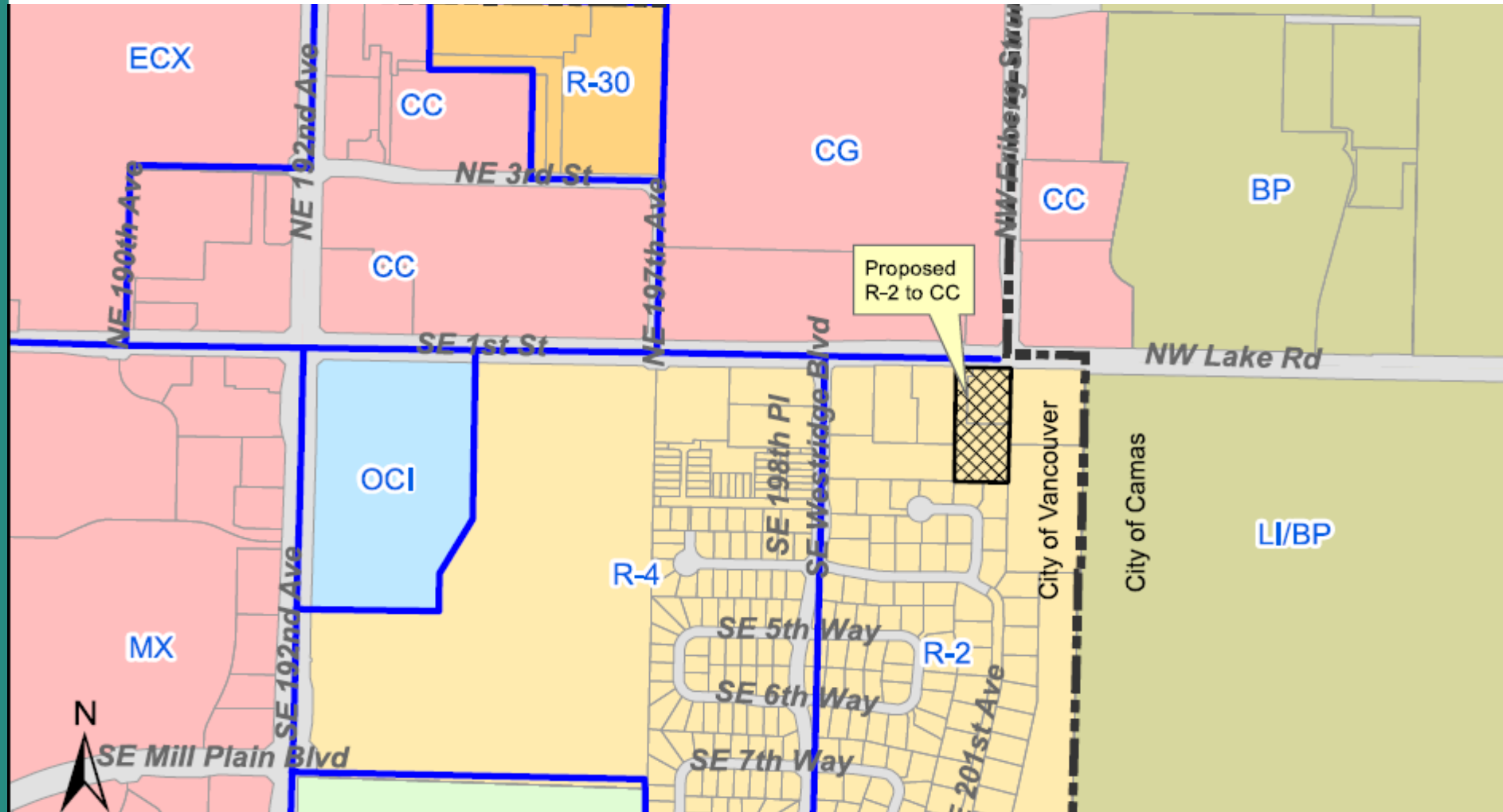
Stutesman - Background

- Located at transition point between residential and commercial zoning districts
- Applicant envisions future development of 11 market rate townhomes
- Proposal site contains three existing mobile homes
- Probable key issues include site's commercial viability and residential implications of existing and proposed zoning

Schwartz - R-2 to CC in East Vancouver



Schwartz - Vicinity Zoning



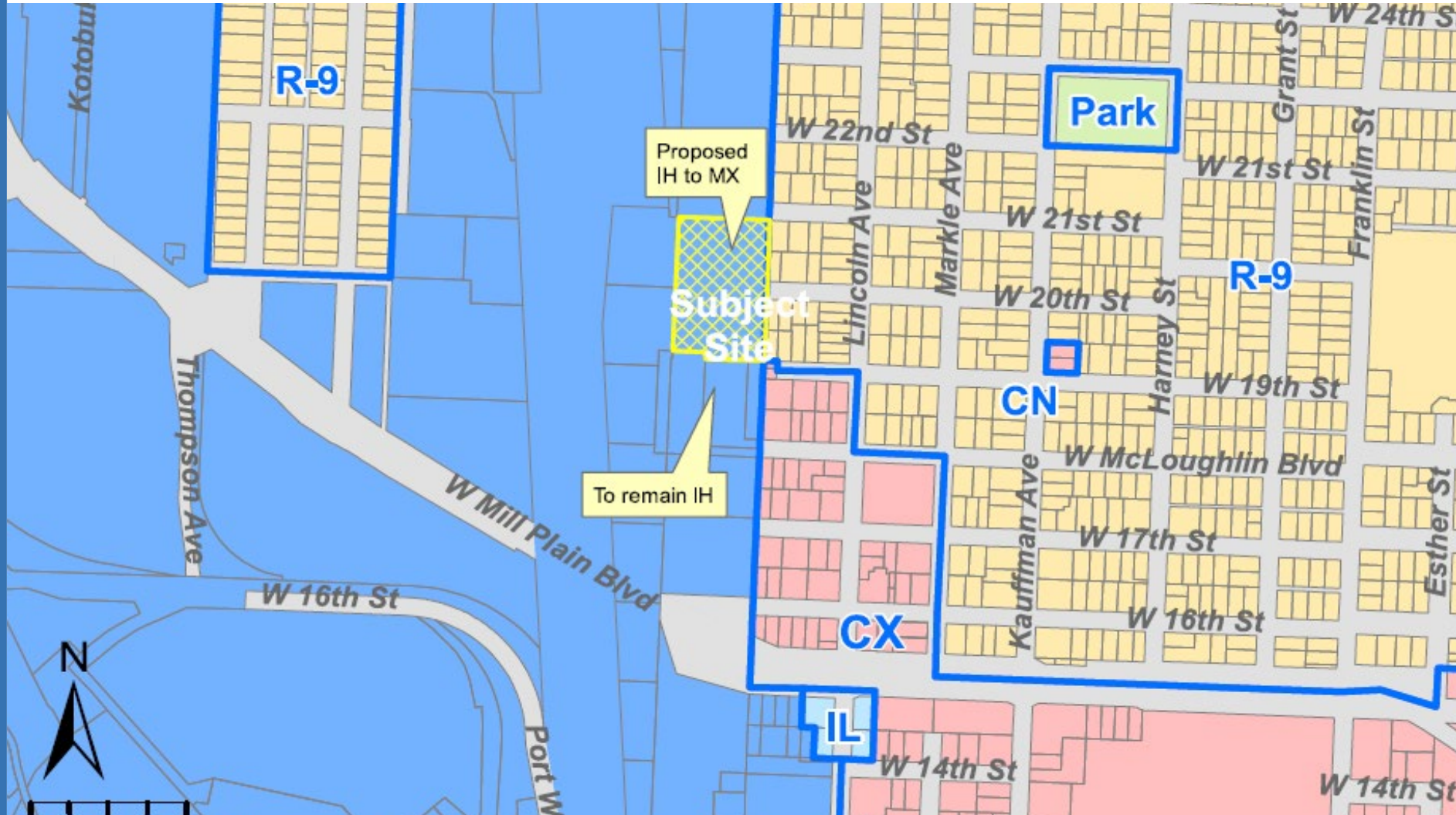
Schwartz - Background

- Located within a larger block of R-2 zoning on south side of 1st Street on Camas border
- Rezone site contains two single family homes and outbuildings
- Application indicates existing home business in northern home would be expanded to include entire structure if rezone approved
- Probable key issues include implications for future development of surrounding R-2 properties

SRHV - IH to MX in Hough Neighborhood



SRHV - Vicinity Zoning



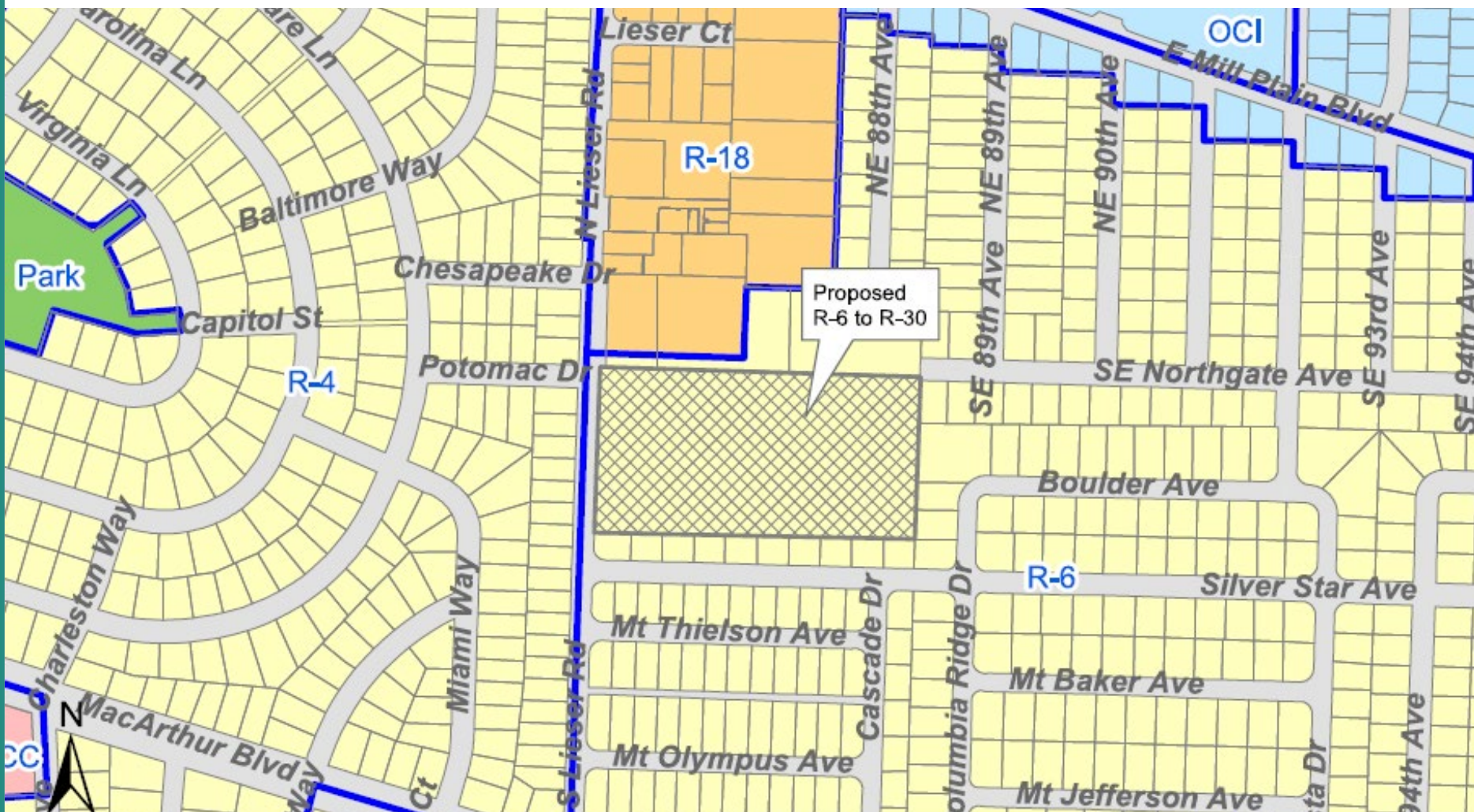
SRHV - Background

- Located in transition area between residential neighborhood, and railroad track and industrial properties
- Site contains large stand of Oregon White Oak trees triggering protection under VMC 20.740, Critical Areas Protection
- Application envisions future development of mixed-use buildings with residential above commercial or office, but does not include a conceptual site plan
- Probably key issues include comparison of site's industrial and mixed-use development viability and extent that trees can be retained.
- Applicant indicates economic study forthcoming

Lieser School Development - R-6 to R-30 in Vancouver Heights



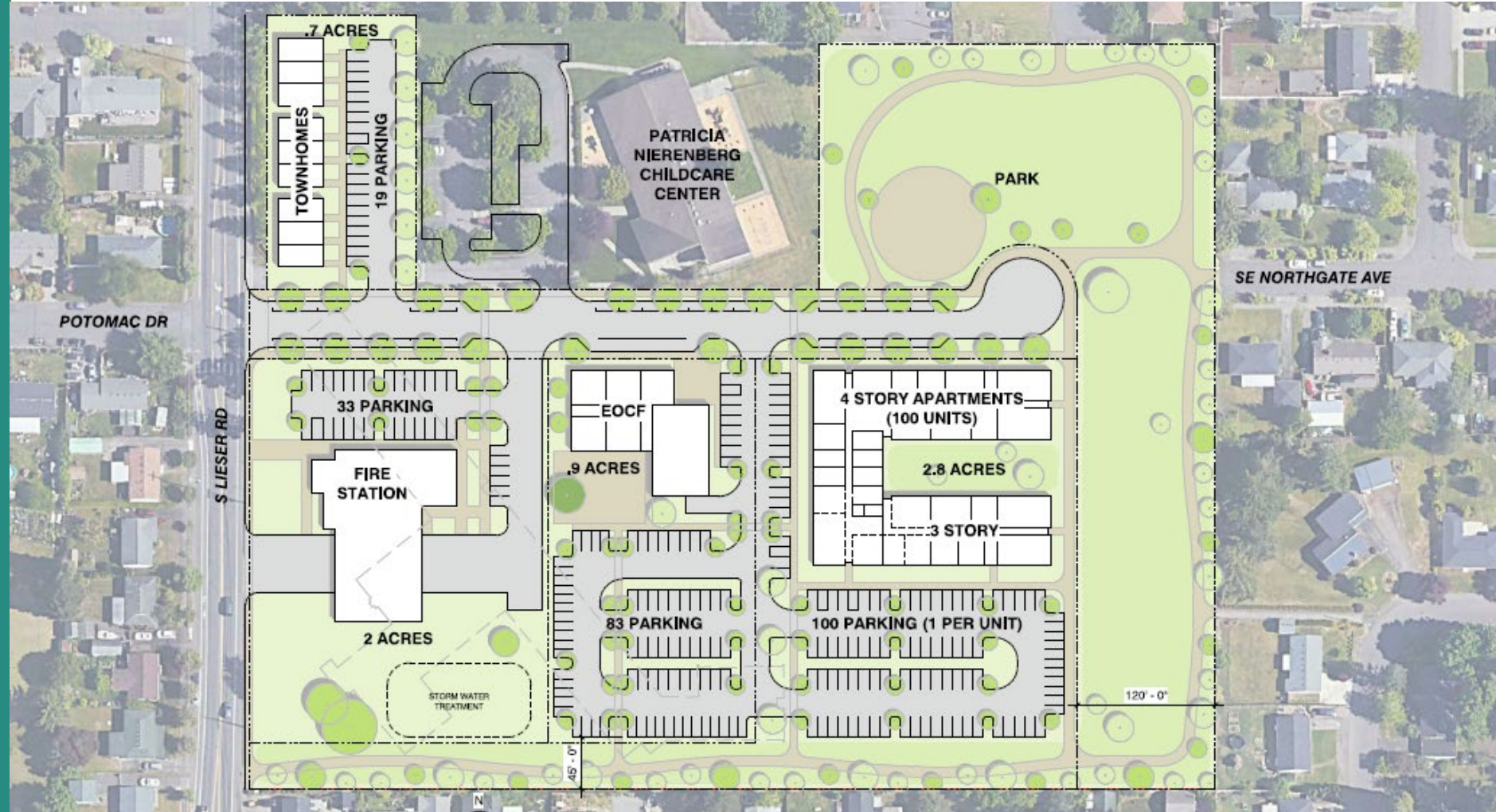
Lieser School Development - Vicinity Zoning



Lieser School Development - Background

- Rezone proposal part of a larger redevelopment including properties to the north also owned by applicant Vancouver Housing Authority not proposed for rezone.
- Redevelopment includes replacement fire station, enhanced park, approximately 10 townhomes and 90-100 affordable rental apartment units, new Educational Opportunities for Children and Families (EOCF) facility including childcare, offices, and a commercial kitchen.
- City of Vancouver is co-sponsor of rezone proposal
- VHA and project team has already engaged in community outreach

Lieser School Development-Potential Future Site Plan



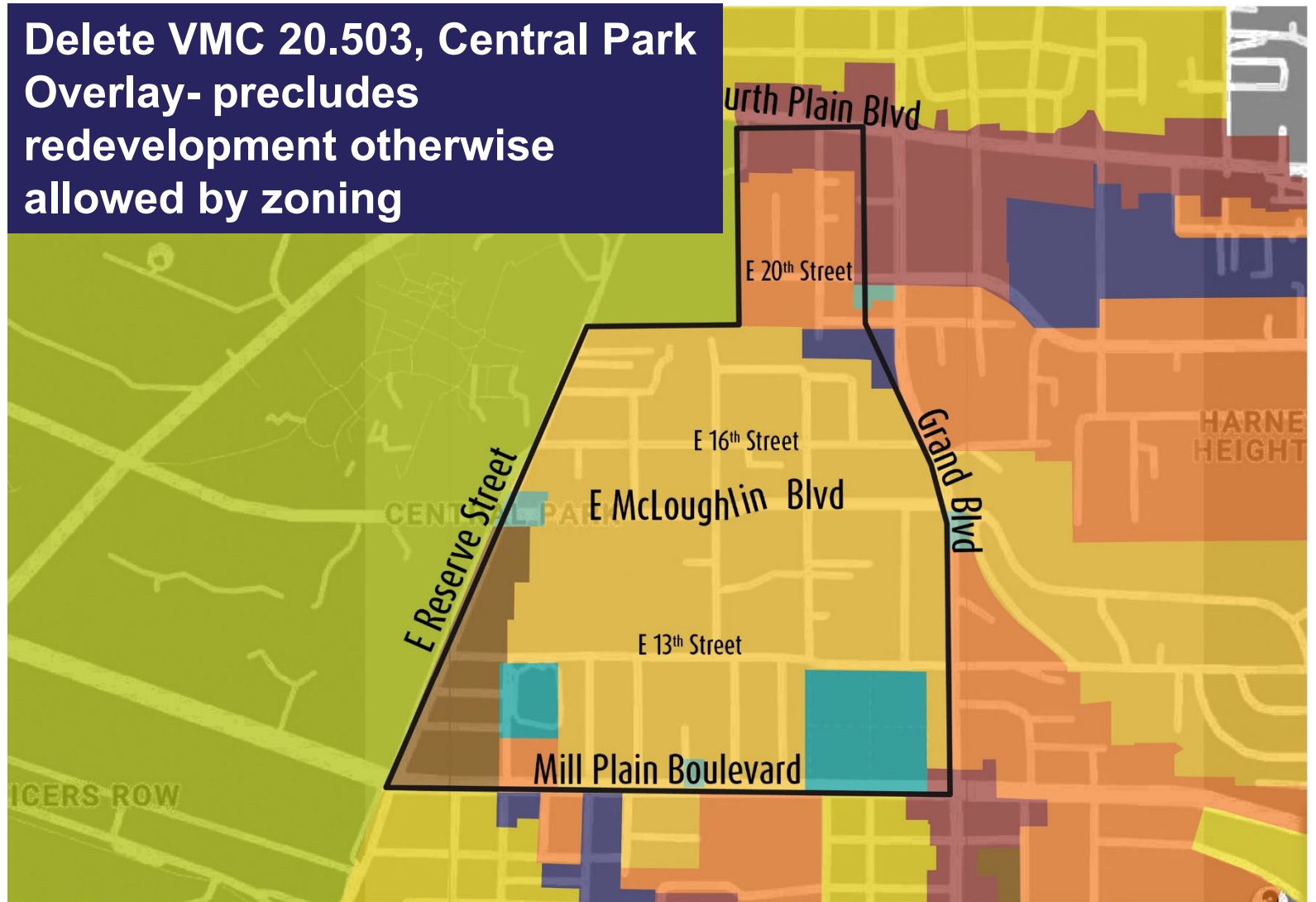
Comprehensive Plan and Related Zoning Text Change

- The City of Vancouver on behalf of the Battleground, Camas and Vancouver School Districts is proposing adopting new 6-year District capital facilities plans by reference as part of the Comprehensive Plan
- Updated School Impact Fees in VMC 20.915 also proposed:

School District	Single-Family	Multi-Family
Battle Ground	\$6,397 <u>\$10,760</u>	\$2,285 <u>\$3,845</u>
Camas	\$5,371 <u>\$6,650</u>	\$5,371 <u>\$6,650</u>
Vancouver	\$2,880 <u>\$2,786</u> {est.}	\$2,381 <u>\$2.486</u> {est.}

Zoning Code Text Changes - Central Park Overlay

Delete VMC 20.503, Central Park
Overlay- precludes
redevelopment otherwise
allowed by zoning



Zoning Codes



Zoning Code Text Changes

- 20.970, Solid Waste Disposal and Recycling Standards, 20.927, Narrow Lot Standards, and 20.950 Cluster Lot Development – Add solid waste related provisions codifying existing practices
- 20.885, Temporary Uses – Clarify and shorten existing standards
- 20.960, Commercial District Standards – Address signs on top of multi-story buildings
- 20.150, Residential Care Homes, and 20.860, Adult Care Homes – update definition to allow up to 8 persons rather than current 6, consistent with state guidance

Zoning Code Text Changes

- 20.150, Definitions – Add a senior housing definition
- 20.670, Heights District – Limit first floor 16-foot height minimum to commercial uses, not residential
- 20.320, Subdivisions – Delete sales history requirements, correct reference and typo
- 20.710, Archaeological Resources – Update Map
- 20.150, Definitions; 20.920, Infill Standards; 20.790, SEPA; 20.570, Airport Overlay; Various – Correct definitions and references
- 20.450. Update map embedded in zoning text to reflect zoning overlay map changes approved in 2021 for Port property near Vancouver Lake

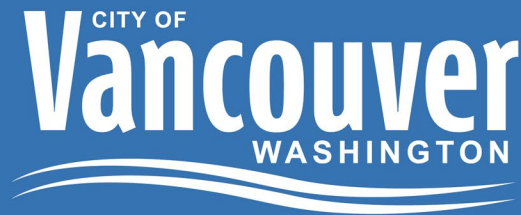
2022 Plan/Zone Amendments- Next Steps



- October 11th
Planning
Commission Hearing
- Council workshops
and hearings to be
scheduled

Questions and Discussion

Bryan Snodgrass, Principal Planner, Community Development Department
bryan.snodgrass@cityofvancouver.us, 360-487-7946



DATE: September 2, 2022

TO: Chair Ledell and Planning Commission members

FROM: Bryan Snodgrass, Principal Planner, Community Development Department

RE: September 13 workshop review of fall 2022 Comprehensive Plan and zoning code map and text changes

At the September 13 workshop staff will provide a detailed review of 2022 proposals for Comprehensive Plan and zoning map and text changes, following an introductory Commission discussion on these proposals on July 12. A Commission hearing is scheduled for October 11. Under state law Comprehensive Plan changes- map or text- must be reviewed generally concurrently to evaluate cumulative impacts, but zoning map or text changes can be considered at any time. This year's items consist of four Comprehensive Plan and zoning map changes submitted by property owners, one Comprehensive Plan text change, and 15 zoning code text changes.

Comprehensive Plan and zoning map changes (4)

1. Stutesman – Commercial/CG to Urban High Density/R-22 on three parcels encompassing 0.8 acres in the Vancouver Mall Neighborhood



The property is surrounded by commercial buildings immediately abutting to the west and south zoned CG, storage buildings to the east across NE 94th Avenue also zoned CG, and single family homes to the north across NE 52nd Street zoned R-22. The applicant indicates future development of 11 townhomes is envisioned if the rezone is approved, to be priced at market rates but below current area median levels. A conceptual future site plan is not included with the application. The site is currently occupied by three mobile homes and one single family home. Issues likely to be considered in the staff recommendation and public hearing are viability of the site for commercial development under current zoning, and weighing future residential development including displacement of existing site residents against the benefits of a net gain in housing units.

2. Schwartz – Urban Low Density/R-2 to Commercial/CC on two parcels encompassing 2.1 acres in east Vancouver



The proposal site currently contains two single family homes, as well as detached garages and sheds. Although rezoning to a commercial designation could allow the existing residences to be replaced with new commercial development, the applicant indicates the intent of the rezone is to allow an existing home-based business in the northern residence to occupy the full structure.

The property is surrounded to the east and west by large lot single family homes zoned R-2 Low Density Residential. To the south are 10,000 square foot single family homesites also zoned R-2. North of the site across SE 1st Avenue is an undeveloped part of the larger existing Union High School campus, zoned for Public Facilities (PF). North and east of the proposal site in the City of Camas is undeveloped property zoned CC, that was recently approved for a food truck use.

Issues anticipated to be addressed in the staff recommendation and public hearings are whether the current R-2 zoning designation should be converted to a higher density residential zone rather than the commercial zoning proposed, and the impacts of future commercial development on the proposal site to current and future development on abutting large lot residences.

3. SRHV – Industrial/IH to Commercial/MX on a portion of a parcel encompassing 2.8 acres in in the Hough neighborhood



The proposal would change the northern approximately 2.8 acres of an undeveloped 4-acre property from a Comprehensive Plan designation of Industrial with associated zoning designation of Heavy Industrial (IH) to a Commercial Comprehensive Plan designation with Mixed Use (MX) zoning. The southern 1.2 acres are proposed to remain Industrial/IH. The northern portion of the property proposed for rezoning contains approximately 24 Oregon White Oak trees, a protected species.

North of the rezone site is the Hood Packaging warehouse on an approximately 10-acre site zoned IH. To the west is the BNSF railroad zoned IH. East are single family homes zoned R-9. South of the rezone site is the portion of the subject property proposed to remain IH. Abutting that are small industrial uses zoned IH.

The application indicates that future development of mixed-use buildings with residential over first floor office or commercial uses is anticipated, with a plan to retain the majority of the trees. A conceptual site plan or tree retention plan has not been submitted. Future road access would likely be

through West 20th or 19th Streets to the west of the site. The applicant has submitted updated traffic information and indicates that an economic analysis will be forthcoming.

Issues anticipated in the staff recommendation and public hearings are the viability of the site for industrial development, and implications for the Oregon White Oak tree stand under the existing zoning compared to the proposal.

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



The proposal by the Vancouver Housing Authority, which owns the property, would change the 8.4-acre Lieser School site from Urban Low Density/R-6 to Urban High Density/R-30 as part of a larger site redevelopment that includes a new Fire Station to replace the City’s existing fire station 3, a refurbished park, approximately 10 townhomes and 90-100 affordable rental housing units, and a new Educational Opportunities for Children and Families (EOCF) early childhood development facility that includes childcare, offices, and a commercial kitchen. The Comprehensive Plan and zone map change is needed to allow the proposed multi-family housing.

The City of Vancouver is a co-sponsor of the rezone application because the site redevelopment involves fire and park facility improvements, and in keeping with Community Development Department policy of sponsoring rezones which provide for affordable housing and are consistent with rezone criteria. The Vancouver Housing Authority and Salazar Architects have already conducted substantial outreach with the surrounding community and Vancouver Heights

Neighborhood Association in regard to the rezone proposal and larger site redevelopment plan. Information has also been provided through the City of Vancouver [Be Heard](#) site.

Comprehensive Plan and related Zoning Code Text Change (1)

The City of Vancouver, on behalf of the Battle Ground, Camas, and Vancouver School Districts, is proposing to adopt updated district 6-year capital facilities plans by reference into the City Comprehensive Plan Appendix E, and to make related updates to School Impact Fees (SIF) in VMC 20.915.

The SIF changes to be reflected in City code are:

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

No changes are proposed to the Evergreen School District Capital Facilities Plan or School Impact Fees, which are currently \$6,432 per single family unit and \$3,753 per multi-family unit.

Zoning Code Text Changes (15)

Code Section	Issue/Action
1. Central Park Overlay 20.503	Eliminate VMC 20.503, which includes two longstanding provisions which are unique to the Central Park area and inconsistent with the City Comprehensive Plan and State Growth Management Act. One places unique limits on the rebuilding of multi-family or non-residential uses, and the other prevents any residential remodels or redevelopments which add to the total number of neighborhood housing units in place when the chapter was adopted in 2000. All Overlay properties have been mailed notice of the proposed removal, and of the upcoming workshop and hearing. Response to date has been limited.
2. Solid Waste Disposal and Recycling Standards changes 20.970 , and Related Changes to Narrow Lot Standards, 20.927 , and Cottage Cluster Standards , 20.950	To better facilitate solid waste disposal and codify current practices, update standards for alley access and maneuverability, and for streetfront solid waste container storage. Various development community stakeholders have been notified, with no response to date. See proposed amended VMC 20.970, 20.927 and 20.950 accompanying this report
3. Temporary Uses 20.885	Temporary Uses – Shorten and clarify existing standards. See Attachment A
4. 20.960.060 Commercial District Signs	Incorporate portions of the sign elevation definition into the sign code chapter to clearly address signs located at the top of multistory buildings. D. <i>Fascia signs</i>. 1. Allowable Area: Maximum 12 percent of the portion of the building exterior enclosing the applicant's place of business, measured horizontally by width of occupancy and vertically by height of occupancy, along the building's elevation on which the sign is erected with a guaranteed minimum of 32 square feet. Total of all sign face areas shall not exceed 250 square feet. 4. Fascia signs shall only be attached to the walls enclosing the applicant's place of business
5. Definitions of Residential Care Home, 20.150.040E and Adult Care Home 20.860.020.B.10.c	Update Residential Care Home and Adult Care Home definitions referencing 6 or fewer persons, to up to 8 persons, to be consistent with state WAC guidance 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

2022 Comprehensive Plan and zoning code map and text changes

September 13, 2022

Page 7 of 22

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

2022 Comprehensive Plan and zoning code map and text changes

September 13, 2022

Page 8 of 22

	considered as "abutting" unless the common property line between the two parcels measures 8 feet or more in a single direction. It shall include the terms adjacent , adjoining and contiguous.
11. Infill Development Standards 20.920.060	Correct inaccurate transportation code cross reference I. Infill Development Transportation Standards. Street standards may be reduced as part of an infill development. See Section 11.96 11.80.060 of the Vancouver Municipal Code.
12. SEPA 20.790.830	Correct inaccurate cross reference A. <i>Exceptions.</i> If a proposal fits within any of the exemption provisions in this part, the proposal shall be categorically exempt from threshold determination requirements, except as follows: 1. The proposal is not exempt under 197-11-908 WAC and Section 20.790.850 20.790.740 VMC, critical areas.
13. 20.570 Airport Height Overlay	Correct inaccurate reference The provisions of the Airport Height Overlay District shall apply to lands identified and illustrated in Figure 20.570- 2.1
14. Various Title 20 Locations	Correct outdated references of Community and Economic Development Department to Community Development Department
15. (NEW) 20.450 map correction	Update Figure 20.450-2 in zoning code to reflect zoning map change approved last year on Port property near Vancouver Lake, See Attachment B.

ATTACHMENT A – TEMPORARY USE STANDARDS

Chapter 20.885 TEMPORARY USES

Sections:

[20.885.010 Purpose.](#)

[20.885.020 Types of Temporary Uses.](#)

[20.885.030 Approval Process.](#)

[20.885.040 Submission Requirements.](#)

[20.885.050 Approval Criteria.](#)

20.885.010 Purpose.

A. *General.* The purpose of this Chapter is to provide an administrative approval process whereby the city may permit uses to locate with the city on an interim basis on private property without requiring full compliance with the development standards for the applicable zoning district, or by which the city may allow seasonal or transient uses not otherwise permitted, establish standards for the approval of three types of temporary use:

1. Use that is seasonal or directed toward a special event;

2. Use which is occasioned by an unforeseen event; and

3. Sales offices and model homes in conjunction with the sale of homes.

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

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

It is the purpose of this chapter is to provide an administrative approval process whereby the city may permit uses to locate with the city on an interim basis on private property outside of the public right-of-way without requiring full compliance with the development standards for the applicable zoning district, or by which the city may allow seasonal, emergent, or transient uses not otherwise permitted.

20.885.020 Types of Temporary Uses.

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

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

B. *Unforeseen/emergency situations.* This type of temporary use is one for which there is a need because of an unforeseen event such as fire, windstorm or flood or other event deemed by the Planning Official to be an emergency situation. The uses listed are allowed only with approval from the planning official. Examples of this type of temporary use include:

1. A mobile home, recreational vehicle or other temporary structure for a residential purpose in a residential zone;
2. A mobile office or other temporary structure for a business purpose in a commercial or industrial zone; and

3. ~~Use of an existing legally established dwelling during the construction period of a new residence on the same lot.~~

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

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

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

~~1. Sales last no longer than 3 days; and~~

~~2. Sales are held no more than twice in a calendar year; and~~

~~3. Sales are conducted on the owner’s property. Multiple family sales are permitted if they are held on the property of one of the participants.~~

~~4. Signs shall be subject to VMC 20.960 Signs and must be removed within 24 hours upon completion of the sale. (Ord. M-3701 § 27, 05/02/2005; Ord. M-3643, 01/26/2004)~~

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

~~E. *Exemptions.* The following activities are exempt from the requirements of this chapter, but shall comply with other substantive requirements of this chapter, unless specifically noted otherwise:~~

~~1. Garage sale and yard sale lasting no longer than 2 days;~~

~~2. Christmas tree lots;~~

~~3. Temporary sales office or model home either in a housing unit or in another temporary building for the purpose of facilitating the sale of homes to prospective buyers in any subdivision or planned development within this city under a permit issued by the building department;~~

4. Storage of equipment during the construction of roads or development or job trailer associated with an active land use and or building permit

20.885.030 Approval Process.

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

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

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

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

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

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

D. *Renewal of approval.*

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

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

20.885.040 Submission Requirements.

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

1. Application form (~~including property manager or owner's signature~~) provided by the Planning Official for a Type I procedure.
2. Site plan drawn to scale that illustrates the proposed temporary use in relationship to other improvements on the site and showing how such use is in compliance with applicable development standards (setbacks, lot coverage, etc.).
3. Narrative that provides the information necessary to determine compliance with the relevant approval criteria contained in VMC [20.885.050](#) below.

B. *Emergency situations.* The Planning Official may waive any of the requirements in this Chapter for cases that involve destruction of an existing structure due to fire, natural causes or other circumstances that are beyond the control of the applicant. An emergency as allowed by this subsection shall not include failure by the applicant to submit a temporary use request as provided in this Chapter. (Ord. M-3643, 01/26/2004)

20.885.050 Approval Criteria.

A. ~~*Seasonal and special events.* The planning official shall approve, or approve with conditions or deny a request for temporary use permit approval of a seasonal or special events use subject to compliance if the~~

~~proposed temporary use is consistent with this chapter and the application demonstrates that the following criteria will be satisfied the application satisfies with all of the following criteria:~~

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

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

- ~~1. The need for the use is the direct result of a casualty loss such as fire, windstorm, flood or other severe damage by the elements of a pre-existing structure or facility previously occupied by the applicant on the premises for which the permit is sought;~~
- ~~2. There exists adequate and safe vehicular ingress and egress when combined with the other uses of the property, as required by Chapter [20.985](#) VMC, Vision Clearance;~~
- ~~3. There exists adequate parking for the temporary use as required by VMC [20.945.070](#), Off Street Parking;~~
- ~~4. The use will pose no hazard to pedestrians in the area of the use;~~
- ~~5. The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will affect adjoining use, as governed by Chapter [20.935](#) VMC, Off Site Impacts;~~

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

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

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

1. Temporary sales office.

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

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

2. Model house.

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

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

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

~~D. Temporary building in a commercial or industrial zone.~~ The planning official may approve, approve with conditions or deny a temporary trailer or prefabricated building for use on any real commercial or industrial property within the city as a temporary commercial or industrial office or space associated with the primary use on the property, but for no other purpose, providing that the applicant demonstrates compliance with the following criteria:

1. The temporary structure shall be located within the boundaries of the parcel of land on which it is located;
 2. The property to be used for a temporary structure shall already be developed;
 3. There exists adequate and safe ingress and egress when combined with the other uses of the property; as required by Chapter [20.985](#) VMC, Vision Clearance;
 4. There exists adequate parking for the customers or users of the temporary use as required by Chapter [20.945](#) VMC, Off Street Parking;
 5. The use will pose no hazard to pedestrians in the area of the use;
 6. The use will not create adverse off site impacts including noise, odors, vibrations, glare or lights which will affect the adjoining uses as governed by Chapter [20.935](#) VMC, Off Site Impacts;
 7. The use can adequately be served by sewer or septic system and water, if applicable; and
 8. The length of time that the temporary building will be used is the maximum needed to address the hardship but no longer than one year. With the exception that a temporary use approval may be renewed once by the Planning Official for a period not to exceed one year as per VMC [20.885.030\(D\)](#), Renewal of approval. (Ord. M 3922 § 40, 07/06/2009; Ord. M 3701 § 28, 05/02/2005; Ord. M 3643, 01/26/2004)
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1. The temporary use will not be materially detrimental to the public health, safety or welfare, nor injurious to property or improvements in the immediate vicinity;
 2. The use is permitted in the underlying zoning district or within the approved event site;
 3. The applicant has proof of the property owner's permission to place the temporary use on the property;
 4. There will be no parking utilized by the customers and employees of the temporary use which is needed by the property owner to meet the minimum parking requirements, as governed by VMC [20.945.070](#), Parking and Loading;
 5. The temporary use will not interfere with adequate vision clearance, as governed by Chapter [20.985](#) VMC, Vision Clearance, and shall not obstruct pedestrian access on public rights-of-way;

6. The applicant agrees to comply with any cConditions that may be required by building official and/or fire marshal to determine for compliance with minimum building, fire and life safety codes; and
7. Adequate provisions for trash disposal and sanitary facilities shall be provided.
8. The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will affect the adjoining uses as governed by Chapter [20.935](#) VMC, Off-Site Impacts;
9. The use can adequately be served by sewer or septic system and water, if applicable.
10. For seasonal and special events, the event occurs for no longer than 30 days in a calendar year on the approved event site;

ATTACHMENT C – SIGNS

20.960.060 Commercial District Signs.

In all commercial districts as defined in this Title, the following regulations and standards shall apply:

A. *Billboards.* Not allowed.

B. *Off-premises signs.* Not allowed except as provided in [20.960.090](#).

C. *Free-standing signs.*

1. Allowable Area: One (1) square foot per face per lineal foot of frontage up to a maximum of 250 square feet per face. Provided that premises with less than thirty-two (32) lineal feet of frontage shall be allowed a maximum thirty-two (32) square foot sign per face.
2. Number of Signs: 1 per frontage.
3. Height of Sign: Maximum 25 feet to be measured from grade to top of sign.
4. Encroachment Above Public Right-of-Way: No part of the freestanding sign shall project into any public right-of-way.
5. No freestanding sign shall project or extend into any vision clearance area unless approved by the Planning Official.
6. Any freestanding sign must be integrated. That is, all supports or sign elements shall be an integral part of the design. Auxiliary projections or attachments not a part of a single design are prohibited.

D. *Fascia signs.*

1. Allowable Area: Maximum 12 percent of the portion of the building exterior enclosing the applicant's place of business, measured horizontally by width of occupancy and vertically by height of occupancy, along the building's elevation on which the sign is erected with a guaranteed minimum of 32 square feet. Total of all sign face areas shall not exceed 250 square feet.
2. Number of Signs: No maximum number provided the total area of all signs complies with D1 above.

3. Height of Sign: No sign shall extend above parapet or eave line.

4. Fascia signs shall only be attached to the walls enclosing the applicant's place of business

5. Fascia Signs: Fascia Signs may not encroach into right-of-way if less than 8 feet above grade.

E. *Projecting signs.*

1. Allowable Area: Maximum 15 percent of a building elevation on which the sign is erected. Total of all sign face areas shall not exceed 250 square feet.

2. Number of Signs: 1 per elevation per business.

3. Height of Sign: No sign shall extend above parapet or eave line.

4. *Encroachment Above Public Right-of-Way.* No encroachment allowed for signs less than 8 feet above grade; 3 feet encroachment allowed for signs greater than 8 feet but less than or equal to 10 feet above grade; 4 feet encroachment allowed for signs greater than 10 feet and less than or equal to 12 feet above grade, and 6 feet for signs more than 12 feet above grade.

F. *Rooftop signs.* Rooftops signs are prohibited.

G. *Temporary signs.* Not allowed, except for portable signs in the right-of-way under Section [20.960.090](#).

H. *Rotating signs.* Rotating signs are prohibited.

I. *Electronic Message Center signs. (Not permitted in CN).*

1. The area of the electronic message center shall not exceed 20 percent of the area of the sign; provided the area limitation shall not apply if the sign is solely limited to time and temperature.

2. All messages displayed on an electronic message center shall be directly related to the business for which the sign was constructed. No off-premises signage is permitted.

3. All electronic message centers signs shall be constructed as an integral part of a permanent sign constructed on-site. Integral shall be considered to be incorporated into the framework and architectural design of the permanent sign.

4. The display shall be limited to text and static images only and shall not appear to flash, portray blinking or chasing lights, or otherwise create continuously changing images. However, scrolling of text (horizontal or vertical) is permitted. The rate of change for sign copy from one message to another shall be no more frequent than every eight seconds and the actual copy change shall be accomplished in four seconds or less. Once changed, the copy shall remain static until the next change.
5. All electronic message center signs shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic message center sign based on ambient light conditions.
6. Electronic message center signs shall not be associated with any dwelling or home occupation in any residential zone.
7. Electronic message center sign permit applications must include a copy of the manufacturer's operating manual, which includes the manufacturer's recommended standards for brightness, scrolling or traveling speed, and other display operations.
8. Electronic message center signs which create a source of glare shall be adjusted or removed as directed by the Planning Official. No electronic message center sign may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed eight thousand nits (8,000) or equivalent candelas during daylight hours, or one thousand (1,000) nits or equivalent candelas between dusk and dawn.
9. Electronic message center sign permit applications must also include a certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with City codes and that the owner or operator shall provide proof of such conformance upon request of the City.

J. *Directional signs.*

1. Allowable Areas: Maximum 6 square feet per face per sign.
2. Number of Signs: 1 per function per frontage.

K. *Business complex signs (free-standing signs).*

1. Allowable Area: 1.5 square feet per face per lineal foot of frontage up to a maximum of 250 square feet per face. Provided that a premises with less than thirty-two (32) lineal feet of frontage shall be allowed a maximum thirty-two (32) square foot sign per face.
2. Height of Sign: Maximum 25 feet from grade to top of sign.
3. Number of Signs: 1 per frontage. A secondary sign is allowable if any single frontage exceeds 300 feet. Total square footage of all signage must fall within above formula.

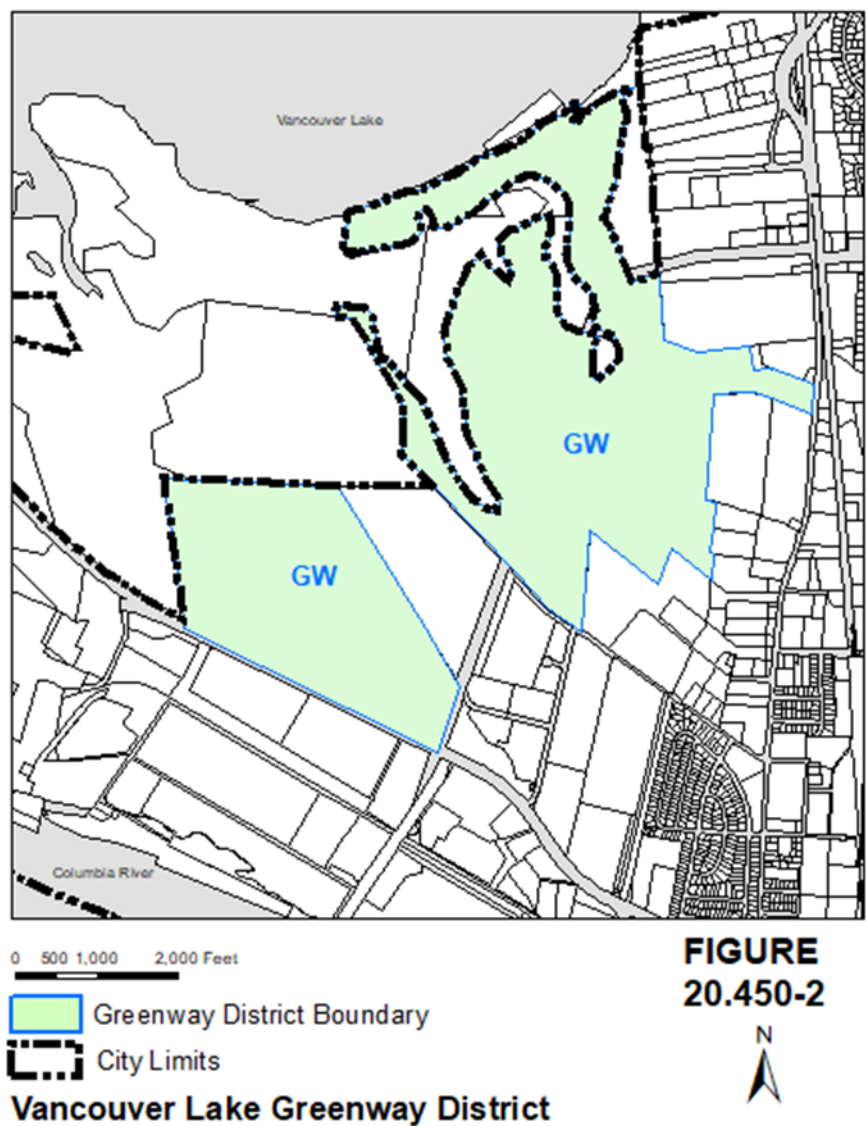
L. Allowable combinations of sign types.

1. Signs attached to a given building elevation will not exceed a total of 15 percent of that elevation.
2. On any street frontage, these combinations are allowable:
 - a. Fascia and Free-Standing Signs.
 - b. Fascia and Projecting Signs
 - c. No other combinations allowed.
3. Business Complex Signs are required for any business in a business complex desiring a Free-Standing Sign. The use of a Business Complex Sign shall replace all other Free-Standing Signs on the premises, except temporary or directional signs.

M. Weather protection. Where a building frontage in the City Center District (CX) is provided with weather protection, said building shall be entitled to the following additional signage; and said additional signage shall not be included in the figuring of the total sign area on the building.

1. A projecting sign suspended from the weather protection structure not exceeding 6 square feet in area per face. Each business shall be allowed 1 such sign per public entry. The bottom of any sign of this type shall be at least 8 feet above the sidewalk.
2. A fascia sign attached to the building but below the weather protection device. Each business shall be allowed one such sign per public entry.

ATTACHMENT B - CORRECTED FIGURE 20.450-2



Chapter 20.927

NARROW LOT DEVELOPMENTS

Sections:

[20.927.010 Purpose.](#)

[20.927.020 Applicability.](#)

[20.927.030 Narrow Lot Development Approval Criteria.](#)

[20.927.040 Narrow Lot Development Standards.](#)

[20.927.050 Incentives for Providing Alleys.](#)

20.927.010 Purpose.

The purpose of this chapter is to provide additional approval criteria and development standards for land divisions with narrow lots in order to: 1) eliminate conflicts between the design and location of driveways with public and private utilities, on-street parking and other common features such as street trees, street lights and signs, fire hydrants, common mailboxes, etc.; 2) provide for adequate guest parking; 3) ensure adequate access for solid waste and recycling collection vehicles; 4) minimize the dominance of garages on narrow lots; and 5) provide incentives for lots which utilize alleys for access. (Ord. M-3778, Added, 12/04/2006, Sec 2)

20.927.020 Applicability.

The approval criteria and development standards of this chapter shall apply to any residential short subdivision or subdivision, including infill development, which has one or more narrow lots, defined as a lot with less than 40 feet in width, exclusive of flag lots. Compliance with applicable standards shall be determined at the time of preliminary plat approval, in accordance with VMC [20.320](#), Subdivisions. (Ord. M-3778, Added, 12/04/2006, Sec 2)

20.927.030 Narrow Lot Development Approval Criteria.

Approval criteria. In order for the City to grant approval of a preliminary short subdivision or subdivision, the applicant shall demonstrate compliance with the following criteria, which shall be in addition to the preliminary subdivision approval criteria of VMC [20.320.040](#) A-G:

A. Conflicts on narrow lots shall be eliminated. The development has been designed to eliminate conflicts between on-site and off-site improvements and features associated with narrow lots. Specifically, the location, size, and design of features including driveways, public and private utilities (water, fire hydrants, sewer, roof infiltration, gas, cable, phone, electricity, etc.), on-street parking spaces, street trees, existing trees, light poles, common mailboxes, street signs, etc., shall be considered in the design of the development and coordinated to eliminate conflicts with one another and meet minimum spacing requirements.

B. Adequate guest parking shall be provided. The development has been designed to provide for at least one guest parking space for every three narrow lots in the development. Such spaces may be located on-street (on local access or loop classification roadways only) or in common parking areas subject to the development standards of [20.927.040](#)A2.

C. Solid waste and recycling collection and access shall be provided. The development shall be designed to provide for safe access and maneuvering by solid waste and recycling collection vehicles to designated collection points for each lot. (Ord. M-3778, Added, 12/04/2006, Sec 2)

20.927.040 Narrow Lot Development Standards.

A. *Implementation of Performance Standards.* Various design options may be proposed to address the approval criteria of Section [20.927.030](#) A-C. For example, the use of alleys, narrow driveways, or shared driveways – either separately or in combination – are considered to be effective solutions to many identified conflicts. In addressing the above criteria, the following development standards shall apply:

1. *On-site and off-site improvements plan required.* A development plan that demonstrates that utilities, driveways, street trees, etc., have been located and designed to minimize conflicts with one another shall be submitted with the preliminary land division application and incorporated into the civil engineering plan set. Such plan shall, at a minimum, show all of the following features:

- a. Proposed location and width of streets, sidewalks, and landscape strips;
- b. Proposed location, species, and size of required street trees;
- c. Proposed guest parking spaces as required by VMC [20.927.030\(B\)](#) and [20.927.040\(A\)\(2\)](#);
- d. Proposed location of other infrastructure including light poles, fire hydrants, and community mailboxes (may be reserved areas) and existing overhead lines;
- e. Proposed location and width of driveways (narrow lots only);
- f. Proposed location of public water line, water meter, and sewer line to serve each narrow lot;
- g. Proposed location and dimensions of areas reserved on each narrow lot for private utilities (phone, cable, gas, electric, etc.) and roof infiltration systems;

2. Standards for guest parking in common areas.

- a. Common areas reserved for guest parking shall have no more than five (5) parking stalls in each area unless applicant demonstrates required parking cannot otherwise be provided.
- b. Common guest parking areas shall be improved to City parking lot standards including a permanent surface, striping, curbing, 3' tall screening, and treatment of storm water runoff. Use of pervious paving is encouraged.
- c. Such spaces may be designed to allow for backing movements directly into local access or loop streets only.
- d. Common parking areas shall be maintained by a homeowners' association according to a maintenance agreement to be recorded with the plat.

3. Standards for solid waste and recycling access and collection.

a. An access plan for solid waste and recycling collection service to all lots in the development shall be submitted with the land division application.

b. The access and collection plan shall show a designated collection point for each lot or solid waste enclosure areas and the ability of collection vehicles to maneuver safely to all points of collection, ~~based on a 35' long by 10' wide vehicle.~~

c. All circulation and turnaround designs must meet the requirements of VMC 11.80.070 and the Transportation Standard Details and 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.

d. Where collection is not feasible on each lot, a designated common collection point to serve up to four lots, located no further than 150 feet from any lot it serves shall be provided.

Common collection points shall be shown on the solid waste and recycling plan, and sized to accommodate the carts and bins associated with the city's garbage, yard debris and recycling

collection system. System specifics may be obtained from the City's Solid Waste Services department.

e. Collection vehicle turnaround must be provided in cases where more than 4 lots are sharing a grouped set-out or if the distance from the grouped set-out to a lot is greater than 150'.

f. Designated collection points shall be located adjacent to alleys or streets but shall not obstruct sidewalks, bike lanes, or vision clearance triangles.

g. Collection points shall be illustrated on plans and show footprints of all intended carts using dimensions from City-provided solid waste receptacle standards.

h. Each lot must have storage space outside of the right-of-way for carts when not set out for collection day.

3. *Standards for alleys and lots with alley access.* Lots with access from side or rear alleys are highly effective in addressing conflicts at the front street. Where provided, alleys and lots served by alleys shall meet the following standards:

a. Alleys shall consist of 16' paved width within a 20' public right-of-way or private easement, and shall be constructed in accordance with approved City standards. Width of alleys designated as fire apparatus access lanes shall be as approved by the Fire Marshal.

b. All lots adjacent to an alley, existing or proposed, shall provide access to the garage or parking space from the alley, not the adjacent street. Residences with access from alleys shall be oriented to face the public or private street, not the alley.

c. Alleys shall connect with a public or private street at both ends, unless otherwise approved by the Transportation Manager.

d. Maintenance of private alleys shall be the responsibility of the homeowner's association, and a maintenance agreement shall be recorded with the plat.

e. Subdivisions which provide access from alleys to at least 50% of lots shall be eligible for modifications to certain development standards, as specified in VMC [20.927.050](#).

4. *Shared driveways.* Where provided for narrow lots, shared driveways shall meet the following requirements:

a. Shared driveways serving two adjacent lots shall be no wider than 30', measured at the driveway throat, unless the applicant demonstrates on the development plan that a wider driveway will not result in conflicts.

b. Shared driveways which provide access to more than two lots shall be no wider than 18', measured at the driveway throat, and shall be within a 20' minimum wide easement.

c. Only one curbcut is permitted per shared driveway.

d. Shared driveways shall be constructed in accordance with approved shared driveway standards.

e. Garages accessed from shared driveways shall be either single car-width and located no closer to the street than the front wall (not porch) of the residence or, if wider than a single car garage, set back at least 5' from the front wall (not porch) of the residence.

5. *Narrow driveways.* Where provided for a narrow lot, narrow driveways shall meet the following requirements:

a. Narrow driveways shall be no wider than 10' measured at the driveway throat, unless the applicant demonstrates on the development plan that a wider driveway will not result in conflicts.

b. Where possible, narrow driveways on adjoining lots shall be grouped in close proximity to create space along the frontage for parking, trees, utilities, etc.

- c. Narrow driveways shall be constructed in accordance with adopted narrow driveway standards.
- d. Garages accessed from narrow driveways shall be either single car-width and located no closer to the street than the front wall (not porch) of the residence or, if wider than a single car garage, set back at least 5' from the front wall (not porch) of the residence. (Ord. M-3778, Added, 12/04/2006, Sec 2)

20.927.050 Incentives for Providing Alleys.

Any development subject to this chapter which provides alley access to at least 50 percent of the total number of lots shall qualify for the following modifications to development standards:

- A. The development plan required by Section [20.927.040](#)A1 is not required to include items d-g.
- B. The maximum lot coverage may be increased as follows:
 - 1. In lower density residential districts, maximum lot coverage shall be 55%.
 - 2. In higher density residential districts, maximum lot coverage shall be 65%.
- C. If an alley is to be privately-owned within a public easement, the area which extends across individual lots may be included in the minimum required lot area and counted when calculating maximum lot coverage.
- D. For lots which obtain access from a rear alley, decks constructed above the driveway shall not be counted toward the maximum lot coverage.
- E. If an alley is to be publicly-owned, the alley area may be subtracted from the overall area used to calculate required on-site tree density.
- F. Minimum setbacks may be reduced as follows:
 - 1. No additional side or rear setback is required for increase in building height above 20'.
 - 2. Minimum rear yard setback from edge of alley pavement to garage or carport may be either 4' or at least 18'. Uncovered parking spaces may be set back 4' from the edge of the alley pavement.
 - 3. Covered porches which consume at least 40% of the front width of the residence may encroach up to 6 feet into the required front setback.
- G. Large species street trees (trees maturing at 45' in height listed on the City's Street Tree Selection List) may substitute for a portion of required on-site tree density. If the minimum on-site tree density pursuant to VMC [20.770.080](#) cannot be met either on individual lots or in a common tract, the Planning Official may allow a .5 tree unit credit for every large street tree if provided within 8-foot wide minimum landscape strips or planter areas throughout the development.
- H. Deciduous trees of 2" minimum caliper that are planted in an alley right-of-way or alley easement may be counted toward the minimum required on-site tree density.
- I. *Alternative surface water treatment.* The Public Works Director may approve alternative methods for treatment and disposal of surface water from alleys, as appropriate, including: the use of pervious paving, or other BMP's approved by the Western Washington Stormwater Manual.
- J. Streets may be constructed to one of the approved narrow lot neighborhood street standards of VMC Title [11](#), as approved by the Transportation Manager. (Ord. M-3778, Added, 12/04/2006, Sec 2)

The Vancouver Municipal Code is current through Ordinance M-4359, passed December 20, 2021.

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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City Telephone: (360) 487-8711

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Cottage Cluster Housing

20.950.010 Purpose.

These standards are intended to allow groups of small-scale cottages around common areas in single or multi-family zoning districts in a manner promoting accessible housing and community interaction. The individual homes are smaller and shorter than what is allowed in the underlying zoning district, but they may be built at a higher density.

20.920 Applicability.

A. Permitted zones and required minimum project size. Cottage Cluster housing developments shall be allowed on properties 20,000 square feet or larger in size, in the R-17, R-9, R-6, R-4 and R-2 zoning districts.

B. Permitted Uses. Cottage Cluster development uses shall be limited to attached and detached single family homes and associated outbuildings, public or private open space, and parking areas. Duplexes or attached single family homes may constitute no more than 20% of the total number of units. Home Occupations pursuant to VMC 20.860 shall be permitted only if there are no employees residing off-site. Accessory dwelling units pursuant to VMC 20.810 shall be permitted only if located entirely within the single family homes.

C. The narrow lot development standards in VMC 20.927 and R-17 zoning district standards of VMC 20.410 shall not apply to cottage housing developments.

20.930 Site Development and Design Standards

A. General Standards.

1. Cottage housing developments may be allowed at up to two hundred percent (200%) of the maximum density of the underlying zone, including any accessory dwelling units.
2. Cottage housing developments shall contain a minimum of four (4) and a maximum of twelve (12) units in a cluster; provided, that a cottage development may contain up to two (2) clusters.
3. Each single- family cottage shall not exceed 1,600 square feet in total floor area, and each duplex cottage 3,000 square feet. Floor areas of attached or detached garages and outbuildings shall count towards these size limits, with the exception of the first 200 hundred square feet of garage or outbuilding per single family cottage, or 400 square feet per duplex.
4. Building heights may not exceed 25 feet within 50 feet of the project site perimeter, and 30 feet elsewhere in the site. Roofs higher than 18 feet shall be pitched at a ratio of at least 6:12.
5. Covered porches shall be at least 60 s.f., with no dimension less than 5 feet
- 52
6. Buildings shall be set back at least 10 feet from the nearest public or private road, and at least five feet from other buildings. Building setbacks to exterior property lines shall be that of the underlying zoning district.

B. Cottage Orientation. Cottages must be clustered around a common courtyard and must meet the following standards.

1. At least 75% of the cottage units shall be located within 25 feet of a common courtyard, and shall have covered porches and main entries which face the common courtyard.
2. The Planning Official may grant exceptions for as needed to allow cottages abutting a public street at the site perimeter to face the street.

C. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards.

1. The common courtyard must contain a minimum of 200 square feet of usable open or congregating space per cottage units within the associated cluster.
2. The common courtyard must be generally square or round, and no narrower than 15 feet wide at its narrowest dimension.
3. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 50 percent of the total common courtyard area.
4. Pedestrian paths must be included in a common courtyard. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

D. Required Parking and Parking Design

1. Required spaces. Each dwelling unit shall include at least one parking space within the project area. On street parking spaces abutting the project area may be counted towards this requirement.
 2. Common Parking Areas. Parking may be located adjacent to an individual unit or in a common parking area. Common parking areas are subject to the following standards.
 - a. Cottage cluster projects with fewer than 12 cottages are permitted parking clusters of not more than 5 contiguous spaces.
 - b. Cottage cluster projects with 12 cottages or more are permitted parking clusters of not more than 8 contiguous spaces.
 - c. Parking clusters must be separated from other spaces by at least 4 feet of landscaping.
 - d. Clustered parking areas may be covered.
 3. Parking location, access and screening.
 - a. Off-street parking areas with 5 or more spaces shall not be located within 20 feet from any property line that abuts a street other than an alley;
 - b. No off-street parking space or vehicle maneuvering area is permitted between a property line that abuts a street (other than an alley) and the front façade of cottages located closest to that property line.
 - c. No off-street parking space is permitted within 10 feet of any other property line external to the cottage cluster, except property lines abutting an alley. Driveways and drive aisles are permitted within 10 feet of other external property lines.
- 53
- d. Sight-obscuring landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and property lines external to the cottage cluster.

E. Pedestrian Access.

1. A pedestrian path must be provided that connects the main entrance of each cottage to the following:

- a. The common courtyard;
- b. Shared parking areas;
- c. Common solid waste storage areas;
- d. Community buildings; and
- e. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.

2. The pedestrian path must be hard-surfaced and a minimum of 3 feet wide.

F. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, community eating areas, community gardens, or picnic shelters. Community buildings must meet the following standards.

- 1. Each cottage cluster is permitted one community building.
- 2. The community building shall have a maximum floor area of 1,200 sf.

G. Maintenance of Common Areas. The development application shall include a plan for ongoing maintenance of shared or common areas, including a mechanism for ensuring that the maintenance plan will be implemented.

H. Solid Waste and Recycling Access and Collection.

1. An access plan for solid waste and recycling collection service to all dwellings in the development shall be submitted with the application.

2. The access and collection plan shall show either a designated collection point for each lot or a common solid waste storage area for use by all lots and the ability of collection vehicles to maneuver safely to all points of collection. All circulation and turnaround designs must meet the requirements of VMC 11.80.070 and the Transportation Standard Details and 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.

3. Collection points and common solid waste storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access is available to the storage area, adequate turning radius shall be provided to allow collection vehicles to safely exit the site in a forward motion.

4. Where collection is not feasible on each lot, one or more designated common solid waste storage areas, located no further than 150 feet from any dwelling it serves, shall be provided.

a. Common outdoor solid waste storage areas must have a smaller gate, door or open walkway entrance for residents in addition to and separate from the service gate(s).

b. The dimensions of the common solid waste storage area shall accommodate receptacles consistent with current methods of local collection and allow for pedestrian (driver and residents) access between receptacles. Plans shall show footprints of all intended receptacles using dimensions from City provided solid waste receptacle standards.

c. Outdoor common solid waste storage areas shall be enclosed by a screen comprised of a sight-obscuring wall, fence and/or vegetation. Service gate(s) shall allow access to haulers; it shall be capable of being secured in fully closed and open positions.

d. Solid waste storage receptacles shall be clearly labeled to indicate the type of materials accepted.

e. Common outdoor solid waste storage areas shall not be located in a side or rear yard setback that abuts property that is not within the same development, i.e. impacts of the location on neighboring

properties is an important consideration. Every effort should be made to locate outdoor garbage and recycling areas so as to minimize their impacts on existing neighboring residential properties.

6. Designated collection points shall be located adjacent to alleys or streets but shall not obstruct sidewalks, bike lanes, or vision clearance triangles.

7. Maintenance of any private streets or alleys used for solid waste collection service shall be the responsibility of the property owners, and a maintenance agreement shall be recorded with the plat.

8. Each lot must have adequate storage space for carts when not set out for collection day. If lots do not have garages, driveways, or other suitable features for storing carts, individual or shared enclosure areas must be provided and shown on plans. Receptacles and common storage areas must be screened from view and not located in the right of way or adjacent to existing neighboring properties.

20.940 Approval Process.

Cottage Cluster housing projects shall be reviewed under VMC 20.320, subdivision, where individual lots are proposed to be owned separately, or as a Type II review subject to VMC 20.270, Site Plan Review, where common ownership of lots is proposed.

Chapter 20.970

SOLID WASTE DISPOSAL AND RECYCLING

Sections:

20.970.010	Purpose.
20.970.020	Applicability.
20.970.030	Amount of Storage Required.
20.970.040	Location, Design and Access Standards.

20.970.010 Purpose.

Purpose. It is the intent and purpose of these provisions to implement the recycling and waste management policies of the City and to support the goals, priorities, and strategies of the Clark County and State of Washington Solid Waste Management Plans. Additionally, the purpose of these regulations is to facilitate the delivery of efficient, safe and convenient refuse and recycling services to facility occupants using collection **receptacles**, vehicles and technologies offered through the City's contracted or licensed service providers. Facility designs must incorporate adequate storage space for both solid waste and recyclables and shall provide for a serviceable and accessible on-site location(s) and/or enclosures to temporarily store these materials between scheduled collection days. (Ord. M-3643, 01/26/2004)

20.970.020 Applicability.

A. *Chapter applicability.* This section shall apply to new multi-family residential buildings containing five or more units and nonresidential construction projects that are subject to site plan review, as governed by Chapter [20.270](#) VMC. (Ord. M-3643, 01/26/2004)

20.970.030 Amount of Storage Required.

A. *Storage area criteria.* The amount of solid waste and recyclable storage area required is based on the predominant use(s) of the building, i.e., residential, office, retail, educational/institutional, commercial/industrial or other. If a building has more than one of the uses listed in this section, and that use occupies 20% or less of the gross floor area of the building, the floor area occupied by that use shall be counted toward the floor area of the predominant use(s). If a building has more than one of the uses listed in this section, and that use occupies more than twenty percent (20%) of the gross floor area of the building, then the storage area requirement for the whole building shall be the sum of the requirement for the area of each use.

B. For multiple uses. Storage areas for multiple uses on a single site may be combined and shared.

C. *Storage standards.* Storage shall be provided consistent with the following:

1. Multi-unit residential buildings containing five or more units shall provide a minimum storage area using this formula:

Number of units X 32 gallons = Total weekly storage volume for garbage

Number of units X 48 gallons = Total weekly storage volume for recycling

Number of units X 8 gallons = Total weekly storage volume for glass

Depending on the number of units, the total volume needed for each stream of waste can be calculated and the number and size of carts or containers determined. Mixed recycling is collected in 95 gallon recycling carts. Glass is collected in 64 gallon carts. Each storage area must provide for collection of both garbage and recycling with space to walk between the containers.

Mixed recycling or cardboard containers and cages, with a standard size of 3 or 4 cubic yards (606 gallons), can be planned for accommodating a portion of the required recycling storage for these commodities.

For recycling, determine the number of mixed carts needed by dividing total weekly storage requirements by 95; determine the number of glass recycling carts needed by dividing total weekly storage requirements by 64.

Complexes with less than 20 units are encouraged to include space for a recycling container large enough to accommodate flattened cardboard boxes (typically a 3 yard or 4 yard container). Complexes larger than 20 units are required to include space for a 3 or 4 yard recycling container large enough to accommodate flattened cardboard boxes.

Large apartment complexes sometimes utilize a centralized garbage compactor(s) instead of or in coordination with more distributed garbage containers. Compactors are intended for commercial and industrial use by trained personnel and should not be the container that residents use directly for disposal of their household garbage.

Property owners/managers must still provide convenient recycling locations accessible to residents.

Recycling roll carts are normally co-located with the garbage collection containers, rather than with the compactor, to improve recycling convenience and participation. Containers larger than 4 cubic yards do not have wheels, so it is necessary to allow sufficient space so they can be emptied without being rolled out. No solid waste or recyclables collecting shall be done in any residential zone before 6:30 a.m. or after 6:30 p.m. (VMC [6.12.130](#)).

Maximum distance from residential unit to closest garbage/recycling enclosure shall be no more than 150 feet.

2. Nonresidential buildings shall provide a minimum storage area of 100 square feet plus:
 - a. Office: four sq. ft./1,000 sq. ft. of gross floor area (GFA);
 - b. Retail: 10 sq. ft./1,000 sq. ft. of GFA;
 - c. Educational/Institutional: four sq. ft./1,000 sq. ft. of GFA; or
 - d. Other: four sq. ft./1,000 sq. ft. of GFA.
3. Large developments or single buildings utilizing a compactor for garbage shall plan for the size of concrete pad appropriate for the equipment being installed and the volume of waste and recycling to be generated, plus allocate additional space for containers for materials not compacted.
4. Storage area size and area configuration needs be determined based on an assessment of how similar facilities meet their waste disposal and recycling needs.

5. Service agreements between the building owner and the service provider may be required if proposed methods or technologies used to manage waste are atypical or unproven.

20.970.040 Location, Design and Access Standards.

A. *Location.* Required storage areas for solid waste and recyclable materials shall comply with the following standards:

1. The storage area(s) for source-separated recyclable materials in multi-unit residential complexes shall be at the same locations(s) as storage areas for residential mixed solid waste.
2. Indoor and outdoor storage shall comply with City Adopted Building and Uniform Fire Code requirements.
3. Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations. Storage areas shall be no farther than 150 feet from each unit and be easily accessed by users and maintenance personnel.
4. Outdoor storage areas can be located within interior side yard or rear yard areas. Outdoor storage areas shall not be located within a required front yard setback or in a yard adjacent to a public right-of-way or private street easement, except alleys, unless no alternative location is possible. Outdoor storage areas shall not be located in a side or rear yard setback that abuts property that is not within the same development, i.e. impacts of the location on neighboring properties is an important consideration. Every effort should be made to locate outdoor garbage and recycling areas so as to minimize their impacts on neighboring properties. When a single family home is converted to an office, the business owners are encouraged to continue roll cart garbage service instead of container service to minimize the noise impacts on their neighbors.
5. Exterior storage areas shall address both user safety/security and aesthetic considerations.

6. Exterior storage areas can be located in a parking area if the proposed use provides at least the minimum number of parking spaces required per the requirements of Chapter [20.945](#) VMC, Parking and Loading, after deducting the area used for storage and access.

7. The storage area shall be accessible for collection vehicles and located so it will not obstruct pedestrian or vehicle traffic movement on the site or on public streets or sidewalks adjacent to the site.

B. Design standards.

1. The dimensions of the storage area shall accommodate containers consistent with current methods of local collection and allow for pedestrian (driver and residents) access between containers. **Plans shall show footprints of all intended receptacles using dimensions from City- provided solid waste receptacle standards. The preferred recycling receptacles for resident use are roll carts versus recycling containers.** Roll carts are more easily accessed by residents and help to prevent confusion/contamination with garbage.

3. Exterior storage areas shall be enclosed by a screen comprised of a sight-obscuring wall, fence and/or vegetation. **For multifamily tenant access, a person door, gate, or walkway ,separate from the service gate or door, is required. Service gate(s) for haulers shall be capable of being secured in closed and open positions of 90 degrees or greater.**

4. Storage containers shall be clearly labeled to indicate the type of materials accepted.

5. Where electrical connections or engineered structures and surfaces are required to support the utilization **compactors or other** storage and handling equipment, these shall be designed according to the applicable codes.

C. Access standards.

1. Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users at convenient times of the day, and to collection service personnel on the day and approximate time they are scheduled to provide collection service.

2. Storage areas shall be designed to be easily accessible to collection trucks and equipment, considering paving, grade and vehicle access. Where direct truck access to a storage area is not possible, the grade and ramp design shall consider the weights and size

of containers that can reasonably and safely be managed for “roll-out” to an accessible truck loading position. If the collector is expected to move compacted containers larger than 2 cubic yards, mechanized equipment such as motorized pushcart must be provided for efficient transferring of receptacles and to promote worker safety.

3. Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access is available to the storage area, adequate turning radius shall be provided to allow collection vehicles to safely exit the site in a forward motion. All circulation and turnaround designs must meet the requirements of VMC 11.80.070 and the Transportation Standard Details and 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.



DATE: September 9, 2022

TO: SHRV, LLC, c/o
JORDAN RAMIS

FROM: Jerry Johnson
JOHNSON ECONOMICS, LLC

SUBJECT: Evaluation of the Suitability of a Property in the City of Vancouver for Prospective Land
Uses

[illegible]

621 SW ALDER, SUITE 605, PORTLAND, OR 97205

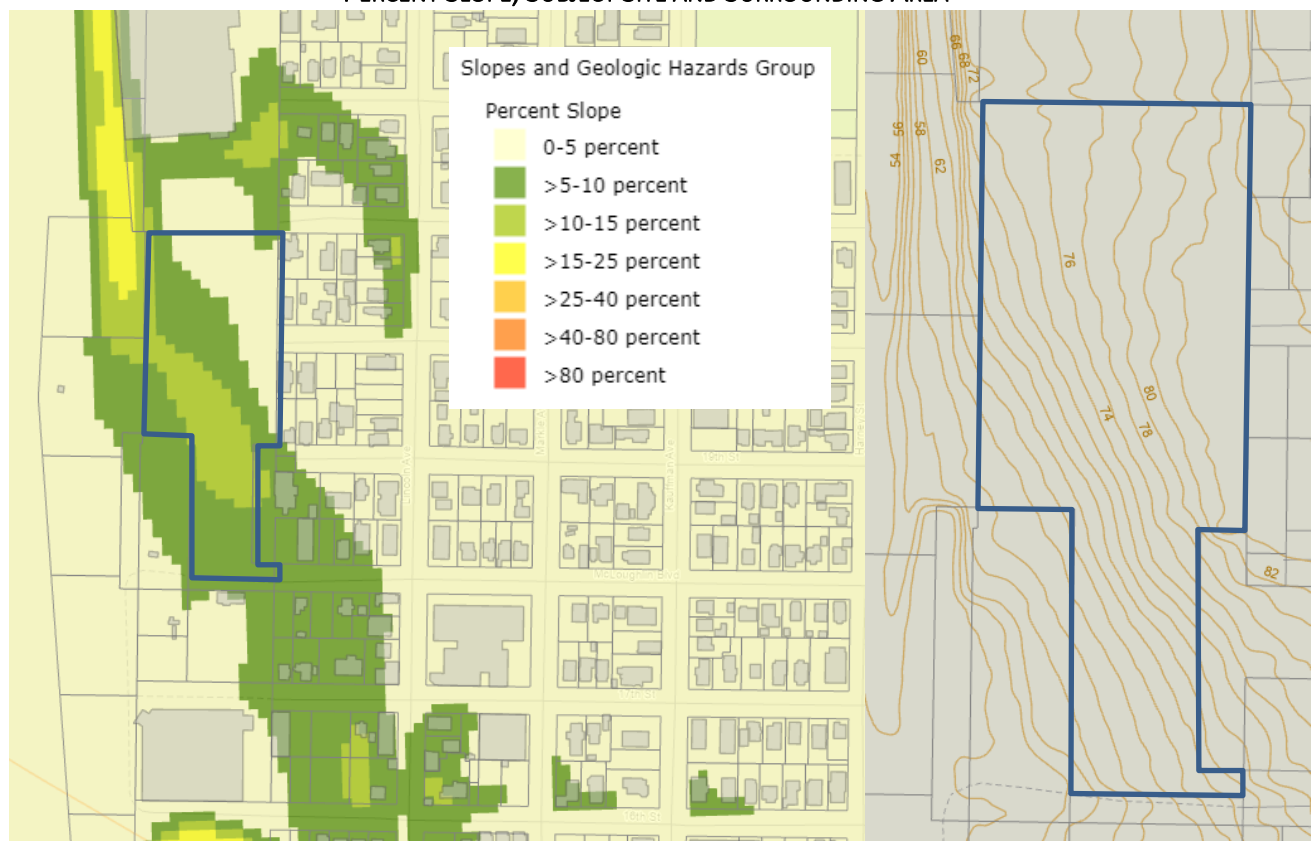
503/295-7832



The site is bound by the Burlington Northern railyard to the west, industrial uses to the north and south, and an established residential neighborhood to the east. Access to the site would need to be through the residential neighborhood and then either north to Fourth Plain or south to Mill Plain for regional access.

While the site has industrial uses to the north and south, it is poorly suited for industrial development due to significant slope issues and accessibility for trucks. Industrial development has limited options to deal with slope, with most industrial development consisting of large footprint single story structures which require flat development parcels. Mitigating slope issues through extensive grading and sitework is costly and difficult to recover in a land use with limited development yield in terms of space. Other development forms such as office and residential have more flexibility to deal with slope, with smaller footprints and multi-story structures providing options to mitigate the impact. The typical rule of thumb is that slopes over 5% preclude industrial development. As shown in the following maps, the site is significantly impacted by high slopes, with the only flat portion of this site also the location of the stand of heritage trees in the northeast corner. The map also demonstrates that the industrial properties to the north lack steep slopes.

PERCENT SLOPE, SUBJECT SITE AND SURROUNDING AREA



SOURCE: Clark County GIS

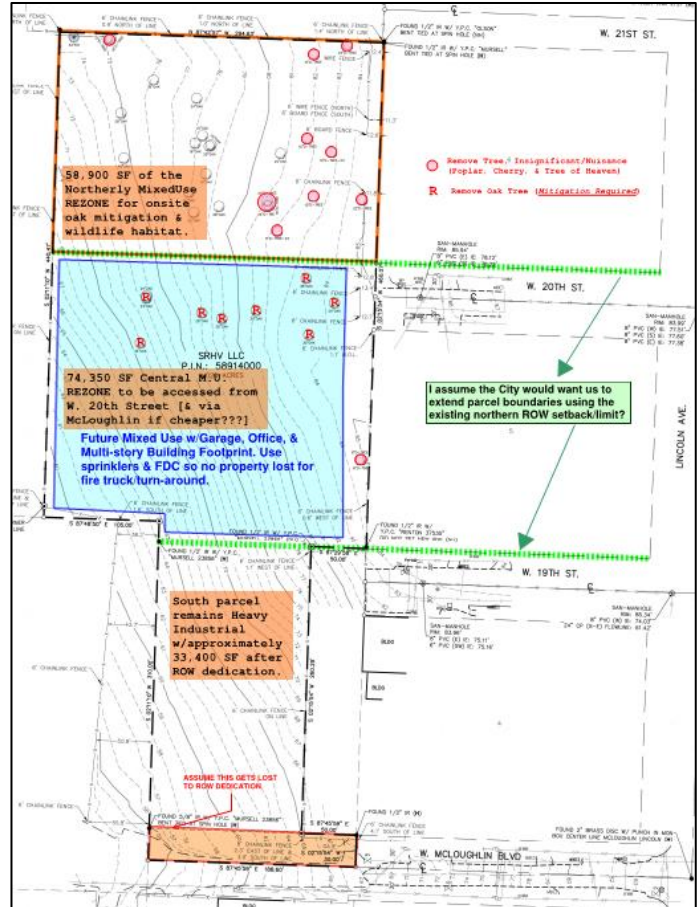
Access to the site will require traffic to flow through the Hough neighborhood until it can access Fourth Plain or Mill Plain. This will effectively prohibit larger trucks because the residential streets are too narrow for these trucks to turn at the intersections. This will discourage prospective industrial owners and tenants. Truck traffic would also conflict with residential neighbors, who are not accustomed to truck traffic. The property owner is proposing to use the northernmost portion of the site for tree preservation. The central portion of the site could be developed as a mixed-use building with a below-grade parking garage. The southern portion of the site would remain in the current zoning and be developed as industrial.



Rezoning the northern portion of the property (133,250 square feet) and developing it as proposed could yield a significant level of development in a format that can deal with the site's slope constraints. The lower elevations at the western edge of the site would be used for structured parking, which would allow for increased intensity of development while also providing views for upper story uses. The economics of structured parking would not be viable for industrial development.

The southern portion of the site south of W. 19th would remain zoned industrial. This will remain very difficult to develop due to slope, with a 25 foot grade differential on this parcel. The site may be able to be regraded as part of the broader development, but the likely yield will be limited.

Rezoning the northern portion of the site for mixed-use will allow for effective utilization of the site. Without the rezone the site would be unlikely to develop in the foreseeable future due to its significant slope. It is unsurprising that the site remains undeveloped, and we can envision no viable industrial use solution for the site. While the site could be developed with extensive and costly regrading and retaining walls, it would not be economically viable for industrial uses. The site's constrained access already limits marketability.



Fossil Fuel Facilities Proposed Code Changes

September 13, 2022
Planning Commission
Public Hearing

Chad Eiken, CDD Director
Bryan Snodgrass,
Principal Planner, CDD

BERK Consulting
Lisa Grueter
Jason Hennessy

Presentation Overview

- Fossil Fuel Moratorium Background
- Prior PC and Council Review
- Proposed Code Changes
- Stakeholder Input To-Date
- Key Remaining Policy Questions
- Council Input from 9/12 Workshop
- Staff Recommendation



Fossil Fuel Facility Moratorium Background

- Enacted June 2020, most recently extended on June 6, 2022; set to expire November 6, 2022, unless extended
- Moratorium applies to new or expanded large-scale fossil fuel facilities over 2 million gallons in capacity
- Does not apply to storage or use of petroleum for commercial sales or industrial processes or maintenance or repair of existing facilities
- Council direction: promote public safety and environmental protection and implement climate-friendly policies related to fossil fuels; prohibit new bulk fossil fuel facilities; consider whether expansions should be allowed; keep new regulations simple

Prior Planning Commission and Council Review

December 2020 City Council enacted moratorium	May 25, 2021 Planning Commission workshop	July 27, 2021 Planning Commission workshop	March 8, 2022 Planning Commission workshop
June 6, 2022 City Council extension of moratorium	July 12, 2022 Planning Commission workshop	August 1, 2022 City Council workshop	Sept. 12, 2022 City Council workshop

Proposed Fossil Fuel Code Changes (VMC Title 20)

Create three new land use categories for Fuel Storage and Handling Facilities:

- Bulk Fossil Fuel
- Cleaner Fuel
- Small Fossil Fuel

Proposed Fossil Fuel Code Changes (VMC Title 20)

Bulk Fossil Fuel Facilities

- Prohibit any new facility in all zoning districts
- Allow for maintenance and upgrades to existing facilities
- Allow conversion of existing facilities to Cleaner Fuels
- Allow converted facilities to expand by up to 15%, subject to conditional use permit (CUP), SEPA and development standards

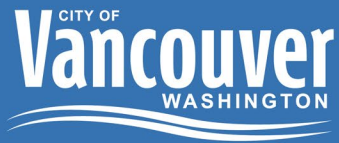
Cleaner Fuel Facilities

- **Option A:** Prohibit new facilities in all zoning districts
- **Option B:** New Cleaner Fuel Facilities allowed subject to CUP/SEPA
 - Size cannot exceed the smaller of 1 million gallons or site acreage of 3 acres

Small Fossil and Cleaner Fuel Facilities

- <60,000 gallons capacity
- Allow in the IH Heavy Industrial District subject to CUP/SEPA and development standards including must be 1,000' from residential zones
- Prohibit in all other zoning districts

Proposed Fossil Fuel Code Changes (VMC Title 20)



Add new Special Use Standards as VMC 20.895.110

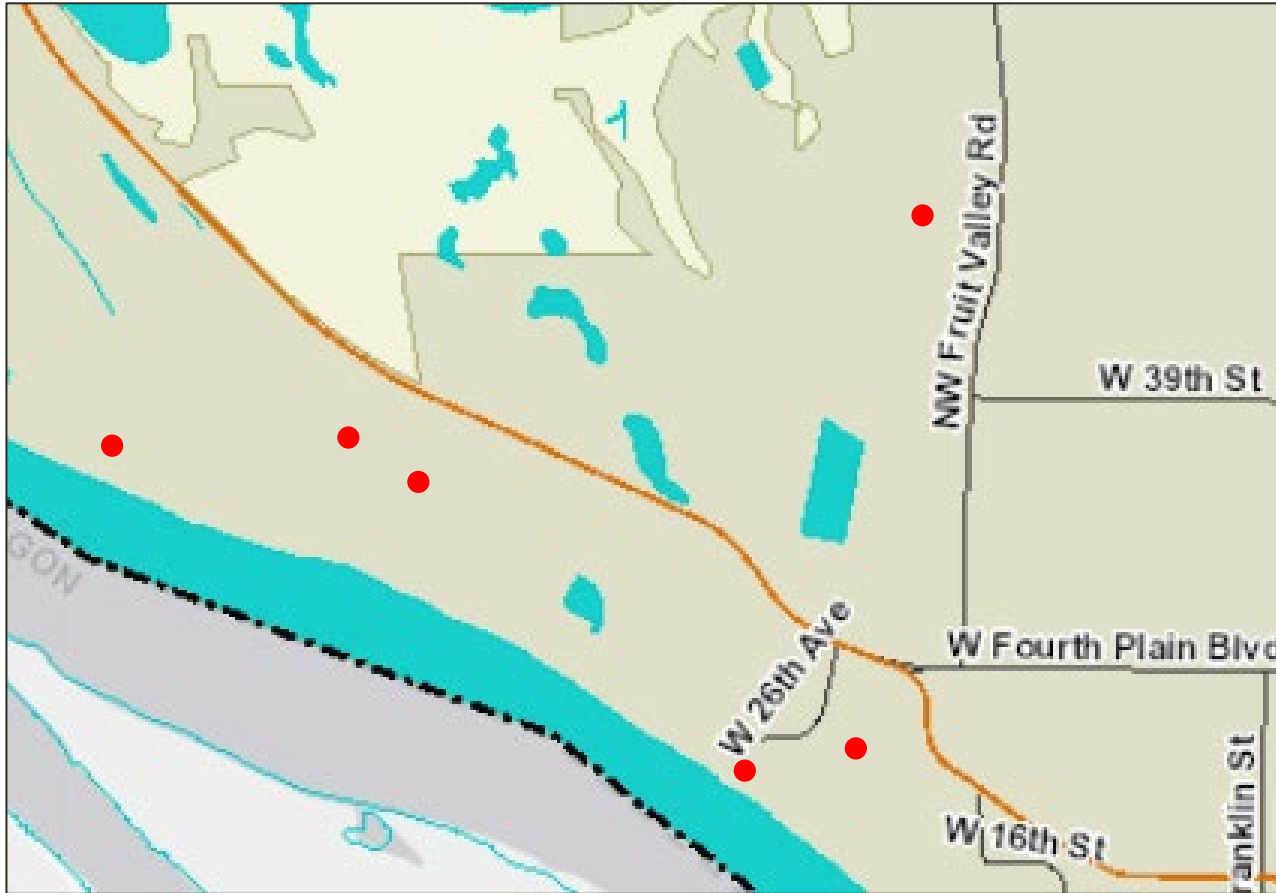
- Purpose & Applicability references Public Health and Safety ***NEW***
- Documentation of baseline capacity even for existing facilities
- 15% expansion of existing bulk facilities allowed if converted to cleaner fuels subject to requirement for seismic upgrades and other development standards
- New facilities must be sited >1,000 feet from any residential zoning district ***NEW***

Proposed Fossil Fuel Code Changes (VMC Title 20)

Other Code “Clean-up” Amendments

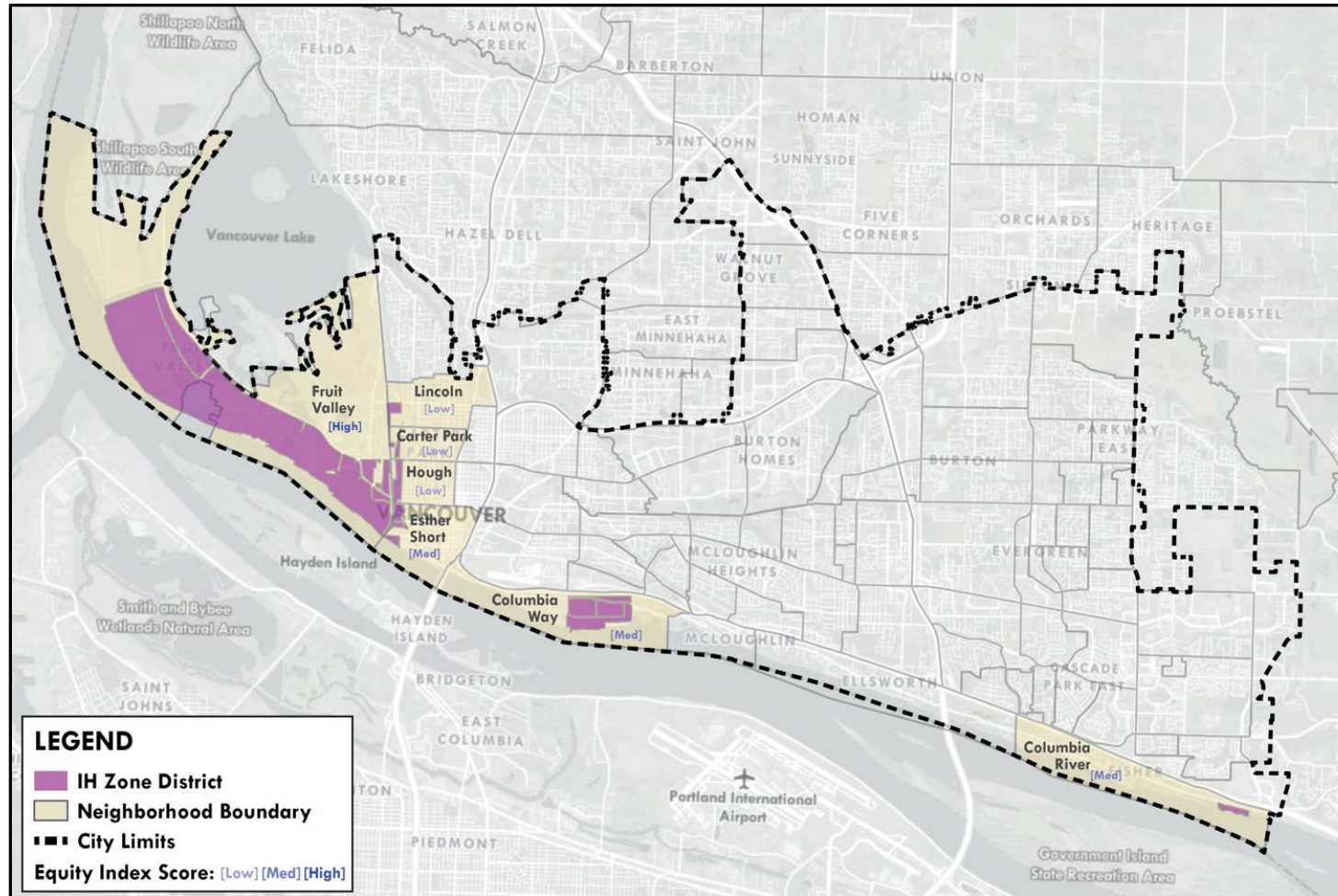
- Delete solid fuel (e.g., coal) storage yards from Industrial Services land use description
- Delete reference to coal-fired electricity generation facility as an example of major utility facilities
- Delete use category “bulk crude storage” to be replaced by bulk fossil fuel storage and handling facilities

Existing Bulk Fossil Fuel Facilities



- 6 existing facilities identified, on lands with moderate to high liquefaction susceptibility in the event of an earthquake
- The facilities generally process, store, or transport propane, natural gas, and petroleum products

Heavy Industrial (IH) District and Equity Map



Stakeholder Outreach

- Port of Vancouver and NuStar (tenant)
- Western States Petroleum Association (WSPA)
- Tidewater
- SW Washington Beyond Fossil Fuel Task Force
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Two Key Remaining Policy Issues

Two policy issues resulting from public input, and one clean-up item are not addressed by the current draft code changes, as follows:

1. Policy: Should small fuel facilities be allowed as a limited use in the IH District instead of a conditional use?
2. Policy: Should new cleaner fuel facilities of up to 1 million gallons be prohibited, or allowed in the IH District as a conditional use?
3. Change existing bulk fossil fuel facilities from 'prohibited' to 'conditional use' in the IL District to allow one existing facility to be upgraded and expand

Key Policy Issue #1

Allow Small Fossil Fuel Facilities as a Limited Use instead of Conditional Use?

- Draft code would require a conditional use permit (CUP) for new small fossil fuel facilities (<60,000 gals.)
- Proposed alternative to allow small *cleaner* fuel facilities as a limited use, subject to development, standards in order to incentivize transition from fossil fuels

Staff Analysis: Key Policy Issue #1

Allow Small Fossil Fuel Facilities as a CUP, or Limited Use?

- CUP provides maximum public input (public hearing) regarding siting of small fossil fuel facilities but adds process and ‘uncertainty’ regarding conditions
- Limited use would be an administrative process with public notice/comment and would require compliance with fixed development standards and SEPA review
- Limited use would not compromise public health and safety or environmental protection
- Incentivizing cleaner fuel facilities would be in alignment with the proposed Climate Action Framework
- Staff would support allowing small *cleaner fuel* facilities as a limited use, and small *fossil fuel* facilities as a conditional use in the IH District

Key Policy Issue #2

Prohibit New Cleaner Fuel Facilities, or Allow Them?

- First public draft of fossil fuel code changes emphasized public safety over climate action and included a prohibition on any new cleaner fuel facility
- More recent input through public engagement process urges City to allow path for new cleaner fuel facilities in order to help transition away from fossil fuel sources
- Accordingly, staff modified draft code changes to include an “Option A” and “Option B” regarding new cleaner fuel facilities

Staff Analysis: Key Policy Issue #2

Option A - Prohibit New Cleaner Fuel Facilities

- Provides maximum safety to public by removing risks from fire and explosion, spill impacts upon surface and groundwater sources, etc.
- Draft code contemplates allowing existing fossil fuel facilities to be converted to cleaner fuels with minimal process, and slightly expanded if converted
- Would not preclude reconsideration of a code amendment at a later date to allow specific types of cleaner fuel facilities, when more is known about future of fuel economy, automotive technology, etc.
- However, would likely hinder parallel efforts locally to advance climate action goals that promote a transition from fossil fuels to cleaner fuels

Staff Analysis: Key Policy Issue #2

Option B - Allow New Cleaner Fuel Facilities

- Would support parallel efforts locally to advance climate action goals that promote a transition from fossil fuels to cleaner fuels; signals City is open to greener fuels
- Concerns about risks to public safety and environment would be addressed by approval process and development standards, as follows:
 - Conditional use permit, SEPA (Environmental Review) required
 - Min. 1,000' buffer from residential zoning
 - Maximum size = 1M gallons or 3 acres of land, whichever is smaller
 - Construction to seismic standards; approval of fire response and spill control plans
 - Greenhouse gas emission study
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 - Annual report to City regarding capacity, shipment activity/type
 - Permit oversight by SW WA Clean Air Agency and WA Department of Ecology

Clean Up Item

One existing bulk fuel facility is located in the IL District. To allow for maintenance and expansion as the other facilities, staff recommends making existing facilities a conditional use in the IL District.

USE	OCI ²⁰	IL ¹	IH	ECX ²⁷
Railroad Yards	X	X	P	X
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SEPA

(State Environmental Policy Act)

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- Three SEPA Comment Letters Received by deadline:
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City Council Input from 9/12 Workshop

*Staff will provide verbal overview
of City Council input from 9/12
Workshop at public hearing*

Staff Analysis & Summary

Proposed Fossil Fuel Code Changes

- Responsive to and consistent with moratorium and Council direction
- Balance priorities of public safety, environmental protection, and climate action
- No additional large fossil fuel facilities would be allowed; modest expansions could be permitted if converted to cleaner fuels, upgraded to seismic codes, etc.
- Concerns about risks to public safety and environment from expansions, new cleaner fuel facilities, and small fossil fuel facilities would be addressed by approval process and development standards

Staff Recommendation



Staff recommends that Planning Commission recommend approval to City Council of the proposed fossil fuel code changes, with minor changes as outlined on previous slides.



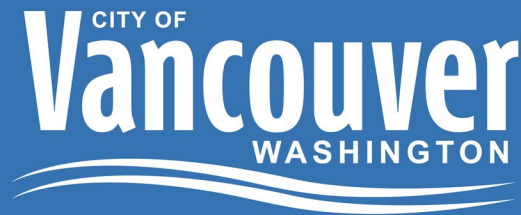
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- Prohibit any new facility in all zoning districts
- Allow for maintenance and upgrades to existing facilities
- Allow conversion of existing facilities to Cleaner Fuels
- Allow converted facilities to expand by up to 15%, subject to conditional use permit (CUP), SEPA and development standards

Cleaner Fuel Facilities

- Prior draft would prohibit New Cleaner Fuel Facilities but allow conversion of existing
- Instead, staff recommends allowing New Cleaner Fuel Facilities in the IH District subject to conditional use and specific conditions

(Both Options Discussed Below)

Small Fossil and Cleaner Fuel Facilities

- <60,000 gallons capacity
- Allow in the IH Heavy Industrial District subject to specific standards including must be 1,000' from residential zones
- Staff recommends allowing small cleaner fuel uses as 'limited use' and fossil fuel facilities as 'conditional use'

Proposed Fossil Fuel Code Changes (VMC Title 20)



Add new Special Use Standards as VMC 20.895.110

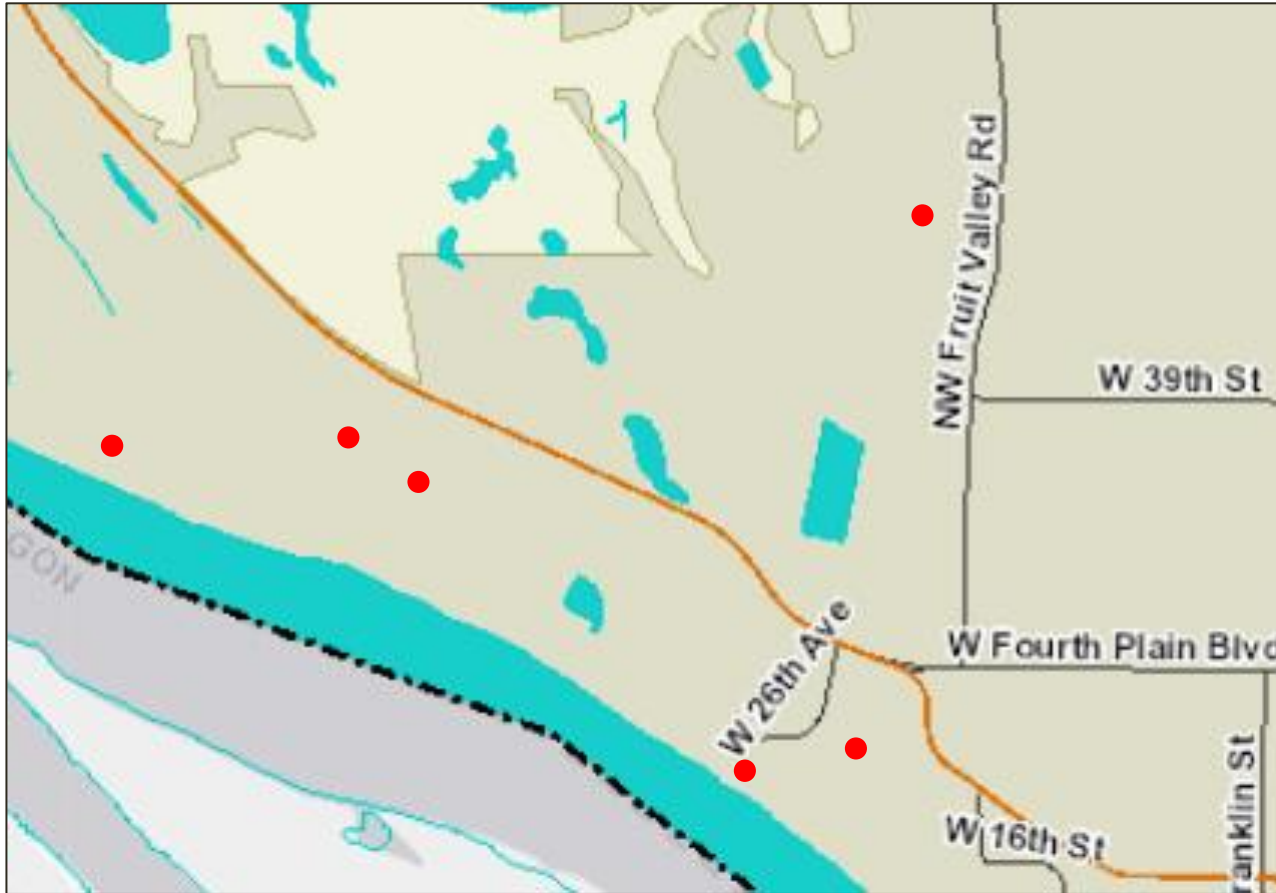
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- Delete solid fuel (e.g., coal) storage yards from Industrial Services land use description
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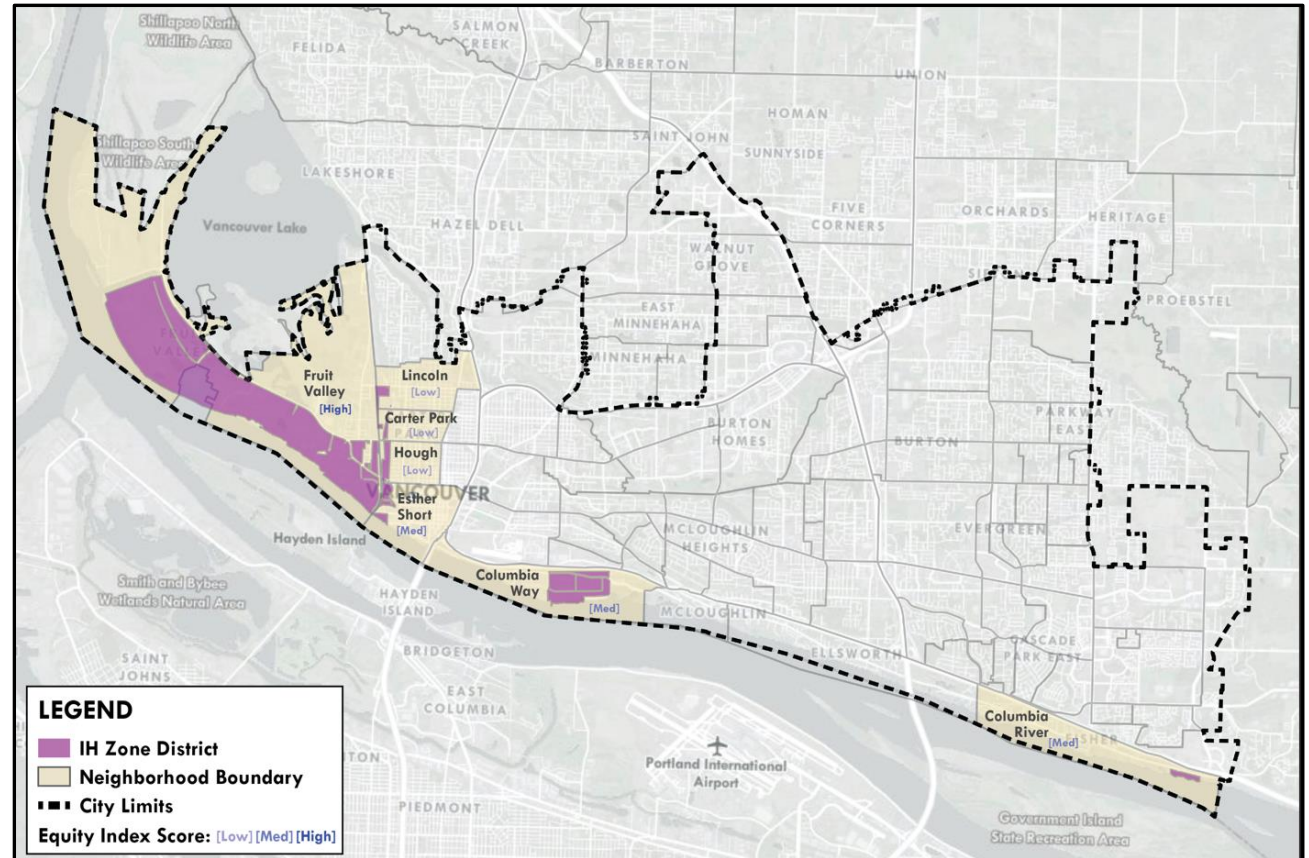
Existing Bulk Fossil Fuel Facilities



- 6 existing facilities identified, on lands with moderate to high liquefaction susceptibility in the event of an earthquake
- The facilities generally process, store, or transport propane, natural gas, and petroleum products

Heavy Industrial (IH) District and Equity Map

- Most of IH District is within Fruit Valley Neighborhood Association (FVNA)
- FVNA has high Equity Index (lower incomes, higher % non-white households, etc.)
- Proposed code changes prohibit new bulk facilities, limit new or expanded fuel facilities to address impacts to vulnerable neighborhoods



Stakeholder Outreach

- Port of Vancouver and NuStar (tenant)
- Western States Petroleum Association (WSPA)
- Tidewater
- SW Washington Beyond Fossil Fuel Task Force
- Friends of the Gorge
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Key Policy Issue #1

Allow Small Fossil Fuel Facilities as a Limited Use instead of Conditional Use?

- Draft code would require a conditional use permit (CUP) for new small fossil fuel facilities (<60,000 gals.)
- Proposed alternative to allow small *cleaner* fuel facilities as a limited use, subject to development, standards in order to incentivize transition from fossil fuels

Limited Use vs. Conditional Use Permit

Limited Use	Conditional Use
1. Administrative approval (by staff)	1. Approval by City Hearing Examiner
2. Public notice (14-day) for other application, e.g. site plan review	2. Public notice (30-day) and public hearing required
3. Relies on pre-defined conditions and mitigation measures	3. Additional conditions can be required based on specific project impacts
4. Appeal to Hearing Examiner (if related to impacts, would need to be under SEPA)	4. Appeal to City Council (if related to impacts, would be under SEPA <i>or</i> conditional use permit)
5. Lower permit cost, faster review, generally more certainty for applicants	5. Higher permit cost, more public process, less certainty for applicant due to unknown conditions
	6. Applicant's failure to comply with conditions may result in revocation of conditional use permit

Staff Analysis: Key Policy Issue #1

Allow Small Fossil Fuel Facilities as a CUP, or Limited Use?

- CUP provides maximum public input (public hearing) regarding siting of small fossil fuel facilities but adds process and ‘uncertainty’ regarding conditions
- Limited use would be an administrative process with public notice/comment and would require compliance with fixed development standards and SEPA review
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- Incentivizing cleaner fuel facilities would be in alignment with the proposed Climate Action Framework
- Staff would support allowing small *cleaner fuel* facilities as a limited use, and small *fossil fuel* facilities as a conditional use in the IH District

Key Policy Issue #2

Prohibit New Cleaner Fuel Facilities, or Allow Them?

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- More recent input through public engagement process urges City to allow path for new cleaner fuel facilities in order to help transition away from fossil fuel sources
- Accordingly, staff modified draft code changes to include an “Option A” and “Option B” regarding new cleaner fuel facilities

Staff Analysis: Key Policy Issue #2

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- Draft code contemplates allowing existing fossil fuel facilities to be converted to cleaner fuels with minimal process, and slightly expanded if converted
- Would not preclude reconsideration of a code amendment at a later date to allow specific types of cleaner fuel facilities, when more is known about future of fuel economy, automotive technology, etc.
- However, would likely hinder parallel efforts locally to advance climate action goals that promote a transition from fossil fuels to cleaner fuels

Staff Analysis: Key Policy Issue #2

Option B - Allow New Cleaner Fuel Facilities by CUP

- Would support parallel efforts locally to advance climate action goals that promote a transition from fossil fuels to cleaner fuels; signals City is open to greener fuels
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USE	OCI ²⁰	IL ¹	IH	ECX ²⁷
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<u>Cleaner Fuel Storage and Handling Facilities</u>	X	X	C ³⁷	X
<u>Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities</u>	X	X	C ³⁷	X



Clean Up Items (cont.)

- VMC 20.160: Modify draft definition of Bulk Fossil Fuel Facility to delete “used to generate energy” to eliminate confusion (*Port of Vancouver comment*)
- VMC 20.160: Modify draft definition of Small Fossil Fuel or Cleaner Fuel Facility to allow accessory emergency generators outright (*Port of Vancouver comment*)
- VMC 20.440: Make industrial use table clear that existing bulk fossil fuel facilities are permitted, vs. non-conforming (*WSPA comment*)
- VMC 20.895.110: Make it clear that, so long as overall percent of fossil fuel does not increase, a partially-converted facility may move fuel to different storage tanks on-site (*Port of Vancouver comment*)

SEPA

(State Environmental Policy Act)

- Prior SEPA completed in 2021, withdrawn to allow for further analysis
- New SEPA DNS issued in August 2022
- Three SEPA Comment Letters Received by deadline:
 - Washington State Petroleum Association
 - Port of Vancouver
 - ACE
- Deadline to File SEPA Procedural Appeal is 9/13/22

City Council Input from 9/12/22 Workshop

Following a staff presentation and discussion of the two key policy issues at their workshop on 9/12/22, a majority of City Council provided the following input:

1. Support allowing small cleaner fuel facilities as a limited use in the IH District, with small fossil fuel facilities as a conditional use
2. Support allowing new cleaner fuel facilities of up to 1M gallons/3 acres in the IH District by conditional use

Staff Analysis & Summary

Proposed Fossil Fuel Code Changes

- Responsive to and consistent with moratorium and Council direction
- Balance priorities of public safety, environmental protection, and climate action
- No additional large fossil fuel facilities would be allowed; modest expansions could be permitted if converted to cleaner fuels, upgraded to seismic codes, etc.
- Concerns about risks to public safety and environment from expansions, new cleaner fuel facilities, and small fossil fuel facilities would be addressed by approval process and development standards

Staff Recommendation



Staff recommends that Planning Commission recommend approval to City Council of the proposed fossil fuel code changes, with minor changes as outlined on previous slides.



Next Steps

- October 3: City Council Public Hearing (tentative)
- November 5: Ordinance takes effect
- November 8: Moratorium Expires

Questions and Discussion

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Sample Motion Language

The Planning Commission recommends City Council adoption of fossil fuel facility standards as recommended by staff in the proposal dated August 11, 2022, with modifications dated September 6, 2022, based on the findings and conclusions in the staff report dated September 2, 2022.

Clean-up Item: Allow Existing Bulk Fuel in IL District

Trillium CNG (also referred to as NuStar Annex)

Fruit Valley Rd.

- Compressed Natural Gas Facility



Existing Bulk Fossil Fuel Facilities

Tidewater Barge Lines (Class 1)

- 1.3 M gallons tanks storing diesel fuel
- Miscellaneous fueling stations and tanks with lube oil, gasoline, diesel, and used oil totaling less than 20K gal



Existing Bulk Fossil Fuel Facilities



NGL Energy Partners

- Bulk propane terminal with storage capacity of 640,000 gallons

TriStar Fuel Transfer Facility

- Container loading and unloading services for propane and butane

Existing Bulk Fossil Fuel Facilities

Tesoro (Class 1)

- 6.4 M gal diesel
- 5.1 M gal gasoline
- Misc. ethanol, B-1, less than 20 K gal

NuStar Energy (Class 1)

- 17.8 M gal jet fuel
- Misc. additives = 10 K gal



06 / 08 / 2020

ORDINANCE NO. M-4295

AN ORDINANCE declaring an emergency and adopting a six-month temporary moratorium prohibiting the establishment of new, or expansion of existing, large-scale fossil fuel facilities; directing staff to formulate recommendations addressing the circumstances necessitating the moratorium; and establishing an immediate effective date.

WHEREAS, the City of Vancouver is a Charter City of the First Class and has the authority to adopt temporary moratoria pursuant to the City's constitutional police powers, home rule authority, RCW 36.70A.390, and 35.63.200; and

WHEREAS, "Goal 1" of the City of Vancouver's 2016-2021 Strategic Plan is to "[e]nsure our built urban environment is one of the safest, most environmentally responsible and well maintained in the Pacific Northwest;" and

WHEREAS, local governments have a core responsibility for upholding the public health, safety, and welfare, mitigating and preparing for disasters, protecting and preserving natural systems and supporting economic development; and

WHEREAS, the City of Vancouver and the greater Pacific Northwest are vulnerable to powerful subduction zone earthquakes that occur with periodic frequency along the Juan de Fuca and North American plates; and

WHEREAS, geologic research has shown that subduction zone earthquakes have occurred along the Pacific Northwest with relative regularity over the last 10,000 years, and if

averages from past events are predictive, the region could be overdue for another powerful subduction zone earthquake; and

WHEREAS, many of the city's buildings and critical infrastructure were built before the city's seismic exposure was widely understood; and

WHEREAS, the Clark Regional Emergency Services Agency has identified Critical Facilities and Infrastructure (including Hazardous Materials, Energy Facilities, Transportation Systems, and Water and Sanitation Systems) to be co-located within areas of the City with a "Moderate to High" liquefaction susceptibility (see Exhibits A-1, A-2: Clark Regional Natural Hazard Mitigation Plan, Vol. 2 – Planning Partner Annexes, Aug. 2017, pp. 156-157); and

WHEREAS, the City of Vancouver's drinking water (almost 26 million gallons per day) is supplied entirely from groundwater resources; and

WHEREAS, the vast majority of Vancouver's drinking water (approximately 90%) is supplied from the Troutdale, Upper Orchards and Lower Orchards Aquifers, the boundaries of which are often blurred (the Orchards Aquifer is likely an alluviated portion of the Troutdale with little or no silica cementing), and historical water monitoring indicates that water moves vertically through the hydrogeologic layers of these aquifers; and

WHEREAS, facilities that store or process hazardous materials have been recognized to present an increased risk of spills or leaks (see Exhibit B), and a greater concentration of such facilities renders the City's water supply at an increased susceptibility to contamination, particularly in the event of a powerful earthquake; and

WHEREAS, prior Vancouver city councils have endeavored to protect City water resources by establishing development regulations and minimum standards to reduce the risks of

contaminants entering water resources by enacting local ground and surface water regulations in the form of a Water Resource Protection Ordinance, Title 14.26 VMC; and

WHEREAS, recognizing the risks posed by transportation of one particular fossil fuel (petroleum), prior Vancouver city councils have encouraged agencies to deny permits for facilities that increase the transportation of Bakken crude oil through Clark County (June 2014, Resolution M-3821), restricted the expansion of crude petroleum facilities by way of a moratorium (Sept. 2014, Resolution M-4090), and made corresponding revisions to the City land use code (Title 20.150 VMC); and

WHEREAS, this City Council recognizes that the storage, transfer, processing and handling of other fossil fuels within the City pose risks to safety, health, and livability, including mobility of people, other freight, and other commercial vehicles which are potentially catastrophic in magnitude; and

WHEREAS, this City Council finds that it is appropriate to conduct review and analysis of its current vulnerabilities to determine whether, and if so how, the purposes of Title 20 and Title 14.26 VMC may continue to be fulfilled while accommodating the establishment of new, or expansion of existing, large-scale fossil fuel facilities; and

WHEREAS, in addition to the foregoing, on January 17, 2020, the Ninth Circuit Court of Appeals found that “Copious expert evidence” establishes that an unprecedented rise in the Earth’s carbon concentration levels stems from fossil fuel combustion, and if left unchecked, such levels will wreak havoc on the Earth’s climate; stating further: “The problem is approaching ‘the point of no return.’ Absent some action, the destabilizing climate will bury cities, spawn life-threatening natural disasters, and jeopardize critical food and water supplies.” (Hon.

Andrew D. Hurwitz, Circuit Judge authoring the majority opinion of Juliana v. United States, No. 18-36082, p.13 (9th Cir., Jan. 17, 2020); and

WHEREAS, studies conducted by the University of Oregon have found that the effects of climate change on water supplies, public health, coastal and storm damage, wildfires, and other impacts, will cost Washington almost \$10 billion per year after 2020, unless we take additional actions to mitigate these effects (Washington State Executive Order No. 14-04); and

WHEREAS, the University of Washington has found that Washington State has experienced long-term warming, a lengthening of the frost-free season, more frequent nighttime heat waves, rising sea levels along most of Washington's coast, increased coastal ocean acidity, declining glacial area and spring snowpack, and changes in the peak streamflows in many rivers to earlier in the year; such that three key areas of risk, specifically changes in the natural timing of water availability, sea level rise and ocean acidity, and increased forest mortality, will likely bring significant consequences for the economy, infrastructure, natural systems, and human health of the region (Washington State Executive Order No. 14-04; University of Washington summary of existing knowledge regarding the causes, impacts, and effects of climate change on Washington State); and

WHEREAS, the scientifically projected increase of forest mortality poses a unique, and heightened threat to the quality of life enjoyed by residents of the City of Vancouver, which has been annually recognized as "Tree City USA" since 1989; and

WHEREAS, the scientifically projected changes to streamflows pose a unique, and heightened threat to the life, health, safety, and economic vitality enjoyed by residents of the City of Vancouver, as it has been long-recognized that "one of the greatest assets of Vancouver is its shoreline along the Columbia River" (August 1991, Resolution M-2739); and the City has made

significant financial investments to complete capital improvements such as the Waterfront Development Project and Columbia River Renaissance Trail, in order to “draw walkers and bikers to the water’s edge” and “reinforce recognition of the [Columbia River] waterfront as a place of community-wide enjoyment” (June 1993, Resolution M-2836); and

WHEREAS, large-scale fossil fuel facilities create significant public health risks, including air pollution resulting in impaired respiratory functions from fine particulates, noise pollution affecting hearing loss and psychological health, and exposure to heavy metals and contaminated drinking sources resulting in cancers, premature death and lung and heart diseases; and

WHEREAS, fossil fuels including petroleum, coal and natural gas, are a major source of carbon dioxide, heavy metals, nitrogen oxide and sulfur dioxide, and each has a demonstrated nexus to climate change and environmental pollution; the Vancouver City Council has grave concerns regarding the safety of Vancouver City residents and the environment, and the strain on public services and existing infrastructure resulting from the siting and operation of new, or expansion of existing, large-scale fossil fuel facilities; and

WHEREAS, the City of Vancouver is preparing to update the City Strategic Plan, the Vancouver City Center Vision (“VCCV”), and make annual updates to Title 20 VMC; and it is appropriate to facilitate citizen engagement, and undertake appropriate review of large-scale fossil fuel zoning and siting considerations in order to mitigate avoidable risks of catastrophic harm and ensure that any resiliency goals the City Council may adopt as part of the City Strategic Plan are capable of being fully realized; and

WHEREAS, the City Council finds that in order to preserve the ability to develop the Strategic Plan, VCCV, and Title 20 updates, with the widest range of choices and alternatives for

future development, it is necessary to temporarily restrict the establishment of new, or expansion of existing, large-scale fossil fuel facilities until the strategy and corresponding code updates are completed; and

WHEREAS, a temporary moratorium will enable the City to hold public hearings and maximize public input in the siting of new, or expansion of existing, large-scale fossil fuel facilities without jeopardizing any possible land use options that may be precluded by unrestricted development; and

WHEREAS, a temporary moratorium as proposed herein will allow City staff additional time to research and develop appropriate strategies to mitigate risks associated with the establishment of new, or expansion of existing, large-scale fossil fuel facilities in the future, through amendments to existing zoning ordinances if necessary; and

WHEREAS, the City Council believes that a temporary moratorium promotes the public health, safety, and general welfare of the people of Vancouver, and will encourage the most desirable and productive use of land and community resources; and

WHEREAS, a public hearing on this ordinance establishing a temporary moratorium will be held within 60 days of the adoption of this ordinance; and

WHEREAS, it is necessary that this ordinance go into effect immediately in order to avoid a rush of applications for new or expanded development of large-scale fossil fuel facilities.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. The recitals to this ordinance are hereby incorporated by this reference. City staff is directed to formulate recommendations addressing the circumstances necessitating this moratorium.

Section 2. Definitions. For the purposes of this ordinance:

A. “Fossil fuels” means petroleum and petroleum products, coal, and natural gasses, including without limitation methane, propane and butane, derived from prehistoric organic matter and used to generate energy. Fossil fuels do not include by-products such as asphalt, plastics, fertilizers, paints, or denatured ethanol.

B.1. “Large-scale fossil fuel facilities” means:

a. Facilities engaged in the wholesale distribution, extraction, refinement or processing of fossil fuels;

b. Terminals engaged in the bulk movement of fossil fuels (excluding railyards, fuel storage for airports, and fuel storage for marine servicing facilities);

c. Bulk coal storage: any structure, group of structures, equipment, or device that stores or transfers coal for use in the production of electricity or power.

d. Coal power plant: a thermal power station which burns coal to generate electricity or other usable power.

e. Natural gas processing: any facility which (i) separates natural gas components to recover usable natural gas liquids (*i.e.*, liquefied petroleum or natural gas), or (ii) produces natural gas suitable for transport (*i.e.*, pipeline quality dry natural gas), or (iii) processes natural gas to create methanol or other chemical products.

f. Natural gas storage and handling: any structure, group of structures, equipment, or devices that stores or transfers natural gas for use in the production of electricity or power, or for further processing (excluding facilities that create energy from landfill gas).

g. Bulk storage of one type of fossil fuel, or a combination of multiple types of fossil fuels, in excess of two million gallons.

2. “Large-scale fossil fuel facilities” do not include facilities that solely provide direct sales or distribution to consumers (*e.g.*, gas stations are not large-scale fossil fuel facilities).

Section 3. Temporary Moratorium. As authorized by the City’s constitutional police powers, home rule authority, RCW 36.70A.390 and RCW 35.63.200, the City Council hereby adopts a temporary moratorium on the acceptance, processing, and granting of applications for permits for establishment of new, or expansion of existing, large-scale fossil fuel facilities.

Section 4. Exemptions. The moratorium established in Section 2 of this ordinance shall not apply to permits required for upkeep, repair, or maintenance of existing buildings or properties, or work mandated by the City to maintain public health and safety.

Section 5. Duration. This moratorium shall be in effect for six months following the effective date of this ordinance.

Section 6. Vested Rights. The moratorium created by this ordinance does not apply to properties with vested rights existing on the date of adoption of this moratorium ordinance. “Vested Rights” shall be defined in accordance with VMC 20.210.110.

Section 7. Severability. If any provision of this ordinance or its application to any person or circumstance is held invalid, or should any portion of this ordinance be preempted by state or federal law or regulation, the remainder of the ordinance or the application of the provision to other persons or circumstances shall survive and be unaffected.

Section 8. Effective date. The City Council hereby finds and declares that an emergency exists which necessitates that this ordinance become effective immediately in order to preserve the public health, safety and welfare. This ordinance shall become effective

immediately upon passage. The City Clerk is directed to publish a summary hereof including the title at the earliest possible publication date.

Ayes: Councilmembers Fox, Paulsen, Lebowsky, Glover, Stober, Hansen, Mayor McEnerny-Ogle

Nays: Councilmembers None

Absent: Councilmembers None

SIGNED this 8th day of June, 2020.

DocuSigned by:



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Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:



BCF6734E40E94AE...

Natasha Ramras, City Clerk

Approved as to form:

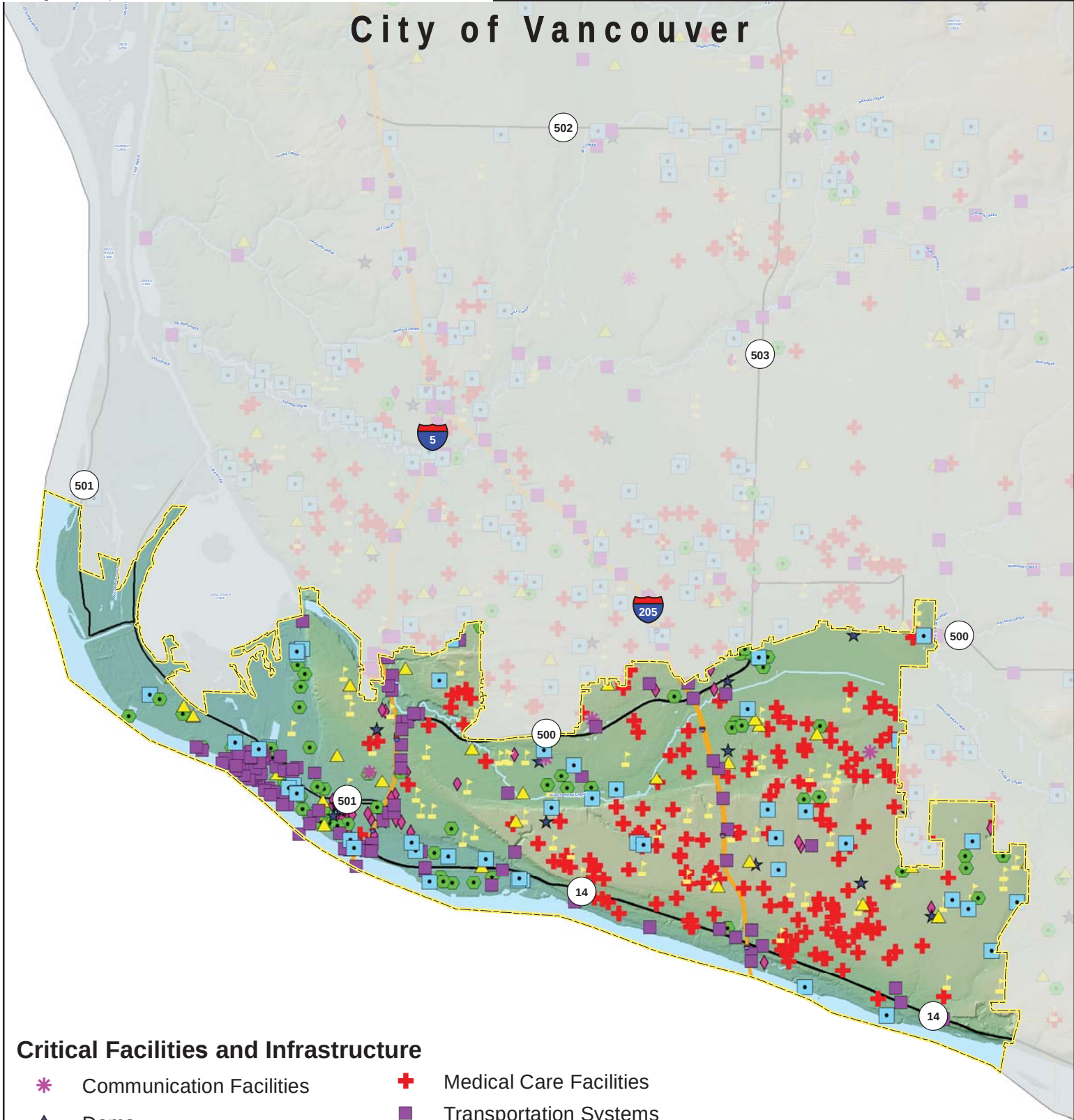
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Jonathan Young, City Attorney

City of Vancouver



Critical Facilities and Infrastructure

- Communication Facilities
- Dams
- Emergency Services
- Energy Facilities
- Hazardous Materials
- Medical Care Facilities
- Transportation Systems
- Schools
- Water and Sanitation Systems
- Other Facilities



Base Map Data Sources: Clark County, U.S. Geological Survey

0 1.25 2.5 5 Miles



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.

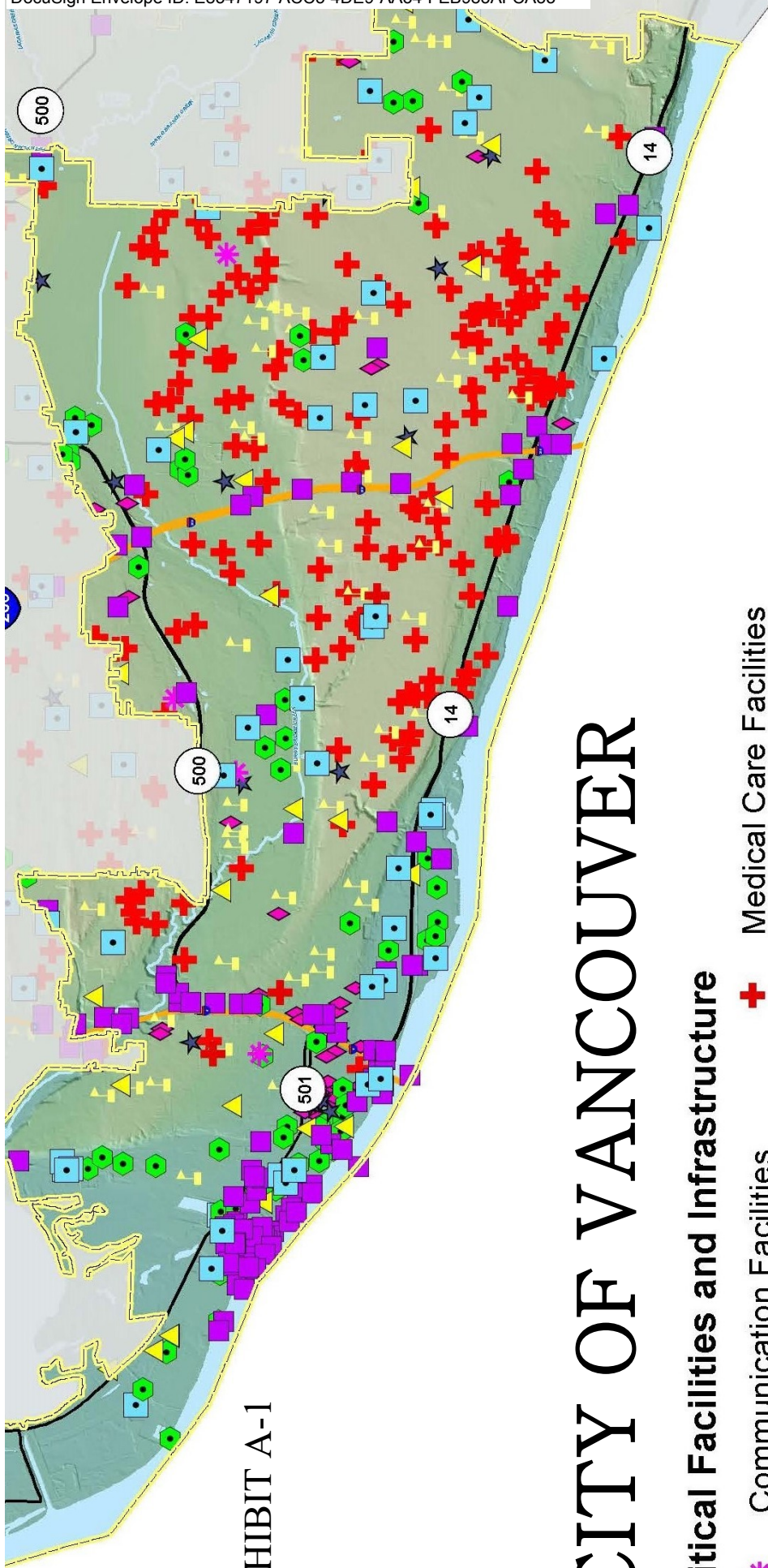
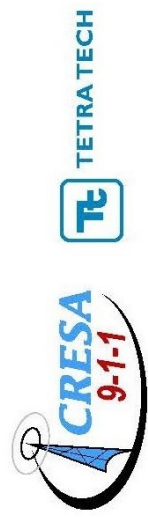


EXHIBIT A-1

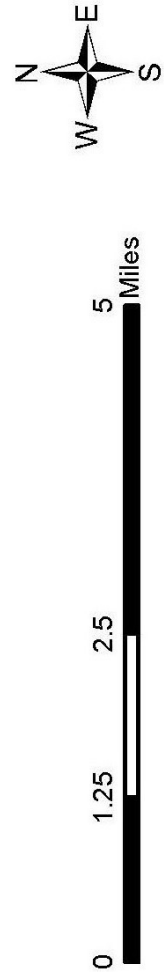
CITY OF VANCOUVER

Critical Facilities and Infrastructure

- | | | | |
|---|--------------------------|---|------------------------------|
| ✱ | Communication Facilities | + | Medical Care Facilities |
| ◆ | Dams | ■ | Transportation Systems |
| ★ | Emergency Services | ▲ | Schools |
| ▲ | Energy Facilities | ■ | Water and Sanitation Systems |
| ⬢ | Hazardous Materials | ◆ | Other Facilities |



Base Map Data Sources: Clark County, U.S. Geological Survey



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City of Vancouver



Liquefaction Susceptibility

- Moderate to High
- Moderate
- Low to Moderate
- Low
- Very Low to Low
- Very Low

Not Susceptible to Liquefaction

- Bedrock
- Peat
- Water



Base Map Data Sources: Clark County, U.S. Geological Survey

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.

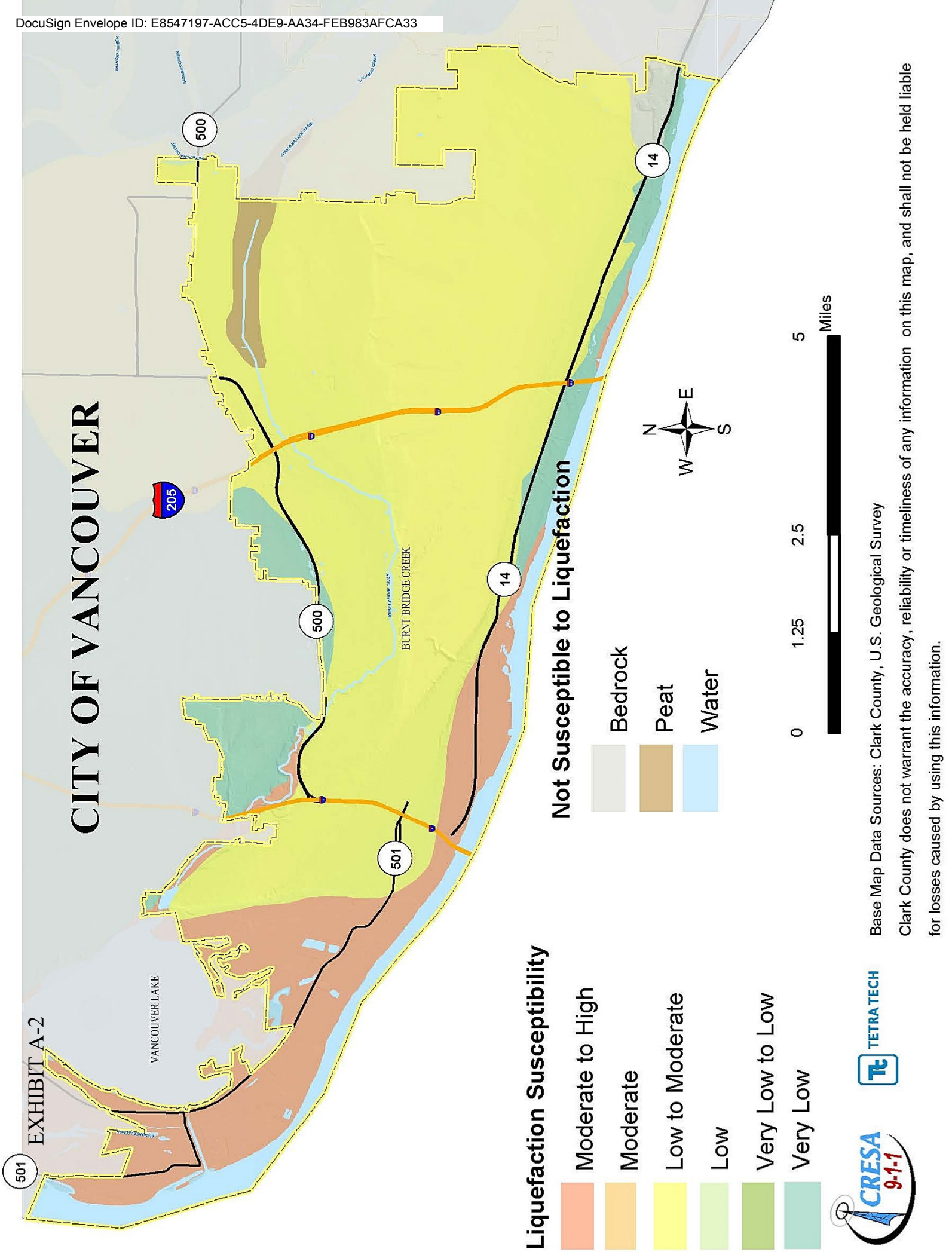


Exhibit B



Vulnerability Assessment of Groundwater in an Urban Environment – Vancouver, WA

Richard Hoiland and Douglas Wise, City of Vancouver Water Resources Protection

The goal of this vulnerability assessment is to identify relative risks of aquifer contamination in the Vancouver urban area. Contaminants of concern are primarily anthropogenic (introduced by human activity) and are most often present in significant quantities at commercial facilities and industries.

In 2003 Vancouver adopted a Water Resources Protection ordinance and a city-wide site inspection program to identify compliance issues. Since then program inspectors have visited almost every facility in the city that stores and manages hazardous materials, currently numbering over 200 sites.

By assigning relative risk values to areas based on vulnerability factors, program inspectors can utilize limited resources more effectively and, in the process, better protect valuable groundwater and surface water resources. There are limitations to a vulnerability mapping approach, however. A groundwater vulnerability publication from the Committee on Geosciences, Environment, and Resources (National Resource Council, 1993) lists the following three **“Laws of Ground Water Vulnerability”**:

1. *All ground water is vulnerable.*
2. *Uncertainty is inherent in all vulnerability assessments.*
3. *The obvious may be obscured and the subtle indistinguishable.*

This NRC study makes a strong point: uncertainty, which is pervasive in individual risk-factor maps, leads to uncertainty in resulting composite vulnerability maps. This does not mean that the exercise is not valuable, but it is a caution on the overall accuracy of vulnerability assessments.

Laws 2 and 3 also provide an endorsement to the acronym formed by the title of this study. Conveniently, *Vulnerability Assessment of Groundwater in an Urban Environment* forms the abbreviation VAGUE, which works appropriately as a reminder of the non-exact nature of results.

For Vancouver’s purposes, this VAGUE study effectively highlights areas which warrant further visits and monitoring by our inspector. Information displayed on these vulnerability maps can be somewhat vague but the exercise is still valuable for indicating which areas of the city present higher relative threats to the aquifer. Maps and data developed for this study are also helpful additions to various city reports including Sole Source Aquifer evaluations required by the EPA and Environmental Impact Statements for local projects.

Urban Aquifers

Vulnerability concerns in aquifers underlying urban areas differ from those in a regional aquifer assessment. The urban environment usually encompasses a much smaller area, in this case only the Vancouver municipal water service area. Groundwater movement differences and geological heterogeneities are not easily mapped at such a small scale. Risks of contamination in an urban area do, however, increase with the greater concentrations of businesses and industries and with the wide array of infiltration facilities.

Several risk factors were considered in establishing Vancouver’s aquifer vulnerability. These factors have been divided into *aquifer susceptibility* and *infiltration risks*. Aquifer susceptibility refers to hydrogeologic characteristics that dictate how quickly a contaminant can move to a point of withdrawal in the aquifer. The two main susceptibility characteristics considered here are “depth to

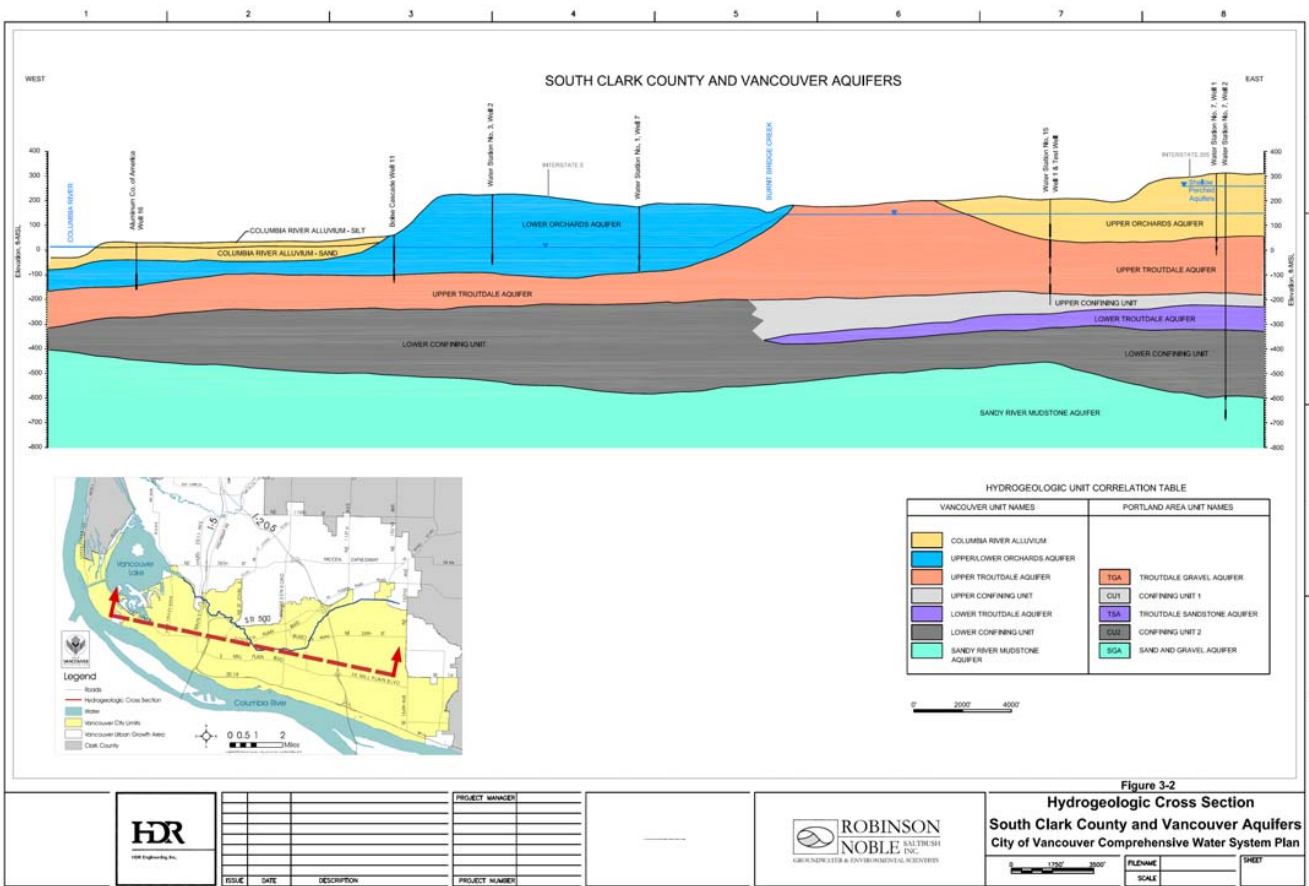
aquifer”, which is measured from surface to the top of well screens, and “time of travel” which refers to the time, typically in years, that it would take a “particle” of groundwater to move horizontally through to a City water station. Infiltration risks are identified by discreet discharge points such as infiltration drywells and septic tanks that can allow a contaminant to enter the vadose zone (below the soil surface). Risks associated with contaminant infiltration also increase at commercial or industrial facilities that manage hazardous materials.

Hydrogeology

Vancouver’s drinking water is supplied entirely from groundwater resources. An average of 26 million gallons is pumped every day out of 40 wells that take water from four different aquifer horizons: the Troutdale, the Upper and Lower Orchards, and the Sand and Gravel.

The Upper and Lower Orchards Aquifers were formed from the catastrophic floods of the Pleistocene period and are composed of sands and gravels. Both Orchards aquifers are unconfined. Beneath the Orchards lies the Troutdale aquifer. The Upper Orchards aquifer does not develop in central and western Vancouver. In these parts of the city the Lower Orchards and the Upper Troutdale are found near or at the surface. The Troutdale is composed of semi-consolidated sand and gravel with some interbedded fine-grained material. Below the Troutdale formation lies the Sand and Gravel aquifer, also known as the Sandy River Mudstone, composed mostly of fine-grained material. All of these aquifers overlie a bedrock of basalt.

The following map from a study by HDR Engineering (2007) depicts a west to east cross-section of the aquifers underlying Vancouver.



The Troutdale/Orchards lithology throughout the Vancouver subsurface is primarily interbedded sedimentary material mixed with drainage-basin derived pebbles and cobbles. There are occurrences of clay and other flow barriers but these are scattered and difficult to map throughout the region.

Although the map in Figure 1 shows distinct separations between the differing geologic units, these layer boundaries are often blurred. The Orchards Aquifer, also called the Unconsolidated Sedimentary Aquifer, is likely an alluviated portion of the Troutdale with little or no silica cementing. Historical water monitoring by the City indicates that water moves vertically through the hydrogeologic layers making it difficult to assign a specific aquifer sequence to the produced water.

Hydrogeologist Chandler Ellis alluded to the challenge of identifying the source horizon in a 2008 email saying: *“Many wells in Clark County are “Troutdale” wells and they are truly completed in a cemented sand and gravel that is typical of the Troutdale geologic formation, BUT most of the water from the well comes from the Orchards aquifer above it.”*

Aquifer Susceptibility

Two aquifer susceptibility parameters have been selected for this study as strong indicators of susceptibility of Vancouver’s urban aquifer system to contaminants. These parameters are 1) the time groundwater takes to reach the City’s pumping wells, known as “time-of-travel” or TOT and 2) the depth from surface to the drinking water aquifer.

Time of Travel Modeling: In the early 1990s a groundwater flow and particle tracking model developed for the Portland Basin was used by the U.S. Geological Survey to simulate groundwater movement in Clark County aquifers (Morgan and McFarland, 1994). Based on the analytical model, time of travel maps (also known as “zones of contribution” maps) were developed for Vancouver and Clark County water stations. The 1, 5 and 10 year time of travel depictions in Figure 2 represent the time it takes groundwater to flow horizontally through porous aquifer media until it discharges into a public water supply wellbore.

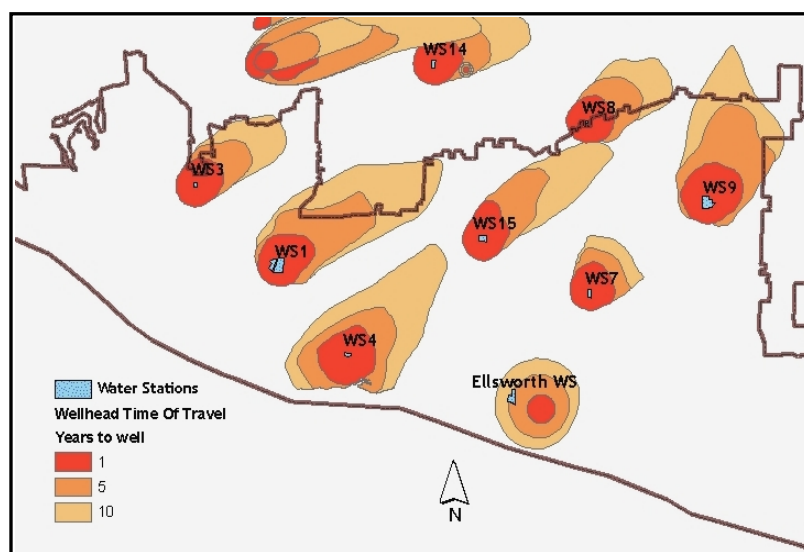


Figure 2: Groundwater travel time vulnerability map

Although flow and tracking models such as these can provide high quality simulations of complex groundwater dynamics, this analysis of Vancouver’s urban aquifer system has some limitations. In the Portland Basin model each cell was 3000 feet by 3000 feet, or about 200 acres per cell. Flow delineations near wellheads are, therefore, broad approximations. Analytical results out beyond the 1 and 5 year times of travel tend to be better indicators of flow direction and extent.

Another limitation with the analytical model is that each layer of cells generally represents the entire thickness of an aquifer which can be from 30 feet to several hundred feet. Also, all aquifer properties and pumping rates are assumed to be equal for the cell area. These assumptions again indicate that this regional type of analysis is more reliable at greater distances from the water stations. The model was

calibrated at steady-state conditions for 1988 well pumping and recharge rates. Historical data indicates that these rates haven’t changed significantly since then.

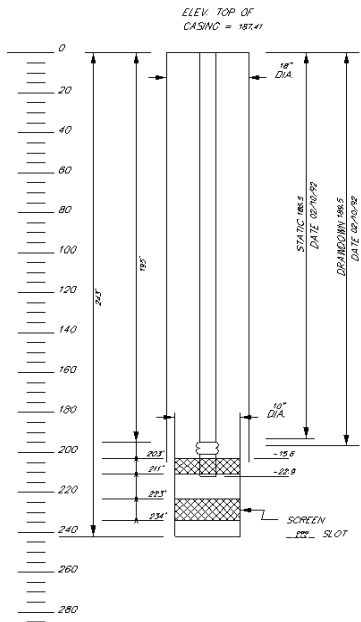


Figure 3: Example wellbore diagram

In this aquifer vulnerability study we chose to map the depth where water is actually drawn from the aquifer into the pipe. Any contaminant descending from the surface would have to reach this depth to enter the municipal water source. This depth is lower than the static level and is recorded in well data as the “top of screen”, which indicates where the pipe is actually screened for inflow. At a depth corresponding with the screened opening in the pipe, a contaminant can enter the city’s water system even if it does not disperse throughout deeper regions of the aquifer. The following table lists details on aquifers accessed for municipal water in Vancouver:

Table 1 – Vancouver Aquifers				
Vancouver Water Station	Producing Aquifer	Aquifer Inflow (highest screen top, feet below surface)	Surface Water Features Nearby	Direction of G/W Flow
WS 1	Lower Orchards	191	Burnt Bridge Cr.	NE to SW
WS 3	Lower Orchards	231	Burnt Bridge Cr. Vancouver Lake	NE to SW
WS 4	Lower Orchards	85	Columbia River	NE to SW
WS 7	Upper Troutdale Sand and Gravel	268 859		NE to SW
WS 8	Upper Orchards	131	Burnt Bridge Cr.	NE to SW
WS 9	Upper Orchards	130		N to S
WS 14	Upper Orchards	147		NE to SW
WS 15	Upper Orchards	68	Burnt Bridge Cr.	NE to SW
Ellsworth WS	Sand and Gravel	799	Columbia River	Radial
CPU – South Lake		411	Vancouver Lake	NE to SW

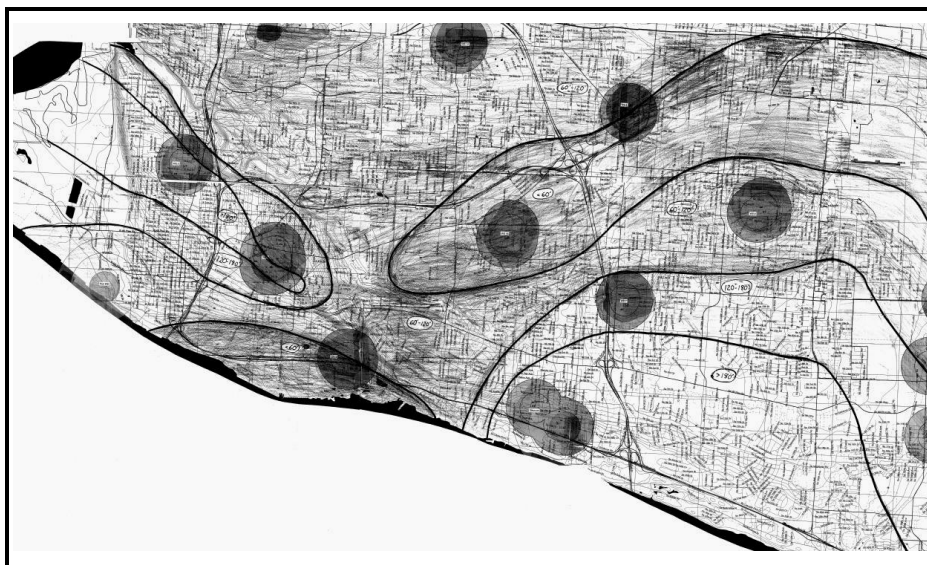


Figure 4: Initial hand-drawn depth map based on static water levels

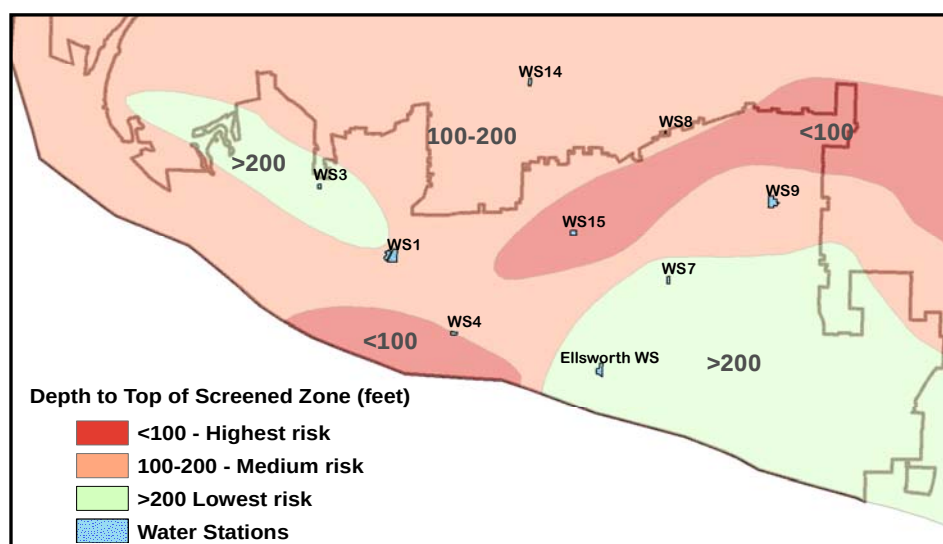


Figure 5: Depth to groundwater vulnerability map based on top of screen

Developing the Depth Map: To develop the depth-to-aquifer map, contours were initially hand-drawn on a large city map using static water level data, time of travel delineations, and topographical information (Figure 4). The map was then scanned as a TIFF image and depth range boundaries were traced into a polygon layer for editing and display in ArcMap. This map was later redrawn to reflect depth to top of well screen instead of static fluid level. Figure 5 depicts depth ranges of less than 100 ft., 100-200 ft., and greater than 200 ft. representing high, medium, and low relative risks, respectively.

Recently developed CPU Water Station: In 2010 Clark Public Utilities drilled water wells and constructed a water station southeast of Vancouver Lake (near Fruit Valley Road). They produce approximately 2600 gpm from the Sand and Gravel Aquifer at a screened depth of approximately 420 feet below ground. The City's Ellsworth Water Station wells, producing from the same aquifer at higher rates, have relatively small time-of-travel patterns (Figure 2). The CPU time-of-travel zones have not been included in vulnerability calculations because their depths and rates do not present a significant susceptibility risk compared to City wells producing higher volumes from shallower aquifers.

Infiltration Risks

In addition to the aquifer susceptibility factors described previously, infiltration risks were also identified and mapped to provide a better composite determination of aquifer vulnerability. Potentially threatening infiltration sources in Vancouver include drywells, septic tanks, underground storage tanks, older sanitary pipe installations and perforated drainage pipe.

The highest infiltration risks identified are those that result in discharges below soil. A contaminant spilled onto surface soil does not usually present the same risk to groundwater as an accidental or intentional discharge to a below-ground facility. Soils slow or even stop infiltration and soil organic matter often effectively filters out contaminants. Also, in most cases a significant surface spill will be noticed by someone and a timely cleanup will follow. Aquifer contamination risks are, therefore, substantially higher for discharges happening below the soil, and soil types were not considered in this vulnerability assessment.

Drywells are installed frequently in Vancouver to handle stormwater discharge. Due to high infiltration rates, the city has more drywells and other infiltration devices than any other municipality in western Washington, handling approximately 60% of the city's stormwater. Drywells can serve as fast pathways for contaminants in storm runoff, such as metals, petroleum products, pesticides, and animal wastes, which can be discharged below the soil into permeable zones above aquifers. The prevalence of below-soil stormwater infiltration facilities can, therefore, be linked to groundwater quality. An illustration of the number drywell installations in the city is shown in Figure 6 along with other infiltration devices at their points of discharge ("point sources").

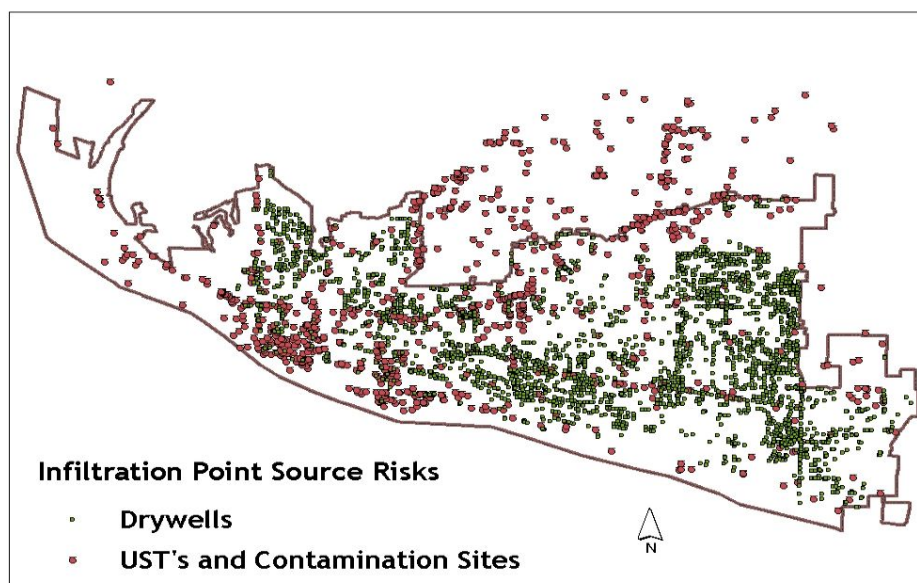
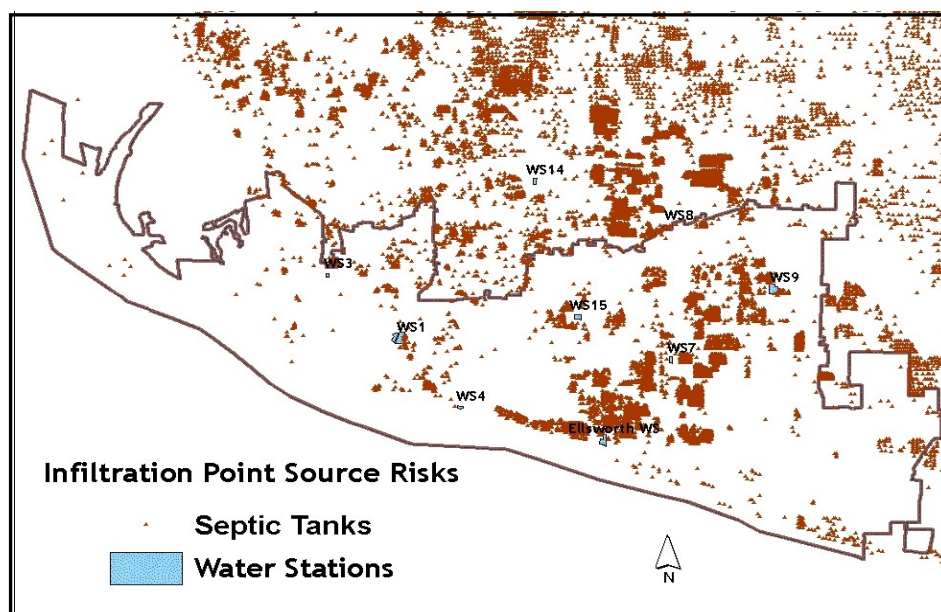


Figure 6: Drywells, underground storage tanks and contamination sites

Underground storage tanks (UST's), like septic tanks, provide a potential avenue for spills or other discharges to infiltrate below the soil and possibly reach groundwater. There are many types of UST's present in an urban environment including home heating oil tanks, fuel tanks and large below-ground industrial material storage tanks. Because they are not visible at the surface, underground tanks have elevated environmental risks. State and federal agencies now regulate UST's more closely than they did in the past. This means underground tanks have new requirements for double wall containment, leak detection, alarms, and periodic assessments.

A concern specific to leaking fuel tanks has been the gasoline additive, MTBE, which tends to migrate quickly and does not biodegrade in the ground. Also of concern are the standard gasoline components of benzene, toluene, ethylene and xylene (BTEX). Many states have implemented MTBE bans but there are still risks from past contaminated sites and in areas where its usage as a gasoline oxygenate is allowed.

Contaminated sites represent another type of risk to groundwater. Typically ground and water analyses have been performed at these sites which indicate to what extent soil and near-surface groundwater has been contaminated by past practices. Data shown above in Figure 6 comes from WA Dept. of Ecology maps which depict occurrences of known or suspected contamination sites with state-registered underground storage tanks. In the Vancouver area there are over 1200 combined UST's and suspected, confirmed and remediated (no further action) contamination sites.



Septic tanks in Vancouver are regulated and permitted by SW Washington Health District. Contaminants associated with septic effluent at commercial sites can include pathogens, toxic chemicals and nitrogen compounds. The City initiated a septic tank removal program which has effectively decommissioned over 1500 tanks and made connections to sanitary sewer. Figure 7 illustrates the locations of residential and commercial septic tanks.

Figure 7: Septic tanks in Vancouver

Perforated storm drainage pipe can also present a risk to the aquifer. Like drywells or septic systems, perforated pipe can allow inadvertent spills and discharges to enter the ground. Unlike drywells, these are usually located near the surface which allows for some contaminant capture in the soil horizon.

Age of sanitary sewer pipe installations can also increase the risk of infiltration. In Vancouver, sanitary pipes that were installed

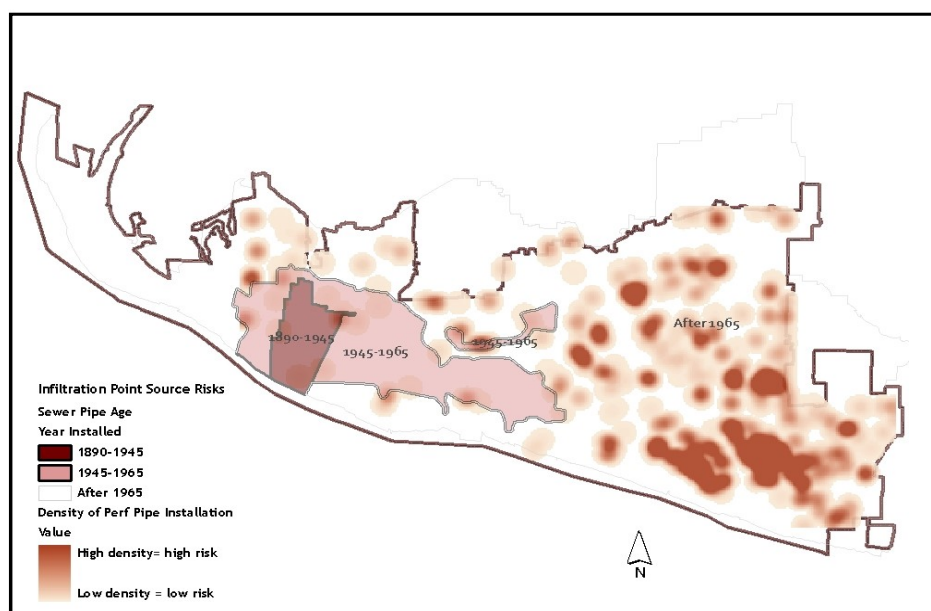


Figure 8: Sewer pipe age and concentration of perforated storm drainage pipe

in the late 1800's are considered to have greater potential for leaks than those installed after 1965 when the materials used were standardized and relatively reliable.

In Figure 8 above aquifer vulnerability is depicted based on risks associated with concentrations of perforated stormwater pipe applications throughout the city and the age periods that sanitary sewer pipes were installed.

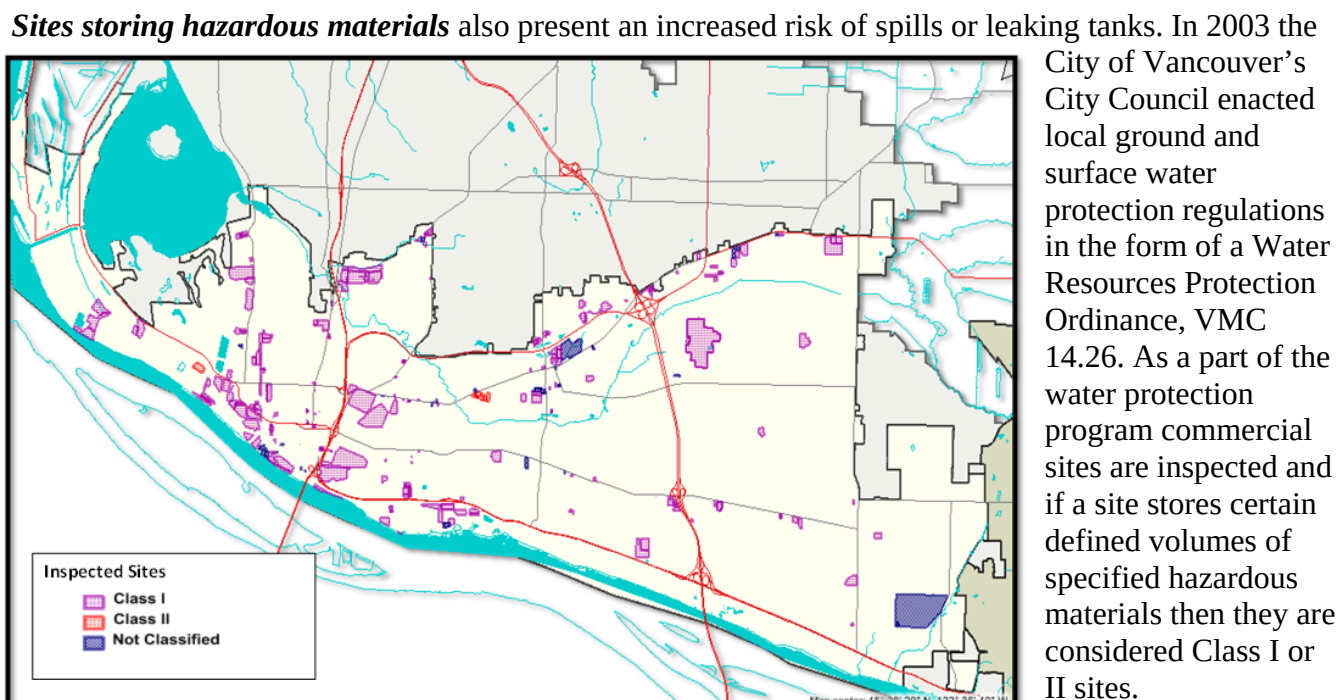


Figure 9: Facilities storing hazardous materials, classified by ordinance

Class I operations manage over 220 pounds of any mixture of hazardous materials containing constituents referenced in the U.S. Code of Federal Regulations, 40 CFR 302.4 (over 700 CERCLA designated chemicals). Class II operations are defined as those that manage over 2,200 pounds in total of the hazardous materials containing chemicals from 1) the Washington Administrative Code's Toxicity Characteristics listing of 40 metals and toxic chemicals (WAC 173-303-090), or 2) containing any of 47 designated halogenated solvents, such as TCE and PCE, which have had a history of negatively impacting groundwater. Based on these classifications, City inspection staff has identified over 200 higher risk "classified" businesses and industries located within the city limits. A map of these facilities is shown in Figure 9. Program inspectors also visit sites which store lower volumes of hazardous material. These are labeled "not classified" facilities on the map.

Vulnerability Calculations

As discussed previously, two factors are considered significant in determining source water vulnerability in the Vancouver area. These are **aquifer susceptibility** parameters including depth to aquifer and distance to municipal water wells, and **infiltration risks** such as drywells, septic tanks; and facilities that store hazardous materials. The combination of hydrogeologic susceptibility factors and pollutant risk factors form a **composite vulnerability**.

Risk Factors and Weights

A table of the susceptibility and risk factors selected for the evaluation of aquifer vulnerability in Vancouver's urban setting is shown below:

Table 2 - Vancouver Aquifer Vulnerability Parameters		
Vulnerability Factors	Weighting	Map Raster Formats
Aquifer Susceptibility		Susceptibility Maps
Wellhead time of travel - (Vtrvl)	4	Polygons
Depth to drinking water aquifer - (Vaqp)	4	Polygons
Infiltration Risk Sources		Infiltration Risk Maps
Class I,II Facilities – parcels (Vclss)	4	Parcel polygon centers converted to density
Drywells – (Vdrwl)	4	Points converted to density
Septic tanks – (Vsptc)	4	Points converted to density
Known/suspected contamination sites - (Vcont)	3	Points converted to density
Underground storage tanks - (Vust)	3	Points converted to density
Perforated storm drainage pipe - (Vperf)	2	Lines converted to density
Age sanitary sewer pipes installed – (Vsanp)	2	Polygons

The vulnerability parameters chosen had to meet three criteria: 1) they clearly represent a susceptibility or infiltration risk, 2) they have been identified through research or experience, and 3) they are measurable and therefore “mappable”.

Vulnerability parameters were weighted based on the potential risk each represents to the aquifers. The following describes the reasoning behind assignments of parameter weights:

Wellhead time of travel (4): Since the main goal here is to map the risk that a contaminant could reach a municipal water well, the horizontal time of travel to a water station is considered one of the most significant risk factors.

Depth to drinking water aquifer (4): Like time of travel, the depth to which a contaminant must vertically move to reach the inflow point in a water well is one of the most important factors.

Class I, II facilities (4): Since they store and manage significant volumes of hazardous materials, Vancouver classified facilities present a fairly high risk to source waters. Many of these sites are also recognized by state and federal agencies as designated Tier II facilities and as permittees in the Industrial Pretreatment or Industrial General Stormwater programs.

Drywells (4): The presence of drywells represents a higher risk in that they provide an avenue for contaminants to enter the sand and gravel lithology below the soil surface.

Septic tanks (4): Septic tanks in commercial areas can present a high risk of flushing of contaminants below the soil’s surface. Mapped septic occurrences include both commercial and residential locations.

Contaminated sites (3): Although sites with a history of contamination can present a risk to an aquifer, these sites have already been identified by the state and in most cases are in remediation, so the risks to groundwater are moderate.

Underground storage tanks (3): In the past UST’s presented a greater risk but state and federal regulations now stipulate more protective design features such as double-walls and alarm systems which reduce the risks of leaks and groundwater contamination.

Perforated storm drainage pipe (2): These types of pipes present a lower risk in that they are usually placed fairly shallow allowing for some contaminant capture in the soil horizon.

Age of sanitary sewer pipe (2): A fairly minor risk for leaks to groundwater but still a concern because some sanitary pipes in Vancouver have been in the ground since the late 1800’s.

Creating Vulnerability Maps in ArcGIS

Three specific data formats were used to develop the composite vulnerability maps. Input data were available as polygons (time of travel, depth to aquifer, and age of sanitary pipe), discrete points

(classified facilities, drywells, septic tanks, contamination sites, and UST's), and lines (perforated storm pipe). These formats are listed above in Table 2. All input data were converted to raster format with gridded cells of 50 feet x 50 feet.

The point data were converted to densities to allow for raster calculations. These conversions resulted in a risk range of 1-10 with 10 representing the highest risk. The polygon map ratings, on the other hand, ranged from 1 to 3 with 3 representing the highest risk. Because polygon shapes were not converted to densities it was necessary to increase the polygon risk ranges to match the 1-10 ranges used in the other data. Depth to aquifer and age of sanitary pipe ranges were modified to three risk values of 2, 5 and 10. Time of travel polygon ranges were bumped to 4, 7, and 10 recognizing that a 10-year time of travel still represents a moderate aquifer risk.

Because the City has defined by ordinance that the entire city limits is a “critical aquifer recharge area”, all of the underlying aquifer is considered vulnerable and areas outside of defined time of travel polygons (areas of “no data”) were given a rating value of 2.

For illustration purposes, the processes used to achieve a final composite sum of weighted cell values for 4 of the 9 raster source data are shown in the following partial flowchart:

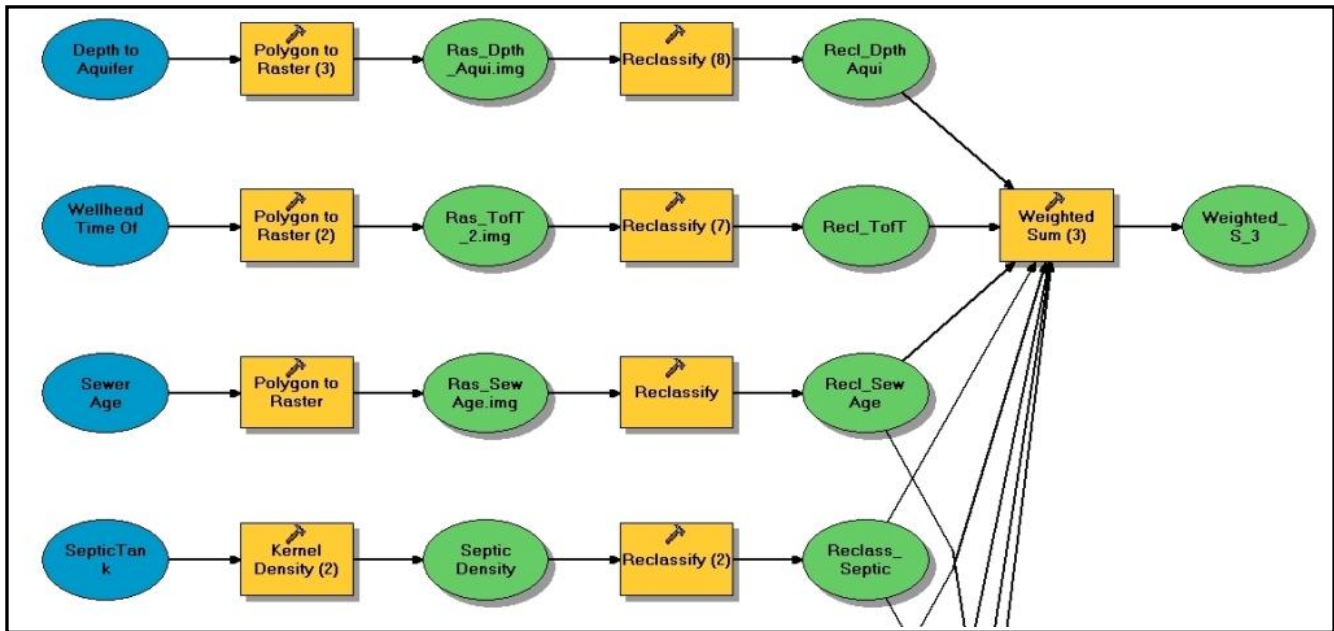


Figure 10: Segment of flowchart showing composite weighting calculation process

Creating density and normalized polygon maps made it possible to use the ArcMap[®] raster calculator to perform a weighted sum on layers with different map formats. A sum of combined weighted infiltration risks was developed based on the following calculation:

$$V_{INFL} = V_{clss}(W_{clss}) + V_{drwl}(W_{drwl}) + V_{sptc}(W_{sptc}) + V_{cont}(W_{cont}) + V_{ust}(W_{ust}) + V_{perf}(W_{perf}) + V_{sanp}(W_{sanp})$$

Final composite vulnerability was calculated using the total weighted infiltration factors combined with a sum of weighted susceptibility factors consisting of depth to aquifer plus time of travel:

$$V_{SUSC} = V_{aqdp}(W_{aqdp}) + V_{tot}(W_{tot})$$

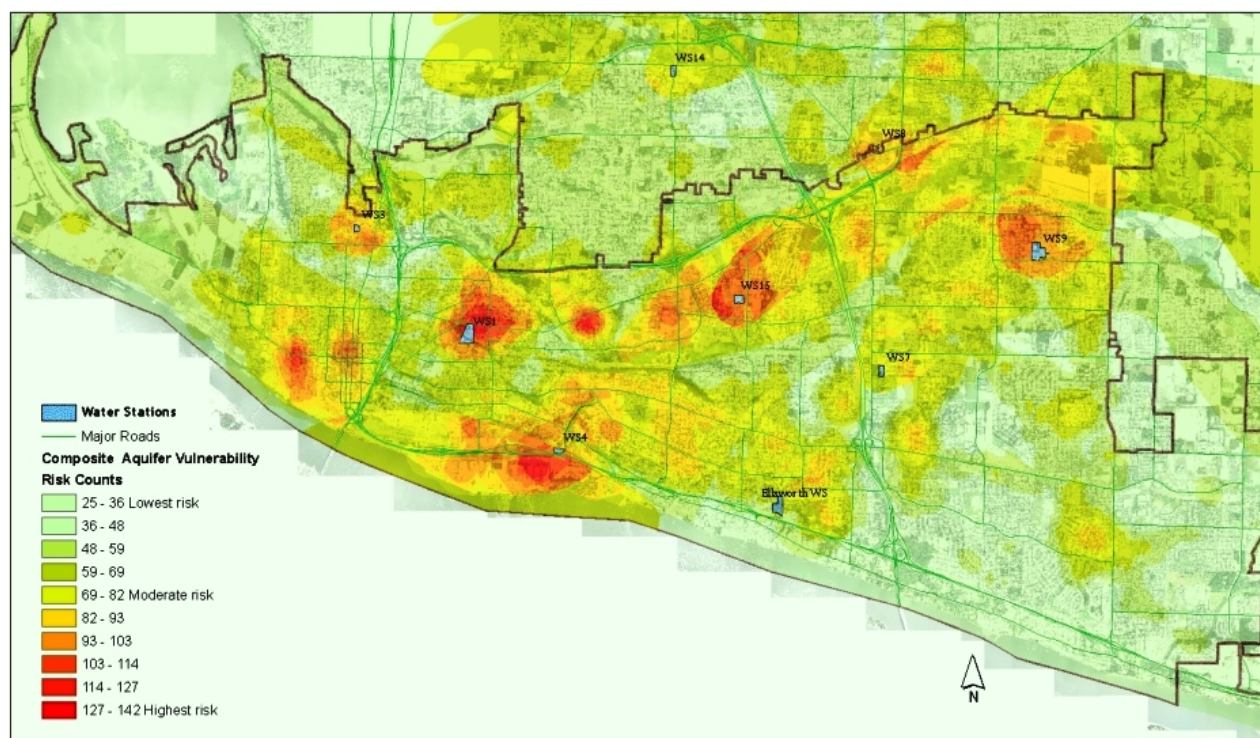
$$\text{Composite Aquifer Vulnerability} = V_{INFL} + V_{SUSC}$$

Objectives of the Aquifer Vulnerability Study

The main objective of this project was to determine areas in Vancouver where the aquifer is most susceptible to contamination due to physical aquifer properties, such as depth of and distance to water wells, and risk factors related to below-soil infiltration of contaminants. An urban aquifer system is at an increased risk for contamination because there are greater numbers of commercial and industrial operations located in a more populated area. The vulnerability factors that present the most significant aquifer threats in Vancouver were individually mapped, risk-rated, and then used to calculate and map the composite vulnerability.

The final vulnerability map allows the City's Water Protection program to target inspections, focus outreach campaigns, and provide guidance on where to apply more concentrated technical oversight in the field to maximize the effectiveness of limited staffing and budget. The susceptibility maps are also useful when evaluating a proposal for development. New facilities that are to be developed in the highest risk areas of the city will need to incorporate appropriate protective measures and be designed to minimize the risk of groundwater contamination.

The map in Figure 11 depicts the final composite risk tally representing weighted sums of the selected urban aquifer vulnerability parameters. This map can be overlain with useful layers showing city streets, tax lots, storm and sanitary lines, and aerial photos to provide a valuable overview of areas in the city in which to focus staff time for monitoring and inspections.



Aquifer Vulnerability - Vancouver, WA

Figure 11: Composite aquifer vulnerability map

Conclusion

Aquifer vulnerabilities for an urban drinking water source have been assessed and mapped using local ***aquifer susceptibility attributes*** which include depth to drinking water aquifer and time-of-travel to municipal water wells, and ***infiltration risk sources*** which include industrial and commercial sites managing hazardous materials, known or suspected contamination sites, drywells, septic tanks, underground storage tanks, perforated drain pipes and aging sanitary pipes.

Vulnerability factors were mapped, weighted, and combined to form a composite vulnerability map. The resulting composite map has become a valuable tool for identifying areas that should be closely monitored by the City's Water Protection program in order to verify that the facilities in those areas implement practices that are protective of water quality and the environment.

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SUMMARY

ORDINANCE NO. _____

AN ORDINANCE declaring an emergency and adopting a six-month temporary moratorium prohibiting the establishment of new, or expansion of existing, large-scale fossil fuel facilities; directing staff to formulate recommendations addressing the circumstances necessitating the moratorium; and establishing an immediate effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at (360) 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

Proposed Fossil Fuel Use Related Code Changes

Revised August 11, 2022

Editor's Note: Text to be deleted is indicated with ~~strike-throughs~~, and new text is indicated with underlines. For purposes of brevity, this exhibit includes excerpts only of Title 20 VMC chapters proposed to be modified. For example, definitions of terms and development standards of each district which are not proposed to be modified are not shown. Also, there is no significance to the different colors of text, which will be fixed in a final version.

Chapter 20.150

DEFINITIONS

~~*Bulk Crude Storage.* Bulk crude storage and handling facility, means any structure, group of structures, equipment, or device that stores or transfers any naturally occurring liquid petroleum extracted from geological formations beneath the earth's surface which requires further refinement before consumer use, including but not limited to; conventional crude oil, extra heavy oil, and bitumen. The term does not include facilities that store and handle finished products derived from petroleum including but not limited to asphalt.~~

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

A. 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.

B. 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.

C. 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.

D. Alcohol fuels meeting the requirements of RCW 19.112.010(1) as that statute exists or may hereafter be amended.

E. 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.

F. 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 exists or may hereafter be amended.

G. Alternative fuels that are not fossil fuels and that produce low or no carbon that meet state or federal requirements not otherwise listed above.

Petroleum. Crude oil, gases (including natural gas), natural gasoline, and other related hydrocarbons, oil shale, and the products of any of such resources.

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 and coal energy generating facilities; and
4. Essential public facilities as defined in Chapter 20.855 VMC, Essential Public Facilities.

Chapter 20.160

USE CLASSIFICATIONS

C. Commercial use types.

5. Motor Vehicle Related.

- a. *Motor Vehicle Sales/Rental.* Includes car, light and heavy truck, mobile home, boat and recreational vehicle sales, rental and service.
 - b. *Motor Vehicle Servicing/Repair.* Free-standing vehicle servicing and repair establishments including quick and general vehicle service, car washes and body shops not an accessory to new vehicle sales.
 - c. *Vehicle Fuel Sales.* Establishments engaging in the direct to consumer sale of gasoline, diesel fuel, and oil products for cars, trucks, recreational vehicles, and boats.
 - d. *Electric Vehicle (EV) Basic Charging Station.* A slow to medium level charging station for electric vehicles that is typically accessory to another use, such as single family residences, apartments, and businesses. Level 1 (120 volt AC) is considered slow charging. Level 2 (208 or 240 volt AC) is considered medium charging.
 - e. *Electric Vehicle (EV) Rapid Charging Station.* An industrial grade electrical outlet that allows for faster charging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by Chapter [19.28](#) RCW and consistent with rules adopted under RCW [19.27.540](#). Such stations are also known as Level 3 facilities and are considered fast or rapid charging (480-volt AC), and are generally available to the public.
 - f. *Electric Vehicle (EV) Battery Exchange Station.* A facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery. Such exchange stations may use a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter [19.27](#) RCW.
-

D. *Industrial use types.*

1. *Industrial Services.* Includes the repair and servicing of industrial and business machinery, equipment and/or products. Examples include welding shops; machine shops; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire recapping and retreading; truck stops; building, heating, plumbing or electrical contractors; exterminators; janitorial and building maintenance contractors where the indoor storage of materials is more than incidental to the office use (see subsection (C)(6)(a) of this section); ~~fuel oil distributions; solid fuel yards;~~ laundry, dry-cleaning and carpet cleaning plants; and photo-finishing laboratories.

8. *Major Utility Facilities.* Those facilities which have a substantial public impact, including but not limited to: sewage treatment plants and lagoons; electric generation facilities ~~including biomass and coal energy generation facilities;~~ and essential public facilities as defined in Chapter 20.855 VMC, Essential Public Facilities.

9. *Bulk Fossil Fuel Storage and Handling Facility.* Bulk fossil fuel storage and handling facility means any structure, group of structures, equipment, or device that stores or transfers any material derived from prehistoric organic matter and used to generate energy, including but not limited to; petroleum and petroleum products, coal, and natural gases, including without limitation methane, propane, and butane. The term does not include facilities that store and handle finished products derived from fossil fuels including but not limited to asphalt, plastics, fertilizers, paints, and denatured ethanol. Bulk fossil fuel storage and handling facilities are greater than 60,000 gallons cumulative storage.

10. *Cleaner Fuels Storage and Handling Facility.* Means any structure, group of structures, equipment or device previously classified as bulk fossil fuel storage and handling that is converted to store or transfers any material derived from cleaner fuels, as defined in VMC 20.150.

11. *Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities.* Means local distribution gas storage tanks with individual storage capacities of 30,000 gallons or less and

cumulative storage of 60,000 gallons or less. Such tanks store fossil fuels or cleaner fuels and are either for local distribution to customers or serve as an accessory facility necessary to support an onsite allowed primary commercial, industrial, educational, scientific, or governmental use and do not otherwise meet the definitions of Bulk Fossil Fuel Storage and Handling Facility in D.9, or Vehicle Fuel Sales in C.5.c.

20.400 ZONING DISTRICTS

Chapter 20.410

LOWER DENSITY RESIDENTIAL DISTRICTS

Sections:

20.410.010	Purpose.
20.410.020	List of Zoning Districts.
20.410.025	Lower Density Residential Zone Function and Location Criteria.
20.410.030	Uses.
20.410.040	Minimum and maximum densities.
20.410.050	Development Standards.

20.410.010 Purpose.

Preserve and promote neighborhood livability and protect the consumer's choices in housing. The Low-Density Residential Districts are primarily designed to preserve and promote neighborhoods of detached single dwellings at low intensities. Flexibility in housing type is promoted by allowing manufactured homes, duplexes, and planned unit developments under special conditions. Compatible nonresidential development, such as elementary schools,

churches, parks, and child care facilities are permitted at appropriate locations and at an appropriate scale. (Ord. M-3709 § 3, 06/20/2005; Ord. M-3643, 01/26/2004)

20.410.020 List of Zoning Districts.

A. R-2: Low-Density Residential District. The R-2 zoning district is designed to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 20,000 square feet and a density of 1.8 to 2.2 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses. The R-2 zoning district was referred to as R1-20 zone prior to March 11, 2004.

B. R-4: Low-Density Residential District. The R-4 zoning district is designed to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 10,000 square feet and a density of 2.3 to 4.4 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses. The R-4 zoning district was referred to as R1-10 zone prior to March 11, 2004.

C. R-6: Low-Density Residential District. The R-6 zoning district is designed to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 7,500 square feet and a density of 4.5 to 5.8 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses. The R-6 zoning district was referred to as R1-7.5 zone prior to March 11, 2004.

D. R-9: Low-Density Residential District. The R-9 zoning district is designed to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 5,000 square feet and a density of 5.9 to 8.7 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses. The R-9 zoning district is a new zoning district that combines what was referred to as R1-6 and R1-5 zones prior to March 11, 2004. (Ord. M-3643, 01/26/2004)

20.410.025 Lower Density Residential Zone Function and Location Criteria.

A. *General Criteria.* The Lower Density Residential designation is applied to areas that provide predominantly single-family structures (attached or detached) on individual lots. Application of individual zones to specific areas in the City should enhance and support the integrity of existing neighborhoods, provide for a range of choices in housing styles and cost, and encourage compatible infill development and redevelopment.

B. Lower Density Residential Zone (R-2, R-4, R-6, R-9) Location Criteria.

The Lower Density zone designations defined above can be appropriately applied and maintained in areas meeting one of the following criteria:

1. Blocks, intersection-to-intersection street segments, or areas with defined physical edges, which have at least eighty (80) percent of the existing structures in single-family residential use on lots whose average size falls within the minimum and maximum lot size standards of the zone to be applied. Half-blocks at the edges of single-family zones with more than fifty (50) percent single-family structures, or portions of blocks on an arterial with a majority of single-family structures, shall generally be included. This shall be decided on a case-by-case basis, but the policy is for inclusion.
 2. Blocks, intersection-to-intersection street segments, or areas with defined physical edges, which have less than eighty (80) percent of the existing structures in single-family residential use but in which an increasing trend toward single-family residential use can be demonstrated; for example:
 - a. The construction of single-family structures in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or
 - b. The area shows an increasing number of improvements and rehabilitation efforts to single-family structures, or
 - c. The number of existing single-family structures has been very stable or increasing in the last five (5) years, or
-

d. The area's location is topographically and geographically connected to, and compatible with, existing single-family residential development, with physical edges (such as major arterials, topography, waterways, open space, existing natural or landscape screening, etc) that separate and buffer the area from Higher Density Residential, Commercial, and Industrial.

3. Areas with sensitive physical, environmental or natural resource characteristics that make lower intensity development advisable and appropriate.

4. Areas that meet the above criteria for designation as Lower Density Residential shall not be rezoned for nonresidential uses, except NC (Neighborhood Commercial), unless the change has been adopted as part of a sub-area planning study.

5. No vacant or underutilized land areas (per Vacant Buildable Lands Model criteria) within the City shall be rezoned R-2 or R-4 for new residential development. Land use and zoning designations for residential lands being annexed into the City shall be converted to City designations in accordance with VMC Table 20.230.030. (Ord. M-3946 § 6, 02/01/2010; Ord. M-3730, Added, 12/19/2005, Sec 9)

20.410.030 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.

B. *Use table.* A list of permitted, limited, conditional, and prohibited uses in Low-Density Residential Districts is presented in Table 20.410.030-1.

Table 20.410.030-1. LOWER-DENSITY RESIDENTIAL DISTRICTS USE TABLE

USE	R-2	R-4	R-6	R-9
RESIDENTIAL				
Household Living	P ¹	P ¹	P ¹	P ¹
Group Living	P/X ¹	P/X ¹	P/X ¹	P/X ¹
Home Occupation	L ²	L ²	L ²	L ²
Medical Center Residential	L ²³	L ²³	L ²³	L ²³
HOUSING TYPES				
Single Dwelling, Attached	L ¹⁸	L ¹⁸	L ¹⁸	L ¹⁸
Single Dwelling, Detached	P	P	P	P
Accessory Dwelling Units	L ⁴	L ⁴	L ⁴	L ⁴
Duplexes ²²	L ²¹	L ²¹	L ²¹	L ²¹
Multi-Dwelling Units	X	X	X	X
Existing Manufactured Home Developments	L ⁵	L ⁵	L ⁵	L ⁵
Designated Manufactured Homes	L/X ¹⁹	L/X ¹⁹	L/X ¹⁹	L/X ¹⁹
New Manufactured Homes	L ²⁰	L ²⁰	L ²⁰	L ²⁰
CIVIC (Institutional)				
Basic Utilities	C	C	C	C
Colleges	C	C	C	C
Community Centers	X	X	X	X
Community Recreation	C ⁶	C ⁶	C ⁶	C ⁶

USE	R-2	R-4	R-6	R-9
Cultural Institutions	P/C ⁷	P/C ⁷	P/C ⁷	P/C ⁷
Day Care				
- Family Day Care Home	p ⁸	p ⁸	p ⁸	p ⁸
- Child Care Center	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹
- Adult Day Care	L/C/X ⁹	L/C/X ⁹	L/C/X ⁹	L/C/X ⁹
Emergency Services (except ambulance services)	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹
Ambulance Services	X	X	X	X
Medical Centers	X	X	X	X
Parks/Open Space				
- Neighborhood Parks	P	P	P	P
- Community Parks	P	P	P	P
- Regional Parks	C	C	C	C
- Trails	P	P	P	P
Postal Service	C	C	C	C
Religious Institutions	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹
Schools	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹
Social/Fraternal Clubs	X	X	X	X
Transportation Facility	C ¹²	C ¹²	C ¹²	C ¹²
COMMERCIAL				
Commercial and Transient Lodging	L/C/X ¹³	L/C/X ¹³	L/C/X ¹³	L/C/X ¹³
Eating/Drinking Establishments	X	X	X	X

USE	R-2	R-4	R-6	R-9
Entertainment-Oriented				
- Adult Entertainment	X	X	X	X
- Indoor Entertainment	X	X	X	X
- Major Event Entertainment	X	X	X	X
General Retail				
- Sales-Oriented	C ¹⁴	C ¹⁴	C ¹⁴	C ¹⁴
- Personal Services	C ¹⁴	C ¹⁴	C ¹⁴	C ¹⁴
- Repair-Oriented	X	X	X	X
- Bulk Sales	X	X	X	X
- Outdoor Sales	X	X	X	X
Motor Vehicle Related				
- Motor Vehicle Sales/Rental	X	X	X	X
- Motor Vehicle Servicing/Repair	X	X	X	X
- Vehicle Fuel Sales	X	X	X	X
- EV Basic Charging Stations (accessory only)	P	P	P	P
- EV Rapid Charging Stations (accessory only)	P	P	P	P
- EV Battery Exchange Stations	X	X	X	X
Office				
- General	X	X	X	X
- Medical	X	X	X	X
- Extended	X	X	X	X

USE	R-2	R-4	R-6	R-9
Non-Accessory Parking	X	X	X	X
Self-Service Storage	X	X	X	X
Marina	C	C	C	C
INDUSTRIAL				
<u>Bulk Fossil Fuel Storage and Handling Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cleaner Fuel Storage and Handling Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Industrial Services	X	X	X	X
Manufacturing and Production	X	X	X	X
Railroad Yards	X	X	X	X
Research and Development	X	X	X	X
Warehouse/Freight Movement	X	X	X	X
Wholesale Sales	X	X	X	X
Waste-Related	X	X	X	X
Major Utility Facilities	X	X	X	X
OTHER				
Agriculture/Horticulture	P	P	P	P
Airport/Airpark	X	X	X	X
Animal Kennels/Shelters	X	X	X	X
Cemeteries	C ¹⁵	C ¹⁵	C ¹⁵	C ¹⁵
Detention & Post Detention	X	X	X	X

USE	R-2	R-4	R-6	R-9
Facilities				
Dog Day Care	X	X	X	X
Heliports	X	X	X	X
Recreational or Medical Marijuana Facilities	X	X	X	X
Medical Marijuana Cooperatives	X	X	X	X
Mining	X	X	X	X
Rail Lines/Utility Corridors	P	P	P	P
Temporary Uses	L ¹⁶	L ¹⁶	L ¹⁶	L ¹⁶
Wireless Communication Facilities	L/C/X ¹⁷	L/C/X ¹⁷	L/C/X ¹⁷	L/C/X ¹⁷

1 Residential Care Homes, state or federally approved, with six or fewer residents and any required on-site residential staff permitted by right; all larger group living uses prohibited.

2 Subject to the provisions of Chapter [20.860](#) VMC, Home Occupations.

4 Subject to the provisions of Chapter [20.810](#) VMC, Accessory Dwelling Units.

5 Subject to the provisions of Chapter [20.880](#) VMC, Manufactured Home Parks. Manufactured Home Developments established prior to July 1, 2005, are exempt from the standards of VMC [20.410.050\(F\)](#), Criteria for Placement of Manufactured Homes, and may continue to exist and expand within existing previously approved boundaries. An existing manufactured home in a development or subdivision may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision.

6 Subject to provisions in VMC [20.895.040](#), Community Recreation and Related Facilities.

7 Libraries only permitted outright; all other cultural institutions are conditional uses.

8 Family day care homes for no more than 12 children are permitted when licensed by the state.

9 Adult day care facilities for six or fewer adults allowed as limited uses subject to compliance with the development standards governing Home Occupations, per VMC [20.860.020\(B\)\(1\)](#) through [\(B\)\(7\)](#) ; facilities with seven to 12 adults allowed as conditional uses; and larger facilities are prohibited.

10 *Repealed by M-4289.*

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- 11** Schools, religious institutions, government buildings, fire stations, child care centers, and emergency services facilities that meet all of the criteria contained in VMC [20.410.050\(D\)](#) are permitted by right; all others require conditional use approval. Child care centers permitted by right shall be consistent with Chapter [20.840](#) VMC, Child Care Centers, and be subject to Type II review pursuant to VMC [20.210.050](#).
- 12** Except bus, trolley and streetcar stops, including bus shelters, which are allowed by right.
- 13** One- and two-bedroom Bed-and-Breakfast facilities are permitted outright and three- to six-bedroom Bed-and-Breakfast facilities are allowed as conditional uses, with all Bed-and-Breakfast facilities subject to provisions of Chapter [20.830](#) VMC, Bed-and-Breakfast Establishments. No more than six bedrooms are allowed under any circumstances. All other commercial lodging is prohibited.
- 14** Retail commercial uses limited to 1,500 gsf per use to a maximum of 5,000 square feet in planned developments of 150 units or more. See VMC [20.260.020\(B\)\(1\)\(b\)\(2\)](#).
- 15** Subject to provisions in VMC [20.895.030](#).
- 16** Subject to provisions in Chapter [20.885](#) VMC, except sales of fireworks which is prohibited in residential zones.
- 17** Building-mounted antennas are allowed by conditional use on nonresidential buildings in single-family residential zones subject to requirements contained in Chapter [20.890](#) VMC, Wireless Communication Facilities.
- 18** Subject to VMC [20.260.020\(B\)\(1\)\(a\)\(2\)](#), planned development, VMC [20.910.050](#), Zero Lot Line Developments, and Chapter [20.920](#) VMC, Infill Development Standards.
- 19** A “designated manufactured home” is exempt from the development standards of VMC [20.410.050\(F\)](#) and may continue to exist and expand. An existing unit may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision. After July 1, 2005, only “new manufactured homes” that also meet the “designated manufactured home” criteria will be permitted on individual lots not part of an existing approved manufacturing home development or manufactured home subdivision. Except that a new manufactured home placed on an individual lot after July 1, 2005, may be relocated as permitted by this title if within five years of the date of the original placement.
- 20** Subject to VMC [20.410.050\(F\)](#), Development Standards – Criteria for Placement of Manufactured Homes.
- 21** Subject to Chapter [20.920](#) VMC, Infill Development Standards.
- 22** Existing duplexes built on lots meeting the minimum infill lot size standards of Table 20.920.060-1 shall be considered conforming uses even if not part of an infill development.
- 23** Medical Center Residential uses, as defined in VMC [20.160.020](#), are permitted outright if approved through a public facilities master plan per VMC [20.680.040](#).

(Ord. M-4325 § 3, 2020; Ord. M-4289 § 4, 2019; Ord. M-4255 § 6, 2018; Ord. M-4254 § 3(BB), 2018; Ord. M-4187 § 5, 2016; Ord. M-4071 § 7, 2014; Ord. M-4066 § 5, 2013; Ord. M-4035 § 2, 2012; Ord. M-4034 § 10, 2012; Ord.

M-4024 § 6, 2012; Ord. M-4002 § 5, 2011; Ord. M-3931 § 9, 2009; Ord. M-3922 § 19, 2009; Ord. M-3840 § 18, 2007; Ord. M-3709 § 4, 2005; Ord. M-3663 § 12, 2004; Ord. M-3643, 2004)

Chapter 20.420

HIGHER DENSITY RESIDENTIAL DISTRICTS

Sections:

20.420.010	Purpose.
20.420.020	Zoning Districts.
20.420.025	Higher Density Residential Zone Function and Location Criteria.
20.420.030	Uses.
20.420.040	Minimum and Maximum Densities.
20.420.050	Development Standards.
20.420.060	Commercial Development Restrictions.

20.420.010 Purpose.

Promote a range of housing choices while preserving neighborhood livability and protecting the consumer's choices in housing. These districts are designed to promote medium- to high-density residential neighborhoods. Housing types include manufactured homes, duplexes, rowhouses, and multi-unit structures. A mix of nonresidential uses, such as professional office and limited commercial, civic, and institutional uses, is permitted outright or conditionally subject to provisions to minimize adverse impacts, if any, on the residential character. However, the encouragement of mixed uses should not result in a predominance of business or commercial uses in areas designated for residential development by the Comprehensive Plan. (Ord. M-3709 § 6, 06/20/2005)

20.420.020 Zoning Districts.

A. R-18: Higher-Density Residential District. The R-18 zoning district is designed to accommodate attached homes such as duplexes and rowhouses, and garden-type apartments

at a minimum lot size of 1,800 square feet per unit. Professional office uses are permitted under certain circumstances. Some retail, civic and institutional uses are allowed conditionally. This zone consolidates the R-18 and OR-18 zones as of March 11, 2004.

B. R-22: Higher-Density Residential District. The R-22 zoning district is designed to accommodate rowhouses, garden-type apartments, and lower-density multi-dwelling structures at a minimum lot size of 1,500 square feet per unit. Professional office uses are permitted under certain circumstances. Some retail, civic and institutional uses are allowed conditionally. This zone consolidates the R-22 and OR-22 zones as of March 11, 2004.

C. R-30: Higher-Density Residential District. The R-30 zoning district is designed to accommodate multi-dwelling structures at a minimum lot size of 1,500 square feet per unit. Professional office uses are permitted under certain circumstances. Some retail, civic and institutional uses are allowed conditionally. This zone consolidates the R-30 and OR-30 zones as of March 11, 2004.

D. R-35: Higher-Density Residential District. The R-35 zoning district is designed to accommodate multi-dwelling structures at a minimum lot size of 1,200 square feet per unit. Professional office uses are permitted under certain provisions. Some retail, civic and institutional uses are allowed conditionally. (Ord. M-4034 § 11, 12/03/2012; Ord. M-3922 § 21, 07/06/2009; Ord. M-3730 § 11, 12/19/2005; Ord. M-3663 § 14, 08/02/2004; Ord. M-3643, 01/26/2004)

20.420.025 Higher Density Residential Zone Function and Location Criteria.

A. *R-18 (Higher Density Residential) Zone Location Criteria.* The R-18 designation is most appropriate in areas with the following characteristics and relationships to the surrounding area:

1. Areas occupied by a substantial amount of multifamily development, but where factors such as narrow streets, on-street parking congestion, local traffic congestion, lack of alleys and irregular street patterns restrict local access and circulation and make a lower intensity of development desirable.
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2. Areas where properties are well-suited to multifamily development, but where adjacent single-family developments or public open space make a transitional scale of development (height and bulk) desirable. There should be a well-defined edge such as an arterial, open space, change in block pattern, topographic change or other significant feature that provides physical separation from the single-family area. (This is not a necessary condition where existing moderate scale multifamily structures have already established the scale relationship with abutting single-family areas).

3. Properties must have access from collector or arterial streets, such that vehicular travel to and from the site is not required to use local access streets through lower density residential zones.

B. *R-22 (Higher Density Residential) Zone Location Criteria.* The R-22 designation is most appropriate in areas with the following characteristics and relationships to the surrounding area:

1. Areas already developed predominantly to the permitted R-22 density and where R-22 scale is well established.
2. Areas with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities.
3. Properties that are adjacent to existing business and commercial areas with comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable.
4. Areas well served by public transit and having direct access to arterials, such that vehicular traffic is not required to that pass through lower density residential zones; street widths must be sufficient to allow for two (2) way traffic and on-street parking in accordance with City street standards.
5. Areas with significant topographic breaks, major arterials or open space that provide a separation and transition to Lower Density Residential areas.

C. *R-30 (Higher Density Residential) Zone Location Criteria.* The R-30 designation is most appropriate in areas with the following characteristics and relationships to the surrounding area:

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1. Areas that are already developed predominantly to the permitted R-30 density, or areas that are within an urban center, or identified in an adopted sub-area plan as appropriate for higher density multifamily housing.
 2. Properties in close proximity to major employment centers, open space and recreational facilities.
 3. Areas with well-defined edges such as an arterial, open space, change in block pattern, topographic change or other significant feature providing sufficient separation from adjacent areas of small scale residential development, or areas should be separated by other zones providing a transition in the height, scale and density of development.
 4. Areas that are served by major arterials, where transit service is good to excellent, and where street capacity could absorb the traffic generated by higher density development.
 5. Principal streets in the area shall be sufficient to allow for two (2) way traffic and parking on both sides of the street. Vehicular access to the area shall not require use of streets passing through lower density residential zones.
 6. Areas of sufficient size to promote a high quality, higher density residential environment with close proximity (and good pedestrian connections) to public open spaces, neighborhood oriented commercial services, and other residential amenities.

D. *R-35 (Higher Density Residential) Zone Location Criteria.* The R-35 designation is most appropriate in areas generally characterized by the following development characteristics of the area and relationship to the surrounding area:

1. Areas that are developed predominantly to the intensity permitted by the R-35 zone, or areas located within an urban center, or defined in a subarea plan adopted by the City as appropriate for higher density multi-family housing.
 2. Areas of sufficient size to promote a high quality, higher density residential environment with close proximity (and good pedestrian connections) to public open spaces, neighborhood oriented commercial services, other residential amenities, major employment centers, open space and recreational facilities.
 3. Properties adjacent to business and commercial areas with comparable height and bulk.
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4. Properties in areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings.

5. Areas that are served by major arterials and where transit service is good to excellent and street capacity could absorb the traffic generated by high density development. (Ord. M-3730, Added, 12/19/2005, Sec 12)

20.420.030 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.

B. *Use table.* A list of permitted, limited, conditional, and prohibited uses in Higher Density residential zones is presented in Table 20.420.030-1.

Table 20.420.030-1				
Higher Density Districts Use Table				
USE	R-18	R-22	R-30	R-35
RESIDENTIAL				
Household Living	P	P	P	P
Group Living	P	P	P	P
Home Occupation	L ³	L ³	L ³	L ³

Table 20.420.030-1
Higher Density Districts Use Table

USE	R-18	R-22	R-30	R-35
HOUSING TYPES				
Single Dwelling Units, Attached	P ⁴	P ⁴	P ⁴	X
Single Dwelling Units, Detached	P ⁴	P ⁴	P ⁴	X ⁵
Accessory Dwelling Units	P ¹	P ¹	P ¹	P ¹
Duplexes	P ⁴	P ⁴	P ⁴	P ⁴
Multi-Dwelling Units	P ⁴	P ⁴	P ⁴	P ⁴
Manufactured Home Developments	L ⁷	L ⁷ /X	L ⁷ /X	L ⁷ /X
Designated Manufactured Home	L/X ²³	X	X	X
New Manufactured Home	L ²³	X	X	X
CIVIC (Institutional)				
Basic Utilities	C	C	C	C
Colleges	C	C	C	C
Community Centers	C	C	C	C
Community Recreation	C ⁸	C ⁸	C ⁸	C ⁸
Cultural Institutions	P/C ⁹	P/C ⁹	P/C ⁹	P
Day Care				
- Family Day Care Home	P/C ¹⁰	P/C ¹⁰	P/C ¹⁰	P/C ¹⁰
- Child Care Center	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴
- Adult Day Care	P/C ¹¹	P/C ¹¹	P/C ¹¹	P/C ¹¹
Emergency Services (except ambulance services)	C ¹²	C ¹²	C ¹²	C ¹²
Medical Centers	C	C	C	C

Table 20.420.030-1
Higher Density Districts Use Table

USE	R-18	R-22	R-30	R-35
Parks/Open Space				
- Neighborhood Parks	P	P	P	P
- Community Parks	P	P	P	P
- Regional Parks	C	P	P	P
- Trails	P	P	P	P
Postal Service	C	C	C	C
Religious Institutions	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴
Schools	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴
Social/Fraternal Clubs	C ⁶	C ⁶	C ⁶	C ⁶
Transportation Facility	P/C ¹⁵	P/C ¹⁵	P/C ¹⁵	P/C ¹⁵
COMMERCIAL				
Commercial and Transient Lodging	L/X ¹⁶	L/X ¹⁶	L/X ¹⁶	L/X ¹⁶
Eating/Drinking Establishments	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X
Entertainment-Oriented				
- Adult Entertainment	X	X	X	X
- Indoor Entertainment	X	X	X	X
- Major Event Entertainment	X	X	X	X
General Retail				
- Sales-Oriented	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X
- Personal Services	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X
- Repair-Oriented	X	X	X	X

Table 20.420.030-1
Higher Density Districts Use Table

USE	R-18	R-22	R-30	R-35
- Bulk Sales	X	X	X	X
- Outdoor Sales	X	X	X	X
Motor Vehicle Related				
- Motor Vehicle Sales/Rental	X	X	X	X
- Motor Vehicle Servicing/Repair	X	X	X	X
- Vehicle Fuel Sales	X	X	X	X
- EV Basic Charging Stations (accessory only)	P	P	P	P
- EV Rapid Charging Stations (accessory only)	P	P	P	P
- EV Battery Exchange Stations	X	X	X	X
Office				
- General	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X
- Medical	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X
- Extended	X	X	X	X
Self-Service Storage	X	X	X	X
Non-Accessory Parking	X	X	X	X
INDUSTRIAL				
<u>Bulk Fossil Fuel Storage and Handling Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cleaner Fuel Storage and Handling Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Industrial Services	X	X	X	X

Table 20.420.030-1
Higher Density Districts Use Table

USE	R-18	R-22	R-30	R-35
Manufacturing and Production	X	X	X	X
Railroad Yards	X	X	X	X
Research and Development	X	X	X	X
Warehouse/Freight Movement	X	X	X	X
Wholesale Sales	X	X	X	X
Waste-Related	X	X	X	X
Major Utility Facilities	X	X	X	X
OTHER				
Agriculture/Horticulture	P	P	P	P
Airport/Airpark	X	X	X	X
Animal Kennel/Shelters	X	X	X	X
Cemeteries	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸
Detention & Post Detention Facilities	X	X	X	X
Dog Day Care	C ¹⁹	C ¹⁹	C ¹⁹	C ¹⁹
Heliports	X ²⁰	X ²⁰	X ²⁰	X ²⁰
Recreational or Medical Marijuana Facilities	X	X	X	X
Medical Marijuana Cooperatives	X	X	X	X
Mining	X	X	X	X
Rail Lines/Utility Corridors	C	C	C	C
Basic Utilities	P	P	P	P
Temporary Uses	L ²¹	L ²¹	L ²¹	L ²¹

Table 20.420.030-1 Higher Density Districts Use Table				
USE	R-18	R-22	R-30	R-35
Wireless Communication Facilities	L/C/X ²²	L/C/X ²²	L/C/X ²²	L/C/X ²²

- 1** Subject to the provisions of Chapter [20.810](#) VMC, Accessory Dwelling Units.
 - 2** The language for this footnote has been deleted.
 - 3** Subject to the provisions of Chapter [20.860](#) VMC, Home Occupations.
 - 4** Provided the minimum required residential density is met, on an overall project basis.
 - 5** Single-family dwelling units legally established prior to March 11, 2004, shall be considered permitted uses.
 - 6** Subject to the provisions of VMC [20.895.040](#), Community Recreation and Related Facilities.
 - 7** Subject to the provisions of Chapter [20.880](#) VMC, Manufactured Home Parks. Manufactured Home Developments established prior to July 1, 2005 are exempt from the standards of VMC [20.420.050\(G\)](#), Criteria for Placement of Manufactured Homes, and may continue to exist and expand within existing previously-approved boundaries. An existing manufactured home in a development or subdivision may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision. Manufactured Home Developments in the R-22, R-30, R-35 zones are allowed as a Limited Use (L) only as part of a Chapter [20.260](#) VMC Planned Development that meets overall minimum density standards for the applicable zone.
 - 8** Subject to the additional provisions in VMC [20.895.040](#).
 - 9** Libraries permitted only; all other cultural institutions are conditional uses.
 - 10** Family day care homes for no more than 12 children are permitted when licensed by the state. Child care centers are permitted as conditional uses, subject to the provisions of Chapter [20.840](#) VMC, Child Care Centers, unless part of a Planned Development, in which case they are approved subject to Chapter [20.260](#) VMC. All child care facilities must be licensed by the state.
 - 11** Adult day care facilities with 12 or fewer clients are permitted outright; larger facilities are permitted as conditional uses.
 - 12** The language for this footnote has been deleted.
 - 13** *Repealed by M-4289.*
 - 14** Schools, child care centers, and religious institutions that meet all of the locational criteria contained in VMC [20.420.050\(F\)](#) are permitted by right; all others require conditional use approval. Child care centers permitted by right shall be consistent with Chapter [20.840](#) VMC, Child Care Homes and Centers, and be subject to Type II review pursuant to VMC [20.210.050](#).
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- 15** Except bus, trolley and street car stops, including bus shelters, which are allowed by right.
- 16** Bed-and-breakfast establishments as limited uses subject to provisions of Chapter [20.830](#) VMC, Bed and Breakfast Establishments; all other commercial and transient lodging prohibited.
- 17** New commercial uses allowed as limited uses subject to special development restrictions in VMC [20.420.060](#). Existing commercial uses permitted if legally established prior to code effective date. However, alterations and expansions shall be subject to Chapter [20.245](#) VMC (Conditional Use Permits).
- 18** Subject to the provisions in VMC [20.895.030](#).
- 19** Subject to the provisions of Chapter [20.850](#) VMC, Dog Day Care.
- 20** Except as an accessory to a medical center.
- 21** Subject to provisions of Chapter [20.885](#) VMC, except sale of fireworks prohibited in residential zones.
- 22** Subject to the provisions of Chapter [20.890](#) VMC, Wireless Communication Facilities.
- 23** A “designated manufactured home” is exempt from the development standards of VMC [20.420.050\(G\)](#) and may continue to exist and expand. An existing unit may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision. After July 1, 2005, only “new manufactured homes” that also meet the “designated manufactured home” criteria will be permitted on individual lots not part of an existing approved manufacturing home development or manufactured home subdivision. Except that a new manufactured home placed on an individual lot after July 1, 2005, may be relocated as permitted by this title if within five years of the date of the original placement.

(Ord. M-4223 § 4, 12/04/2017; Ord. M-4187 § 6, 12/05/2016; Ord. M-4105 § 3, 11/17/2014; Ord. M-4071 § 8, 03/03/2014; Ord. M-4066 § 5, 12/16/2013; Effective 01/16/2014; Ord. M-4035 § 3, 12/03/2012; Ord. M-4024 § 7, 09/10/2012; Ord. M-4002 § 6, 12/05/2011; Ord. M-3959 § 25, 07/19/2010; Ord. M-3931 § 12, 11/02/2009; Ord. M-3840 § 20, 08/06/2007; Ord. M-3730 § 13, 12/19/2005; Ord. M-3709 § 7, 06/20/2005; Ord. M-3701 § 15, 05/02/2005; Ord. M-3663 § 15, 08/02/2004; Ord. M-3643, 01/26/2004)

20.420.060 Commercial Development Restrictions.

Commercial uses. General office, medical office, personal and sales-oriented retail services, eating and drinking establishments, and other nonresidential uses may be allowed in the Higher Density residential districts as part of a mixed use building or site pursuant to VMC [20.430.060](#). (Ord. M-4034 § 12, 12/03/2012; Ord. M-3730 § 16, 12/19/2005; Ord. M-3698 § 3, 04/03/2005; Ord. M-3643, 01/26/2004)

Chapter 20.430

COMMERCIAL AND MIXED USE DISTRICTS

Sections:

20.430.010	Purpose.
20.430.020	List of Zoning Districts.
20.430.025	Commercial Zone Function and Location Criteria.
20.430.030	Uses.
20.430.040	Development Standards.
20.430.050	Special Limitations on Uses.
20.430.060	Mixed Use Standards and District.
20.430.070	<i>Waterfront Mixed Use (WX) District.</i>
	<i>(Repealed by Ord. M-4289)</i>

20.430.010 Purpose.

A. *Provide a range of commercial services for City residents.* One of the major purposes of the regulations governing development in commercial zoning districts is to ensure that a full range of retail and office uses are available throughout the City so that residents can fulfill all or most of their needs for goods and services within close proximity of their homes. The location of land within each commercial district must be carefully selected and design and development standards created to minimize the potential adverse impacts of commercial activity on established residential areas. At the same time, it is important to create more opportunities for mixed use, including residential, commercial and institutional activities in new and re-developing commercial areas.

B. *Facilitate economic goals.* Another purpose of these regulations is to ensure that there is a full range of economic activities and job opportunities within the City limits, in compliance with the economic goals of the City of Vancouver Comprehensive Plan. (Ord. M-3643, 01/26/2004)

20.430.020 List of Zoning Districts.

A. CN: Neighborhood Commercial District. The CN zoning district is designed to provide for small-scale, convenience commercial uses to serve adjacent residential neighborhoods. Convenience goods and services are those which are purchased frequently and do not require comparison shopping. Typical uses include, but are not limited to, convenience markets, personal services, restaurants, bakeries, and video rental shops. Above ground floor housing and some civic and institutional uses are allowed conditionally. The design and impact of these uses should be compatible with the surrounding neighborhood in size and scale and should generate minimal traffic. Because these uses primarily serve the immediate area, there are significant opportunities for walking, bicycle and transit trips that shall be encouraged and accommodated through building design, landscaping and access. The CN zoning district was referred to as Neighborhood Commercial (NC) prior to March 11, 2004.

B. CC: Community Commercial. The CC zoning district is designed to provide for retail goods and services purchased regularly by residents of several nearby neighborhoods. The zone also accommodates offices, institutions and mixed use housing. Because of the limited trade area, there are significant opportunities for walking, bicycle and transit trips that should be encouraged and accommodated through building/site design, landscaping and access.

C. CG: General Commercial. The CG zoning district is designed to allow for a full range of retail, office, mixed use and civic uses with a city-wide to regional trade area. Above ground floor housing is allowed. Some light industrial uses also are allowed, but limited so as not to detract from the predominant commercial character of the district. Development is generally expected to be auto-accommodating given the large service area but trips by alternative modes – walking, cycling and transit – should be encouraged through building/site design, landscaping and access. Because such areas generate more traffic than less-intense commercial zones, such developments should take their primary access from a street with at least the capacity of a Minor Arterial. The CG zoning district was referred to as General Commercial (GC) prior to March 11, 2004.

D. CX: City Center. The CX zoning district is designed to provide for a concentrated mix of retail, office, civic and housing uses in downtown Vancouver. The broad range of allowed uses is intended to promote Vancouver as the commercial, cultural, financial and municipal center of Clark County. Typical uses include, but are not limited to retail sales; hotels/motels; restaurants; professional offices; educational, cultural and civic institutions; public buildings; and

commercial parking. Ground floor residential is allowed with the exception of properties fronting Main Street between Sixth Street and Mill Plain. All of the property that has a CX zoning designation lies within the Downtown Plan District.

E. WX: Waterfront Mixed-Use. The WX zoning district is designed to provide for a significant level of mixed-use development and pedestrian access along the Columbia River while maintaining environmental and scenic resources and compatibility of uses. Permitted use categories include retail, office, institutional, residential, parks and civic uses. Limited warehouse and industrial uses, in addition to some regional scale facilities, are conditionally permitted.

F. CPX: Central Park Mixed-Use. The CPX zoning district is the base zone designation for all land located within the Vancouver Central Park Plan District that contains a number of existing parks and governmental, health, recreational, educational and cultural facilities. The CPX zone district also contains the Vancouver National Historic Reserve that includes Officers Row, Vancouver Barracks, Fort Vancouver and Pearson Air Park. The CPX zone district is designed to enhance and protect existing facilities and fulfill the vision and policies identified in the Central Park Plan. The CPX zoning district was referred to as Vancouver Central Park (VCP) in the previous zoning code.

G. MX: Mixed Use District. The Mixed-Use zoning district is intended to provide the community with a mix of mutually supporting retail, service, office, light industrial, and residential uses. It promotes physically and functionally coordinated and cohesive site planning and design which maximizes land use. It also encourages development of a high-density, active urban environment which is expected to:

1. Achieve the goals and objectives of the Community Framework Plan and the Vancouver Urban Area Comprehensive Plan;
 2. Fulfill the community vision identified through the Visual Preference Survey and other opportunities for public involvement;
 3. Enhance livability, environmental quality, and economic vitality;
 4. Maximize efficient use of public facilities and services;
 5. Provide a variety of housing types and densities;
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6. Reduce the number of automobile trips and encourage alternative modes of transportation; and
 7. Create a safe, attractive, and convenient environment for living, working, recreating, and traveling.

H. *HX: Heights District.* The HX zoning district is envisioned as a vibrant neighborhood center that is sustainable, healthy, equitable, accessible and safe, and includes a mix of complementary uses, engaging public open space, diverse housing affordable to a wide range of community members and safe multimodal travel opportunities within the district and to transit and nearby neighborhoods. The purpose of the Heights Mixed Use (HX) Plan district is to implement the vision, goals, and policies of the Heights District Plan, and ensure future development is integrated, cohesive, context sensitive and contributes to the overall district vision. (Ord. M-4341 § 3 (Exh. B), 2021; Ord. M-4289 § 4, 2019; Ord. M-3891 § 4, 2008; Ord. M-3832 § 5, 2007; Ord. M-3730 § 17, 2005; Ord. M-3643, 2004)

20.430.025 Commercial Zone Function and Location Criteria.

A. *General Criteria.* Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling , or linear commercial areas. The preservation, improvement, and redevelopment of existing commercial areas shall be preferred to the creation of new business areas or districts. Areas meeting the location criteria for Lower Density designations (i.e. R-6, R-9) are generally not appropriate for conversion to commercial. The encroachment of commercial development into residential areas shall be discouraged, except for Neighborhood Commercial within the criteria defined below for CN.

B. *CN (Neighborhood Commercial) Location Criteria.* The CN (Neighborhood Commercial) zone designation, as defined in above, is most appropriate in areas that are generally characterized by the following:

1. Lower Density Residential areas surround the subject site;
 2. No physical edges (waterways, major arterial streets or freeways, ravines, cliffs, etc) separate the residential areas from the subject site;
 3. Access is through residential areas or from collector streets
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4. Designated areas typically total less than 2 acres and are not contiguous with other commercial areas.

C. *CC (Community Commercial) Location Criteria.* The CC (Community Commercial) zone designation, as defined in above, is most appropriate in areas that are generally characterized by the following:

1. Both residential and commercial areas abut the subject site;
2. No physical edges (waterways, major arterial streets or freeways, ravines, cliffs, etc) separate the existing residential or commercial areas from the subject site;
3. The site is located to provide a transition between more intense General Commercial areas and surrounding residential areas; or is located along a major arterial where parcels are generally small or shallow, and are bordered by Lower Density Residential areas.
4. The site is located on streets with good capacity (major collector streets and minor arterials) and good pedestrian and bicycle connections to adjacent residential areas.
5. Areas where the total acres in a Community Commercial cluster or node can be limited to approximately 10 acres, with other zones providing separation between Community Commercial clusters or nodes.

D. *CG (General Commercial).* The CG (General Commercial) Zone designation, as defined above, is most appropriate in areas designated by an adopted sub-area plan or generally characterized by the following:

1. Existing shopping centers or shopping areas along arterials or major commercial nodes or strips characterized by heavy, nonretail commercial activity, often including a few major employers;
 2. Areas readily accessible from a principal arterial with sufficient capacity to support major commercial development and with good to excellent transit service;
 3. Areas adjacent to or abutting industrial zones;
 4. Areas with physical edges that buffer residential districts, such as changes in residential street or lot layout that orient residential uses away from the commercial site, dense
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vegetation or landscaping, topographical features (i.e. ravines, cliffs), and other natural buffers.

5. Areas with a predominance of large lots that could physically accommodate a wide range of commercial uses, including large uses.

E. *Additional Commercial Criteria.*

1. Proposals to expand or create designated commercial areas shall include a current market analysis which identifies the need for the new commercial area/center.

2. Proposals to expand or create designated commercial areas shall include a current land use analysis of commercially designated and zoned land in the market area of the proposed site that includes a discussion of why the amount or character of existing commercial lands are inadequate. (Ord. M-3931 § 15, 12/02/2009; Ord. M-3730, Added, 12/19/2005, Sec 18)

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.

B. *Use table.* A list of permitted, limited, conditional, and prohibited uses in the commercial and mixed use zones is presented in Table 20.430.030-1.

Table 20.430.030-1. Commercial and Mixed-Use Districts Use Table

USE	CN	CC	CG	CX	WX	CPX ¹	MX ²	RGX ⁴⁴	HX ⁵¹
RESIDENTIAL									
Household Living	L ⁴	L ^{4,8}	L ^{4,8}	L ^{42,8}	L ^{5,8}		P ^{6,8}	P ⁸	P ⁸
Group Living	P/C ⁷	P/C ⁷	P/C ⁷	P/C ⁷	P/C ⁷		P ⁶	P	P
Home Occupation	L ¹⁰	L ¹⁰	L ¹⁰	L ¹⁰	L ¹⁰		L ¹⁰	L ¹⁰	L ¹⁰
HOUSING TYPES									
Single Dwelling Units, Attached	L ⁴	L ⁴	L ⁴	L ⁴²	L ⁴		P ⁶	P	L ⁴
Single Dwelling Units, Detached	X	X	X	X	X		P ⁶	P	X
Accessory Dwelling Units	X	X	X	X	X		P ⁶	P	P
Duplexes	L ⁴	L ⁴	L ⁴	L ⁴²	L ⁴		P ⁶	P	X
Multi-Dwelling Units	L ⁴	L ⁴	L ⁴	L ⁴²	L ⁴		P ⁶	P	L ⁴
Existing Manufactured Home Development	X	X	X	X	X		X	X	X
Designated Manufactured Home	X	X	X	X	X		X	X	X
New Manufactured Home	X	X	X	X	X		X	X	X
Affordable Housing Projects	X	L ⁸	L ⁸	L ⁸	L ⁸	L ⁸	L ⁸	L ⁸	P
CIVIC (Institutional)									
Basic Utilities	C	C	C	P	C		C	C	C
Colleges	X	C	C	P	C		P	P	P
Community Centers	X	C	C	C	C		C	C	C

USE	CN	CC	CG	CX	WX	CPX ¹	MX ²	RGX ⁴⁴	HX ⁵¹
Community Recreation	X	L ¹¹	L ¹¹	L ¹¹	L ¹¹		L ¹¹	L ¹¹	L ¹¹
Cultural Institutions	L ¹⁹	P	P	P	P		P	P	P
Day Care									
- Family Day Care Home	P/L ¹³	P/L ¹³	P/L ¹³	P/L ¹³	P/L ¹³		P/L ¹³	P/L ¹³	P/L ¹³
- Child Care Center	L ¹³	L ¹³	L ¹³	L ¹³	L ¹³		P/L ¹³	P/L ¹³	P/L ¹³
- Adult Day Care	P/C ¹⁴	P	P	P	P		P	P	P
Emergency Services	X	C	P	P	C		P	P	P
Medical Centers	X	C	C	P	C		C	P	C
Parks/Open Space									
- Neighborhood Parks	P	P	P	P	P		P	P	P
- Community Parks	P	P	P	P	P		P	P	P
- Regional Parks	X	P	P	P	P		P	P	P
- Trails	P	P	P	P	P		P	P	P
Postal Service	L ¹⁹	P	P	P	P		P	P	P
Religious Institutions	X	P	P	P	C		P	P	P
Schools (not truck driving schools)	C	P	P	P	P		P	P	P
Social/Fraternal Clubs	C	L ¹¹	L ¹¹	L ¹¹	L ¹¹		L ¹¹	L ¹¹	L ¹¹
Transportation Facility	P	P	P	P	P		P	P	P
Park & Ride Facilities									
- Surface	X	L ⁴⁸	L ⁴⁸	X	X	X	X	X	X
- Structure	X	L ⁴⁸	L ⁴⁸	L ⁴⁸	L ⁴⁸	L ⁴⁸	L ⁴⁸	X	L ⁴⁸
COMMERCIAL									
Commercial and	X	C	P	P	L ¹⁸ /C		L ¹⁸ /C	P	L ¹⁸ /C

USE	CN	CC	CG	CX	WX	CPX ¹	MX ²	RGX ⁴⁴	HX ⁵¹
Transient Lodging									
Eating/Drinking Establishments	L ^{19/20}	P	P	P	P		P	P	P
Entertainment-Oriented									
- Adult Entertainment	X	X	L ²³	X	X		X	X	X
- Indoor Entertainment	X	P/L ²⁴	P/L ²⁴	P/L ²⁴	P/L ²⁴		P/L ²⁴	P/L ²⁴	P/L ²⁴
- Major Event Entertainment	X	X	P	P	C		C	X	C
General Retail									
- Sales-Oriented	L ¹⁹	P	P	P ²⁵	P		P	P ²⁵ , 46	P
- Personal Services	L ¹⁹	P	P	P	P		P	P	P
- Repair-Oriented	X	P	P	P	X		P	P	P
- Bulk Sales	X	P	P	P	X		P	C	P
- Outdoor Sales	X	C	P/L ²⁶	P/L ²⁶	X		P/L ²⁶	X	P/L ²⁶
Artisan and Specialty Goods Production	X	L ⁴⁰	L ⁴⁰	L ⁴⁰	X		X	X	L ⁴⁰ ,52
Motor Vehicle Related									
- Motor Vehicle Sales/Rental	X	L ²⁷	P	P	X		C ²⁷	X, L ⁴⁵	X
- Motor Vehicle Servicing/Repair (entirely indoors)	X	L ²⁸	L ²⁸	L ²⁸	X		C ²⁸	X	X
- Vehicle Fuel Sales	X	L ²⁸	L ²⁸	L ²⁸	C		C ²⁸	X	X
- EV Basic Charging Stations (accessory and standalone)	P	P	P	P	P		P	P	P

USE	CN	CC	CG	CX	WX	CPX ¹	MX ²	RGX ⁴⁴	HX ⁵¹
- EV Rapid Charging Stations (accessory and standalone)	P	P	P	P	P		P	P	P
-EV Battery Exchange Stations	X	P	P	P	X		X	P	X
Office									
- General	L ¹⁹	P	P	P	P		P	P	P
- Medical	L ¹⁹	P	P	P	P		P	P	P
- Extended	X	P	P	P	X		X	X	X
Marina (See also Chapter 20.760 VMC)	X	P	P	P	P		P	X	P
Non-Accessory Parking	X	C	C	C ⁴³	C		C	C ⁴³	X
Self-Service Storage	X	P ^{3, 50}	P ⁵⁰	X	X		X	X	X
INDUSTRIAL									
<u>Bulk Fossil Fuel Storage and Handling Facilities</u>	X	X	X	X	X	X	X	X	X
<u>Cleaner Fuel Storage and Handling Facilities</u>	X	X	X	X	X	X	X	X	X
<u>Small Fossil Fuel and Cleaner Fuels Storage and Distribution Facilities</u>	X	X	X	X	X	X	X	X	X
Industrial Services	X	C	C	X	X		X	C	X
Manufacturing and Production	X	C/X ³⁰	P/X ³¹	P/X ⁴¹	X		C/X ³²	P ⁴¹	C/X ³²
Railroad Yards	X	X	X	X	X	X	X	X	X
Research and	X	X	P	C	C		C	P	C

USE	CN	CC	CG	CX	WX	CPX ¹	MX ²	RGX ⁴⁴	HX ⁵¹
Development									
Warehouse/Freight Movement	X	X	X	X	X		X	X	X
Waste-Related	X	X	P ⁴⁷	X	X		X	X	X
Wholesale Sales	X	X	C	C	X		X	X	X
Major Utility Facilities	X	X	X	X	X		X	X	X
OTHER									
Agriculture/Horticulture	X	X	X	X	X		X	X	X
Airport/Airpark	X	X	X	X	X		X	X	X
Animal Kennel/Shelters	X	L ³³	L ³³	X	X		X	X	X
Cemeteries	X	C ³⁴	P ³⁴	C ³⁴	X		C ³⁴	X	C ³⁴
Detention & Post Detention Facilities	X	X	C/X ³⁵	C/X ³⁵	X		X	X	X
Dog Day Care	L ³⁶	L ³⁶	L ³⁶	L ³⁶	L ³⁶		L ³⁶	L ³⁶	L ³⁶
Heliports	X	X	X	C ³⁷	C ³⁷		C ³⁷	C ³⁷	C ³⁷
Medical Marijuana Cooperatives	X	X	X	X	X		X	X	X
Recreational Marijuana, Production or Processing	X	X	X	X	X		X	X	X
Recreational Marijuana Retail	X	L ⁴⁹	L ⁴⁹	X	X		X	X	L ⁴⁹
Mining	X	X	X	X	X		X	C	X
Rail Lines/Utility Corridors	C	P	P	P	C		C	P	C
Temporary Uses	L ²⁶	L ²⁶	L ²⁶	L ²⁶	L ²⁶		L ²⁶	L ²⁶	L ²⁶

USE	CN	CC	CG	CX	WX	CPX ¹	MX ²	RGX ⁴⁴	HX ⁵¹
Wireless Communication Facilities	X	L/C/X ³⁹	L/C/X ³⁹	L/C/X ³⁹	L/C/X ³⁹		L/C/X ³⁹	L/C/X ³⁹	L/C/X ³⁹

1 Refer to Vancouver Central Park Plan District, Chapter [20.640](#) VMC.

2 Refer to Mixed Use standards in VMC [20.430.060](#).

3 A single ground floor caretaker/security/manager residence is allowed if it is an integral part of a mini-storage building.

4 All or part of residential uses must be located above the ground floor of the structure as specified by VMC [20.430.060\(B\)\(2\)](#) with exception of Community Commercial (CC) zoned properties fronting Broadway Street and located within the Uptown Village District of the Vancouver City Center Subarea Plan (refer to VMC [20.430.020\(B\)](#)).

5 Must have a minimum density of 10 dwelling units/net acre.

6 Allowed pursuant to mixed use standards of VMC [20.430.060](#).

7 Residential Care Homes with six or fewer residents and any required on-site staff permitted by right in housing above the ground floor; all larger group home uses are permitted conditionally.

8 Eligible affordable housing projects must (a) demonstrate eligibility for Washington State Housing Finance Commission Low Income Housing Tax Credits by providing at least 40 percent of units affordable to households at 60 percent of Area Median Income or otherwise as demonstrated eligible for credits; (b) include a guarantee that the threshold is maintained for at least 30 years unless specified longer by the finance commission; and (c) be located on properties whose borders are within 1,000 feet of a bus rapid transit or other high capacity transit corridor, or transit corridors with existing weekday peak service frequencies of 35 minutes or less, as indicated in the C-Tran 2018-2033 Transit Development Plan.

9 The language for this footnote has been deleted.

10 Subject to the provisions of Chapter [20.860](#) VMC, Home Occupations.

11 Subject to provisions of VMC [20.895.040](#), Community Recreation and Related Facilities.

12 The language for this footnote has been deleted.

13 Family day care homes for no more than 12 children are permitted when licensed by the state. Child care centers (13 or more children) are Limited (L), subject to a Type II procedure in Chapter [20.210](#) VMC. Child care centers can also be approved as part of a Planned Development, Chapter [20.260](#) VMC. In all cases child care centers must meet the standards outlined in Chapter [20.840](#) VMC.

14 In the CN zone, adult day care facilities for six or fewer adults allowed outright in the CN zone, all other facilities are permitted as conditional uses.

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- 15** The language for this footnote has been deleted.
- 16** The language for this footnote has been deleted.
- 17** Transportation facilities are permitted except for large or land-intensive facilities such as park-and-ride lots and water taxi and ferry stations.
- 18** Bed-and-breakfast establishments are allowed as limited uses, subject to the provisions in Chapter [20.830](#) VMC, and all other lodging allowed as conditional uses.
- 19** Limited uses subject to the development standards in VMC [20.430.040\(D\)](#).
- 20** Eating and drinking establishments are permitted only in conjunction with another permitted use on site. Exclusively or predominantly drive-through eating and drinking establishments are prohibited.
- 22** Limited uses subject to the development standards in VMC 20.430.050(B).
- 23** Subject to provisions in Chapter [20.820](#) VMC, Adult Entertainment.
- 24** Provisions in VMC [20.895.060](#) apply to Indoor Target Shooting Ranges.
- 25** Pawnshops allowed in CX and CG Districts only. No more than four pawnshop establishments allowed in the CX District.
- 26** Subject to provisions in Chapter [20.885](#) VMC, Temporary Uses.
- 27** Sales/rental lots for motor vehicles only are subject to the following criteria: (a) the lot size is approximately 200 feet by 200 feet, or 100 feet by 100 feet if a corner lot, though smaller lots will be considered if shown to meet all other requirements; (b) reviewed and approved by the city transportation manager for on-site circulation, access, and parking plan; (c) located on a primary arterial with average traffic in excess of 10,000 vehicle trips per day; (d) employee/customer parking is provided at a rate of one space plus an additional space per each 5,000 square feet of lot area; (e) there is no vehicle display in setback areas, and all setbacks are landscaped rather than paved.
- 28** Subject to provisions in VMC [20.895.070](#), Motor Vehicle Fuel Sales and Repair.
- 29** The language for this footnote has been deleted.
- 30** Micro-breweries and manufacturing of optical, medical and dental devices, goods, and equipment allowed by conditional use; all others prohibited.
- 31** Micro-breweries, bakeries, printing, publishing, binding, lithography, repair shops for tools, scientific/professional instruments and motors, and manufacturing of optical, medical and dental devices, goods, and equipment allowed outright; all others prohibited.
- 32** Micro-breweries allowed by conditional use; all others prohibited.
- 33** Subject to provisions in VMC [20.895.020](#), Animal Kennel/Shelters.
- 34** Subject to provisions in VMC [20.895.030](#), Cemeteries.
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- 35** Secure Transition Facilities as per VMC [20.855.020\(B\)\(6\)\(a\)](#) are prohibited.
- 36** Subject to the provisions in Chapter [20.850](#) VMC, Dog Day Care.
- 37** Subject to provisions in VMC [20.895.080](#), Private Landing Strips and Heliports. Airpark related uses are permitted in Pearson Airpark and Evergreen Airport only.
- 38** The language for this footnote has been deleted.
- 39** Subject to requirements in Chapter [20.890](#) VMC, Wireless Telecommunications Facilities.
- 40** Subject to limitations in VMC [20.430.050\(A\)](#). Uses defined in VMC [20.160.020\(C\)\(10\)](#).
- 41** Printing, binding, lithography, repair shops for tools, scientific/professional instruments and motors, computer research or assembly, and manufacturing of optical, medical and dental devices, goods and equipment permitted outright; all others prohibited.
- 42** Ground floor residential is allowed within the CX zone with the exception of properties fronting Main Street between Sixth Street and Mill Plain.
- 43** Parking structures are permitted outright.
- 44** Allowed subject to provisions of Riverview Gateway Plan District Standards, Chapter [20.680](#) VMC, and associated Master Plan adopted for the area of proposed development.
- 45** Motor vehicle rental permitted where ancillary to another use.
- 46** Retail uses shall not exceed 50,000 square feet in total floor space unless included in a mixed use building with other uses accounting for at least 20 percent of floor space, and is in full compliance with Riverview Plan District Design Guidelines.
- 47** Neighborhood recycling and/or yard debris collection centers which are exempt from a state solid waste handling permit are permitted; all other waste-related uses prohibited. If a neighborhood recycling and/or yard debris collection center is handling organic materials, they shall not be stored on site for a period longer than seven days.
- 48** See VMC [20.430.040\(E\)](#), Park and Ride Facility Development Standards.
- 49** Subject to Chapter [20.884](#) VMC.
- 50** Subject to requirements and standards within the Miscellaneous Special Use Standards for Self-Service Storage, pursuant to VMC [20.895.100](#).
- 51** Allowed subject to the provisions of the Heights District Plan standards, Chapter [20.670](#) VMC.
- 52** Permitted in the HX Plan district where commercial uses are permitted.

(Ord. M-4341 § 3 (Exh. B), 2021; Ord. M-4289 § 4, 2019; Ord. M-4288 § 4, 2019; Ord. M-4255 § 8, 2018; Ord. M-4254 § 3(DD), 2018; Ord. M-4187 § 7, 2016; ACM dated 1/7/2016; Ord. M-4147 § 4, 2015; Ord. M-4071 § 4, 2014; Ord. M-4035 § 4, 2012; Ord. M-4034 § 13, 2012; Ord. M-4024 § 8, 2012; Ord. M-4002 § 7, 2011; Ord.

M-4002 § 7, 2011; Ord. M-3959 § 26, 2010; Ord. M-3931 § 16, 2009; Ord. M-3922 § 22, 2009; Ord. M-3911 § 5, 2009; Ord. M-3891 § 5, 2008; Ord. M-3865 § 3, 2008; Ord. M-3840 § 22, 2007; Ord. M-3832 § 6, 2007; Ord. M-3730 § 19, 2005; Ord. M-3709 § 9, 2005; Ord. M-3701 § 17, 2005; Ord. M-3698 § 5, 2005; Ord. M-3667 § 3, 2004; Ord. M-3663 § 17, 2004; Ord. M-3643, 2004)

Chapter 20.440

INDUSTRIAL DISTRICTS

Sections:

20.440.010	Purpose.
20.440.020	List of Zoning Districts.
20.440.025	Industrial Zone Function and Location Criteria.
20.440.030	Uses.
20.440.040	Development Standards.
20.440.050	Additional OCI Development Standards.

20.440.010 Purpose.

A. *Provide a range of industrial services for City residents.* One of the major purposes of the regulations governing development in industrial zoning districts is to ensure that a full range of job opportunities are available throughout the City so that residents can work close to home if they choose. The location of land within each industrial district must be carefully selected and design and development standards created to minimize the potential adverse impacts of industrial activity on established residential areas.

B. *Facilitate economic goals.* Another purpose of these regulations is to ensure that there is a full range of economic activities and job opportunities within the City limits, in compliance with the economic goals of the City of Vancouver Comprehensive Plan. (Ord. M-3643, 01/26/2004)

20.440.020 List of Zoning Districts.

A. OCl: Office Commercial Industrial. The OCl zoning district provides appropriate locations for office, light industrial and small-scale commercial uses (e.g., restaurants, personal services and fitness centers) either singly or in combination. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, vibration, outdoor storage, or process visibility are permitted in the OCl zone. In addition to mandatory site plan review, design and development standards in the OCl zone have been adopted to ensure that developments will be well-integrated, attractively landscaped, and pedestrian friendly. The OCl zone combines two zones that were referred to as the Office Campus (OC) and Industrial Commercial (MC) zones prior to March 11, 2004.

B. IL: Light Industrial. The IL zoning district provides appropriate locations for combining light, clean industries including industrial service, manufacturing, research/development, warehousing activities, and general office uses and limited retail. These activities do not require rail or marine access and have limited outdoor storage.

C. IH: Heavy Industrial. The IH zoning district provides appropriate locations for intensive industrial uses including industrial service, manufacturing and production, research and development, warehousing and freight movement, railroad yards, waste-related and wholesale sales activities. Activities in the IH zone include those that involve the use of raw materials, require significant outdoor storage and generate heavy truck and/or rail traffic. Because of these characteristics, IH-zoned property has been carefully located to minimize impacts on established residential, commercial and light industrial areas.

D. ECX: Employment Center Mixed-Use. The ECX zoning district is designed to provide for a concentrated urban mix of office, light industrial and small-scale commercial uses (e.g., restaurants, personal services and fitness centers) either singly or in combination in the Section 30 Employment Center Plan District. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, vibration, outdoor storage, or process visibility are permitted in the ECX zone. In addition, the ECX zoning district provides for optional Urban Neighborhood Overlay(s), allowing for two concentrated urban mixed-use commercial/residential neighborhoods. Mandatory master planning and development standards in the ECX zone have been adopted to ensure that developments will be well-integrated, attractively landscaped, and pedestrian friendly. (Ord. M-3930 § 6, 10/05/2009; Ord. M-3730 § 24, 12/19/2005; Ord. M-3643, 01/26/2004)

20.440.025 Industrial Zone Function and Location Criteria.

A. *General Criteria.* Increasing industrially zoned land shall be favorably considered when such action will provide additional opportunities for business expansion, retention of manufacturing and other industrial firms, or increased employment, especially employment that adds to or maintains the diversity of job opportunities.

B. *OCI (Office-Commercial-Industrial) Location Criteria.* The OCI (Office-Commercial-Industrial) zone designation is most appropriate in areas generally characterized by the following:

1. Areas with existing concentrations of technology-oriented, research and development, and professional service uses or close proximity to major institutions capable of utilizing or supporting new technology-oriented, research and development, and professional service businesses.
2. Existing light or heavy industrial areas which are undergoing a transition to predominantly office and/or mixed commercial and industrial activity.
3. Areas which are underutilized and could provide the type of environment attractive for new technology-oriented, research and development, and professional service office-style development.
4. Areas with access primarily along major highways and arterials, preferably well served by transit.

C. *IL (Light Industrial) Location Criteria.* The Light Industrial (IL) zone designation is most appropriate in areas generally characterized by the following:

1. Areas that are currently developed with a mix of industrial activity and related or limited commercial uses;
 2. Areas that, because of their size, isolation, or separation by another type of zone or major physical barrier (such as a topographic break, major arterial, waterway, or open space) can accommodate more industrial activity without conflicting with the function of nearby commercial and residential activity.
 3. Areas with adequate access to the existing and planned arterial street network, such that additional trips generated by increased industrial activity in the area can be
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accommodated without conflicting with the access and circulation needs of nearby commercial and residential activity.

4. Large parcels of land with generally flat topography;
5. Adequate water, sewer, and fire protection services are available.

D. *IH (Heavy Industrial) Location Criteria.* The IH (Heavy Industrial) zone designation, as defined above, is most appropriate in areas generally characterized by the following:

1. Areas with suitable water access for marine industrial activity and/or directly served by major freight rail lines serving industrial businesses;
2. A character established by existing industrial uses and related commercial activity including manufacturing use, warehousing, transportation, utilities, and similar activities;
3. Areas that, because of their size, isolation, or separation by a nonresidential zone or major physical barrier (such as a topographic break, major arterial, waterway, or open space) can accommodate more industrial activity without conflicting with the function of nearby commercial and residential activity.
4. Access by roads designed/developed to accommodate heavy load or high volume truck traffic, with minimal mixing with nonindustrial traffic.
5. Large parcels of land with generally flat topography;
6. Adequate water, sewer, and fire protection services are available. (Ord. M-3730, Added, 12/19/2005, Sec 23)

20.440.030 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.
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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.

5. Uses may also be subject to restrictions and standards set forth in the Water Resource Protection Ordinance (VMC Title [14](#)).

B. *Use table.* A list of permitted, limited, conditional, and prohibited uses in the industrial zoning districts is shown in Table 20.440.030-1.

Table 20.440.030-1. Industrial Zoning Districts Use Table

USE	OCI ²⁰	IL ¹	IH	ECX ²⁷
RESIDENTIAL				
Household Living	L ²	L ²	L ²	L ²⁸
Group Living	P ²¹ /X	X	X	P ²¹ /X
Home Occupation	L ³	L ³	L ³	L ³
HOUSING TYPES				
Single Dwelling, Attached	L ²	X	X	L ²⁸
Single Dwelling, Detached	X	X	X	X
Accessory Dwelling Units	X	X	X	X
Duplexes	L ²	X	X	L ²⁸
Multi-Dwelling Units	L ²	X	X	L ²⁸
Existing Manufactured Home Developments	X	X	X	X
Designated Manufactured	X	X	X	X
New Manufactured Homes	X	X	X	X

USE	OCI ²⁰	IL ¹	IH	ECX ²⁷
CIVIC (Institutional)				
Basic Utilities	P	P	P	P
Colleges	X	X	X	C
Community Centers	P	X	P	P
Community Recreation	L ²⁴	P	X	L ²⁴
Cultural Institutions	X	P	X	P
Day Care				
- Child Care Center	L ⁴	L ⁴	X	L ⁴
- Adult Day Care	P	P	X	P
Emergency Services (except ambulance services)	P	P	P	P
Medical Centers	C	X	X	P
Parks/Open Space				
- Neighborhood Parks	P	P	P	P
- Community Parks	P	P	P	P
- Regional Parks	C	C	C	C
- Trails	P	P	P	P
Postal Service	X	P	P	X
Religious Institutions	X	X	X	X
Schools	X	X	X	X
Social/Fraternal Clubs	X	X	X	X
Transportation Facility	P/X ²⁶	P	P	P/X ²⁶
Park and Ride Facilities				
Surface	X	L ³¹	L ³¹	X

USE	OCI ²⁰	IL ¹	IH	ECX ²⁷
Structure	L ³¹	L ³¹	L ³¹	L ³¹
COMMERCIAL				
Commercial and Transient Lodging	X	X	X	P
Eating/Drinking Establishments	L	L ⁵	L ⁵	L ⁶
Entertainment-Oriented				
- Adult Entertainment	X	L ⁷	L ⁷	X
- Indoor Entertainment	X	X	X	X
- Major Event Entertainment	X	X	X	X
Artisan Small Scale Manufacturing	X	X	X	P
General Retail				
- Sales-Oriented	L	L ⁶	L/C ⁶	L ⁶
- Personal Services	L	L ⁶	X	L ⁶
- Repair-Oriented	L	L ⁶	X	L ⁶
- Bulk Sales	X	X	X	X
- Outdoor Sales	X	X	P	X
Motor Vehicle Related				
- Motor Vehicle Sales/Rental	X	X	X	X
- Motor Vehicle Servicing/Repair	X	L ⁸	L ⁸	X
- Vehicle Fuel Sales	X	X	L ⁸	L ^{8, 29}
- EV Basic Charging Stations (accessory and stand-alone)	P	P	P	P
- EV Rapid Charging Stations (accessory and stand-alone)	P	P	P	P

USE	OCI ²⁰	IL ¹	IH	ECX ²⁷
- EV Battery Exchange Stations	P	P	X	P
Office				
- General	P	P	L/C ⁹	P
- Medical	P	P	X	P
- Extended	P	P	X	P
Marina (See also Chapter 20.760 VMC)	X	C	X	X
Nonaccessory Parking	C ¹⁰	L ¹⁰ /X	X	L ³⁰
Self-Service Storage	P ³⁵	P ³⁵	X	X
INDUSTRIAL				
Industrial Services	P	P	P	P
Manufacturing and Production	P	P ¹¹	P ¹¹	P
Railroad Yards	X	X	P	X
Bulk Crude Oil Fossil Fuel Storage and Handling Facilities	X ³⁴	X ³⁴	X/L/C ³⁴	X ³⁴
<u>Cleaner Fuel Storage and Handling Facilities</u>	X	X	C ³⁷	X
<u>Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities</u>	X	X	C ³⁷	X
Petroleum/Oil Refineries	X	X	X	X
Research and Development	P	P	C	P
Warehouse/Freight Movement	X	L ¹²	P	X
Waste-Related	X	X	P ²² /X	X
Wholesale Sales	P	L ¹²	X	X

USE	OCI ²⁰	IL ¹	IH	ECX ²⁷
Major Utility Facilities	X	X/P ³²	L ³³	X
OTHER				
Agriculture/Horticulture	X	P	P	X
Airport/Airpark	X	L ¹⁹	P	X
Animal Kennel/Shelters	X	L ¹⁷	L ¹⁷	X
Cemeteries	X	X	C	X
Detention and Post Detention Facilities	X	C/X ¹³	C ¹⁴	X
Dog Day Care	L ¹⁵	L ¹⁵	L ¹⁵	L ¹⁵
Heliports	C	C	C	C
Medical Marijuana Cooperatives	X	X	X	X
Recreational Marijuana Retail	X	X	X	X
Recreational Marijuana Growing or Processing	X	L ³⁶	L ³⁶	X
Mining	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸
Rail Lines/Utility Corridors	P/X ²³	P	P	P/X ²³
Wireless Communication Facilities	L ¹⁶	L ¹⁶	L ¹⁶	L ¹⁶

1 Due to the unique character and combination of uses in the Columbia Business Center area, uses existing prior to March 11, 2004, on parcels zoned IL in the Columbia Business Center may be altered, expanded or replaced regardless of use limitations in Table 20.440.030-1.

2 In the OCI zone, multifamily housing allowed above ground floor only as specified by VMC [20.430.060\(B\)\(2\)](#). In all industrial zones, one caretaker residence permitted per use.

3 Subject to the conditions in Chapter [20.860](#) VMC, Home Occupations.

-
- 4** Child care centers allowed as a Limited (L) use, subject to a Type II procedure. Child care centers are permitted in order to provide service for those employees working in the IL district, subject to provisions in Chapter [20.840](#) VMC, Child Care Centers.
- 5** If within an industrial building, these uses shall consume no more than 10 percent of the building's total gross square footage. If freestanding, they shall be considered together with the rest of the project and shall consume no more than 10 percent of the site's total gross square footage.
- 6** These limited uses, separately or in combination, may not exceed 20 percent of the entire building square footage within a development complex. No retail uses shall exceed 40,000 gross square feet (gsf) per building or business; retail uses greater than 40,000 gsf but less than 60,000 gsf require conditional use review.
- 7** Subject to provisions in Chapter [20.820](#) VMC, Adult Entertainment.
- 8** Subject to provisions in VMC [20.895.070](#), Motor Vehicle Fuel Sales and Repair.
- 9** Offices not accessory to a permitted use may not exceed 40,000 gsf; offices greater than 40,000 gsf but less than 60,000 gsf require conditional use review.
- 10** In the OCI zone, nonaccessory surface parking is conditionally permitted on brownfields where subsurface environmental constraints effectively preclude other uses, provided such development complies with applicable local, state and federal environmental standards. In the IL zone, nonaccessory surface parking is permitted, and nonaccessory structured parking is prohibited. In the ECX zone, nonaccessory structural parking only shall be permitted.
- 11** Electroplating and related uses not permitted.
- 12** Permitted as limited use provided all activities, except outdoor storage of materials, are wholly contained within building(s).
- 13** Secure Community Transition Facilities as per Chapter [20.150](#) VMC are prohibited.
- 14** In addition to other detention and post-detention facilities, Secure Community Transition Facilities are allowed by conditional use permit, subject to criteria set forth in VMC [20.855.020\(B\)\(6\)\(a\)](#).
- 15** Subject to provisions in Chapter [20.850](#) VMC, Dog Day Care.
- 16** Subject to requirements in Chapter [20.890](#) VMC, Wireless Telecommunications Facilities.
- 17** Subject to provisions in VMC [20.895.020](#), Kennels/Shelters.
- 18** Surface mining is only allowed by conditional use on sites of 20 acres or larger which are adjacent to existing mining operations. Reclamation activity for existing mining operations approved by the Washington State Department of Natural Resources is a permitted use in any nonresidential zoning district.
- 19** Allow airport/airpark related activities such as hangars, air cargo, and warehousing, pilot schools, aircraft sales and repairs, aviation clubs, and museum in the Light Industrial District (IL). New airports/airparks are prohibited.
-

20 All uses locating the OCI zone shall comply with the special use limitations of VMC [20.440.040\(C\)](#) and [20.440.050\(A\)](#). Development agreements in existence on the effective date of the ordinance codified in this section shall control the uses and development standards of the affected properties. In order to protect the investments made in reliance upon such agreements, improvements made or site plans approved consistent with these agreements shall not be deemed nonconforming.

21 Existing legally established group living uses are permitted. New group living is prohibited.

22 Ten-day hazardous waste handling and transfer facilities, excluding facilities handling radioactive or high explosive materials, are allowed, provided such facilities: (a) do not repackage waste (except as necessary to address damaged or improper packaging); (b) are located at least 200 feet from any residential zoning district; and (c) do not store hazardous wastes (except for “universal wastes,” as that term is defined in Code of Federal Regulations, Title [40](#), Part 273) for more than 10 days.

23 Prohibited within 200 feet of a residential zone.

24 Subject to provisions of VMC [20.895.040](#), Community Recreation and Related Facilities.

25 The language for this footnote has been deleted.

26 Transportation facilities are permitted except for large or land-intensive facilities such as water taxi and ferry stations.

27 All uses locating in the ECX zone shall comply with Chapter [20.690](#) VMC, Section 30 Employment Center Plan District. Development agreements in existence on the effective date of this ordinance shall control the uses and development standards of the affected properties, unless property owners choose differently as provided under VMC [20.690.030](#). In order to protect the investments made in reliance upon such agreements, improvements made or site plans approved consistent with these agreements shall not be deemed nonconforming.

28 In the ECX zone, multi-family housing is allowed above ground floor only; and one caretaker residence permitted per use.

29 Vehicle fuel sales is limited to one operation within the Section 30 Plan District

30 The language for this footnote has been deleted.

31 See VMC [20.430.040\(E\)](#), Park and Ride Facility Development Standards.

32 Major Utility Facilities are prohibited with the exception that sewer treatment plants and lagoons are allowed outright.

33 ~~Coal-fired electricity generating plants are prohibited in all districts.~~ Biomass and coal generating plants are prohibited on Heavy Industrial zoned properties within the Vancouver City Center Subarea and Hough Neighborhood Association boundaries located west of Lincoln Street and east of the Burlington Northern Santa Fe Railroad tracks.

34 New bulk fossil fuel storage and handling facilities are prohibited. Maintenance and safety improvements to existing bulk fossil fuel storage and handling facilities are allowed subject to compliance with requirements in VMC 20.895.110. Existing bulk ~~crude oil~~ fossil fuel storage and handling facilities including vested projects as of July 18, 2016 **[insert date of ordinance]**, are prohibited to ~~may~~ convert to Cleaner Fuels and as part of such conversion may expand the amount of ~~crude oil~~ storage by up to 15 percent of the baseline capacity subject to a Conditional Use Permit and compliance with the requirements of VMC 20.895.110.

35 Subject to requirements and standards within the Miscellaneous Special Use Standards for Self-Service Storage, pursuant to VMC [20.895.100](#).

36 Subject to compliance with Chapter [20.884](#) VMC, Marijuana Businesses.

37 Subject to compliance with VMC 20.895.110.

Chapter 20.450

OPEN SPACE DISTRICTS

Sections:

20.450.010	Purpose.
20.450.020	List of Open Space Districts.
20.450.030	Uses.
20.450.040	Development Standards.
20.450.050	Special Provisions for Uses.

20.450.010 Purpose.

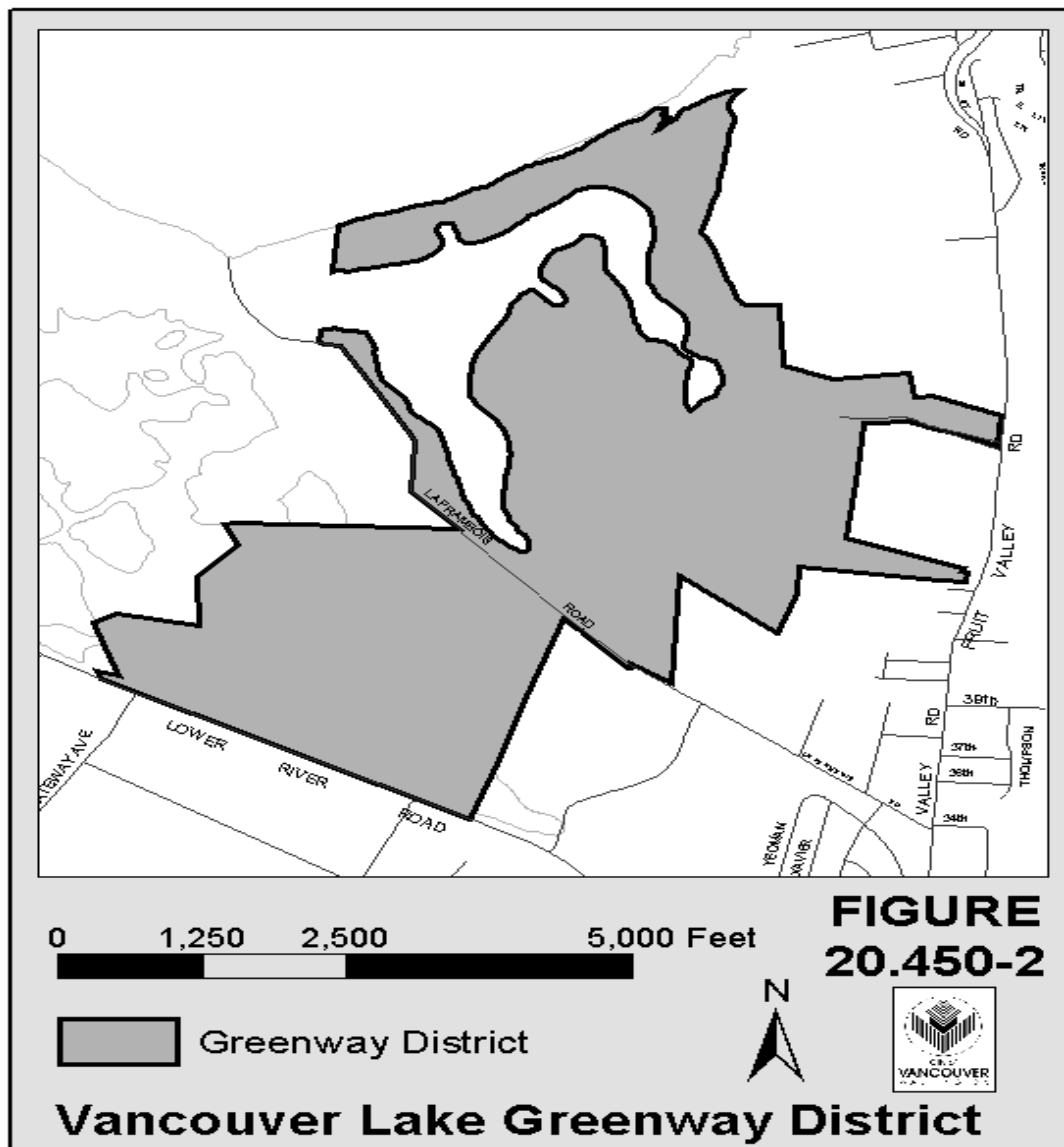
Generally. Open space districts are intended to protect, preserve, conserve, and enhance natural areas, greenways, and parks. Together, the open space districts are intended to provide a full range of passive and active uses as well as environmental protection and enhancement for the future use, understanding, and enjoyment of the City and its residents. (Ord. M-3643, 01/26/2004)

20.450.020 List of Open Space Districts.

A. NA: Natural Areas. The Natural Areas District is intended to protect and preserve properly functioning habitat conditions to support the natural ecosystem of an area. Uses and activities to maintain and/or enhance the ecosystem and passive uses and activities are appropriate for these areas.

B. GW: Greenway. The Greenway District is intended to preserve, conserve, and enhance natural features to support water quality, habitat, public access, and education, contributing to Vancouver' s quality of life. Passive and low impact, low-intensity uses and activities are appropriate for these areas. The Greenway District consists of a set of greenways. Some are regulated individually to achieve their special purposes.

1. GW-Lettuce Fields Greenway District (Figure 20.450- 1). The Lettuce Fields Greenway District implements the Lettuce Fields Subarea Plan. The Lettuce Fields Greenway District is intended to effect (1) establishment of a continuous greenway throughout the District and the preservation and enhancement of its open space character; (2) enhancement and maintenance of the environmental conditions of the district, including fish and wildlife habitat; (3) provision of physical as well as visual public access to the publicly-owned lands of the district, including development of a pedestrian and bicycle trail connecting to established or planned trails on the east and west; (4) provision of environmental education opportunities; (5) enhanced stormwater and flood plain management; and (6) other passive or low-intensity, low-impact uses which further the public interest as stated in this section.



3. GW: General Greenway District. The General Greenway District is intended to encourage preservation, conservation, and enhancement of natural areas in dispersed locations outside of the Lettuce Fields Greenway District or the Vancouver Lake Greenway District.

C. *Park*. The Park District is land that has been or is intended to be developed to provide for moderate- to high-intensity recreational activities in addition to passive or low-intensity recreational experiences. Environmental preservation, conservation, and enhancement are also objectives in the development and maintenance of park districts. Park districts will generally

consist of neighborhood, community, and regional parks as defined by the Vancouver Urban Parks, Recreation, and Open Space Plans. (Ord. M-3643, 01/26/2004)

20.450.030 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. Although permitted by right, most of these uses are still subject to the Site Plan Review, as governed by Chapter [20.270](#) VMC.
2. A limited (L) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions. Most uses also are subject to Site Plan Review, as governed by Chapter [20.270](#) VMC. If not subject to Site Plan Review, such a use may be subject to a Type I review, per the requirements in VMC [20.210.040](#).
3. A conditional use (C) is a discretionary use reviewed by the hearings examiner. The approval criteria and approval process are 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.

B. *Use tables.* Lists of permitted, limited, conditional, and prohibited uses in Open Space Districts are presented in Tables 20.450.030-1 and 20.450.030-2. Specialized open space uses and activities are set forth in Table 20.450.030-1. Uses described in the Use Classification section (Chapter [20.160](#) VMC), are set forth in Table 20.450-2. Special limitations on uses are set forth in VMC [20.450.050](#).

Table 20.450.030-1					
Specialized Open Space Uses/Activities					
		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields¹	General	Park
OPEN SPACE/ PARKS AND					

Table 20.450.030-1 Specialized Open Space Uses/Activities					
		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields¹	General	Park
RECREATION					
Agricultural Related ²					
- Agriculture ²	X	L	L ³	X/ L ⁴	L ⁴
- Horticulture ²	X	L	L	X/ L ⁴	L ⁴
- Silviculture ²	X	C	L	X/ L ⁴	L ⁴
- Roadside Agricultural Stands/Sales ²	X	L	L	X/L ⁴	L ⁴
- Storage Structures ²	X	L	L	L ⁴	L ⁴
- Housing for Agricultural Employees ²	X	X/C ⁵	X	C	X
Environmental Management and Education ²					
- Environmental Education Activities	P	P	P	P	P
- Environmental Maintenance Projects and Activities	P	P	P	P	P
- Environmental Restoration, Rehabilitation, or Enhancement Projects and Activities	P	P	P	P	P
Fences ²	X	P	L	P	P
Fill ²	C	L	L	L	P
Flood Plain and Stormwater Management Projects	C	C	P	P	P
Wetland Banking	C	C	P	P	P
Wetland Mitigation	C	C	P	P	P
Wildlife Habitat	P	P	P	P	P

Table 20.450.030-1 Specialized Open Space Uses/Activities					
		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields¹	General	Park
Conservation, Maintenance, Rehabilitation, Restoration, Enhancement, and Education Projects					
Park Facilities					
- Interpretive Stations, Construction and Maintenance ²	C	P	P	P	P
- Playgrounds	X	X	X	P	P
- Restrooms ²	C	L	L	L	P
- Neighborhood Parks	X	X	X	P	P
- Community Parks	X	X	X	P	P
- Regional Parks	X	X	X	X	P
Recreational Facilities					
- Passive or Low-Impact, Low-Intensity Uses	P	C ⁶	P	P	P
- Moderate or High-Impact, High-Intensity Uses	X	X	X	C	P
Motorized Recreational Equipment including Off-Road Vehicles and All Terrain Vehicles	X ⁷	X ⁷	X	X ⁷	C ⁷
- Community Recreation Facilities	X	X	X	X	P
- Trails ²	L	L	L	L	P
- Parking ²	C	L	L	L	P
- Informational and Interpretative Signs ²	P	P	L/X	P	P

1 All uses in the Lettuce Fields Greenway District are subject to the special provisions for uses in VMC [20.450.050\(A\)](#).

2 The use is allowed (P, L, or C) subject to all applicable development standards set forth in VMC [20.450.040](#).

3 Agricultural practices existing on or before April 19, 2001, may continue. New agricultural uses must meet the standards of VMC [20.450.040](#).

4 Permitted uses of this classification or type are limited to those in existence on the date this ordinance was effective.

5 The prohibition on housing for agricultural employees in the Vancouver Lake Greenway District does not include a prohibition for a caretaker residence (see Table 20.450.030-2).

6 Subject to the development standards in VMC [20.450.040\(D\)\(2\)](#).

7 Not including motorized boats where permitted on Vancouver Lake and the Columbia River.

Table 20.450.030-2					
Permitted, Limited, Conditional and Prohibited					
Uses in Open Space District					
		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields²	General	Park¹
RESIDENTIAL					
Household Living	X	X/L ³	X/L ³	X/L ³	X/L ³
Group Living	X	X	X	X	X
Home Occupation	X	X	X	X	X
HOUSING TYPES					
Single Dwelling, Attached	X	X	X	X	X
Single Dwelling, Detached	X	X/L ³	X/L ³	X/L ³	X/L ³
Accessory Dwelling Units	X	X	X	X	X
Duplexes	X	X	X	X	X
Multi-Dwelling Units	X	X	X	X	X

Table 20.450.030-2
Permitted, Limited, Conditional and Prohibited
Uses in Open Space District

		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields²	General	Park¹
Existing Manufactured Home Development	X	X	X	X	X
Designated Manufactured Home	X	X	X	X	X
New Manufactured Home	X	X	X	X	X
CIVIC (Institutional)					
Colleges	X	X	X	X	X
Community Centers	X	X	X	X	X
Community Recreation	X	X	X	X	P
Cultural Institutions	X	X	X	X	P
Day Care					
Family Day Care Home	X	L ⁴	X	X	P
Child Care Center	X	C ⁴	X	X	X
- Adult Day Care	X	C	X	X	P
Emergency Services	X	X	X	X	X
Medical Centers	X	X	X	X	X
Postal Service	X	X	X	X	X
Religious Institutions	X	X	X	X	X
Schools	X	C	X	X	P
Social/Fraternal Clubs	X	X	X	X	X

Table 20.450.030-2
Permitted, Limited, Conditional and Prohibited
Uses in Open Space District

		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields²	General	Park¹
COMMERCIAL					
Commercial and Transient Lodging	X	X	X	X	X
Eating/Drinking Establishments	X	X	X	X	X
Entertainment-Oriented					
- Adult Entertainment	X	X	X	X	X
- Indoor Entertainment	X	X	X	X	X
- Major Event Entertainment	X	X	X	X	X
General Retail					
- Sales-Oriented	X	X	X	X	X
- Personal Services	X	X	X	X	X
- Repair-Oriented	X	X	X	X	X
- Bulk Sales	X	X	X	X	X
- Outdoor Sales	X	X	X	X	X
Motor Vehicle Related					
- Motor Vehicle Sales/Rental	X	X	X	X	X
-Motor Vehicle Servicing/Repair	X	X	X	X	X
- Vehicle Fuel Sales	X	X	X	X	X

Table 20.450.030-2
Permitted, Limited, Conditional and Prohibited
Uses in Open Space District

		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields²	General	Park¹
- Electric Vehicle Re-charging Station	X	X	X	X	X
Office					
- General	X	X	X	X	X
- Medical	X	X	X	X	X
- Extended	X	X	X	X	X
Non-Accessory Parking	X	X	X	X	X
Self-Service Storage	X	X	X	X	X
Marina	X	X	X	X	X
INDUSTRIAL					
<u>Bulk Fossil Fuel Storage and Handling Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cleaner Fuel Storage and Handling Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Industrial Services	X	X	X	X	X
Manufacturing and Production	X	X	X	X	X
Railroad Yards	X	X	X	X	X

Table 20.450.030-2
Permitted, Limited, Conditional and Prohibited
Uses in Open Space District

		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields²	General	Park¹
Research and Development	X	X	X	X	X
Warehouse/Freight Movement	X	X	X	X	X
Wholesale Sales	X	X	X	X	X
Waste-Related	X	X	X	X	X
OTHER					
Airport/Airpark	X	X	X	X	X
Animal Kennels/Shelters	X	X	X	X	X
Cemeteries	X	X	X	X	C ⁵
Detention Facilities	X	X	X	X	X
Dog Day Care	X	X	X	X	X
Heliports	X	X	X	X	X
Landfills, Sanitary	X	X	X	X	X
Mining	X	X	X	X	X
Public Facilities and Utilities					
- Essential Utilities	X	P	L ⁶	L ⁷	L ⁷
- Major Utilities	X	X	X/C ⁶	C	C
- - Essential Public Facilities	X	X	C ⁶	C	C
- - Other Major Utilities	X	X	X	C	C
- Minor Utilities	X	C	L ⁶	C ⁷	C ⁷

Table 20.450.030-2 Permitted, Limited, Conditional and Prohibited Uses in Open Space District					
		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields²	General	Park¹
- Public Utility Corridors	X	C	C ⁶	C	C
- Transportation Facilities	X	C	C ⁸ /X	C	C
Rail Lines	X	X	X	C	C
Recreational or Medical Marijuana Facilities	X	X	X	X	X
Temporary Uses	X	X	X	X	X
Wireless Communication Facilities	X	C/L ⁹	X	C ¹⁰	C

1 Parks shall be developed in accordance with the standards set forth in VMC [20.450.040](#).

2 All uses in the Lettuce Fields Greenway District are subject to the special provisions for uses in VMC [20.450.050\(A\)](#).

3 Caretaker residence or existing dwellings are permitted. In the Lettuce Fields Greenway District, only existing dwellings are permitted. New dwellings, including guest houses, accessory dwelling units, bed and breakfast establishments, etc. are prohibited. In the Vancouver Lake Greenway District, single-family dwellings require a minimum of 160 acres each.

4 Family day care homes for no more than 12 children are permitted when licensed by the state. Family day care homes and child care centers (13 or more children) must meet the standards outlined in Chapter [20.840](#) VMC.

5 Subject to the provisions of VMC [20.895.030](#), Cemeteries.

6 Subject to the development standards of VMC [20.450.040\(B\)\(5\)](#).

7 Plans for the construction or extension of essential utility services are to be reviewed and approved by development review staff. Utilities shall be installed underground or screened as to not be visible within the Greenway or Park. No septic fields are allowed.

8 Only transit stops and shelters and bicycle parking integrated with automobile parking at trailheads are permitted by conditional use. Other transportation facilities are prohibited.

9 Permitted subject to the requirements of Chapter [20.890](#) VMC.

10 Permitted only as co-location and through the conditional use process.

(Ord. M-4071 § 6, 03/03/2014; Ord. M-3709 § 11, 06/20/2005; Ord. M-3643, 01/26/2004)

Chapter 20.895

MISCELLANEOUS SPECIAL USE STANDARDS

Sections:

20.895.010	Purpose.
20.895.020	Animal Kennels/Shelters.
20.895.030	Cemeteries.
20.895.040	Community Recreation and Related Facilities.
20.895.050	Domestic Animals and Livestock.
20.895.060	Indoor Target Shooting Ranges.
20.895.070	Motor Vehicle Fuel Sales and Repair.
20.895.080	Private Use Landing Strips for Aircraft and Heliports.
20.895.090	Temporary Storage Units.
20.895.100	Self-Service Storage.
20.895.110	Fossil Fuel or Cleaner Fuel Storage and Handling

20.895.010 Purpose.

Purpose. In addition to other standards and requirements imposed by this Title, all uses included in this Chapter shall comply with the provisions stated below. Should a conflict arise between the requirements of this Chapter and other requirements of this Title, the more restrictive provision shall control. (Ord. M-3643, 01/26/2004)

20.895.110 Fossil Fuel or Cleaner Fuel Storage and Handling

A. Purpose. The purpose of these standards is to minimize the risk of spill or discharge of fuels into groundwater or the waters of the state; to promote public health and safety and avoid and minimize impacts to nearby properties from fire or explosion or adverse air emissions; to support a reduction in greenhouse gas emissions and a transition to renewable fuel and energy production consistent with Federal, state and local targets; and to protect and preserve fish and wildlife habitat areas to ensure viable Tribal fisheries consistent with Treaty fishing rights.

B. Applicability. The standards in this section apply to:

1. Bulk Fossil Fuel Storage and Handling Facility
2. Cleaner Fuel Storage and Handling Facility
3. Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities

C. Standards – Non-Capacity Improvements. The City may approve activities or structures for one or more of the following purposes as a limited use, provided there is no increase in baseline capacity:

1. Maintenance repair, or replacement.
2. Improvement of the safety or security of the infrastructure, including seismic upgrades.
3. Decrease in air or water emissions.
4. Allow the facility infrastructure or buildings to meet new regulatory requirements.
5. Addition of accessory structures or activities that do not add to the baseline capacity of the facility.

The applicant for non-capacity improvements shall specify the baseline capacity for the facility as of the date of this ordinance per subsection E.2 below.

D. Standards for New or Expanded Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities

1. The applicant shall document the existing baseline, and any proposed additional storage capacity and the fuel type(s) to be stored. Documentation shall be consistent with subsection E.2 below.

2. The Planning Official shall require seismic upgrades to existing facilities as a condition of the land use permit.

3. The applicant shall obtain approval of comprehensive spill prevention and fire response plans to the satisfaction of the Planning Official and Fire Marshal.

4. New small fossil fuel or cleaner fuel storage and distribution facilities shall be located at least 1,000 feet away from residentially zoned properties.

E. Standards for Bulk Fossil Fuel Storage and Handling Facilities – New or Capacity Expansion

1. New Facilities. New Bulk Fossil Fuel Storage and Handling Facilities are prohibited, regardless of size.

2. Baseline Established. The baseline for storage, transportation, and transshipment facilities is established by the following information available as of (insert the adoption date of this ordinance). Storage baseline capacity shall be established using Washington Department of Ecology industrial section permits and oil spill prevention plans or other verifiable documentation. Transshipment and transportation facility baseline is established through the most recent spill prevention plans approved by the Department of Ecology or where a local permit documenting such facilities has been approved more recently. If an existing facility does not have an established refining or storage baseline from a past industrial section permit or spill prevention plan, the baseline must be established as part of a permit application.

3. Expansion of Bulk Fossil Fuel Storage and Handling Facilities is allowed up to 15 percent increase above the baseline capacity if converted to Cleaner Fuels, as defined by VMC 20.150 Definitions, and subject to the requirements of Section F below.

F. Standards for Cleaner Fuels Storage and Handling Facilities – New or Expansion.

Option A: 1. New Cleaner Fuel Storage and Handling Facilities are prohibited in all districts.

Option B: 1. New Cleaner Fuel Storage and Handling Facilities are allowed subject to a conditional use permit if no larger than 1 million gallons of cumulative storage, on a site 3 acres or less in size, and if located at least 1,000 feet from residential zoned land. Size cannot exceed the smaller of 1 million gallons or site acreage 3 acres. Such facilities shall meet spill prevention/fire response, seismic upgrade, GHG assessment, and annual reports in subsection 3.b et seq.

2. Existing Bulk Fossil Fuel Storage and Handling Facilities may be converted to Cleaner Fuels as defined by VMC 20.150 Definitions as a limited use, subject to the requirements of subsections 3 b, c, and d below.

3. Existing Bulk Fossil Fuel Storage and Handling facilities converted to Cleaner Fuels may be expanded, subject to approval of a conditional use permit and compliance with the following criteria:

a. Total or partial conversion of an existing fossil fuel storage and handling to cleaner fuel infrastructure is allowed. If a facility is converted the facility may be increased by up to 15 percent above the baseline capacity. The expansion shall be in proportion to the amount of cleaner fuel storage. For example, if 25% of the facility is converted to cleaner fuels, the storage and handling infrastructure may expand by 3.75%. If 50% of the facility is converted to cleaner fuels, storage and handling infrastructure may expand by 7.5%. If 100% of the facility is converted into cleaner fuels storage and handling, then 15% of the infrastructure may be increased.

b. If a fossil fuel storage and handling facility is partially or fully converted to cleaner fuel infrastructure that portion shall not be later used for storage, transportation, or transshipment of petroleum-based fossil fuels. The applicant shall provide a comprehensive spill prevention plan and fire response plan to the satisfaction of the Planning Official and Fire Marshal.

d. Seismic upgrades pursuant to current building code requirements shall be made to any existing fuel storage facilities.

e. GHG Assessment: Greenhouse gas emissions impacts shall be assessed for expanded facilities. The proponent is responsible to provide an expert evaluation by a qualified professional to the satisfaction of the Planning Official. The evaluation shall document baseline lifecycle greenhouse gas emissions from the facility, net increases in lifecycle

greenhouse gas emissions, and mitigation of greenhouse gas emission increases. Lifecycle emissions shall be quantified as defined in 42 U.S. Code § 7545. The Planning Official shall require mitigation to address the project's direct greenhouse gas emissions and may require mitigation to address the project's indirect emissions. The assessment shall address mitigation, which may include, but is not limited to the one or more of following: onsite efficiency improvements, carbon capture and storage, purchase of carbon offsets from any carbon registry approved by the Vancouver Land Use Department or state agency, implementation of strategies in Vancouver's Climate Action Plan, or other measures approved by the Planning Official. The mitigation may concurrently satisfy any other requirements imposed by county, state or federal governments. Mitigation shall be made conditions of approval, and shall be specific, identifiable, quantifiable, permanent; enforceable; and verifiable.

f. Financial Assurance in Case of Accidents. To ensure applicants are able to mitigate the consequences of accidents, proof of financial assurance (such as trust funds, letters of credit, insurance, self-insurance, financial tests, corporate guarantees, payment bonds or performance bonds) shall be provided sufficient to comply with the financial responsibility requirements set forth in any State and federal law applicable to their proposed project. If the applicant relies on an insurance policy for compliance with a State or federal financial assurance requirement, the applicant must add the City of Vancouver as an additional insured as a condition of permit issuance.

g. Annual Report. The applicant shall provide annual report to the Planning Official of the following:

- i. A description of on-site storage capacity including the number of tanks, tank volumes, and products.
 - ii. The number of vessel transfers of fuel, both inbound and outbound from the site, the type and quantity of products transferred, and the product destination.
 - iii. The number of rail cars transporting fuels, both to and from the site, including a description of the product, volume, and destination.
 - iv. The number of trucks transporting fuels, both to and from the site, including a description of the product, volume, and destination.
-

v. Document that onsite activity is similar to the established baseline of storage and/or throughput.

vi. Conformity with applicable regional, state, and federal reporting or permit requirements pursuant to laws and rules implemented by Southwest Washington Clean Air Agency, Washington Department of Ecology, US Environmental Protection Agency, and US Energy Information Administration to ensure compliance with the requirements herein.



STATE ENVIRONMENTAL POLICY ACT

Determination of Non-Significance

Vancouver Fossil Fuel Code Standards Proposal

Date: August 16, 2022

Lead Agency: City of Vancouver

Proposal: The City of Vancouver is considering amendments to Title 20 Land Use and Development Code to regulate and limit the distribution, extraction, refinement, processing or bulk movement of fossil fuels, or bulk storage of fossil fuels in Vancouver. The amendments would allow the City to lift a 2020 moratorium. The proposed code changes would limit fossil fuel and bulk fuel storage in residential, commercial, and open space zones. Within the Industrial Heavy zone the code would: prohibit new bulk fossil fuel storage and handling facilities; allow for maintenance and upgrade of existing facilities where not increasing capacity; allow conversion to cleaner fuels with limited expansion; optionally allow new cleaner fuel facilities limited in size and location; define and regulate small fossil fuel or cleaner fuel storage and distribution facilities; and establish development standards including establishing baseline capacity, seismic upgrades, mitigation for greenhouse gases, proof of financial assurance, and annual reporting. The allowance for coal and other solid fuel storage yards, and coal and biomass electricity generating facilities would be prohibited in all districts.

Location: The legislative proposal applies to Vancouver city limits.

Determination: The City of Vancouver has determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030. An Environmental Checklist is available from City staff.

This determination is based on the following findings and conclusions: Uses would be prohibited in most districts in the city and where allowed in the Industrial Heavy Zoning District would be regulated according to development standards addressing size, location, operation, and health and safety.

This DNS is issued under WAC 197-11-340(2) and the comment period will end at 5 p.m. on August 30. Procedural appeals to the SEPA determination must be filed in writing within 14 calendar days following the end of the comment period. A City Council 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 Councils decision.

Responsible Official:

Bryan Snodgrass, Principal Planner
(360) 487-7946
bryan.snodgrass@cityofvancouver.us

A handwritten signature in black ink, appearing to read "Bryan Snodgrass", enclosed within a rectangular box.

8/11/22

Signature

Date

SEPA Environmental Checklist

City of Vancouver

August 2022

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:

Please adjust the format of this template as needed. 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.

Background

Name of proposed project, if applicable:

City of Vancouver Fossil Fuel Code Standards Proposal

Name of applicant:

City of Vancouver

Address and phone number of applicant and contact person:

Chad Eiken, Director, Community Development Department, chad.eiken@cityofvancouver.us

Bryan Snodgrass, Principal Planner, Community Development Department,
bryan.snodgrass@cityofvancouver.us

Date checklist prepared:

August 11, 2022

Prepared by: BERK Consulting Inc. on behalf of the City of Vancouver

Agency requesting checklist:

City of Vancouver

Proposed timing or schedule (including phasing, if applicable):

The City aims to enact non-project code changes to Title 20 of the Vancouver Municipal Code (VMC) before an existing related moratorium on fossil fuel facilities sunsets in November 2022.

Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

This is a non-project action. Future development allowed by the proposal would implement zoning and land use regulations.

List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

In August 2021, a SEPA Checklist was prepared for prior proposed fossil fuel code amendments, but the associated Determination of Non-Significance was withdrawn. The following checklist has been prepared for proposed code changes as of August 2022.

Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

Not applicable

List any government approvals or permits that will be needed for your proposal, if known.

The proposal is a legislative action and requires Planning Commission review, hearing and recommendation and consideration by the City Council prior to approval.

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.)

Fossil Fuel Moratorium Background

The June 2020 moratorium adopted by the City Council prohibits new or expanded facilities engaged in distribution, extraction, refinement, processing or bulk movement of fossil fuels, or bulk storage of over two million gallons of fossil fuels in Vancouver. Facilities producing energy from landfill gas, fossil fuel by-products such as asphalt or others, or direct consumer sales such as gas stations, are all explicitly exempted from the moratorium. Upkeep, repair, maintenance, or City-mandated health and safety improvements of any existing facilities are also exempted.

The current fossil fuel facility moratorium follows a narrower moratorium and subsequent zoning code prohibition on crude oil facilities that was adopted in 2014. It was spurred by a proposed large scale crude oil transshipment terminal proposed at the Port of Vancouver in 2013. That facility was ultimately denied by the Governor in 2018 following a unanimous denial recommendation from the state Energy Facility Site Evaluation Council which is tasked with review of the very largest energy facilities.

Summary of Proposed Code Changes

The purpose of proposed fossil fuel standards is to minimize the risk of spill or discharge of fuels into groundwater sources or waters of the state; to avoid and minimize any impacts to adjacent communities from fire or explosion; to support a reduction in greenhouse gas emissions and a transition to renewable fuel and energy production consistent with Federal, state and local targets; and to protect and preserve fish and wildlife habitat areas to ensure viable Tribal fisheries consistent with Treaty fishing rights.

In summary, the proposed changes include:

New bulk fossil fuel storage and handling facilities, including oil, gas or coal storage or transshipment, would be prohibited. Current City code standards prohibit crude oil storage and handling facilities, as well as oil refineries, in all zones

Existing bulk facilities could be maintained and upgraded, e.g., to meet new regulatory requirements or to add accessory structures that don't add capacity.

Existing facilities could be expanded slightly if converted to cleaner fuel and brought up to seismic standards-subject to certain standards to mitigate identified impacts.

'Cleaner fuels' would be specifically defined, and bulk fossil fuel storage and handling facilities can convert to cleaner fuels and may expand up to 15% if converting. As an option, the proposed code considers whether to allow new cleaner fuels facilities if limited in size and location, and meeting other health, safety, and reporting requirements noted below.

Small fossil fuel or cleaner fuel storage and distribution facilities, intended for local markets, would be allowed subject to new standards in parcels zoned Industrial Heavy (IH). New facilities could be limited in location to ensure distance from residentially zoned land.

New development standards would be added for all three types of fossil fuel facilities including establishing baseline capacity, seismic upgrades, mitigation for greenhouse gases, proof of financial assurance, and annual reporting.

Coal and other solid fuel storage yards, and coal and biomass electricity generating facilities would be prohibited in all districts.

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.

This non-project action provides amendments to the City of Vancouver Municipal Code that will have a citywide effect. Primarily, all fossil fuel facilities will be prohibited in residential, commercial mixed-use and open space zoning districts. This includes:

Low Density Residential Districts (R-2, R-4, R-6, R-9)

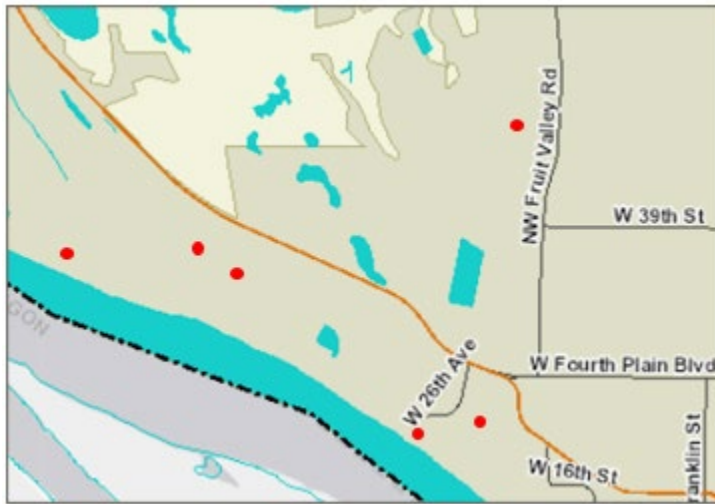
Higher Density Residential Districts (R-18, R-22, R-30 and R-35)

Commercial and Mixed Use Districts (CN, CC, CG, CX, WX, CPX, MX, RGX, HX)

Open Space Districts (NA, GW)

There are currently six large-scale fossil fuel facilities within the City of Vancouver within areas zoned IH. These existing larger-scale facilities could apply for a permit application primarily for maintenance and safety improvements, and additional changes to convert to cleaner fuel options. Exhibit 1, below shows the locations of the six existing facilities.

Exhibit 1. Locations of Six Existing Large-Scale Fossil Fuel Facilities



Source: City of Vancouver, 2021.

New large-scale facilities would be prohibited in industrial zoned parcels. Potential cleaner fuel facilities within the City of Vancouver would be allowed within IH zoned parcels as conversions from fossil fuel facilities, and would be subject to permit review and compliance with code standards; if converting to cleaner fuels expansion may be allowed up to 15% of the baseline capacity. As an option, the proposed code considers whether to allow new cleaner fuels facilities if limited in size and location, and meeting other health, safety, and reporting requirements.

New smaller-scale fossil fuel facilities permit applications in IH zoned parcels would require permit review and compliance with code standards. Future site-specific proposals would be subject to review.

The IH zone is generally located along the Columbia River waterfront. See the City zoning map under Section 8 Land and Shoreline Use [help].

Environmental Elements

Earth

General description of the site:

(circle one): ☒ Flat, ☐ rolling, ☐ hilly, ☐ steep slopes, ☐ mountainous, other _____

This is a non-project action. The proposal affects land use regulations city-wide.

It would be anticipated new permit applications would be in areas zoned industrial, particularly IH. Industrial land uses typically require topographically flat areas.

What is the steepest slope on the site (approximate percent slope)?

This non-project action anticipates structural safety and operational improvements to the 6 existing large-scale fossil fuel facilities and the potential of small-scale facilities in industrial zoned parcels. Areas

designated IH tend to have slopes 0-5% based on Clark County Environmental Maps, Slopes and Geologic Hazards Group: <https://gis.clark.wa.gov/mapsonline/index.cfm?site=Environmental>.

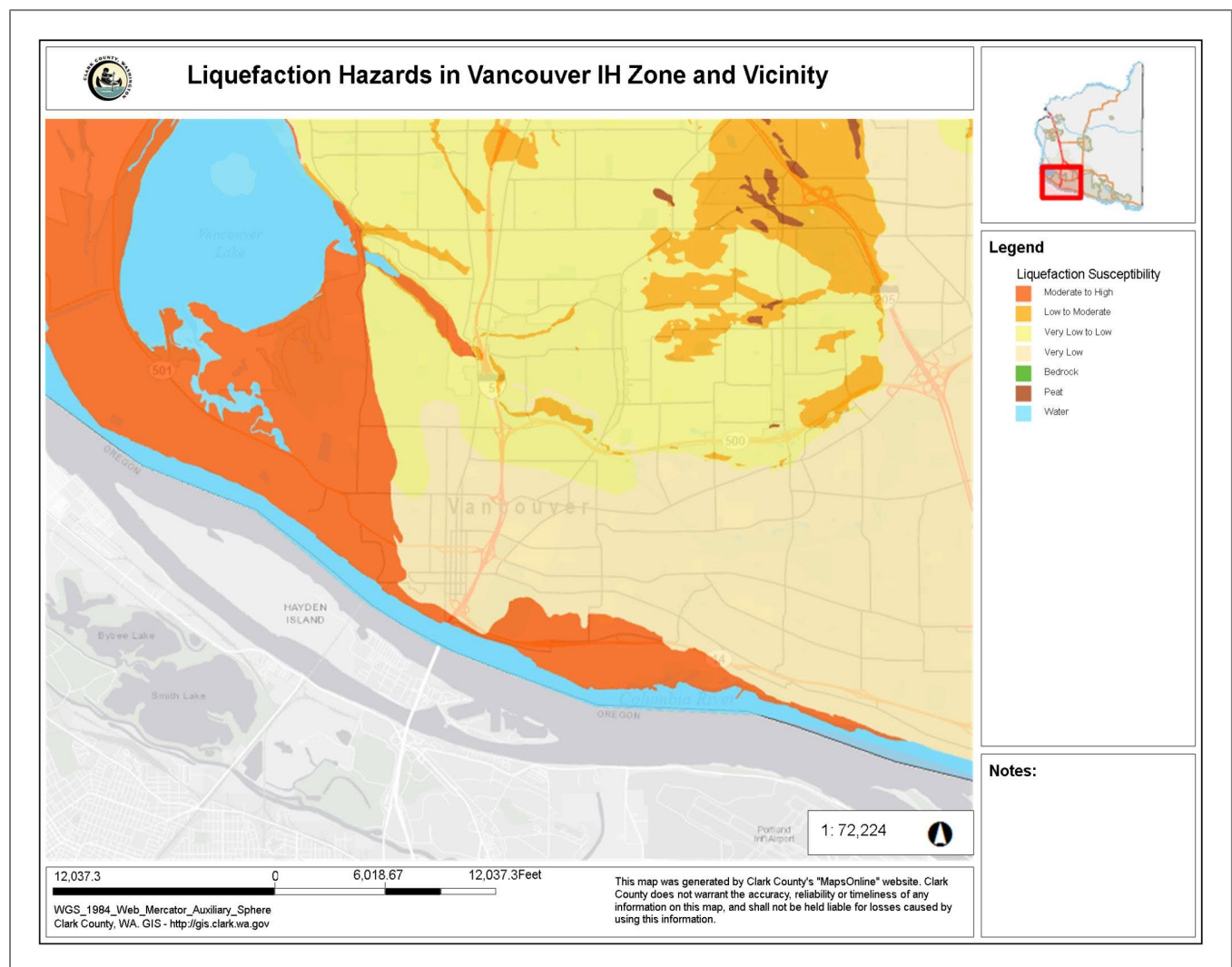
What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

The available soil maps show moderately to poorly drained soils in IH zoned areas. See WWHM Soil Group, available at: <https://gis.clark.wa.gov/mapsonline/index.cfm?site=Environmental>.

Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Future development would be subject to City of Vancouver Critical Areas Regulations addressing Geologic Hazard Areas. For example, the areas in the IH zone include lands susceptible to liquefaction. See Exhibit 2.

Exhibit 2. Liquefaction Areas



Source: Clark County GIS, 2022: <https://gis.clark.wa.gov/mapsonline/index.cfm?site=Environmental>.

There are also small areas of landslide hazards. See Slopes and Geologic Hazards Group: <https://gis.clark.wa.gov/maponline/index.cfm?site=Environmental>.

Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill.

Non applicable- not a site specific proposal

Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Future development allowed under any studied option could clear sites and construct new development subject to existing development regulations.

About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable – not a site specific proposal. No changes to development standards regarding impervious areas are proposed under any options.

Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

No significant impacts are identified for the non-project proposal. Under the proposed code conditions of approval for changes to existing fossil fuel facilities or conversion to cleaner fuels, or smaller fuel facilities, or optionally new cleaner fuel facilities, would include seismic upgrades.

Future site-specific development allowed under proposed regulations are also subject to regulations meant to protect health and safety, and address geologic hazards:

City of Vancouver Municipal Code (VMC) 14.24 Erosion Control

20.740.130 Geologic Hazard Areas

VMC 14.25 Stormwater Control

Air

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.

The proposed amendments to Vancouver's land use regulations are designed to reduce greenhouse gas (GHG) emissions, and address public and environmental health and safety impacts associated with fossil fuel facilities. The City is planning to transition to renewable energy and fuel production to meet Federal, state and local targets. The City of Vancouver is home to six large-scale fossil fuel facilities involved with the distribution, extraction, refinement, processing or bulk storage. Under this non-project action, these facilities will only be allowed to expand existing storage only until the condition that their fuel is converted to cleaner fuels meeting state and federal standards. New cleaner fuel facilities may be allowed optionally in the IH zone, subject to similar standards.

This non-project action will also restrict the construction of new large-scale fossil fuel facilities within industrial zones. Furthermore, fossil fuel facilities in general will be prohibited in residential, commercial/mixed use, and open space zoned parcels.

Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable – not a site specific proposal. Future site-specific developments would be required to prepare their own SEPA checklist.

Proposed measures to reduce or control emissions or other impacts to air, if any:

No significant impacts are identified for the non-project action. Southwest Clean Air Agency and State and Federal Air Quality regulations would continue to apply. For example, the Southwest Clean Air Agency must approve Air Discharge Permits, which sets air emission limits, and ongoing monitoring of potential leaks, and conditions of approval to use best practices for bulk fuel/transshipment and other facilities.

Under this proposal, the proposed regulations could help reduce impacts:

GHG report and mitigation requirements for subject facilities.

The expansion of capacity, or new facilities, under the condition of converting to or providing cleaner fuels

Updating development standards to reduce impacts and increase safety and operations

Water

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.

This non-project action does not have a specific site and impacts the City of Vancouver. There are several bodies of water that are adjacent to the city, most notable the Columbia River along the southern border.

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.

Not applicable – not a site specific proposal. Future development that may develop within 200 feet of the surface waters are subject to the City's Shoreline Master Program and Critical Area regulations.

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 – not a site specific proposal. Future development that would propose fill or dredging would be subject to City clearing and grading regulations as well as Shoreline Master Program and Critical Area regulations.

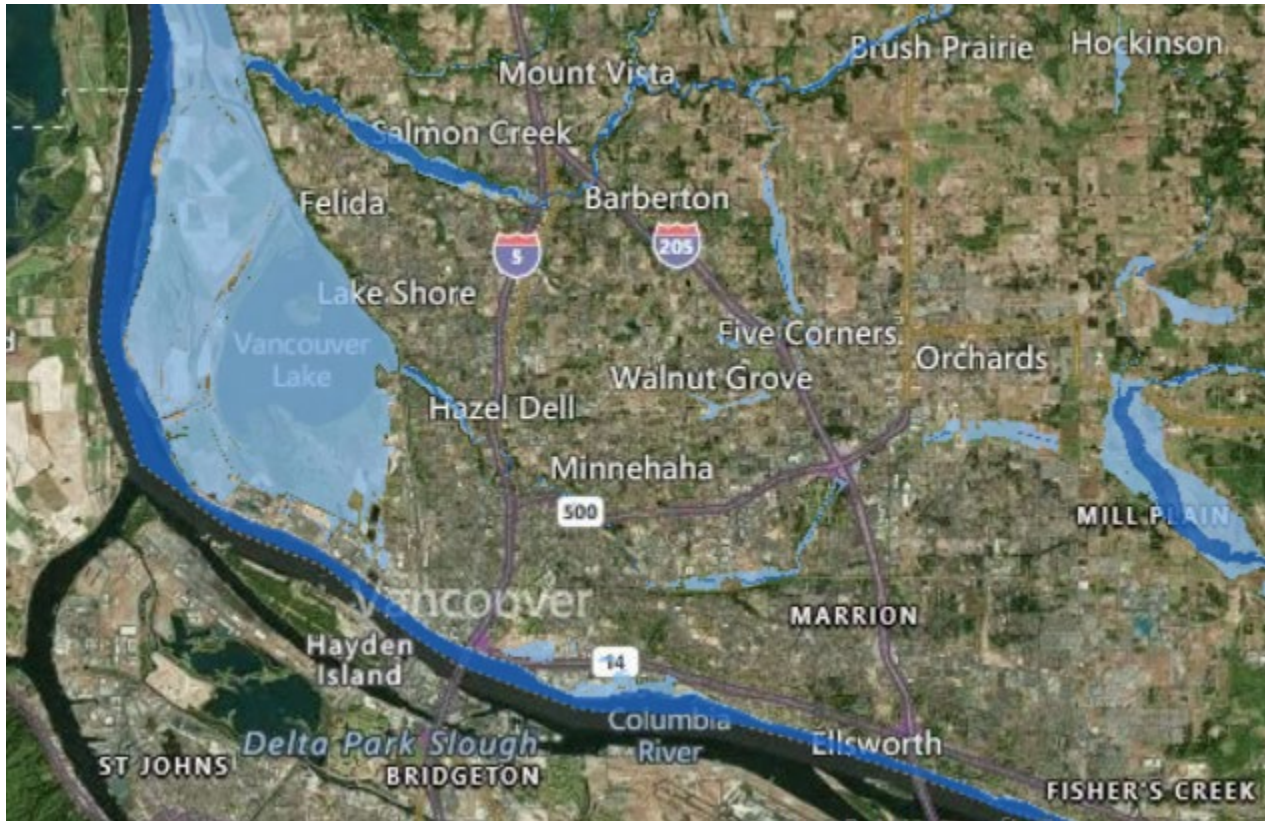
4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

Not applicable – not a site specific proposal. Any changes to surface waters would also be subject to the Shoreline Master Program and Critical Area regulations.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

Not applicable – not a site specific proposal. Exhibit 3, below shows the 100-year flood plain map for the greater Vancouver area.

Exhibit 3. Vancouver 100-year Floodplain Map (indicated by the blue)



Source: Washington State Department of Ecology, accessed July 2022.

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.

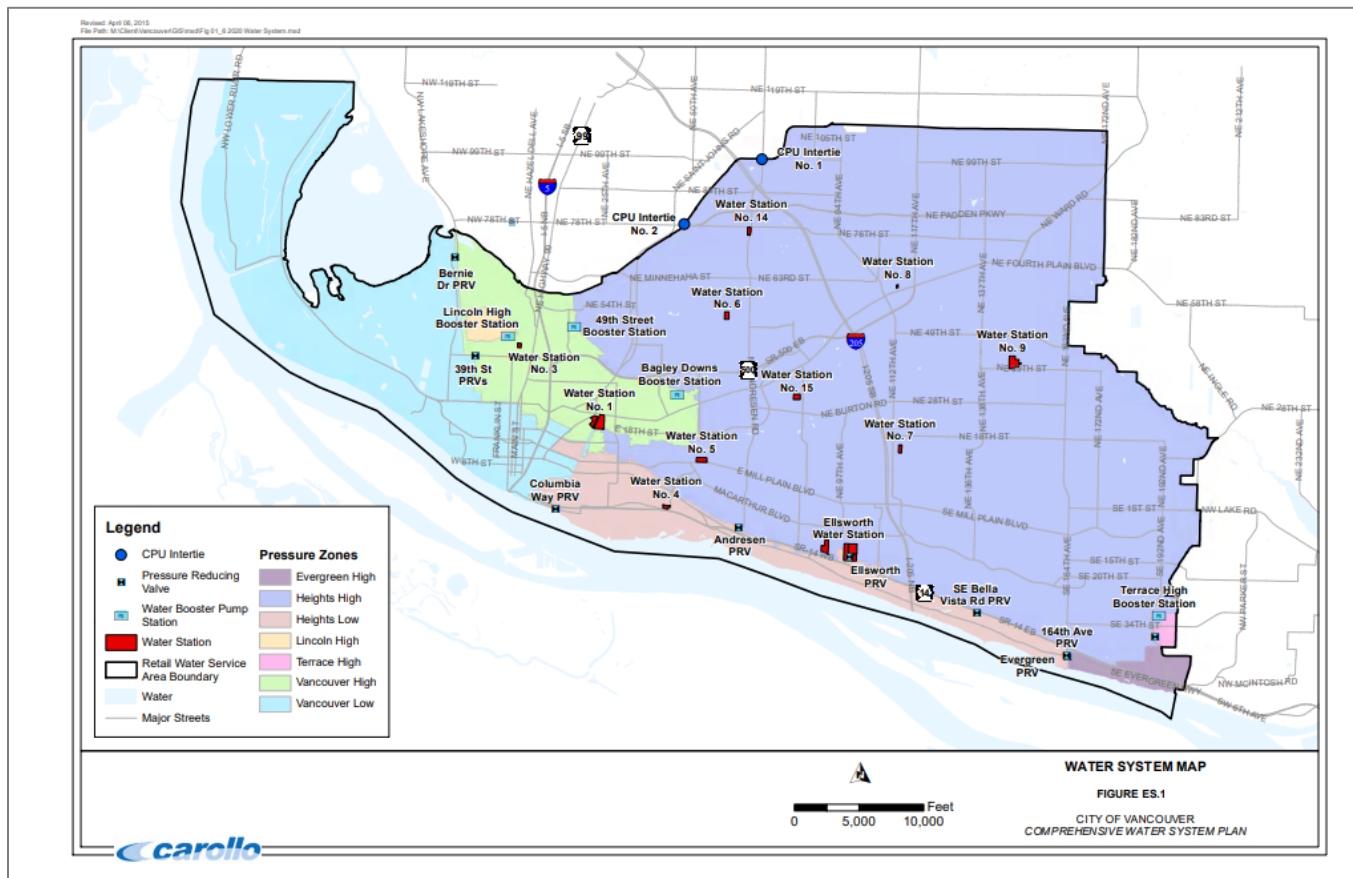
Not applicable – not a site specific proposal. Future development that would discharge waste materials to surface waters would be subject to City clearing and grading regulations as well as Shoreline Master Program and Critical Area regulations.

b. Ground Water:

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.

This non-project proposal is not site specific. The study area is served by City of Vancouver Water System in the Retail Service Area Boundary. Exhibit 4 below shows water system boundary

Exhibit 4. City of Vancouver Comprehensive Water System Plan



Source: City of Vancouver Comprehensive Water System Plan (last updated 2015)

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.

Not applicable- not a site specific proposal. In the event of a new small-scale fossil fuel facility, applicants would be required to meet City permit standards including connection to wastewater systems. Potential improvements at one of the six existing large-scale fossil fuel facilities are subject to guidelines from this non-project proposal.

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.

Not applicable – not a site specific proposal. Water runoff could occur from point sources and non-point sources. However, all development is subject to surface water regulations and manuals.

2) *Could waste materials enter ground or surface waters? If so, generally describe.*

Not applicable – not a site specific proposal. Future development would be subject to aquifer protection regulations and surface water quality regulations.

3) *Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.*

Not applicable – not a site specific proposal. Future development would be required to meet stormwater drainage regulations.

4) *Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:*

No significant impacts are identified for the non-project proposal. Future permit applications would be required to meet surface, ground and runoff water requirements and adhere to Vancouver Municipal Code (VMC) 20 Land Use Code. This includes but is not limited to:

VMC 14.25 Stormwater Control

VMC 14.26 Water Resources Protection

Plants

Check the types of vegetation found on the site:

- ☒ deciduous tree: alder, maple, aspen, other
- ☒ evergreen tree: fir, cedar, pine, other
- ☒ shrubs
- ☒ grass
- ☐ pasture
- ☐ crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☒ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☒ water plants: water lily, eelgrass, milfoil, other
- ☒ other types of vegetation

What kind and amount of vegetation will be removed or altered?

Not applicable- not a site specific proposal. Future permit applications must submit a Tree, Vegetation and Soil Plan per Vancouver Municipal Code (VMC) 20.770.050. If there are wetlands, they would be subject to protection standards of VMC 20.740.140 Wetlands.

List threatened and endangered species known to be on or near the site.

Critical habitat has been identified for water bodies containing endangered and threatened fish species as identified by VMC 20.740.110

Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

No significant impacts are identified for the non-project proposal. Any future development is subject to a State Environmental Policy Act (SEPA) checklist through Vancouver Municipal Code (VMC) 20.245.030. Future permit applications must also submit a Tree, Vegetation and Soil Plan per Vancouver Municipal

Code (VMC) 20.770.050. Native vegetation and wildlife habitat must be preserved to comply with VMC 14.24, Erosion Prevention & Sediment Control and the Shoreline Management Plan.

List all noxious weeds and invasive species known to be on or near the site.

Not applicable- not a site specific proposal. Noxious weed laws apply to help prevent the spread of invasive species through WAC 16.750. General mapping of noxious weeds shows some may exist within the City of Vancouver through the Washington State Noxious Weed Control Board (<https://www.nwcb.wa.gov/mapping-noxious-weeds>).

Animals

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:

X birds: hawk, heron, eagle, songbirds, other:

X mammals: deer, bear, elk, beaver, other:

X fish: bass, salmon, trout, herring, shellfish, other _____

List any threatened and endangered species known to be on or near the site.

A range of fish, birds and mammals are or may be found in the City of Vancouver. The US Fish and Wildlife Service identified the following threatened or endangered species that could be found in Vancouver and Clark County:

Northern Spotted owl

Bull trout

Steelhead trout

Coho salmon

Chinook salmon

Chum salmon

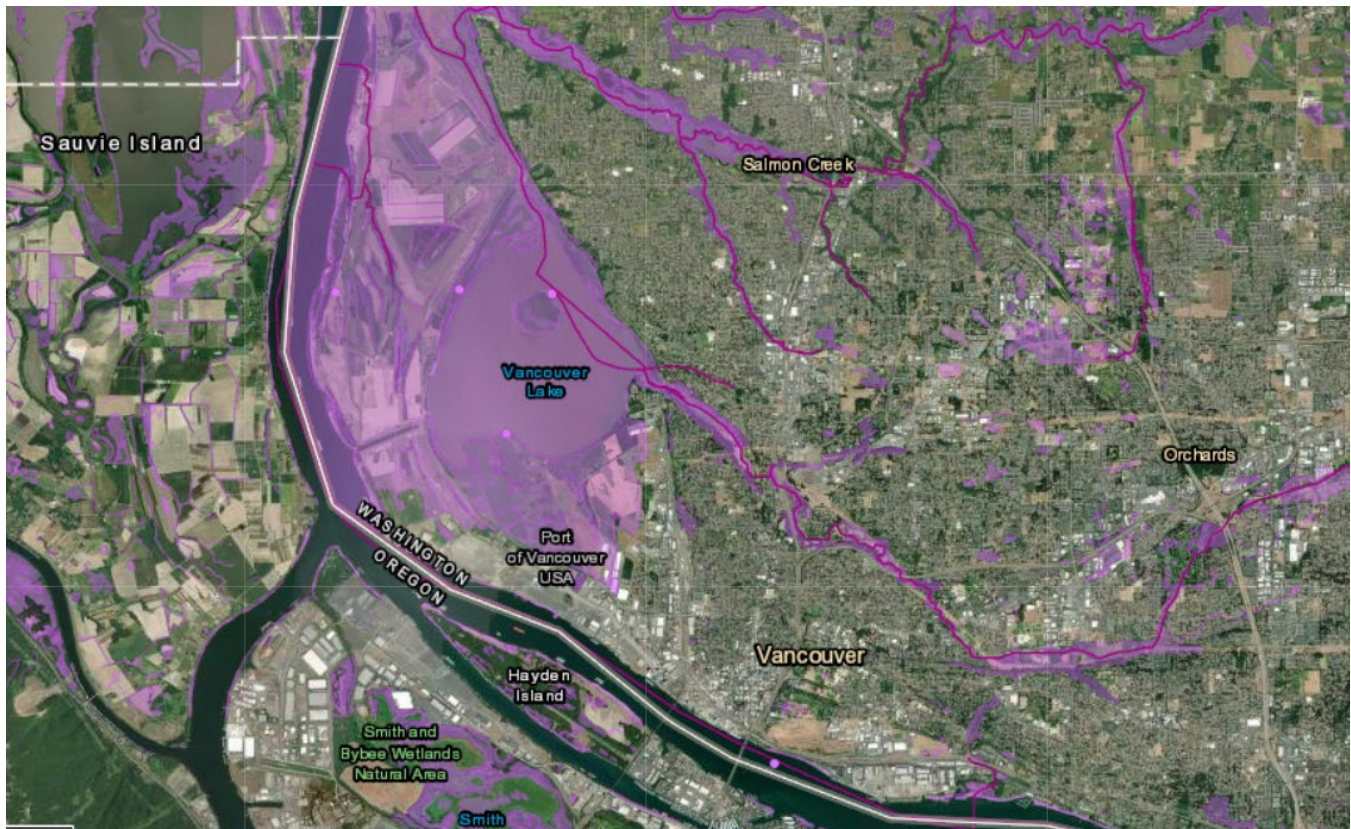
North American wolverine

Brush Prairie pocket gopher

Is the site part of a migration route? If so, explain.

This non-project proposal is not site specific. However, potential future development and permit applications pertaining to fossil fuel facilities will be within parcels zoned for industrial uses. According to the Washington Department of Fish and Wildlife Priority Habitat and Species Map, Vancouver Lake, just north of the Port of Vancouver, is a part of a migration route for various waterfowl, including geese, swans and ducks. Exhibit 5, below, shows the migration route nearby the IH zone.

Exhibit 5. Priority Habitat and Species Map for Vancouver, WA



Source: Washington Department of Fish and Wildlife

Proposed measures to preserve or enhance wildlife, if any:

This non-project proposal is not site specific. However, any new small scale fossil fuel facilities or expanded or new cleaner fuel facilities will be in parcels zoned for industrial uses, which are nearby the shoreline and Lake Vancouver. Any future development is subject to a SEPA checklist through VMC 20.245.030. minimize any impact to critical areas defined by VMC 20.740.110 Fish and Wildlife Habitat Conservation Areas. In the event of a permit application within the Shoreline Management Area, the applicant will adhere to policies and procedures set forth by Vancouver Municipal Code 20.760.060.

List any invasive animal species known to be on or near the site.

Not applicable – not a site specific proposal. The [Washington Invasive Species Council](#) has identified certain species considered invasive.

Energy and Natural Resources

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.

This non-project proposal does not involve construction activity. Future development could use electric, gas, oil, and solar energy. Major energy users in the city include industrial; transportation, residential,

and commercial uses represent smaller shares of energy users. An indirect impact of this proposal could be to incentivize conversion to cleaner fuels, and potentially an overall decrease in fossil fuel dependency. Existing large-scale fossil fuel facilities are able to expand their storage capacity under the condition that they convert to cleaner fossil fuels, which is clarified in this non-project action.

Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not applicable – not a site specific proposal. City regulations allowing for solar energy would not change.

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:

No significant impacts are identified for the non-project action. The proposal would allow existing facilities but incentivize the conversion to cleaner fossil fuels. As an option, the City may consider allowing new cleaner fuel facilities in the IH zone subject to size, location, and other environmental standards. The proposal would support the City's draft climate action plan anticipated for adoption in 2022.

Environmental Health

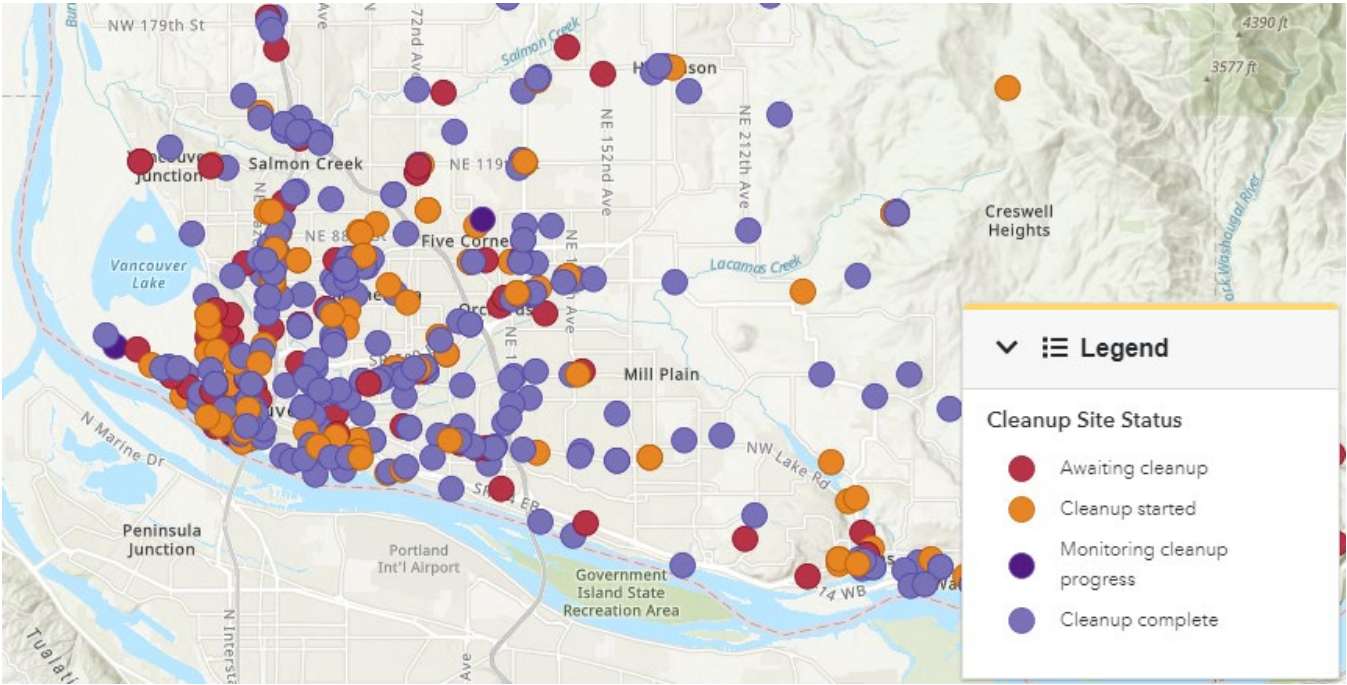
Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Some industrial uses involving chemical manufacturing, smelting, or fossil fuel or renewable fuel processing, handling, and storage have risks, impacts, and vulnerabilities, such as: explosive and fire risks, spill, exposure to toxic chemicals, odor, stormwater, and waste products.

Describe any known or possible contamination at the site from present or past uses.

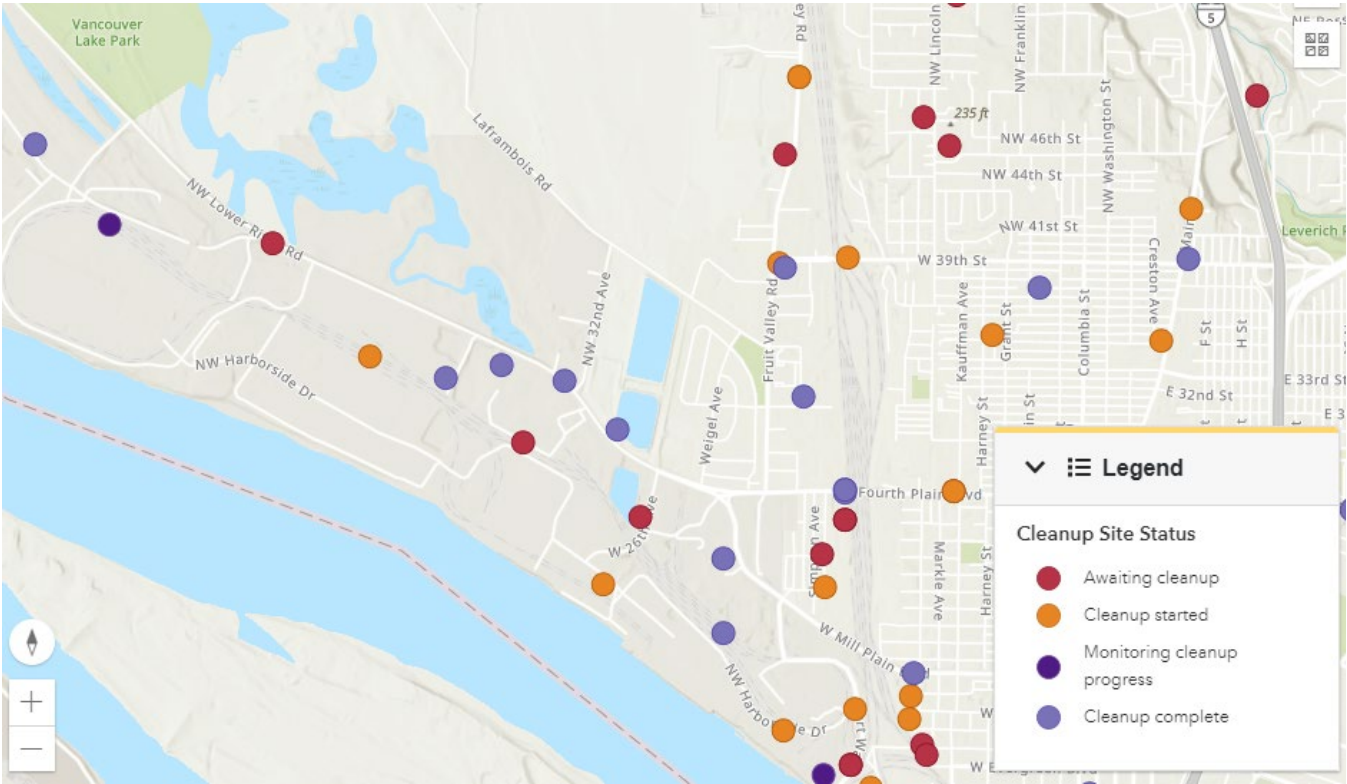
The State of Washington Department of Ecology maintains a database of contaminated sites. In all parts of the study area there are completed, in progress, and pending clean-up efforts. See Exhibit 6 and Exhibit 7.

Exhibit 6. Ecology Clean Up Sites Map- City of Vancouver



Source: State of Washington Department of Ecology (2022)

Exhibit 7. Ecology Clean Up Sites Map- Fruit Valley Vicinity

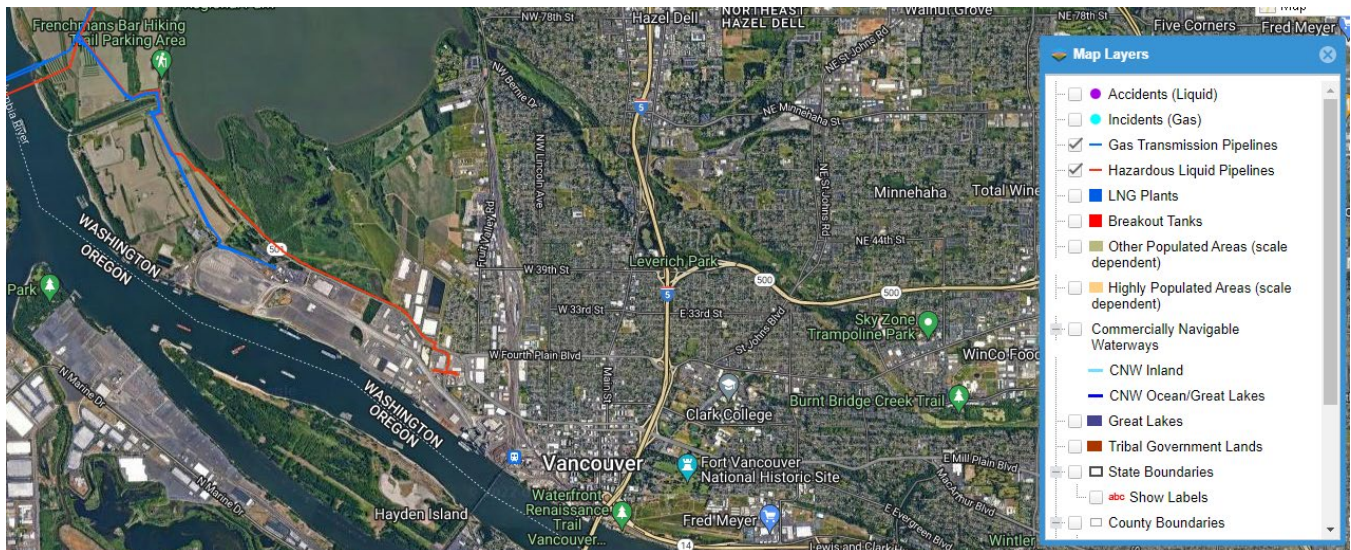


Source: State of Washington Department of Ecology (2022)

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.

The National Pipeline Mapping System from the Pipeline and Hazardous Materials Safety Administration (PHMSA) identified one hazardous liquid (Olympic Pipeline Company) and one gas transmission (Northwest Pipeline LLC) pipeline within the City of Vancouver. See Exhibit 8, below for location context.

Exhibit 8. Hazardous Liquid and Gas Pipeline Map



Source: Pipeline and Hazardous Materials Safety Administration (2022)

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.

Not applicable – not a site specific proposal. The City of Vancouver identified 6 existing large-scale (bulk) fossil fuel facilities. This non-project action will allow existing facilities and maintenance/upgrades provided there is compliance with City codes including seismic, fire protection, and spill prevention. Small fossil fuel and cleaner fuel facilities, and potentially new cleaner fuel facilities, would be subject to similar development standards. Any new or expanded facilities would be subject to SEPA review.

Describe special emergency services that might be required.

The City of Vancouver has the [Emergency Operations Plan](#), which identifies various hazardous and environmental health emergencies.

Proposed measures to reduce or control environmental health hazards, if any:

No significant impacts are identified for the non-project proposal. The following regulations apply to future development and can help mitigate impacts:

State [Model Toxics Control Act](#) (Chapter 70.105D RCW)

State Underground Storage Tank Regulations (Chapter 173-360A WAC)

VMC 2.32.070 Hazardous Materials Incidents

VMC 5.88.075 Distribution and transportation- Reporting Requirements for Natural Gas companies.

16.04.010 Adoption of the international fire code.

Noise

What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Noise sources in the study area include traffic on roads and rail lines, and industrial and commercial equipment and operation in industrial areas.

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.

Not applicable – not a site specific proposal. Future development could produce more noise as identified from industrial commercial uses. The City of Vancouver has a Noise Impact Overlay District, which includes an area west of I-5, east of Lincoln Ave, north of the Columbia River in the Esther Short neighborhood. None of the six existing bulk facilities are located within the Noise Impact Overlay District. New smaller fossil fuel facilities will only be allowed in industrial zoned parcels, which are not in the overlay district.

Proposed measures to reduce or control noise impacts, if any:

No significant impacts are identified for the non-project proposal. Industrial Heavy uses are required to not be at conflict with any nearby commercial or residential activities. The City of Vancouver has a Noise Control Ordinance (VMC 7.05.010) and maximum permissible noise levels in VMC 20.935.030 Performance Standards.

Land and Shoreline Use

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.

This non-project proposal includes changes to existing zoning standards and adding new land use categories. This primarily affects the IH zone. Current uses allowed in the IH zone include but are not limited to: Industrial Uses, commercial uses with outdoor sales, electric vehicle charging stations, airports, and rail lines. Institutional uses, including, trails, parks, community centers and transportation facilities are also allowed in IH zones. Exhibit 9 provides a zoning map for the entire city. Residential and commercial zoned parcels do abut IH zones. However, IH zoning boundaries were drawn to avoid impacting residential activities as started in Vancouver Municipal Code (VMC) 20.440.

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?

The study area does not contain working farmlands or working forest lands of long-term significance. Any future development would be located in IH zoned areas.

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:

There are no working farmlands or working forest lands of long-term significance abutting the study area.

Describe any structures on the site.

There are large industrial and manufacturing structures in the industrial zones.

Will any structures be demolished? If so, what?

Not applicable – not a site specific proposal.

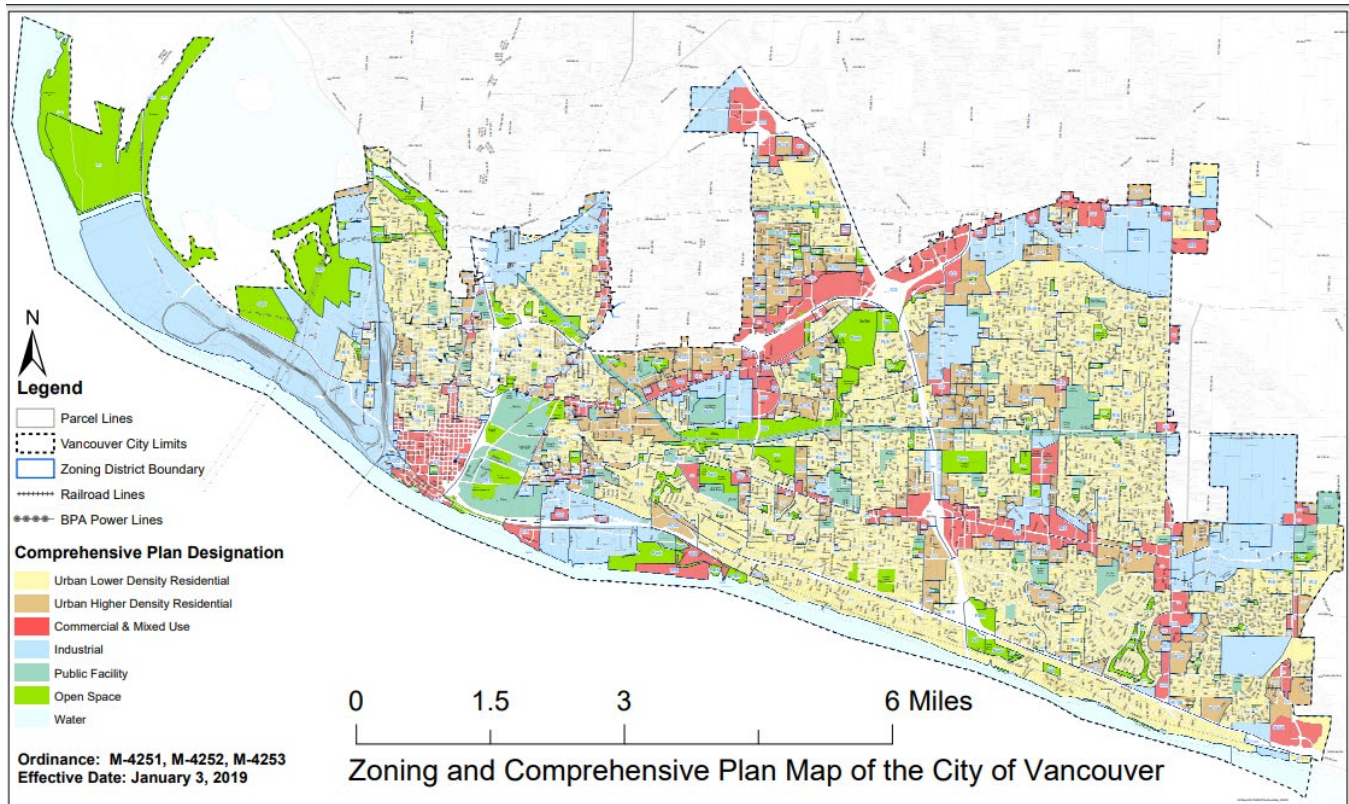
What is the current zoning classification of the site?

Not applicable – not a site specific proposal. All future development will be in parcels zoned IH.

What is the current comprehensive plan designation of the site?

This non-project action is not site specific. However, any future development for fossil fuel facilities will be located within areas zoned IH within the City of Vancouver. Exhibit 8 shows the general zoning designation for the city:

Exhibit 9. Zoning and Comprehensive Plan Map of the City of Vancouver

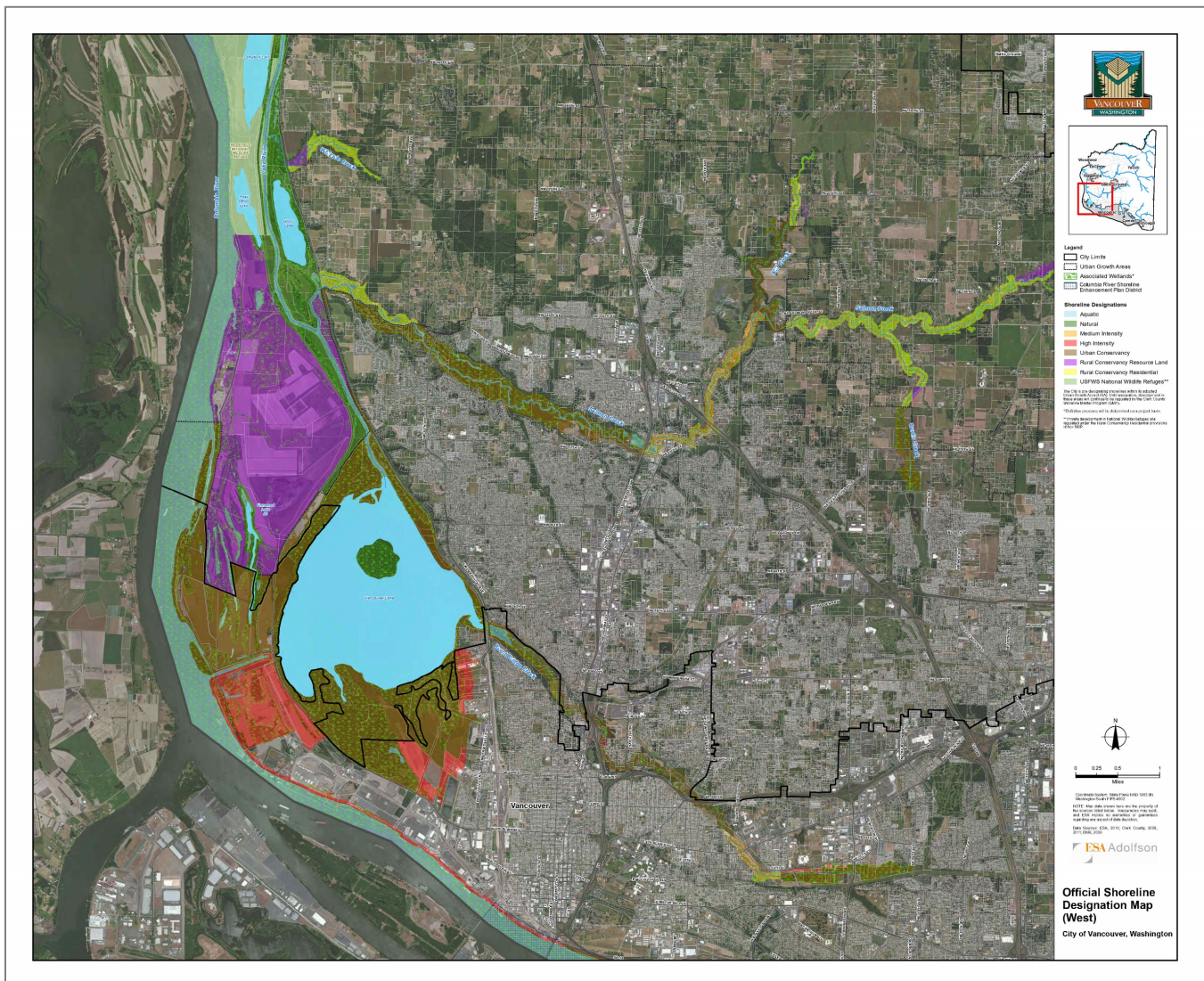


Source: City of Vancouver, 2019

If applicable, what is the current shoreline master program designation of the site?

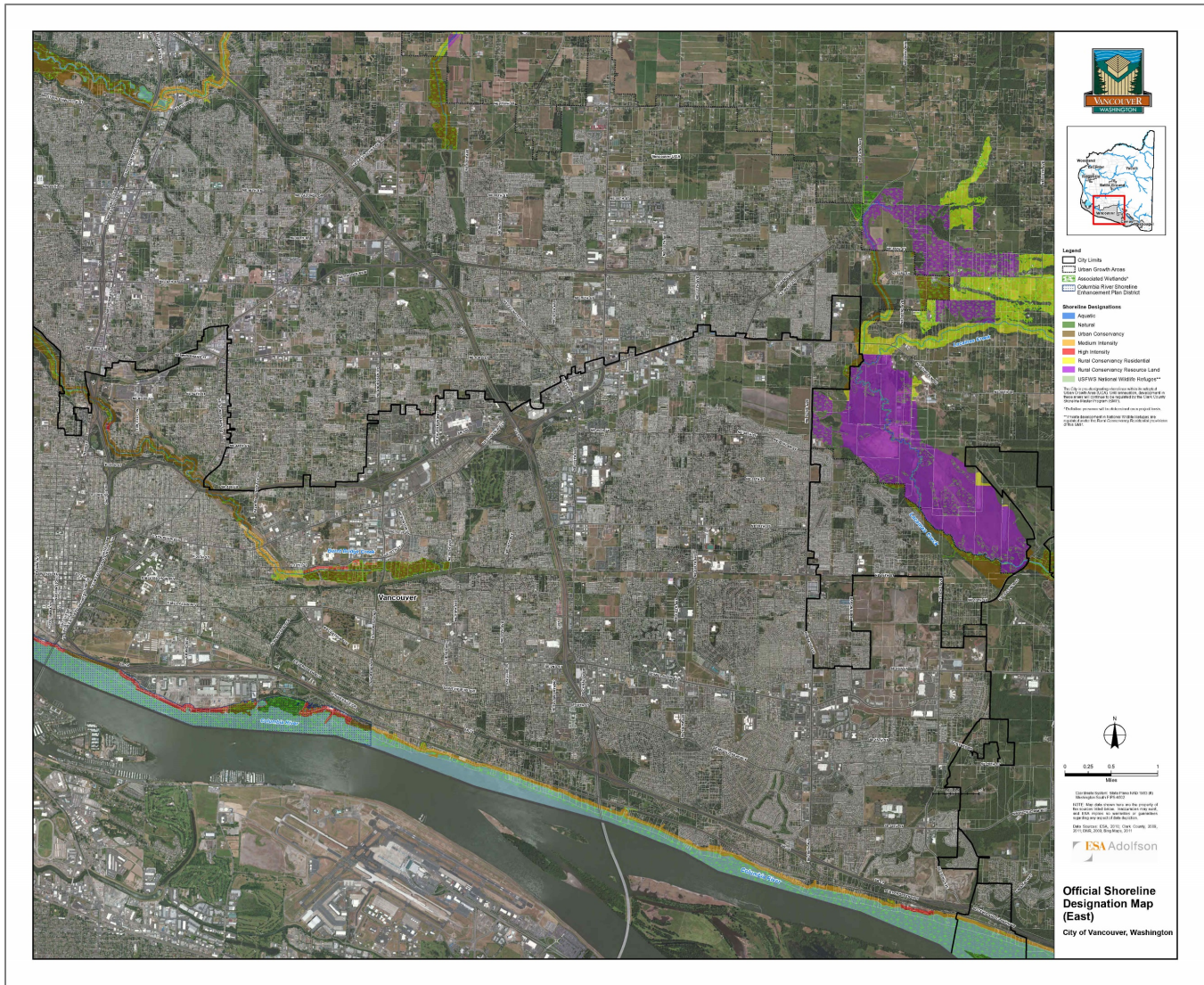
This non-project action is not site specific. The City of Vancouver adopted their Shoreline Master Plan (SMP) in 2012 and recently reviewed and updated it in June 2021. The City of Vancouver SMP 6.3.6.1 provides general requirements for industrial uses. Future development could result in new or altered facilities in compliance with the new “Bulk Fossil Fuel Storage and Handling Facility,” “Cleaner Fuel Storage and Handling Facilities” and “Small Fossil Fuel and Cleaner Fuel Storage and Distribution Facilities” land use categories. In the event of a permit application within the Shoreline Management Area, the applicant will adhere to policies set forth by Vancouver Municipal Code 20.760.060 Shoreline Permit Procedures. Exhibit 10 and Exhibit 11 show the areas on the west and east halves, respectively, within the City of Vancouver.

Exhibit 10. Shoreline Designation Map (west) for the City of Vancouver



Source: City of Vancouver

Exhibit 11. Shoreline Designation Map (east) for the City of Vancouver



Source: City of Vancouver

Has any part of the site been classified as a critical area by the city or county? If so, specify.

This non-project proposal does not involve construction activity. Future development could lead to the addition of smaller fossil fuel facilities, or facilities converting or adding cleaner fuels, on IH zoned land. If the proposed site falls under a critical area, the applicant will be subject to follow all state and federal permits as a condition of a critical area permit per Vancouver Municipal Code (VMC) 20.740 Critical Areas Protection. Exhibit 10 and Exhibit 11, above, also identify ecological conservation districts within the City of Vancouver.

Approximately how many people would reside or work in the completed project?

This non-project proposal does not involve construction activity of any new housing or commercial uses. Under Vancouver Municipal Code (VMC) 20.440 Industrial Uses, housing is allowed as a limited use in IH zoned land. Future development of small fossil fuel facilities, or facilities converting or adding cleaner fuels, will be reviewed per applicable permit requirements and standards.

Approximately how many people would the completed project displace?

This non-project proposal does not involve construction activity that will result in the displacement of residential and commercial uses.

Proposed measures to avoid or reduce displacement impacts, if any:

This non-project proposal will prohibit industrial uses pertaining to fossil fuels in non-industrial zoned parcels. An indirect impact of the non-project action would be that housing and commercial uses continue to be prioritized within residential, commercial, and mixed use zoned parcels within the City of Vancouver.

Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

This non-project proposal will prohibit industrial uses pertaining to fossil fuels in non-industrial zoned parcels. An indirect impact of the non-project action would be that housing and commercial uses continue to be prioritized within residential, commercial, and mixed use zoned parcels within the City of Vancouver.

The proposed land use code changes would help the City reduce greenhouse gas emissions (GHG) and minimize potential public and environmental health and safety impacts. The non-project action will then be used to align with the Vancouver Strategic Plan Update, Climate Action Plan and other Title 20 code amendments. Furthermore, protecting fish and wildlife habitats from the risk of spills from fossil fuel facilities through increasing seismic safety would indirectly support Treaty fishing rights with Tribal fisheries.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

Not applicable. There are no designated agricultural or forest lands of long-term commercial significance.

Housing

Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

This non-project proposal does not involve construction activity. The non-proposal action will prohibit industrial fossil fuel facility uses from residential zoning districts and will be allowed only in industrial zoned parcels. Residential uses are allowed as a Limited use under all Industrial land uses. In OCI and ECX zoned parcels, multifamily housing is permitted on the ground floor only. In LI and IH zoned parcels, only caretaker residences are allowed.

There are residential zoned parcels that abut industrial zoned parcels. However, IH zoning boundaries and associated development standards are meant to avoid impacting residential activities as started in Vancouver Municipal Code (VMC) 20.440. Proposed standards for new small facilities or cleaner fuel facilities include distance requirements from residentially zoned land.

Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

This non-project proposal does not involve construction activity. No housing units will be eliminated.

Proposed measures to reduce or control housing impacts, if any:

This non-project proposal does not involve construction activity, and the proposed code would limit fossil fuel facilities in the residential zones.

Aesthetics

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

Not applicable – not a site specific proposal. No changes to allowed heights are proposed.

b. What views in the immediate vicinity would be altered or obstructed?

The non-project action will limit the development of new fossil fuel facilities as well as limit the size of cleaner fuel facilities. There is currently no vision overlay district over parcels zoned for industrial uses. Any future development will be subject to height and landscape standards.

c. Proposed measures to reduce or control aesthetic impacts, if any:

No significant impacts are identified for the non-project proposal. The zoned based height standards and landscape standards would apply in the VMC Title 20 Land Use Code.

Light and Glare

What type of light or glare will the proposal produce? What time of day would it mainly occur?

This non-project action is not site specific. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC).

Could light or glare from the finished project be a safety hazard or interfere with views?

This non-project action is not site specific. No changes to regulations addressing light and glare are proposed. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC).

What existing off-site sources of light or glare may affect your proposal?

This non-project action is not site specific. No changes to regulations addressing light and glare are proposed. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC).

Proposed measures to reduce or control light and glare impacts, if any:

This non-project action is not site specific, and no significant impacts have been identified. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC) including 20.935.030 Performance Standards with a standard to avoid light and glare.

Recreation

What designated and informal recreational opportunities are in the immediate vicinity?

This non-project action is not site specific. An indirect impact of this non-project proposal will prohibit fossil fuel facilities within open space districts.

Would the proposed project displace any existing recreational uses? If so, describe.

The regulations would not displace existing uses. Existing park and recreation uses would continue.

Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

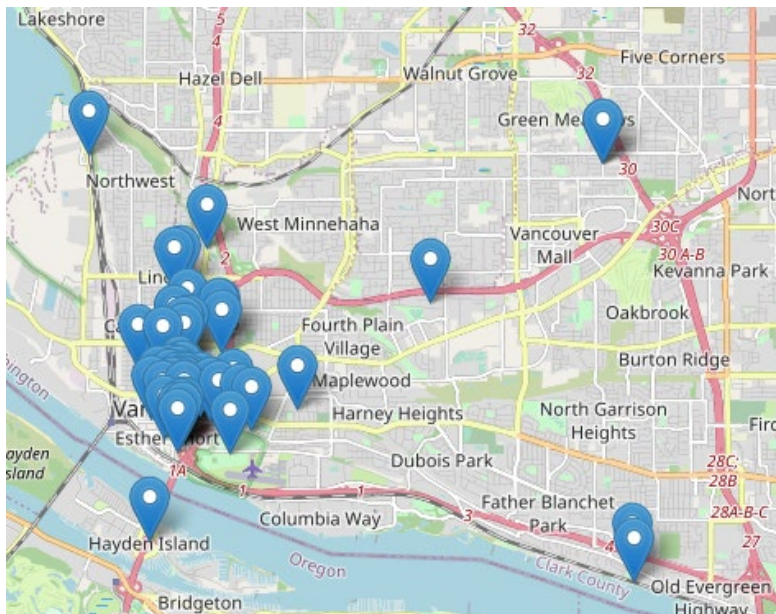
A key goal of this non-project proposal is to reduce greenhouse gas (GHG) emissions by prohibiting new bulk fossil fuel facilities. This includes disallowing fossil fuel facilities in open space districts.

Historic and cultural preservation

a. 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 ? If so, specifically describe.

Future development under this new non-project action will occur only in industrial zoned districts within the City of Vancouver. According to the Clark County Historic Preservation Program, there are no buildings, structures or sites located within a parcel zoned for industrial land use. Exhibit 12, below shows the location of all historic structures within the city. The majority of sites are located west of Central Park in the Esther Short neighborhood and to the north.

Exhibit 12. Historical buildings, structures and sites within the City of Vancouver



Source: Clark County Historical Preservation Program (2022)

b. 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.

The City of Vancouver is located within the ancestral lands of the primarily the Chinook and Cowlitz tribes. Washington State Department of Archaeology and Historic Preservation (DAHP) Statewide Predictive Modal classifies the city boundaries overall in the very high-risk category.

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.

The methods included review of inventoried data with the Department of Archaeology and Historic Preservation (<https://wisaard.dahp.wa.gov/>).

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.

There are no anticipated impacts as a result of non-project proposals; no changes to historic or cultural resource regulations are proposed. Development would be subject to federal, state, and local laws protecting historic and cultural resources, including:

National Historic Preservation Act (NHPA) (Title 54 United States Code [U.S.C.]); Section 106 of the NHPA (36 Code of Federal Regulations [CFR] Part 800)

Native American Graves Protection and Repatriation Act (NAGPRA; 25 U.S.C. 2001-13)

American Antiquities Act of 1906 (16 U.S.C. 432)

Archaeological Resources Protection Act of 1979 (ARPA, 16 U.S.C. 470aa-470mm)

Section 4(f) of the Department of Transportation Act (DOT Act, 49 U.S.C. 303)

Abandoned Shipwreck Act, of 1988 (ASA, 43 U.S.C. 2101-2106)

Procedures for State, Tribal, and Local Government Historic Preservation Programs (36 CFR Part 61)

State Environmental Policy Act (RCW 43.21C, WAC 197-11-330)

Governor's Executive Order 05-05

Washington Heritage Register (Senate Bill 363; RCW 27.34.200, WAC 25-12)

Archaeological Sites and Resources (RCW 27.53)

Archaeological Site Public Disclosure Exemption (RCW 42.56.300)

Human Remains (RCW 68.50)

Indian Graves and Records (RCW 27.44)

Abandoned and Historic Cemeteries and Historic Graves (RCW 68.60)

Archaeological Excavation and Removal Permit (WAC 25 48)

Archaeological activities on state-owned aquatic lands – Agreements, leases, or other conveyances (RCW 79.105.600)

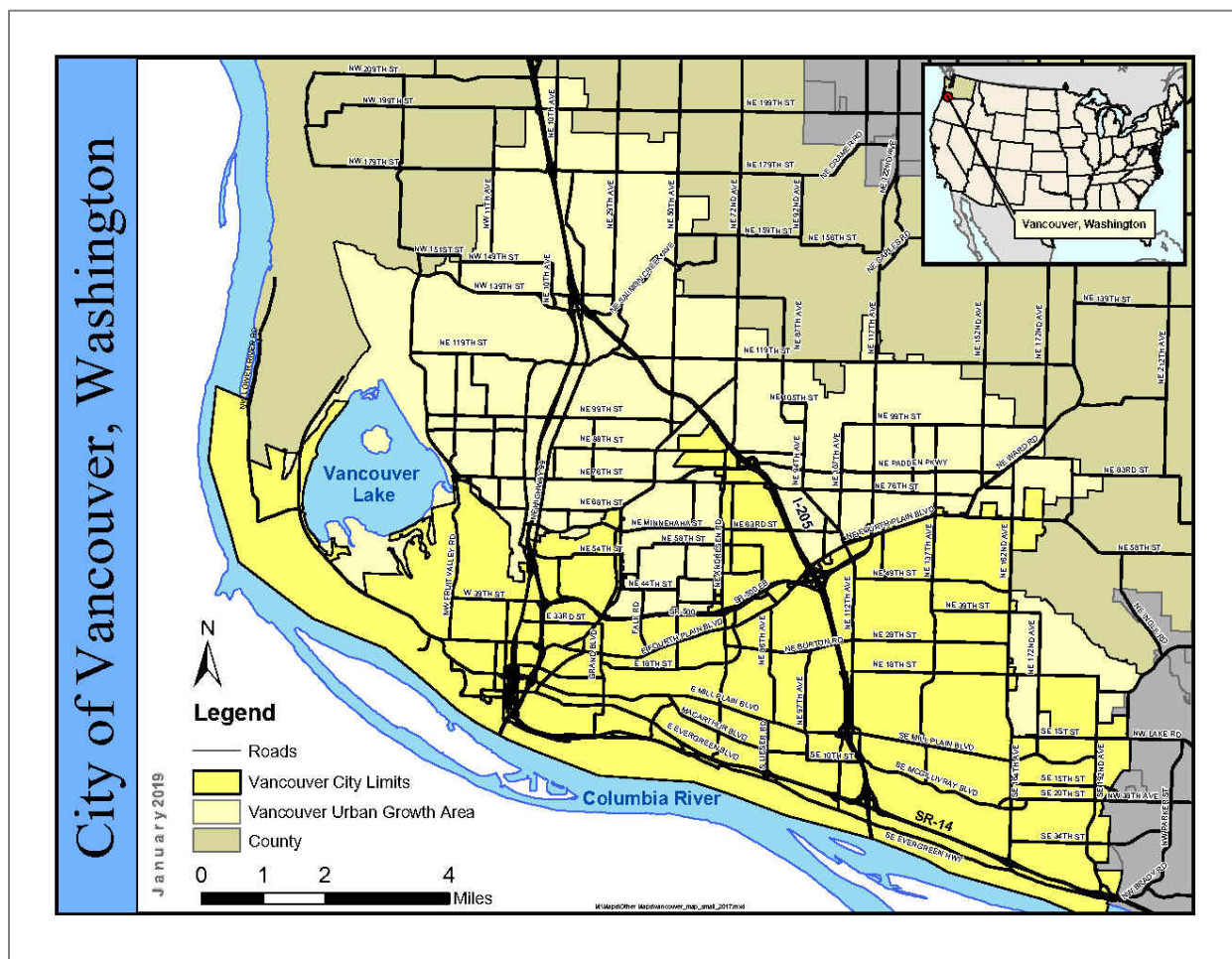
City of Vancouver Municipal Code (VMC) 17.39 Historic Preservation

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 non-project action is not site-specific and does not propose any new transportation system improvements. The City of Vancouver is primarily a vehicle-oriented environment, with about 86% of its residents commuting to work by car¹. The I-5 and I-205 highways extend north-south through the city, and State Routes 500, 501 and 14 extend east-west through the city. Exhibit 13, below, shows a street map for Vancouver.

Exhibit 13. City of Vancouver Street Map



Source: City of Vancouver

¹ City of Vancouver State of Mobility Report 2020

- 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?*

Not applicable – not a site specific proposal. The study area is served by both C-TRAN and Sound Transit.

- c. *How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?*

Not applicable – not a site specific proposal. No changes are proposed to parking standards.

- 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).*

Not applicable – not a site specific proposal. No changes are proposed to existing transportation systems.

- e. *Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.*

The study area includes areas served by water and rail transportation.

- 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 non-passenger vehicles). What data or transportation models were used to make these estimates?*

Not applicable – not a site specific proposal. The City's Comprehensive Plan is based on growth targets that are the basis for planned improvements; growth projections are not anticipated to change.

- 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.*

The study area contains port facilities that move a wide range of goods, including fossil fuels. No changes to the movement of resource products are anticipated.

- h. *Proposed measures to reduce or control transportation impacts, if any:*

There are no anticipated impacts as a result of non-project proposals; no changes to transportation regulations are proposed. Any future development would be subject to:

VMC 20.550 Transit Overlap District

VMC 11.80.130 Traffic impact analysis.

Public Services

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.

Not applicable – not a site specific proposal. This non-project proposal will limit fossil fuel facilities within the City of Vancouver. Vancouver Fire Department has been identified as the lead agency to address

any hazardous material incidents. There would be a requirement for a spill prevention plan and review by the Fire Marshall.

Proposed measures to reduce or control direct impacts on public services, if any.

There are no anticipated adverse impacts as a result of non-project proposals. Future development would be required to meet:

VMC 16.04.010 Adoption of the international fire code.

VMC 2.32.070 Fire Department

Utilities

Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

Utilities are available in the city including power, sewer, and wastewater.

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.

Not applicable – not a site specific proposal. Future development would be required to meet City utility standards including Title 14 Water and Sewers. See B.6 Energy regarding power.

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 _____ Bryan Snodgrass _____

Position and Agency/Organization _____ Principal Planner _____

Date Submitted: _____ 8/16/2022 _____

Supplemental sheet for non-project actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

See B.2, B.3, and B.7.

Proposed measures to avoid or reduce such increases are:

See B.2, B.3, and B.7.

How would the proposal be likely to affect plants, animals, fish, or marine life?

See B.4 and B.5

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

See B.4 and B.5

How would the proposal be likely to deplete energy or natural resources?

See B.6.

Proposed measures to protect or conserve energy and natural resources are:

See B.6.

How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

See B.4, B.5, B.8, and B.12.

Proposed measures to protect such resources or to avoid or reduce impacts are:

See B.4, B.5, B.8, and B.12.

How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

See B.8.

Proposed measures to avoid or reduce shoreline and land use impacts are:

See B.8.

How would the proposal be likely to increase demands on transportation or public services and utilities?

See B.14, B.15, and B.16.

Proposed measures to reduce or respond to such demand(s) are:

See B.14, B.15, and B.16.

Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The non-project action will align with the Vancouver Strategic Plan update and Climate Action Plan. Furthermore, these changes will support existing Tribal fishing treaties. It will promote cleaner fuels that fit state and federal rules and help achieve climate change reduction goals.



Holli Johnson
Senior Manager NW Region

August 30, 2022

Via Email:

bryan.snodgrass@cityofvancouver.us

Bryan Snodgrass
Responsible Official
City of Vancouver
PO Box 1995
Vancouver, WA 98668-1995

Re: Western States Petroleum Association Comments on the City of Vancouver's August 16, 2022, SEPA Determination of Environmental Non-significance for Vancouver Fossil Fuel Standards Proposal

Mr. Snodgrass:

Western States Petroleum Association (WSPA) again appreciates the opportunity to provide comments on the City of Vancouver's (City) Determination of Non-significance (DNS) for the Vancouver Fossil Fuel Code Standards Proposal (Proposal). The Proposal consists of proposed zoning code amendments, Planning Commission version (revised July 5, 2022).

WSPA filed comments on, and appealed, the previous DNS for an earlier version of the Proposal. The City withdrew the prior DNS and reissued a new DNS concluding:

The City of Vancouver has determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030. An Environmental Checklist is available from City staff.

This determination is based on the following findings and conclusions: Uses would be prohibited in most districts in the city and where allowed in the Industrial Heavy Zoning District would be regulated according to development standards addressing size, location, operation, and health and safety.

The current DNS suffers from the same infirmities as the prior DNS as detailed in this comment letter.

WSPA is a nonprofit trade association representing companies that explore for, produce, refine, transport, and market petroleum and petroleum products in five western states, including Washington. WSPA members have operated petroleum terminals in the City for many years. These facilities supply fuel to the region, provide critical emergency infrastructure, and have many positive impacts on the economy, including providing family-wage jobs.

WSPA and operators of facilities targeted by the existing moratorium and the Proposal have previously outlined for the City the significant harm these regulations are having and will continue to have on structure safety, transition to lower-carbon fuels, reduction of greenhouse gases

(GHG), improvements to existing infrastructure, and displacement of fuel transportation to less-safe methods—all of which have direct and significant environmental impacts.

In completing a revised environmental checklist (Checklist) and issuing the DNS, the City has still yet to analyze these undesired impacts. WSPA respectfully asks the City to withdraw the DNS, issue a Determination of Significance (DS), and prepare an Environmental Impact Statement (EIS).

1. The City failed to acknowledge, investigate, and assess the full range of potential environmental impacts.

At the heart of SEPA is the legislative mandate that governmental entities “[u]tilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on the environment[.]” RCW 43.21C.030(a). To that end, agencies and local governments must include with every legislative proposal a “*detailed* statement” fully analyzing environmental impacts and alternative courses of action. RCW 43.21C.030(c) (emphasis added).

Accordingly, throughout the SEPA process, cities are required to “*carefully consider* the range of probable impacts, including short-term and long-term effects[.]” both inside and outside the local jurisdiction and state.¹ A city’s careful consideration must include both direct and indirect consequences.²

As part of the threshold determination process, a city must identify, investigate, and thoroughly consider all potential environmental impacts.³ Obviously, this requires the City to first fully evaluate the operation and future development effects of a proposed legislative amendment.⁴ In determining the likely environmental impacts therefrom, a city is not permitted to blindly rely on its uninformed completion of an environmental checklist, but must obtain all information necessary to make an informed decision.⁵

The City has still not fulfilled these obligations here. Its completion of the Checklist and analysis of the potential environmental impacts of the Proposal is inadequate on its face. First, the City fails to include any analysis in the Checklist on how the Proposal will adversely impact existing facilities. The City, for instance, does not discuss how designating existing facilities as nonconforming uses will complicate and inject significant uncertainty into the review and approval of proposed improvements/alterations of current infrastructure, nor how requiring a highly

¹ WAC 197-11-060(4)(b)-(c) (emphasis added).

² WAC 197-11-060(4)(d).

³ WAC 197-11-330(4), imposing requirements of WAC 197-11-080(1) (“agencies shall obtain and include” all “information on significant adverse impacts essential to a reasoned choice among alternatives” if it “is not known, and the costs of obtaining it are not exorbitant[.]”).

⁴ WAC 197-11-060(3).

⁵ *Id.*; WAC 197-11-335; *Anderson v. Pierce Cty*, 86 Wn. App. 290, 302, 936 P.2d 432 (1997) (In order for a DNS or MDNS to survive judicial review, “the record must demonstrate that environmental factors were adequately considered [and that the decision] was based on information sufficient to evaluate the proposal’s environmental impact.”) (internal quotation marks and citation omitted).

discretionary conditional use permit for other projects will also result in deterrence, abandonment, or relocation of desirable projects, including cleaner fuel projects.

In completing the required supplemental sheet in the Checklist for non-project actions, the City simply refers to earlier sections of the Checklist with reference to Section B without meaningful analysis or factual support. Moreover, there is no Section B in the version of the Checklist we have to confirm exactly what sections the supplemental sheet refer to. This is a significant defect in the Checklist where the supplemental sheet relies heavily on the nonexistent Section B. The City also completely ignored the issues repeatedly raised by industry experts throughout the City's ongoing fossil fuel regulation process.⁶

Another infirmity is that in the Checklist, the City notes several times that the proposed code could, as an option, allow new cleaner fuels storage and handling facilities. Page 5. Yet the proposed code does not include this option, causing further unstudied impacts through elimination of potentially beneficial projects. See Section 20.895.110.F.1 of the Proposal.

In sum, there is insufficient analysis for the threshold determination process. For this and all the other issues identified above, the City must obtain the available information necessary to adequately analyze all the environmental impacts of the Proposal. It clearly has not done so yet. Accordingly, the DNS should be withdrawn again.

2. The Proposal will cause probable significant adverse impacts.

SEPA requires a lead agency to issue a DS and prepare an EIS when a proposal is likely to have probable significant adverse environmental impacts.⁷ A threshold determination cannot rely on the fact that a proposal's purported benefit may outweigh the environmental impacts.⁸ Indeed, SEPA expressly acknowledges that even proposals that are purportedly designed to improve the environment "may also have significant adverse environmental impacts."⁹ As such, the responsible official must consider *all* probable significant adverse impacts, regardless of whether they are direct, indirect, or cumulative.¹⁰ In this case, an EIS is necessary because the Proposal will cause probable significant adverse impacts.

⁶ The ban on new terminals significantly impacts the environment by preventing new facilities and upgrades that would increase efficiency, reduce GHG, and comply with lower-emission federal and state fuels law; discouraging safety improvements, such as seismic retrofitting; blocking the introduction of future technologies to the current fuel infrastructure framework; forcing fuel facilities to stay in areas with heightened seismic and groundwater risk by prohibiting fuel suppliers from relocating to safer locations; and distorting the supply of fuel to less-efficient and potentially riskier methods of transportation and storage.

⁷ RCW 43.21C.031; see *also* WAC 197-11-330 (threshold determination process) & 197-11-782 (defining "probable").

⁸ WAC 197-11-330(5) ("A threshold determination shall not balance whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather, shall consider whether a proposal has any probable significant adverse environmental impacts under the rules. For example, proposals designed to improve the environment, such as sewage treatment plants or pollution control requirements, may also have significant adverse environmental impacts.").

⁹ *Id.*

¹⁰ WAC 197 11-060(4); see *also* WAC 197-11-330.

For example, the Checklist wrongly concludes that there will be no significant impacts to energy resources. Page 14. The DNS offers no evidence or analysis for this statement, which is contrary to industry testimony provided throughout the legislative process. The DNS ignores the probable significant adverse impacts to energy resources that will result from the City's prohibition on new bulk terminal and fuel handling facilities, even though a reduction of fuel supply is part of the City's stated purpose for adopting the Proposal. Further, by treating existing facilities as nonconforming uses, and requiring conditional use permits for other projects, the Proposal imposes extremely restrictive and uncertain limitations on the alteration and improvement of existing infrastructure. This will clearly delay and effectively discourage the investment in facility modifications to meet changing markets and improve production efficiency.

The Proposal would also create barriers to fuel facility upgrades that would improve safety, lower facility emissions, and allow for the introduction of new fuel technology. Each time fuels with lower emissions are developed or required by a governmental entity, new or updated infrastructure is needed to provide that fuel. The Proposal would prohibit improvements and beneficial innovation to the City's fuel infrastructure. Its effect is to freeze the current fuel supply system in place. Further, by uniformly blocking new fuel infrastructure in the City, the Proposal would force fuel distribution into less-efficient routes around the City and modes such as truck that increase GHG and other emissions.

These are just a few of the "probable significant adverse environmental impacts" caused by the Proposal. From its completion of the Checklist and issuance of the DNS, it is apparent that the City has still not studied or even meaningfully considered these issues. Accordingly, the DNS must be withdrawn and an EIS must be completed to evaluate these impacts.

Sincerely,



cc: Jessica Spiegel, WSPA
Jodie Muller, WSPA



WASHINGTON
ENVIRONMENTAL
COUNCIL



SIERRA
CLUB



WASHINGTON PHYSICIANS
FOR SOCIAL RESPONSIBILITY

August 30, 2022

Bryan Snodgrass, Principal Planner, CDD
City of Vancouver
PO Box 1995
Vancouver, WA 98668-1995

cc: Vancouver City Planning Commission; Vancouver City Council

Re: SEPA Checklist and SEPA Determination of Non-Significance for Vancouver Fossil Fuel Code Standards Proposal

Columbia Riverkeeper, Washington Environmental Council, Sierra Club Loo Wit, Washington Physicians for Social Responsibility, Oregon Physicians for Social Responsibility, Friends of the Columbia Gorge, Sunrise Southwest Washington, Vancouver Audubon Society, and the Alliance for Community Engagement support Vancouver's ongoing effort to develop a permanent ordinance prohibiting new or expanded bulk fossil fuel infrastructure in Vancouver. We offer the following comments on the Determination of Nonsignificance (DNS) and the State Environmental Policy Act (SEPA) Checklist for Vancouver's proposed Fossil Fuel Code Standards ("proposed code standards").

The proposed code standards represent an important step forward for protecting community health and safety from large-scale fossil fuel facilities in Vancouver. We agree with City staff that banning new large-scale fossil fuel facilities in Vancouver warrants a DNS, as reflected in Option A. We encourage Vancouver to ground the policy and the SEPA analysis firmly in health and safety concerns about these types of fossil fuel facilities and ensure that the final determination and code reflect these concerns.

1. Prohibiting new or expanded large-scale fossil fuel facilities will not have a probable significant adverse impact on the environment.

The proposed code standards will help to protect Vancouver communities from the health and safety impacts of new or expanded fossil fuel facilities, including air pollution, water pollution, and public safety hazards related to storing and handling large quantities of fossil fuels. Vancouver's SEPA Checklist demonstrates that the ordinance will address public and environmental health and safety impacts associated with fossil fuel facilities. In addressing

whether there are 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, the SEPA Checklist states, “Some industrial uses involving chemical manufacturing, smelting, or fossil fuel or renewable fuel processing, handling, and storage have risks, impacts, and vulnerabilities, such as: explosive and fire risks, spill, exposure to toxic chemicals, odor, stormwater, and waste products.”¹ By highlighting the types of risks avoided through the passage of the fossil fuel ordinance, the City’s SEPA analysis supports the DNS.

Vancouver has experience in reviewing the potential health and safety impacts of fossil fuel terminals. For example, the City of Vancouver participated extensively in the review process for the Tesoro-Savage oil train terminal. The environmental impact statement for that project concluded that fossil fuel trains could impose significant negative impacts: “The direct and indirect impact analysis determined that some significant impacts could be unavoidable, related to rail accidents, emergency response delays resulting from additional train traffic, and environmental justice impacts to minority or low-income populations along the rail corridor.”² The proposed ordinance would avert these impacts for new large-scale fossil fuel facilities.

Specific examples of new potential large-scale fossil fuel facilities include liquefied petroleum gas or liquefied propane gas (LPG) facilities, liquefied natural gas (LNG) proposals, coal terminals, and other facilities such as natural gas liquids or fracked gas-based methanol facilities. The SEPA Checklist states that the ordinance is intended to “avoid and minimize any impacts to adjacent communities from fire or explosion.” For facilities that invite long trains and large storage volumes of fossil fuels, the risks are tremendous. For instance, potential LNG train traffic drew sharp opposition from the National Association of State Fire Marshals³ and the National Transportation Safety Board due to unstudied and potentially catastrophic public health and safety risks.⁴ Storing LNG in rail cars or storage tanks poses significant public health and safety risks for communities within a large area near the LNG facility or rail car. In 2021, the Washington Post reported that scientists were alarmed by the potential ramifications of an LNG leak resulting in a vapor cloud and fire.⁵ E&E News reported in 2022, “...near-misses and environmental problems highlight the risk. Most recently, a fireball at a plant near Freeport, Texas, touched off a fire that burned for 40 minutes, led to the temporary closure of the plant and knocked about 20 percent of U.S. export capacity offline for months.”⁶ These concerns

¹ SEPA Checklist, p. 14.

² Washington Energy Facility Siting Council. 2017. Final Environmental Impact Statement for the Tesoro-Savage Oil Train Terminal. p. ES-21.

³ National Association of State Fire Marshals (NASFM). 2019. Comment from re: Docket Number PHMSA-2018-0025 (HM-264) – LNG by Rail. <https://www.regulations.gov/document/PHMSA-2018-0025-0096>

⁴ National Transportation Safety Board. 2019. Comment from re: Docket Number PHMSA-2018-0025 (HM-264) – LNG by Rail. <https://www.regulations.gov/document/PHMSA-2018-0025-0078>

⁵ Will Englund. June 3, 2022. Engineers raise alarms over the risk of major explosions at LNG plants. <https://www.washingtonpost.com/business/2021/06/03/lng-export-explosion-vce/>

⁶ Mike Soraghan and Mike Lee. June 28, 2022. LNG explosion shines light on 42-year-old gas rules. E&E News. <https://www.eenews.net/articles/lng-explosion-shines-light-on-42-year-old-gas-rules/>

underscore Vancouver's conclusion that the ordinance would not have a negative impact on the environment and instead avoid significant risks.

Train terminals that involve the storage and handling of large volumes of LPG would also pose major health and safety risks, including fire and explosion risks. A recent study published by the American Chemical Society notes,

LPG...possesses flammable and explosive properties. With its flammability, LPG is easily ignited, while it is leaking in the course of transportation and processing, thus causing fire or explosion, especially in a confined space. The explosion of LPG is characterized by a high diffusion rate and rapid combustion speed. The explosion disaster induced by LPG leakage has resulted in a high number of economic losses and casualties.⁷

Storage and transport of LPG both carry risks of explosion. Avoiding these types of risks will benefit Vancouver's environment and the health and safety of its communities. Accordingly, the DNS is correct in concluding that the avoidance of these risks will not have a negative impact on the environment.

The DNS correctly concludes that large-scale fossil fuel facilities pose spill risks, and that avoiding these risks would not have a negative impact on the environment. In passing the moratorium related to large-scale fossil fuel facilities, the City referenced significant spill risks from a large seismic event, such as a Cascadia Subduction Zone earthquake. The SEPA analysis provides clear evidence for the potential seismic risks that exist throughout industrial zones in Vancouver. Exhibit 2 of the SEPA Checklist depicts soil liquefaction hazards in Vancouver's industrial zones.⁸ The placement of additional flammable or toxic fuels in liquefaction zones could exacerbate existing spill, fire, and emergency response concerns related to existing facilities. The ordinance would help Vancouver avoid these significant new health and safety impacts while also providing flexibility for terminal operators to reduce these risks. The SEPA analysis highlights that the ordinance would not encumber seismic and safety upgrades at existing facilities, stating, "The City of Vancouver identified 6 existing large-scale (bulk) fossil fuel facilities. This non-project action will allow existing facilities and maintenance/upgrades provided there is compliance with City codes including seismic, fire protection, and spill prevention."⁹ Additionally, facilities that undergo seismic upgrades and convert to cleaner fuels may expand storage up to 15%.

⁷ Liang et al. 2021. Risk Assessment of Liquefied Petroleum Gas Explosion in a Limited Space. <https://pubs.acs.org/doi/10.1021/acsomega.1c03430>

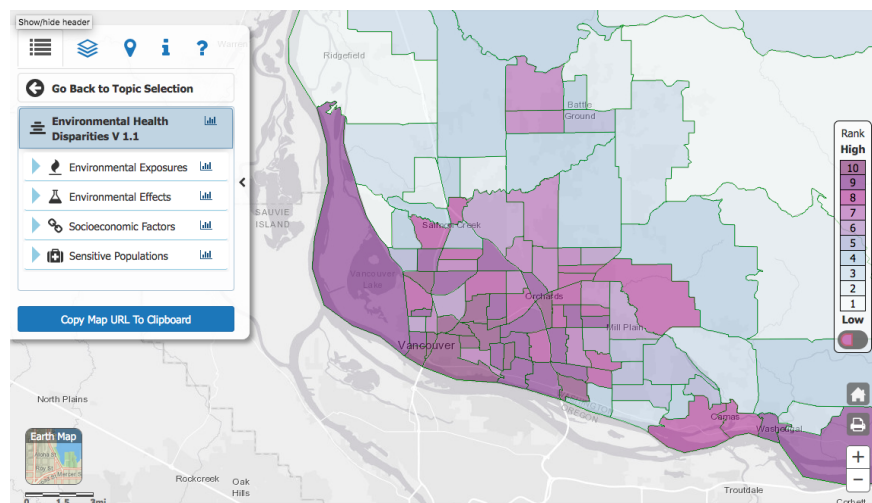
⁸ SEPA Checklist, p. 6.

⁹ SEPA Checklist, p. 16.

2. Prohibiting new or large-scale fossil fuel facilities will protect the health and safety of Vancouver residents, including BIPOC, lower-income, and other traditionally marginalized communities who already experience environmental health disparities.

The proposed code standards will help the City of Vancouver protect communities from the health and safety impacts of new or expanded fossil fuel facilities, including air pollution, water pollution, and public safety hazards related to storing and handling large quantities of fossil fuels. Although Vancouver has been working towards implementation of a Climate Action Plan (CAP) to diminish its fossil fuels for climate-related reasons, the prohibition on new large-scale fossil fuel facilities was originally conceived as a policy that would assist Vancouver in avoiding compounding environmental inequities already present, by reducing and averting health and safety risks.

Already, the environmental health impacts of fossil fuel facilities place disparate burdens on communities within Vancouver. Vancouver communities of color and low-income communities experience some of the most significant environmental health disparities in Washington, which would only be exacerbated by any new or expanded fossil fuel facilities.¹⁰ The proposed ordinance avoids worsening environmental health disparities already present in Vancouver and demonstrates an awareness of the difficulties these communities face.



Environmental Health Disparities in Vancouver.¹¹

Source: [Washington Environmental Health Disparities Map](https://fortress.wa.gov/doh/wtnibl/WTNIBL/). July 2022.

Data from the Washington Department of Health's Environmental Health Disparities Map support the prohibition of new bulk fossil fuel storage and handling facilities. Communities near

¹⁰ Washington Department of Health. Environmental Health Disparities Map. <https://fortress.wa.gov/doh/wtnibl/WTNIBL/>. Accessed 7.11.2022.

¹¹ *Id.*

industrial and high-traffic areas experience elevated exposure to air pollution that causes respiratory illness, such as low-level ozone, diesel particulates, and other pollution. Vancouver’s own experience with a proposed large, train-supplied fossil fuel terminal shows that fossil fuel train terminals have significant environmental justice implications. The Final Environmental Impact Statement for the Tesoro-Savage proposal concluded that there would be “environmental justice impacts to minority or low-income populations along the rail corridor.”¹²

3. The DNS supports Option A regarding new cleaner fuel facilities and the requirement for a conditional use permit for facilities that choose to undergo conversion and expansion.

The DNS states, “Uses would be prohibited in most districts in the city and where allowed in the Industrial Heavy Zoning District would be regulated according to development standards addressing size, location, operation, and health and safety.” The DNS and SEPA Checklist describe spill, fire, and other potential impacts that could result from new cleaner fuels facilities where they would be allowed—an indication that consideration of new facilities is better suited to a separate process from the proposed code standards. New cleaner fuel facilities could result in significant impacts distinct from current fossil fuel storage (and limited expansions), because they involve potentially new locations and differing risks. Given the SEPA Checklist’s finding that industrial uses involving renewable fuel processing carry risks, impacts, and vulnerabilities,¹³ the DNS supports Option A.

We support the requirement for conditional use permits for projects that convert to new cleaner fuels with a potential 15% expansion. The conditional use process will provide the community with an opportunity to understand and provide input on the potential impacts of cleaner fuel expansions. The requirements for facilities to meet seismic, spill prevention, fire protection, and emergency response will help to ensure that converted facilities do not adversely impact communities in Vancouver. However, potential expansions could add millions of gallons of fuel storage to Vancouver, and Vancouver communities deserve the opportunity to weigh in on any conversion-expansion proposal in a public hearing.

4. New facilities deserve specific consideration in a separate process.

As articulated above, a DNS correctly upholds the focus on banning large-scale fossil fuel facilities and enabling, through a conditional use permit review process, the expansion of existing facilities that convert to cleaner fuels. However, we urge caution regarding new facilities under this SEPA determination. Energy facilities of all kinds come with a suite of impacts, including: transportation impacts, water use and quality impacts, and air pollution. Expanding

¹² Washington Energy Facility Siting Council. 2017. Final Environmental Impact Statement for the Tesoro-Savage Oil Train Terminal. p. ES-21.

¹³ SEPA Checklist, p. 14.

the code to allow new types of facilities that are linked to the City’s CAP may have unintended consequences of impacting the health and safety of the neighborhoods and communities nearby. For example, the SEPA Checklist acknowledges that new cleaner fuel facilities may increase spill risks in new areas in Vancouver.¹⁴ That fact is highlighted by the February 2022 spill near Scappoose, Oregon, where a hazmat team was called to the site of a renewable diesel spill.¹⁵ The incident demonstrates that renewable diesel spills pose environmental risks to soil and water resources while also requiring a significant emergency response. Additionally, the potential aggregation of multiple new cleaner fuel facilities does not appear to be sufficiently addressed in Option B, creating potential concerns for areas that could see multiple new proposals. While the code limits each new facility to 1 million gallons of “cumulative” storage, it does not address the potential for multiple facilities to aggregate in an area.

To allow for a more robust assessment of impacts of facilities linked to the City’s CAP, we recommend a separate process that can establish the right type of protective measures as part of the transition to a clean energy economy. We also recommend that the City ensure a robust SEPA review process and conditional use permit process for any new facilities that are ultimately allowed under this code change, should the Council choose Option B. This should include adequate time (e.g. at least a 60 day public comment period) and public notification and a public engagement process. These steps will help ensure that the risks of new facilities are understood on a case-by-case basis, and that the community has time to engage meaningfully in that process.

5. Conclusion

We strongly support the proposed ordinance and Option A moving forward, and we appreciate the time and diligence City staff have devoted to the process of developing the SEPA Checklist, DNS, and proposed ordinance language. Prohibiting new large-scale fossil fuel facilities warrants a DNS, and the DNS is supported by information in the City’s SEPA analysis. The proposed ordinance could avoid worsening environmental health disparities in Vancouver, a core goal of the proposed ordinance and the moratorium currently in place. And, the City should be cautious about overextending this policy effort to an issue that requires more research and community engagement.

Sincerely,

Dan Serres, Conservation Director, Columbia Riverkeeper
Cathryn Chudy and Heidi Cody, Alliance for Community Engagement
Rebecca Ponzio, Climate and Fossil Fuel Program Director, Washington Environmental
Council

¹⁴ *Id.*

¹⁵ KATU. February 4, 2022. Hazmat team called to railcar leak in Scappoose.
<https://katu.com/news/local/hazmat-team-called-to-railcar-leak-in-scappoose>

Kelsey King, Group Chair, Sierra Club Loo Wit
Denise Lopez, Conservation Organizer, Friends of the Columbia Gorge
Susan Saul, Conservation Chair, Vancouver Audubon Society
Daniela Jokela, Sunrise Southwest Washington
Riley Lynch, Climate and Health Program Manager, Washington Physicians for Social
Responsibility
David De La Torre, Healthy Climate Program Director, Oregon Physicians for Social
Responsibility

August 30, 2022

City of Vancouver
SEPA Responsible Official
Attn: Bryan Snodgrass, Principal Planner
P.O. Box 1995
Vancouver, WA 98668-1995

RE: SEPA Determination of Non-Significance -
Vancouver Fossil Fuel Code Standards Proposal

SEPA Responsible Official,

These comments are provided on the Determination of Non-Significance (DNS) issued by the City of Vancouver (City) on August 16, 2022, under the State Environmental Policy Act (SEPA) for the Proposed Amendment to the City of Vancouver zoning code pertaining to fossil fuels. The comments are provided pursuant to Washington Administrative Code Section 197-11-340 and the City's published DNS comment period.

The Port of Vancouver, USA (the Port) reviewed the DNS, the accompanying SEPA checklist, the proposed code language, legislative history for the proposal, and the moratoriums. After reviewing this information, the Port has the following comments.

The Port supports the City's strong commitment to environmental leadership and appreciates and supports the City's interest in protecting natural resources by promoting the safe storage and use of fossil fuels and moving away from reliance on fossil fuels. This is evidenced in part by the Climate Action Plan¹ and Renewable/Clean Energy Policy² adopted by the Port. Furthermore, the Port's Strategic Plan establishes a vision to "build a community connected to a world of economic opportunity that supports a healthy environment, trade and living wage jobs."

The Port is fully in support of the City's proposal to permanently ban new bulk fossil fuel terminals as currently addressed by the moratorium and the allowances for addressing maintenance, repair, conversions, and expansions of existing facilities that support a pathway to use of cleaner fuels. However, the Port still has concerns that the proposed code language lacks a size threshold, lacks clarity, is too restrictive for conversions and small-scale facilities, will impact activities that pose little risk and have limited emissions and will be a disincentive for projects to take positive steps toward reducing fossil fuel use and encouraging renewable/cleaner fuels. The Port would also like the City to consider these regulations within the framework of the City's draft Climate Action Plan and the identified Early

¹ Available at: https://www.portvanusa.com/assets/Final-CAP-11-12-21_SCREEN.pdf

² Available at: <https://www.portvanusa.com/assets/FINAL-Renewable-Energy-Policy-6-25-19.pdf>

Action Items. This regulatory action is not identified as one of the 13 Early Action Items and does not support the City's identified actions to encourage alternative fuels (draft actions 23, 26-28 and 30). The City should narrow the scope of this action to the permanent ban on bulk fossil fuel facilities and rely on existing regulations for smaller facilities and cleaner fuel facilities. Changes for these activities should be evaluated in the future once a Climate Action Plan is adopted by the City and in evaluating regulations that apply to all land uses and industries. The Port has provided specific comments should the City move forward as planned.

In order to provide input into the proposed code language, the following specific concerns have been identified by the Port:

1. The definition of "Bulk Fossil Fuel Storage" is not clear. It uses the phrases "structure, group of structures, equipment, or device" and "stores or transfers" to identify which elements that handle fossil fuels are included in the land use category. As written, this goes beyond regulating traditional bulk fossil fuel facilities as a land use to regulating individual activities or portions of activities and is not consistent with how facilities subject to the moratorium have been described. Storage and handling facilities are typically uses with these activities as their specific purpose – such as a crude oil terminal. It is unusual for this to include uses that merely use a material as part of their operations, including accessory storage such as a manufacturing facility with on-site propane storage, or diesel storage for emergency generators, a semiconductor manufacturing plant, or data center. However, the definition does not specifically exclude this while at the same time including an exclusion for finished products. The definition should specifically exclude facilities that simply use these materials such as manufacturing facilities.

The definition does not provide a size threshold, so any volume of material storage or transfer would be considered "bulk". This is contrary to typical understanding of the use type and adds uncertainty and confusion to the code. The moratorium specifically included a size threshold which is not carried forward into the permanent regulations.

The terms "stores" and "transfers" are not defined by the municipal code and could be interpreted very broadly. One example could be the small fuel tanks associated with emergency generators or fire pumps on industrial properties. These devices clearly store fossil fuels for energy purposes, yet they are vital elements for managing risk and responding to emergencies that are required by other codes. The use definition should exclude small scale storage and transfer that is part of a direct on-site use that is not otherwise considered bulk fossil fuel storage, such as use of natural gas for combustion in support of industrial processes or typical railyard activities. This is consistent with the City's decision to specifically exclude direct to consumer sales of fossil fuels from this regulation.

Fossil fuels are further defined to include those that are “used to generate energy”. It is not clear whether it is intended to define the material (fossil fuel) or whether it defines the purpose of the facility. For example, if a facility was developed to store or transfer fossil fuel that is used for a chemical feedstock and not for power generation would it be considered a “bulk fossil fuel storage and handling facility” use or a “manufacturing and production” use?

2. The requirements for a facility converting to cleaner fuels disincentivize these efforts. Requiring a Conditional Use Permit for cleaner fuel expansions would create undue uncertainty for an undertaking that should be encouraged in order to meet climate goals, especially for existing uses. Furthermore, the City’s proposed standards for conversions and expansions already establish controls and a Conditional Use Permit is not necessary.
3. The City should consider adding a provision to allow for the establishment of new bulk facilities that handle “Cleaner Fuels”. Under the current proposal a new clean fuel facility could not be established in any zone within the city. They should be allowed in the IH zone with limitations and by Conditional Use Permit in the IL zone. These allowances would encourage transition to cleaner fuels within the city consistent with climate action goals. These facilities will be necessary for clean fuel distribution in the IH and IL zones, especially for vehicles and equipment that lack viable options for or are difficult to electrify. This is especially relevant for low-income residents and small businesses in the region who may lack resources to quickly electrify their vehicles.
4. The Port supports the creation of a baseline to ensure that fossil fuel capacity is not expanded at existing bulk facilities. Facilities often may be used for multiple products based on the specific needs of the customer and nature of the facility. The port suggests removing language that restricts an existing facility’s ability move products to different storage tanks throughout the facility and limits the ability to handle a mix of cleaner and fossil fuels based on market conditions so long as the existing baseline storage capacity for fossil fuels of a facility is not exceeded.
5. The requirement for mitigation (direct) and the potential for mitigation (for indirect) emissions will be a significant disincentive for facilities to convert to cleaner fuels. A facility can avoid this expense and risk by simply maintaining the status quo and continuing to operate only with fossil fuels. The City should eliminate or narrowly define mitigation to only apply to expansion activities, only to direct emissions, and only if they are shown to result in an increase over the existing facility when considering both direct and indirect emissions.
6. The requirement for reporting will require companies to disclose sensitive product, transportation and business information and provide further disincentives to transition to cleaner fuels.

7. The new Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facility use describes uses that are an “accessory facility necessary to support an onsite allowed primary use.” This indicates the City’s intent to broadly regulate storage tanks for fossil and cleaner fuels and this would apply to all uses that propose to include these facilities (except direct-to-consumer motor vehicle fuel sales). As noted above, this use could be interpreted to include small fuel tanks associated with emergency generators or fire pumps on industrial properties. These devices clearly store fossil fuels for energy purposes yet are vital elements for managing risk and responding to emergencies and are required by other codes. The use definition should exclude small scale storage and transfer that is part of a direct use on site that is not otherwise considered a bulk fossil fuel storage such as use of natural gas for combustion in support of heating and industrial processes, fuel tanks used for fueling of on-site or fleet vehicles and equipment or typical railyard facilities. This is consistent with the City’s decision to specifically exclude direct to consumer sales of fossil fuels from the provisions in these code changes.

The requirement for a conditional use permit and the limitation of the IH zone for these smaller facilities would restrict facilities for the port, require more burdensome process and add uncertainty, time, and expense for project proponents. The City should consider allowing them as a Limited use in both IH and IL zones because of the specific restrictions being proposed.

In addition to the comments noted on the proposed code language above, the SEPA checklist does not adequately address potential impacts of the non-project action. Contrary to Ecology guidance, the SEPA checklist does not consider the probable impacts of the future development that would be allowed under the proposal, but rather repeatedly states “not applicable – not a site-specific proposal” and then provides general information on the applicable environmental element with respect to the City. The SEPA checklist should have analyzed the likely impacts of the development allowed and implications of land use restrictions under the proposal within the supplemental sheet for non-project actions. The City has therefore not adequately considered the potential environmental implications of these regulatory changes.

The Port is in support of the overall policy intent behind the proposal and wants to work with the City to ensure that the proposed code revisions are clear, direct, and easy to understand so that the Port and Port tenants can make appropriate plans and investments for existing and future facilities, and City staff can apply regulatory provisions consistently. Port staff are available to support the City in review and input into revisions, both to avoid unintended consequences and to support our ongoing partnership in achieving shared climate and environmental goals.

The Port would like to thank the responsible official and City staff for considering these comments.

City of Vancouver
SEPA Responsible Official
c/o Bryan Snodgrass, Principal Planner
August 30, 2022

Page 5 of 5

Please contact me at mbomar@portvanusa.com or (360) 839-3577 if you have questions, or to discuss the Port's concerns further.

Regards,

A handwritten signature in black ink, appearing to read "Mike Bomar".

Mike Bomar
Director of Economic Development

Copies to: Mayor Anne McEnery-Ogle, City of Vancouver
Eric Holmes, City Manager, City of Vancouver



STATE ENVIRONMENTAL POLICY ACT Revised Determination of Non-Significance Vancouver Fossil Fuel Code Standards Proposal

Date: September 9, 2022

Lead Agency: City of Vancouver

Proposal: The City of Vancouver is considering amendments to Title 20 Land Use and Development Code to regulate and limit the distribution, extraction, refinement, processing or bulk movement of fossil fuels, or bulk storage of fossil fuels in Vancouver. The amendments would allow the City to lift a 2020 moratorium. The proposed code changes would limit fossil fuel and bulk fuel storage in residential, commercial, and open space zones. Within the Industrial Heavy zone the code would: prohibit new bulk fossil fuel storage and handling facilities; allow for maintenance and upgrade of existing facilities where not increasing capacity; allow conversion to cleaner fuels with limited expansion; optionally allow new cleaner fuel facilities limited in size and location; define and regulate small fossil fuel or cleaner fuel storage and distribution facilities; and establish development standards including establishing baseline capacity, seismic upgrades, mitigation for greenhouse gases, proof of financial assurance, and annual reporting. The allowance for coal and other solid fuel storage yards, and coal and biomass electricity generating facilities would be prohibited in all districts. In the Industrial Light zone, the code would prohibit new bulk fossil fuel storage and handling facilities; allow for maintenance and upgrade of existing facilities where not increasing capacity; or allow conversion to cleaner fuels with limited expansion subject to similar parameters described for the Industrial Heavy zone.

Location: The legislative proposal applies to Vancouver city limits.

Revised Determination: The City of Vancouver has revised its SEPA threshold determination of NonSignificance issued on August 16, 2022 in consideration of the following changes: Minor clarifications of the proposal definitions and standards, and clarification of the SEPA Checklist addressing the existing sites and applicable development standards for regulated facilities.

The City of Vancouver has reaffirmed that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c).

This determination is based on the following findings and conclusions: Uses would be prohibited in most districts in the city and where allowed in the Industrial Heavy and Industrial Light Zoning District would be regulated according to development standards addressing size, location, operation, and health and safety.

This "modified" DNS is issued under WAC 197-11-340(2)(f) and does not include an additional comment period. It does not alter the appeal period, which closes at 5 pm on September 13, 2022. A City Council 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 Councils decision.

Responsible Official:

Bryan Snodgrass, Principal Planner

(360) 487-7946

bryan.snodgrass@cityofvancouver.us



9/9/22

Signature

Date

Addendum

City of Vancouver Fossil Fuel Code Standards Proposal

To the SEPA Checklist and Determination of Non-Significance Issued August 16, 2022

Addendum Date: September 9, 2022

Introduction and Proposal Clarifications

The Addendum describes modifications to the proposals to amend the City's fossil fuel regulations. The clarifications to the proposals are similar to the options studied in the SEPA checklist.

Per WAC 197-11-706, this Addendum is an environmental document that provides additional information or analysis that does not substantially change the analysis of significant impacts and alternatives in the existing environmental document.

The clarifications include:

- Existing fossil fuel facilities are meant to be allowed. For extra clarity, the use matrix would be broken out to show that Bulk Fossil Fuel Storage and Handling Facility "existing legal" as permitted.
- The use classification of Bulk Fossil Fuel Storage would be amended to reference state and federal laws to assist the City in interpreting and applying the use description. The use classification can be amended to remove "used to generate energy."
- Adjustments are proposed to development standards to clarify that the share of the facility used for cleaner fuels should be maintained over the overall site but can be moved around the site.
- The small fossil fuel or cleaner fuel facilities definition would be amended so that it does not restrict emergency generators.

Checklist Clarifications

Clarifications and corrections to the SEPA Checklist are attached in track changes and shading. Based on comments and responses, corrections to the SEPA Checklist include, in summary:

- Restoring the numbering of Parts A, B, C, and D that was inadvertently omitted in the originally issued checklist.
- Clarifying the CNG Trillium property is IL zoned.
- Further integrating some of the proposed standards into the discussion of mitigation (e.g., buffering from residential areas, seismic upgrades, fire / emergency response plans, spill prevention, and similar).
- In Part D adding some of the text from Part B that has been cross referenced.

Comments and Responses

While not required, the City has developed responses to comments on the DNS. The City has adjusted the proposal and made clarifications to the Checklist as noted in the table below. The comments are drawn from full letters submitted to the City. For complete context of the letters and footnotes please see the City's website: <https://www.cityofvancouver.us/cdd/page/fossil-fuel-facility-code-changes> and Planning Commission materials, here: <https://www.cityofvancouver.us/pc/page/planning-commission-meeting-september-13-2022>.

City of Vancouver Proposed Fossil Fuel Zoning Code Amendments - Responses to SEPA Comments

Comment	Response
Western States Petroleum Association, 8/30/22	
Western States Petroleum Association (WSPA) again appreciates the opportunity to provide comments on the City of Vancouver's (City) Determination of Non-significance (DNS) for the Vancouver Fossil Fuel Code Standards Proposal (Proposal). The Proposal consists of proposed zoning code amendments, Planning Commission version (revised July 5, 2022). WSPA filed comments on, and appealed, the previous DNS for an earlier version of the Proposal. The City withdrew the prior DNS and reissued a new DNS concluding: The City of Vancouver has determined that this proposal will not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030. An Environmental Checklist is available from City staff. This determination is based on the following findings and conclusions: Uses would be prohibited in most districts in the city and where allowed in the Industrial Heavy Zoning District would be regulated according to development standards addressing size, location, operation, and health and safety. The current DNS suffers from the same infirmities as the prior DNS as detailed in this comment letter. WSPA is a nonprofit trade association representing companies that explore for, produce, refine, transport, and market petroleum and petroleum products in five western states, including Washington. WSPA members have operated petroleum terminals in the City for many years. These facilities supply fuel to the region, provide critical emergency infrastructure, and have many positive impacts on the economy, including providing family-wage jobs. WSPA and operators of facilities targeted by the existing moratorium and the Proposal have previously outlined for the City the significant harm these regulations are having and will continue to have on structure safety, transition to lower-carbon fuels, reduction of greenhouse gases (GHG), improvements to existing infrastructure, and displacement of fuel transportation to less- safe methods—all of which have direct and significant environmental impacts.	Please see responses to comments 1 and 2 below. The comment letter refers to the July 5, 2022 draft code. Please note the draft code was revised in August 2022 after hearing from interested stakeholders. The proposal in mid-August was described in the SEPA checklist. There appear to be misunderstandings of the proposals that may be due to the date of the code the commenter references or misreading's of the draft code that are clarified below. The SEPA Checklist and DNS were completed in a substantial manner with evaluation and maps, and nearly 30 pages in length compared to the prior DNS and checklist that was abbreviated at 10 pages. The proposal and effects are described below in response to the more complete comments shared by WSPA.

Comment

Response

In completing a revised environmental checklist (Checklist) and issuing the DNS, the City has still yet to analyze these undesired impacts. WSPA respectfully asks the City to withdraw the DNS, issue a Determination of Significance (DS), and prepare an Environmental Impact Statement (EIS).

1. The City failed to acknowledge, investigate, and assess the full range of potential environmental impacts.

At the heart of SEPA is the legislative mandate that governmental entities “[u]tilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on the environment[.]” RCW 43.21C.030(a). To that end, agencies and local governments must include with every legislative proposal a “detailed statement” fully analyzing environmental impacts and alternative courses of action. RCW 43.21C.030(c) (emphasis added).

Accordingly, throughout the SEPA process, cities are required to “carefully consider the range of probable impacts, including short-term and long-term effects[.]” both inside and outside the local jurisdiction and state.¹ A city’s careful consideration must include both direct and indirect consequences.²

As part of the threshold determination process, a city must identify, investigate, and thoroughly consider all potential environmental impacts.³ Obviously, this requires the City to first fully evaluate the operation and future development effects of a proposed legislative amendment.⁴ In determining the likely environmental impacts therefrom, a city is not permitted to blindly rely on its uninformed completion of an environmental checklist, but must obtain all information necessary to make an informed decision.⁵

The City has still not fulfilled these obligations here. Its completion of the Checklist and analysis of the potential environmental impacts of the Proposal is inadequate on its face. First, the City fails to include any analysis in the Checklist on how the Proposal will adversely impact existing facilities. The City, for instance, does not discuss how designating existing facilities as nonconforming uses will complicate and inject significant uncertainty into the review and approval of proposed improvements/alterations of current infrastructure, nor how requiring a highly discretionary conditional use permit for other projects will also result in deterrence, abandonment, or relocation of desirable projects, including cleaner fuel projects.

In completing the required supplemental sheet in the Checklist for non-project actions, the City simply refers to earlier sections of the Checklist with reference to Section B without meaningful analysis or factual support. Moreover, there is no Section B in the version of the Checklist we have to confirm exactly what sections the supplemental sheet refer to. This is a significant defect in the Checklist where the supplemental sheet relies heavily on the nonexistent Section B. The City also completely ignored the issues repeatedly raised by industry experts throughout the City’s ongoing fossil fuel regulation process.⁶¹

The commenter suggests that the SEPA evaluation does not address impact on existing facilities but there is a misunderstanding about the code proposal in the comment. While new fossil fuel facilities would continue to be restricted, existing fossil fuel facilities would be allowed per Table 20.440.030-1. note 34 (they would not be non-conforming). While this has been consistent in the July and August 2022 draft codes, for extra clarity, the use matrix is proposed to be broken out for clarification to show that Bulk Fossil Fuel Storage and Handling Facility “existing legal” as permitted.

Existing facilities would be allowed to make non-capacity improvements for safety or security, to reduce air or water emissions, to meet new regulatory requirements, or add other accessory structures or activities. See Table 20.440.030-1. note 34 note 34, plus VMC 20.895.110.

Existing facilities can be converted in whole or part to cleaner fuels and expand with cleaner fuels. Seismic upgrades would be required for expanded facilities.

A conditional use permit process would apply to conversion or expansion associated with cleaner fuels.

That a conditional use permit would deter projects for cleaner fuels is speculative. A conditional use permit process is a common permit type in the Vancouver Municipal Code, and within the IH zone is applied to

¹ **Footnote 6 in letter: 6** The ban on new terminals significantly impacts the environment by preventing new facilities and upgrades that would increase efficiency, reduce GHG, and comply with lower-emission federal and state fuels law;

Comment	Response
Another infirmity is that in the Checklist, the City notes several times that the proposed code could, as an option, allow new cleaner fuels storage and handling facilities. Page 5. Yet the proposed code does not include this option, causing further unstudied impacts through elimination of potentially beneficial projects. See Section 20.895.110.F.1 of the Proposal. In sum, there is insufficient analysis for the threshold determination process. For this and all the other issues identified above, the City must obtain the available information necessary to adequately analyze all the environmental impacts of the Proposal. It clearly has not done so yet. Accordingly, the DNS should be withdrawn again.	some forms of office, retail, R&D and others. It is not an unusual process and creates a record for applicants and the public. SEPA determinations are also discretionary. Such facilities may require other discretionary non-city permits (e.g., air permits from SWCAA). It appears the per capita rate of fossil fuel use in the state is flat (see federal EIA data and population growth in Planning Commission presentation of 7/11/22 and City Council presentation of 8/1/22). If there is demand for cleaner fuels it is likely they would be proposed, and the code would allow for such applications. Regarding SEPA Checklist Section B, the numbering format was inadvertently omitted. Numbering is corrected in a Revised DNS and Addendum, available at the SEPA Register and the project website and mailed to parties of record.

2. The Proposal will cause probable significant adverse impacts.

SEPA requires a lead agency to issue a DS and prepare an EIS when a proposal is likely to have probable significant adverse environmental impacts.⁷ A threshold determination cannot rely on the fact that a proposal's purported benefit may outweigh the environmental impacts.⁸ Indeed, SEPA expressly acknowledges that even proposals that are purportedly designed to improve the environment "may also have significant adverse environmental impacts."⁹ As such, the responsible official must consider all probable significant adverse impacts, regardless of whether they are direct, indirect, or cumulative.¹⁰ In this case, an EIS is necessary because the Proposal will cause probable significant adverse impacts.

For example, the Checklist wrongly concludes that there will be no significant impacts to energy resources. Page 14. The DNS offers no evidence or analysis for this statement, which is contrary to industry testimony provided throughout the legislative process. The DNS ignores the probable significant adverse impacts to energy resources that will result from the City's prohibition on new bulk terminal and fuel handling facilities,

The comment letter incorrectly states that "reduction of fuel supply is part of the City's stated purpose for adopting the Proposal."

Proposed VMC 20.895.110.A (in the July or August 2022 versions of the code) indicates that a purpose is to support a transition to renewable fuels. The proposed code allows existing fossil fuel facilities to continue, to make non-capacity changes, and to convert to cleaner fuels plus add 15% capacity. This could mean more fuel supply adding existing fossil fuel and the potential for expanding with cleaner fuels; in any case at least existing uses would continue and

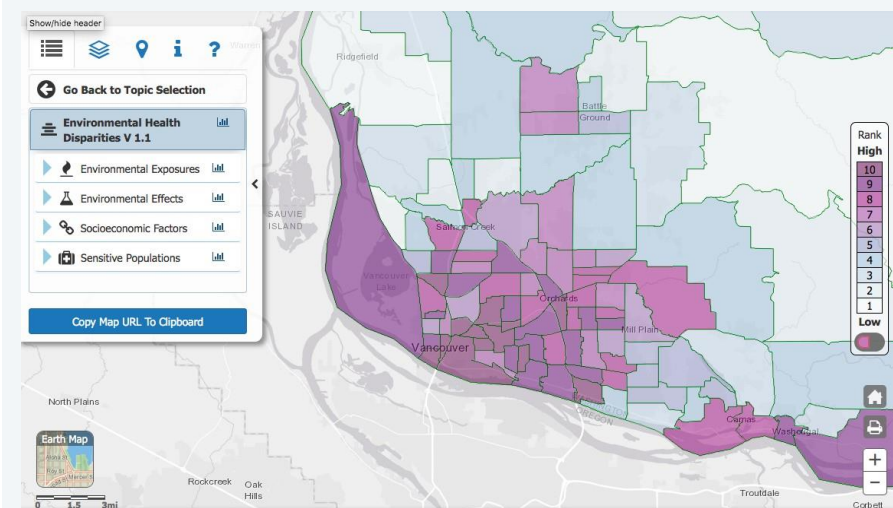
discouraging safety improvements, such as seismic retrofitting; blocking the introduction of future technologies to the current fuel infrastructure framework; forcing fuel facilities to stay in areas with heightened seismic and groundwater risk by prohibiting fuel suppliers from relocating to safer locations; and distorting the supply of fuel to less-efficient and potentially riskier methods of transportation and storage.

Comment	Response
even though a reduction of fuel supply is part of the City’s stated purpose for adopting the Proposal. Further, by treating existing facilities as nonconforming uses, and requiring conditional use permits for other projects, the Proposal imposes extremely restrictive and uncertain limitations on the alteration and improvement of existing infrastructure. This will clearly delay and effectively discourage the investment in facility modifications to meet changing markets and improve production efficiency. The Proposal would also create barriers to fuel facility upgrades that would improve safety, lower facility emissions, and allow for the introduction of new fuel technology. Each time fuels with lower emissions are developed or required by a governmental entity, new or updated infrastructure is needed to provide that fuel. The Proposal would prohibit improvements and beneficial innovation to the City’s fuel infrastructure. Its effect is to freeze the current fuel supply system in place. Further, by uniformly blocking new fuel infrastructure in the City, the Proposal would force fuel distribution into less-efficient routes around the City and modes such as truck that increase GHG and other emissions. These are just a few of the “probable significant adverse environmental impacts” caused by the Proposal. From its completion of the Checklist and issuance of the DNS, it is apparent that the City has still not studied or even meaningfully considered these issues. Accordingly, the DNS must be withdrawn and an EIS must be completed to evaluate these impacts.	could operate with similar fuel capacities as present. The proposed rules in VMC 20.895.110 allow for new non-capacity infrastructure or improvements demonstrating one or more purpose below: ■ Maintenance repair, or replacement. ■ Improvement of the safety or security of the infrastructure, including seismic upgrades. ■ Decrease in air or water emissions. ■ Allow the facility infrastructure or buildings to meet new regulatory requirements. ■ Addition of accessory structures or activities that do not add to the baseline capacity of the facility.
Columbia Riverkeeper, Washington Environmental Council, Sierra Club Loo Wit, Washington Physicians for Social Responsibility, Oregon Physicians for Social Responsibility, Friends of the Columbia Gorge, Sunrise Southwest Washington, Vancouver Audubon Society, and the Alliance for Community Engagement, August 30, 2022	
Columbia Riverkeeper, Washington Environmental Council, Sierra Club Loo Wit, Washington Physicians for Social Responsibility, Oregon Physicians for Social Responsibility, Friends of the Columbia Gorge, Sunrise Southwest Washington, Vancouver Audubon Society, and the Alliance for Community Engagement support Vancouver’s ongoing effort to develop a permanent ordinance prohibiting new or expanded bulk fossil fuel infrastructure in Vancouver. We offer the following comments on the Determination of Nonsignificance (DNS) and the State Environmental Policy Act (SEPA) Checklist for Vancouver’s proposed Fossil Fuel Code Standards (“proposed code standards”). The proposed code standards represent an important step forward for protecting community health and safety from large-scale fossil fuel facilities in Vancouver. We agree with City staff that banning new large-scale fossil fuel facilities in Vancouver warrants a DNS, as reflected in Option A. We encourage Vancouver to ground the policy and the SEPA analysis firmly in health and safety concerns about these types of fossil fuel facilities and ensure that the final determination and code reflect these concerns.	The comment is noted.

Comment	Response
1. Prohibiting new or expanded large-scale fossil fuel facilities will not have a probable significant adverse impact on the environment. The proposed code standards will help to protect Vancouver communities from the health and safety impacts of new or expanded fossil fuel facilities, including air pollution, water pollution, and public safety hazards related to storing and handling large quantities of fossil fuels. Vancouver's SEPA Checklist demonstrates that the ordinance will address public and environmental health and safety impacts associated with fossil fuel facilities. In addressing whether there are 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, the SEPA Checklist states, "Some industrial uses involving chemical manufacturing, smelting, or fossil fuel or renewable fuel processing, handling, and storage have risks, impacts, and vulnerabilities, such as: explosive and fire risks, spill, exposure to toxic chemicals, odor, stormwater, and waste products."¹ By highlighting the types of risks avoided through the passage of the fossil fuel ordinance, the City's SEPA analysis supports the DNS. Vancouver has experience in reviewing the potential health and safety impacts of fossil fuel terminals. For example, the City of Vancouver participated extensively in the review process for the Tesoro-Savage oil train terminal. The environmental impact statement for that project concluded that fossil fuel trains could impose significant negative impacts: "The direct and indirect impact analysis determined that some significant impacts could be unavoidable, related to rail accidents, emergency response delays resulting from additional train traffic, and environmental justice impacts to minority or low-income populations along the rail corridor."² The proposed ordinance would avert these impacts for new large-scale fossil fuel facilities. Specific examples of new potential large-scale fossil fuel facilities include liquefied petroleum gas or liquefied propane gas (LPG) facilities, liquefied natural gas (LNG) proposals, coal terminals, and other facilities such as natural gas liquids or fracked gas-based methanol facilities. The SEPA Checklist states that the ordinance is intended to "avoid and minimize any impacts to adjacent communities from fire or explosion." For facilities that invite long trains and large storage volumes of fossil fuels, the risks are tremendous. For instance, potential LNG train traffic drew sharp opposition from the National Association of State Fire Marshals³ and the National Transportation Safety Board due to unstudied and potentially catastrophic public health and safety risks.⁴ Storing LNG in rail cars or storage tanks poses significant public health and safety risks for communities within a large area near the LNG facility or rail car. In 2021, the Washington Post reported that scientists were alarmed by the potential ramifications of an LNG leak resulting in a vapor cloud and fire.⁵ E&E News reported in 2022, "...near-misses and environmental problems highlight the risk. Most recently, a fireball at a plant near Freeport, Texas, touched off a fire that burned for 40 minutes, led to the temporary closure of the plant and knocked about 20 percent of U.S. export capacity offline for months."⁶ These concerns underscore Vancouver's conclusion that the ordinance would not have a negative impact on the environment and instead avoid significant risks.	The comment is noted.

Comment	Response
Train terminals that involve the storage and handling of large volumes of LPG would also pose major health and safety risks, including fire and explosion risks. A recent study published by the American Chemical Society notes, LPG...possesses flammable and explosive properties. With its flammability, LPG is easily ignited, while it is leaking in the course of transportation and processing, thus causing fire or explosion, especially in a confined space. The explosion of LPG is characterized by a high diffusion rate and rapid combustion speed. The explosion disaster induced by LPG leakage has resulted in a high number of economic losses and casualties.⁷ Storage and transport of LPG both carry risks of explosion. Avoiding these types of risks will benefit Vancouver's environment and the health and safety of its communities. Accordingly, the DNS is correct in concluding that the avoidance of these risks will not have a negative impact on the environment. The DNS correctly concludes that large-scale fossil fuel facilities pose spill risks, and that avoiding these risks would not have a negative impact on the environment. In passing the moratorium related to large-scale fossil fuel facilities, the City referenced significant spill risks from a large seismic event, such as a Cascadia Subduction Zone earthquake. The SEPA analysis provides clear evidence for the potential seismic risks that exist throughout industrial zones in Vancouver. Exhibit 2 of the SEPA Checklist depicts soil liquefaction hazards in Vancouver's industrial zones.⁸ The placement of additional flammable or toxic fuels in liquefaction zones could exacerbate existing spill, fire, and emergency response concerns related to existing facilities. The ordinance would help Vancouver avoid these significant new health and safety impacts while also providing flexibility for terminal operators to reduce these risks. The SEPA analysis highlights that the ordinance would not encumber seismic and safety upgrades at existing facilities, stating, "The City of Vancouver identified 6 existing large-scale (bulk) fossil fuel facilities. This non-project action will allow existing facilities and maintenance/upgrades provided there is compliance with City codes including seismic, fire protection, and spill prevention."⁹ Additionally, facilities that undergo seismic upgrades and convert to cleaner fuels may expand storage up to 15%.	
2. Prohibiting new or large-scale fossil fuel facilities will protect the health and safety of Vancouver residents, including BIPOC, lower-income, and other traditionally marginalized communities who already experience environmental health disparities. The proposed code standards will help the City of Vancouver protect communities from the health and safety impacts of new or expanded fossil fuel facilities, including air pollution, water pollution, and public safety hazards related to storing and handling large quantities of fossil fuels. Although Vancouver has been working towards implementation of a Climate Action Plan (CAP) to diminish its fossil fuels for climate-related reasons, the prohibition on new large-scale fossil fuel facilities was originally conceived as a policy that would assist Vancouver in avoiding compounding environmental inequities already present, by reducing and averting health and safety risks.	The comment is noted.

Already, the environmental health impacts of fossil fuel facilities place disparate burdens on communities within Vancouver. Vancouver communities of color and low-income communities experience some of the most significant environmental health disparities in Washington, which would only be exacerbated by any new or expanded fossil fuel facilities.¹⁰ The proposed ordinance avoids worsening environmental health disparities already present in Vancouver and demonstrates an awareness of the difficulties these communities face.



Environmental Health Disparities in Vancouver.¹¹ Source:

[Washington Environmental Health Disparities Map](#). July 2022.

Data from the Washington Department of Health’s Environmental Health Disparities Map support the prohibition of new bulk fossil fuel storage and handling facilities. Communities near industrial and high-traffic areas experience elevated exposure to air pollution that causes respiratory illness, such as low-level ozone, diesel particulates, and other pollution. Vancouver’s own experience with a proposed large, train-supplied fossil fuel terminal shows that fossil fuel train terminals have significant environmental justice implications. The Final Environmental Impact Statement for the Tesoro-Savage proposal concluded that there would be “environmental justice impacts to minority or low-income populations along the rail corridor.”¹²

3. The DNS supports Option A regarding new cleaner fuel facilities and the requirement for a conditional use permit for facilities that choose to undergo conversion and expansion. The comment is noted.

The DNS states, “Uses would be prohibited in most districts in the city and where allowed in the Industrial Heavy Zoning District would be regulated according to development standards addressing size, location, operation, and health and safety.” The DNS and SEPA Checklist describe spill, fire, and other potential impacts that could result from new cleaner fuels facilities where they would be allowed—an indication that consideration of new facilities is better suited to a separate process from the proposed code standards. New cleaner fuel facilities could result in significant impacts distinct from current fossil fuel storage (and limited expansions), because they involve potentially new locations and differing risks. Given

Comment	Response
the SEPA Checklist’s finding that industrial uses involving renewable fuel processing carry risks, impacts, and vulnerabilities,¹³ the DNS supports Option A. We support the requirement for conditional use permits for projects that convert to new cleaner fuels with a potential 15% expansion. The conditional use process will provide the community with an opportunity to understand and provide input on the potential impacts of cleaner fuel expansions. The requirements for facilities to meet seismic, spill prevention, fire protection, and emergency response will help to ensure that converted facilities do not adversely impact communities in Vancouver. However, potential expansions could add millions of gallons of fuel storage to Vancouver, and Vancouver communities deserve the opportunity to weigh in on any conversion-expansion proposal in a public hearing.	
4. New facilities deserve specific consideration in a separate process. As articulated above, a DNS correctly upholds the focus on banning large-scale fossil fuel facilities and enabling, through a conditional use permit review process, the expansion of existing facilities that convert to cleaner fuels. However, we urge caution regarding new facilities under this SEPA determination. Energy facilities of all kinds come with a suite of impacts, including: transportation impacts, water use and quality impacts, and air pollution. Expanding 12 Washington Energy Facility Siting Council. 2017. Final Environmental Impact Statement for the Tesoro-Savage Oil Train Terminal. p. ES-21.13 SEPA Checklist, p. 14. the code to allow new types of facilities that are linked to the City’s CAP may have unintended consequences of impacting the health and safety of the neighborhoods and communities nearby. For example, the SEPA Checklist acknowledges that new cleaner fuel facilities may increase spill risks in new areas in Vancouver.¹⁴ That fact is highlighted by the February 2022 spill near Scappoose, Oregon, where a hazmat team was called to the site of a renewable diesel spill.¹⁵ The incident demonstrates that renewable diesel spills pose environmental risks to soil and water resources while also requiring a significant emergency response. Additionally, the potential aggregation of multiple new cleaner fuel facilities does not appear to be sufficiently addressed in Option B, creating potential concerns for areas that could see multiple new proposals. While the code limits each new facility to 1 million gallons of “cumulative” storage, it does not address the potential for multiple facilities to aggregate in an area. To allow for a more robust assessment of impacts of facilities linked to the City’s CAP, we recommend a separate process that can establish the right type of protective measures as part of the transition to a clean energy economy. We also recommend that the City ensure a robust SEPA review process and conditional use permit process for any new facilities that are ultimately allowed under this code change, should the Council choose Option B. This should include adequate time (e.g. at least a 60 day public comment period) and public notification and a public engagement process. These steps will help ensure that the risks of new facilities are understood on a case-by-case basis, and that the community has time to engage meaningfully in that process.	Option B in VMC 20.895.110 would allow new cleaner fuel facilities by conditional use permit. The code proposal limits the maximum size of the facilities and property size, and distance from facilities to sensitive populations (1,000 feet). This distance would mean nearly 0.19 miles to any new facilities; none would be closer than the existing CNG or Tesoro facility. The maximum capacity and distance of facilities to sensitive populations would limit the number of future facilities. This optional proposal was considered with these parameters in the SEPA Checklist. The future individual conditional use permit review plus other federal, state, and local permits, including SEPA would provide additional information about future project level proposals. If city decision makers wish to further limit the potential for new cleaner fuel facilities the parameters could be modified.
5. Conclusion	The comment is noted.

Comment	Response
We strongly support the proposed ordinance and Option A moving forward, and we appreciate the time and diligence City staff have devoted to the process of developing the SEPA Checklist, DNS, and proposed ordinance language. Prohibiting new large-scale fossil fuel facilities warrants a DNS, and the DNS is supported by information in the City's SEPA analysis. The proposed ordinance could avoid worsening environmental health disparities in Vancouver, a core goal of the proposed ordinance and the moratorium currently in place. And, the City should be cautious about overextending this policy effort to an issue that requires more research and community engagement.	
Port of Vancouver	August 30, 2021
These comments are provided on the Determination of Non-Significance (DNS) issued by the City of Vancouver (City) on August 16, 2022, under the State Environmental Policy Act (SEPA) for the Proposed Amendment to the City of Vancouver zoning code pertaining to fossil fuels. The comments are provided pursuant to Washington Administrative Code Section 197-11-340 and the City's published DNS comment period. The Port of Vancouver, USA (the Port) reviewed the DNS, the accompanying SEPA checklist, the proposed code language, legislative history for the proposal, and the moratoriums. After reviewing this information, the Port has the following comments. The Port supports the City's strong commitment to environmental leadership and appreciates and supports the City's interest in protecting natural resources by promoting the safe storage and use of fossil fuels and moving away from reliance on fossil fuels. This is evidenced in part by the Climate Action Plan¹ and Renewable/Clean Energy Policy² adopted by the Port. Furthermore, the Port's Strategic Plan establishes a vision to "build a community connected to a world of economic opportunity that supports a healthy environment, trade and living wage jobs." The Port is fully in support of the City's proposal to permanently ban new bulk fossil fuel terminals as currently addressed by the moratorium and the allowances for addressing maintenance, repair, conversions, and expansions of existing facilities that support a pathway to use of cleaner fuels.	The comment is noted.
However, the Port still has concerns that the proposed code language lacks a size threshold, lacks clarity, is too restrictive for conversions and small-scale facilities, will impact activities that pose little risk and have limited emissions and will be a disincentive for projects to take positive steps toward reducing fossil fuel use and encouraging renewable/cleaner fuels. The Port would also like the City to consider these regulations within the framework of the City's draft Climate Action Plan and the identified Early Action Items. This regulatory action is not identified as one of the 13 Early Action Items and does not support the City's identified actions to encourage alternative fuels (draft actions 23, 26-28 and 30). The City should narrow the scope of this action to the permanent ban on bulk fossil fuel facilities and rely on existing regulations for smaller facilities and cleaner fuel facilities. Changes for these activities should be evaluated in the future once a Climate Action Plan is adopted by the City and in evaluating regulations that apply to all land uses and industries. The Port has provided specific comments should the City move forward as planned.	The use classification of Bulk Fossil Fuel Storage proposed in Chapter 20.160, D.9 excludes facilities that use materials that are finished products derived from fossil fuel. It also allows small fossil fuel/cleaner fuel facilities that are accessory to industrial processes. The size threshold is greater than 60,000 gallons cumulative storage (above the small facility). As a result of early comment on the July 5, 2022 draft code, the threshold of greater than 60,000 gallons was added to the Bulk Fossil Fuel

Comment	Response
In order to provide input into the proposed code language, the following specific concerns have been identified by the Port: 1. The definition of “Bulk Fossil Fuel Storage” is not clear. It uses the phrases “structure, group of structures, equipment, or device” and “stores or transfers” to identify which elements that handle fossil fuels are included in the land use category. As written, this goes beyond regulating traditional bulk fossil fuel facilities as a land use to regulating individual activities or portions of activities and is not consistent with how facilities subject to the moratorium have been described. Storage and handling facilities are typically uses with these activities as their specific purpose – such as a crude oil terminal. It is unusual for this to include uses that merely use a material as part of their operations, including accessory storage such as a manufacturing facility with on-site propane storage, or diesel storage for emergency generators, a semiconductor manufacturing plant, or data center. However, the definition does not specifically exclude this while at the same time including an exclusion for finished products. The definition should specifically exclude facilities that simply use these materials such as manufacturing facilities. The definition does not provide a size threshold, so any volume of material storage or transfer would be considered “bulk”. This is contrary to typical understanding of the use type and adds uncertainty and confusion to the code. The moratorium specifically included a size threshold which is not carried forward into the permanent regulations. The terms “stores” and “transfers” are not defined by the municipal code and could be interpreted very broadly. One example could be the small fuel tanks associated with emergency generators or fire pumps on industrial properties. These devices clearly store fossil fuels for energy purposes, yet they are vital elements for managing risk and responding to emergencies that are required by other codes. The use definition should exclude small scale storage and transfer that is part of a direct on-site use that is not otherwise considered bulk fossil fuel storage, such as use of natural gas for combustion in support of industrial processes or typical railyard activities. This is consistent with the City’s decision to specifically exclude direct to consumer sales of fossil fuels from this regulation. Fossil fuels are further defined to include those that are “used to generate energy”. It is not clear whether it is intended to define the material (fossil fuel) or whether it defines the purpose of the facility. For example, if a facility was developed to store or transfer fossil fuel that is used for a chemical feedstock and not for power generation would it be considered a “bulk fossil fuel storage and handling facility” use or a “manufacturing and production” use?	Storage and Handling Facility use classification. The terms referenced as being unclear (stores, transfers) are common terms. The municipal code at VMC 20.150.010 does indicate terms have common dictionary meanings unless specifically defined. Alternatively, the City could add reference to state and federal laws to assist the City in interpreting and applying the Bulk Fossil Fuel Storage use description in the proposed Chapter 20.160. As well the use classification can be amended to remove "used to generate energy."
2. The requirements for a facility converting to cleaner fuels disincentivize these efforts. Requiring a Conditional Use Permit for cleaner fuel expansions would create undue uncertainty for an undertaking that should be encouraged in order to meet climate goals, especially for existing uses. Furthermore, the City’s proposed standards for conversions and expansions already establish controls and a Conditional Use Permit is not necessary.	The proposal makes the current code more flexible by allowing the possibility of a cleaner fuel facility (small, or expanded, or under Option B, new). See also WSPA Response to Comment 2 above regarding conditional use permits.

Comment	Response
3. The City should consider adding a provision to allow for the establishment of new bulk facilities that handle “Cleaner Fuels”. Under the current proposal a new clean fuel facility could not be established in any zone within the city. They should be allowed in the IH zone with limitations and by Conditional Use Permit in the IL zone. These allowances would encourage transition to cleaner fuels within the city consistent with climate action goals. These facilities will be necessary for clean fuel distribution in the IH and IL zones, especially for vehicles and equipment that lack viable options for or are difficult to electrify. This is especially relevant for low-income residents and small businesses in the region who may lack resources to quickly electrify their vehicles.	Option B allows for new cleaner fuels in the IH zone by conditional use permit. The focus of the regulations is on the IH zone since it is meant for intensive industrial uses and heavy truck/rail whereas the IL zone is meant for light clean industries that do not require rail or marine access. Nearly all existing fossil fuel facilities are in the IH zone. Only the CNG facility is located in the IL zone. In the IL zone, the facility can be retained and may convert to cleaner fuels and potentially expand 15% in the code if following the parameters in the code. See the staff report for the clarification of existing IH zoned sites (5) and IL zoned sites (1), now carried into the code revisions and Revised DNS/Checklist.
4. The Port supports the creation of a baseline to ensure that fossil fuel capacity is not expanded at existing bulk facilities. Facilities often may be used for multiple products based on the specific needs of the customer and nature of the facility. The port suggests removing language that restricts an existing facility’s ability move products to different storage tanks throughout the facility and limits the ability to handle a mix of cleaner and fossil fuels based on market conditions so long as the existing baseline storage capacity for fossil fuels of a facility is not exceeded.	Adjustments are proposed to the text in VMC 20.895.110 F.3.b to clarify that the share of the facility used for cleaner fuels should be maintained over the overall site but can be moved around the site.
5. The requirement for mitigation (direct) and the potential for mitigation (for indirect) emissions will be a significant disincentive for facilities to convert to cleaner fuels. A facility can avoid this expense and risk by simply maintaining the status quo and continuing to operate only with fossil fuels. The City should eliminate or narrowly define mitigation to only apply to expansion activities, only to direct emissions, and only if they are shown to result in an increase over the existing facility when considering both direct and indirect emissions.	The proposal for GHG evaluations and mitigation is similar to other communities that have fossil fuel facilities (e.g., City of Tacoma and Whatcom County). It is relevant to the SEPA checklist evaluation of the proposed regulations and relates to an element of the environment, Air Quality. As a SEPA lead agency, the City can require such a study and apply mitigation.
6. The requirement for reporting will require companies to disclose sensitive product, transportation and business information and provide further disincentives to transition to cleaner fuels.	The contents of the report are similar to other reporting done for state and federal purposes for Ecology, USEPA, and USEIA for similar sized facilities. It is similar to other communities that have fossil

Comment	Response
7. The new Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facility use describes uses that are an “accessory facility necessary to support an onsite allowed primary use.” This indicates the City’s intent to broadly regulate storage tanks for fossil and cleaner fuels and this would apply to all uses that propose to include these facilities (except direct-to-consumer motor vehicle fuel sales). As noted above, this use could be interpreted to include small fuel tanks associated with emergency generators or fire pumps on industrial properties. These devices clearly store fossil fuels for energy purposes yet are vital elements for managing risk and responding to emergencies and are required by other codes. The use definition should exclude small scale storage and transfer that is part of a direct use on site that is not otherwise considered a bulk fossil fuel storage such as use of natural gas for combustion in support of heating and industrial processes, fuel tanks used for fueling of on- site or fleet vehicles and equipment or typical railyard facilities. This is consistent with the City’s decision to specifically exclude direct to consumer sales of fossil fuels from the provisions in these code changes. The requirement for a conditional use permit and the limitation of the IH zone for these smaller facilities would restrict facilities for the port, require more burdensome process and add uncertainty, time, and expense for project proponents. The City should consider allowing them as a Limited use in both IH and IL zones because of the specific restrictions being proposed.	fuel facilities (e.g., City of Tacoma and Whatcom County). The small fossil fuel or cleaner fuel facilities are clearly for local distribution or for an onsite use and less than 60,000 gallons. This is not meant to restrict emergency generators. That is proposed for clarity in the updated code amendments.
In addition to the comments noted on the proposed code language above, the SEPA checklist does not adequately address potential impacts of the non-project action. Contrary to Ecology guidance, the SEPA checklist does not consider the probable impacts of the future development that would be allowed under the proposal, but rather repeatedly states “not applicable – not a site-specific proposal” and then provides general information on the applicable environmental element with respect to the City. The SEPA checklist should have analyzed the likely impacts of the development allowed and implications of land use restrictions under the proposal within the supplemental sheet for non-project actions. The City has therefore not adequately considered the potential environmental implications of these regulatory changes.	A non-project proposal is “broader than a single site specific project” (WAC 197-11-774). Per the 2018 SEPA handbook: “If the nonproject action is a comprehensive plan or similar proposal that will govern future project development, the probable impacts need to be considered of the future development that would be allowed. For example, environmental analysis of a zone designation should analyze the likely impacts of the development allowed within that zone. The more specific the analysis at this point, the less environmental review needed when a project permit application is submitted.” The original SEPA Checklist in August 2021 was approximately 10 pages. The SEPA Checklist issued in August 2022 is nearly 30 pages and provides information across all the environmental topics, supported by maps, information, and code links. Consistent with SEPA guidance

Comment	Response
	for non-project proposals, the Checklist notes that some questions are suited for site specific development but identifies for a non-project proposal what the implications are for future development allowed under the proposed code, as well as other codes that serve as mitigation. Part B was robustly completed. Part D refers back to the analysis in Part D for several questions. As part of a Revised DNS/Addendum, Part D quotes from Part B for greater clarity.
The Port is in support of the overall policy intent behind the proposal and wants to work with the City to ensure that the proposed code revisions are clear, direct, and easy to understand so that the Port and Port tenants can make appropriate plans and investments for existing and future facilities, and City staff can apply regulatory provisions consistently. Port staff are available to support the City in review and input into revisions, both to avoid unintended consequences and to support our ongoing partnership in achieving shared climate and environmental goals. The Port would like to thank the responsible official and City staff for considering these comments. Please contact me at mbomar@portvanusa.com or (360) 839-3577 if you have questions, or to discuss the Port's concerns further.	The comment is noted.

Revised SEPA Checklist

See attached.

SEPA Environmental Checklist

City of Vancouver, Revised

September_2022

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:

Please adjust the format of this template as needed. 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:*

City of Vancouver Fossil Fuel Code Standards Proposal

2. *Name of applicant:*

City of Vancouver

3. *Address and phone number of applicant and contact person:*

Chad Eiken, Director, Community Development Department, chad.eiken@cityofvancouver.us

Bryan Snodgrass, Principal Planner, Community Development Department,
bryan.snodgrass@cityofvancouver.us

4. *Date checklist prepared:*

August 11, 2022, **with revisions September 6, 2022**

Prepared by: BERK Consulting Inc. on behalf of the City of Vancouver

5. *Agency requesting checklist:*

City of Vancouver

6. *Proposed timing or schedule (including phasing, if applicable):*

The City aims to enact non-project code changes to Title 20 of the Vancouver Municipal Code (VMC) before an existing related moratorium on fossil fuel facilities sunsets in November 2022.

7. *Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.*

This is a non-project action. Future development allowed by the proposal would implement zoning and land use regulations.

8. *List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.*

In August 2021, a SEPA Checklist was prepared for prior proposed fossil fuel code amendments, but the associated Determination of Non-Significance was withdrawn. The following checklist has been prepared for proposed code changes as of August 2022.

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.

Not applicable

10. List any government approvals or permits that will be needed for your proposal, if known.

The proposal is a legislative action and requires Planning Commission review, hearing and recommendation and consideration by the City Council prior to approval.

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.)

Fossil Fuel Moratorium Background

The June 2020 moratorium adopted by the City Council prohibits new or expanded facilities engaged in distribution, extraction, refinement, processing or bulk movement of fossil fuels, or bulk storage of over two million gallons of fossil fuels in Vancouver. Facilities producing energy from landfill gas, fossil fuel by-products such as asphalt or others, or direct consumer sales such as gas stations, are all explicitly exempted from the moratorium. Upkeep, repair, maintenance, or City-mandated health and safety improvements of any existing facilities are also exempted.

The current fossil fuel facility moratorium follows a narrower moratorium and subsequent zoning code prohibition on crude oil facilities that was adopted in 2014. It was spurred by a proposed large scale crude oil transshipment terminal proposed at the Port of Vancouver in 2013. That facility was ultimately denied by the Governor in 2018 following a unanimous denial recommendation from the state Energy Facility Site Evaluation Council which is tasked with review of the very largest energy facilities.

Summary of Proposed Code Changes

The purpose of proposed fossil fuel standards is to minimize the risk of spill or discharge of fuels into groundwater sources or waters of the state; to avoid and minimize any impacts to adjacent communities from fire or explosion; to support a reduction in greenhouse gas emissions and a transition to renewable fuel and energy production consistent with Federal, state and local targets; and to protect and preserve fish and wildlife habitat areas to ensure viable Tribal fisheries consistent with Treaty fishing rights.

In summary, the proposed changes include:

- New bulk fossil fuel storage and handling facilities, including oil, gas or coal storage or transshipment, would be prohibited. Current City code standards prohibit crude oil storage and handling facilities, as well as oil refineries, in all zones
- Existing bulk facilities could be maintained and upgraded, e.g., to meet new regulatory requirements or to add accessory structures that don't add capacity.
- Existing facilities could be expanded slightly if converted to cleaner fuel and brought up to seismic standards-subject to certain standards to mitigate identified impacts.

- 'Cleaner fuels' would be specifically defined, and bulk fossil fuel storage and handling facilities can convert to cleaner fuels and may expand up to 15% if converting. As an option, the proposed code considers whether to allow new cleaner fuels facilities if limited in size and location, and meeting other health, safety, and reporting requirements noted below.
- Small fossil fuel or cleaner fuel storage and distribution facilities, intended for local markets, would be allowed subject to new standards in parcels zoned Industrial Heavy (IH). New facilities could be limited in location to ensure distance from residentially zoned land. **This is not meant for application to emergency generators.**
- New development standards would be added for all three types of fossil fuel facilities including establishing baseline capacity, seismic upgrades, mitigation for greenhouse gases, proof of financial assurance, and annual reporting.
- Coal and other solid fuel storage yards, and coal and biomass electricity generating facilities would be prohibited in all districts.

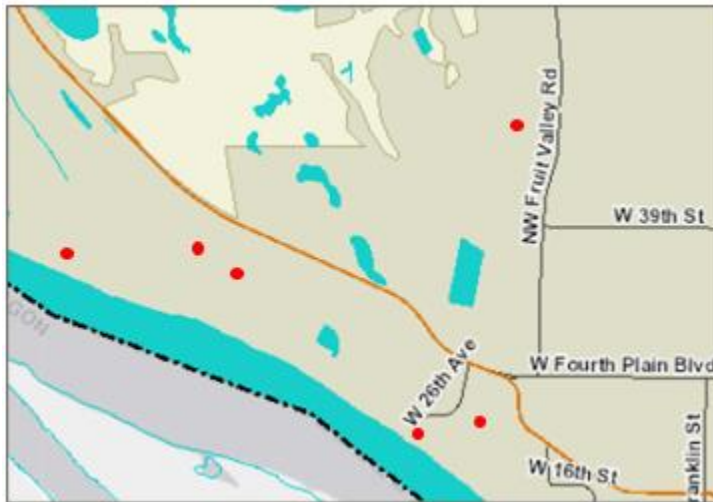
12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). 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.

This non-project action provides amendments to the City of Vancouver Municipal Code that will have a citywide effect. Primarily, all fossil fuel facilities will be prohibited in residential, commercial mixed-use and open space zoning districts. This includes:

- Low Density Residential Districts (R-2, R-4, R-6, R-9)
- Higher Density Residential Districts (R-18, R-22, R-30 and R-35)
- Commercial and Mixed Use Districts (CN, CC, CG, CX, WX, CPX, MX, RGX, HX)
- Open Space Districts (NA, GW)

There are currently six large-scale fossil fuel facilities within the City of Vancouver, 5 within areas zoned IH along the Columbia River and 1 zoned IL west of Fruit Valley Road (CNG site). These existing larger-scale facilities could apply for a permit application primarily for maintenance and safety improvements, and additional changes to convert to cleaner fuel options. Exhibit 1, below shows the locations of the six existing facilities.

Exhibit 1. Locations of Six Existing Large-Scale Fossil Fuel Facilities



Source: City of Vancouver, 2021.

New large-scale facilities would be prohibited in industrial zoned parcels. Potential cleaner fuel facilities within the City of Vancouver would be allowed within IH or IL zoned parcels as conversions from existing fossil fuel facilities, and The existing facilities that may propose to convert would be subject to permit review and compliance with code standards; if converting to cleaner fuels expansion may be allowed up to 15% of the baseline capacity. As an option, the proposed code considers whether to allow new cleaner fuels facilities if limited in size and location (e.g. buffered from residential zones by a distance, e.g. at least 1,000 feet), and meeting other health, safety, and reporting requirements.

New smaller-scale fossil fuel facilities permit applications in IH zoned parcels would require permit review and compliance with code standards. Future site-specific proposals would be subject to review.

The IH zone is generally located along the Columbia River waterfront; the portion of the IL zone with the existing fossil fuel facility is located west of NW Fruit Valley Road (CNG Trillium site approximately 5420 NW Fruit Valley Rd, Vancouver, WA 98660; abbreviated CNG in this report). See the City zoning map under Section 8-8. Land and Shoreline Use.

B. Environmental Elements

1. Earth

a. General description of the site:

(circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

This is a non-project action. The proposal affects land use regulations city-wide.

It would be anticipated new permit applications would be in areas zoned industrial, particularly IH; to a limited degree the proposal affects the IL zone, particularly the current site of a fossil fuel facility (CNG). Industrial land uses typically require topographically flat areas.

b. What is the steepest slope on the site (approximate percent slope)?

This non-project action anticipates structural safety and operational improvements to the 6 existing large-scale fossil fuel facilities and the potential of small-scale facilities in industrial zoned parcels. Areas designated IH, and the IL zone west of Fruit Valley Road, tend to have slopes 0-5% based on Clark County Environmental Maps, Slopes and Geologic Hazards Group:

<https://gis.clark.wa.gov/mapsonline/index.cfm?site=Environmental>.

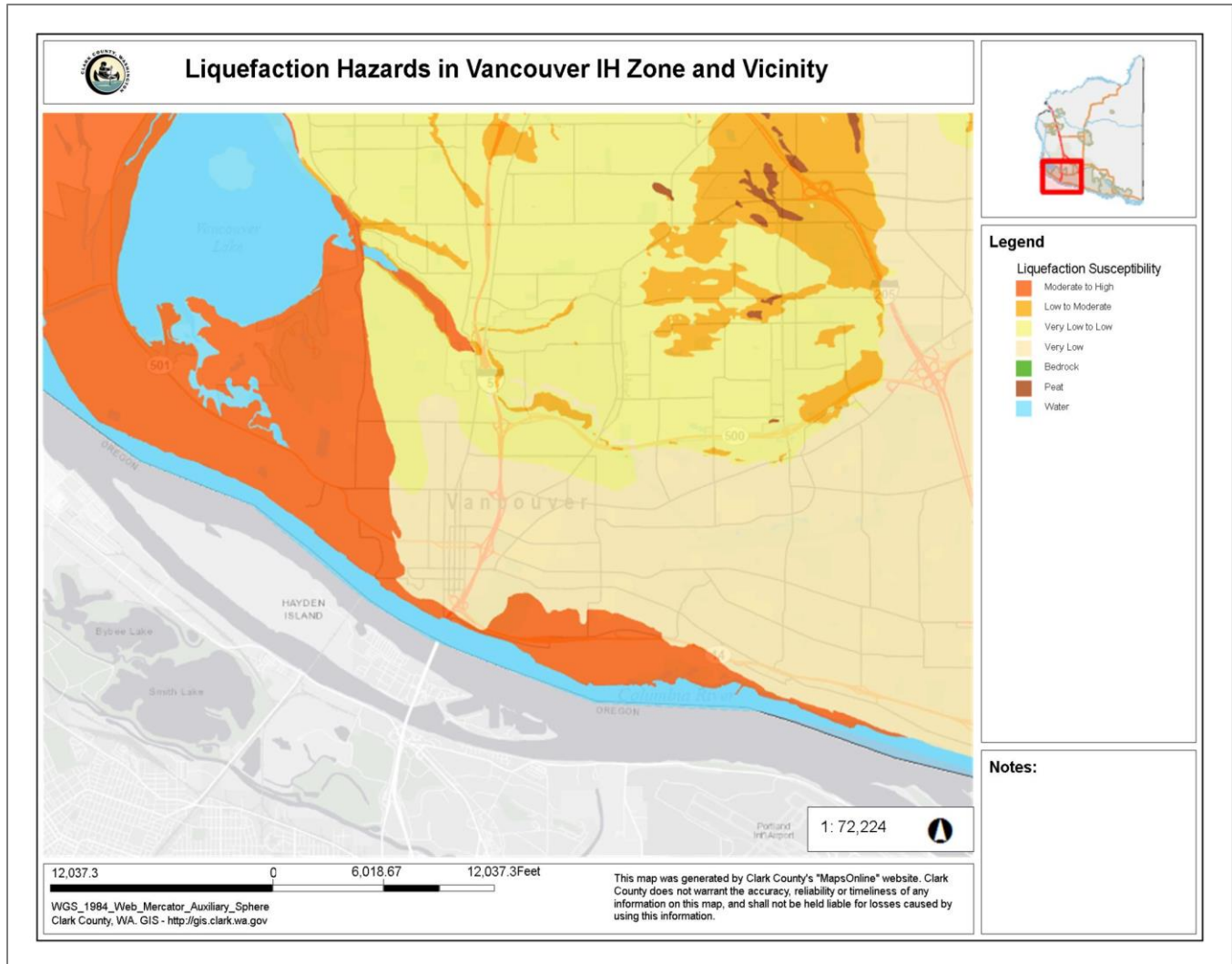
c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

The available soil maps show well, moderately, to and poorly drained soils in IH and IL zoned areas. See WWHM Soil Group, available at: <https://gis.clark.wa.gov/mapsonline/index.cfm?site=Environmental>.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

Future development would be subject to City of Vancouver Critical Areas Regulations addressing Geologic Hazard Areas. For example, the areas in the IH zone and the IL zone west of Fruit Valley Road include lands susceptible to liquefaction. See Exhibit 2.

Exhibit 2. Liquefaction Areas



Source: Clark County GIS, 2022: <https://gis.clark.wa.gov/mapsonline/index.cfm?site=Environmental>.

There are also small areas of landslide hazards. See Slopes and Geologic Hazards Group: <https://gis.clark.wa.gov/mapsonline/index.cfm?site=Environmental>.

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.

Non applicable- not a site specific proposal. **Any filling, excavation, and grading associated with future development would occur under City regulations (e.g. grading and erosion control permits).**

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

Future development allowed under any studied option could clear sites and construct new development subject to existing development regulations.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

Not applicable – not a site specific proposal. No changes to development standards regarding impervious areas are proposed under any options.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

No significant impacts are identified for the non-project proposal. Under the proposed code conditions of approval for changes to existing fossil fuel facilities or conversion to cleaner fuels, or smaller fuel facilities, or optionally new cleaner fuel facilities, would include seismic upgrades.

Future site-specific development allowed under proposed regulations are also subject to regulations meant to protect health and safety, and address geologic hazards:

- City of Vancouver Municipal Code (VMC) 14.24 Erosion Control
- 20.740.130 Geologic Hazard Areas
- VMC 14.25 Stormwater Control

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.

The proposed amendments to Vancouver's land use regulations are designed to reduce greenhouse gas (GHG) emissions, and address public and environmental health and safety impacts associated with fossil fuel facilities. The City is planning to transition to renewable energy and fuel production to meet Federal, state and local targets. The City of Vancouver is home to six large-scale fossil fuel facilities involved with the distribution, extraction, refinement, processing or bulk storage. Under this non-project action, these facilities will only be allowed to expand existing storage only until the condition that their fuel is converted to cleaner fuels meeting state and federal standards. New cleaner fuel facilities may be allowed optionally in the IH zone, subject to similar standards.

This non-project action will also restrict the construction of new large-scale fossil fuel facilities within industrial zones. Furthermore, fossil fuel facilities in general will be prohibited in residential, commercial/mixed use, and open space zoned parcels.

b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

Not applicable – not a site specific proposal. Future site-specific developments would be required to prepare their own SEPA checklist **and document off-site sources of emissions or odors.**

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

No significant impacts are identified for the non-project action. **To support existing fossil fuel facilities, non-capacity improvements can be made to improve air emissions.** Southwest Clean Air Agency and State and Federal Air Quality regulations would continue to apply. For example, the Southwest Clean Air Agency must approve Air Discharge Permits, which sets air emission limits, and ongoing monitoring of

potential leaks, and conditions of approval to use best practices for bulk fuel/transshipment and other facilities.

Under this proposal, the proposed regulations could help reduce impacts:

- GHG report and mitigation requirements for subject facilities.
- The expansion of capacity, or new facilities, under the condition of converting to or providing cleaner fuels.
- Updating development standards to reduce impacts and increase safety and operations.

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.*

This non-project action does not have a specific site and impacts the City of Vancouver. There are several bodies of water that are adjacent to the city, most notable the Columbia River along the southern border.

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.*

Not applicable – not a site specific proposal. Future development that may develop within 200 feet of the surface waters are subject to the City’s Shoreline Master Program and Critical Area regulations.

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 – not a site specific proposal. Future development that would propose fill or dredging would be subject to City clearing and grading regulations as well as Shoreline Master Program and Critical Area regulations.

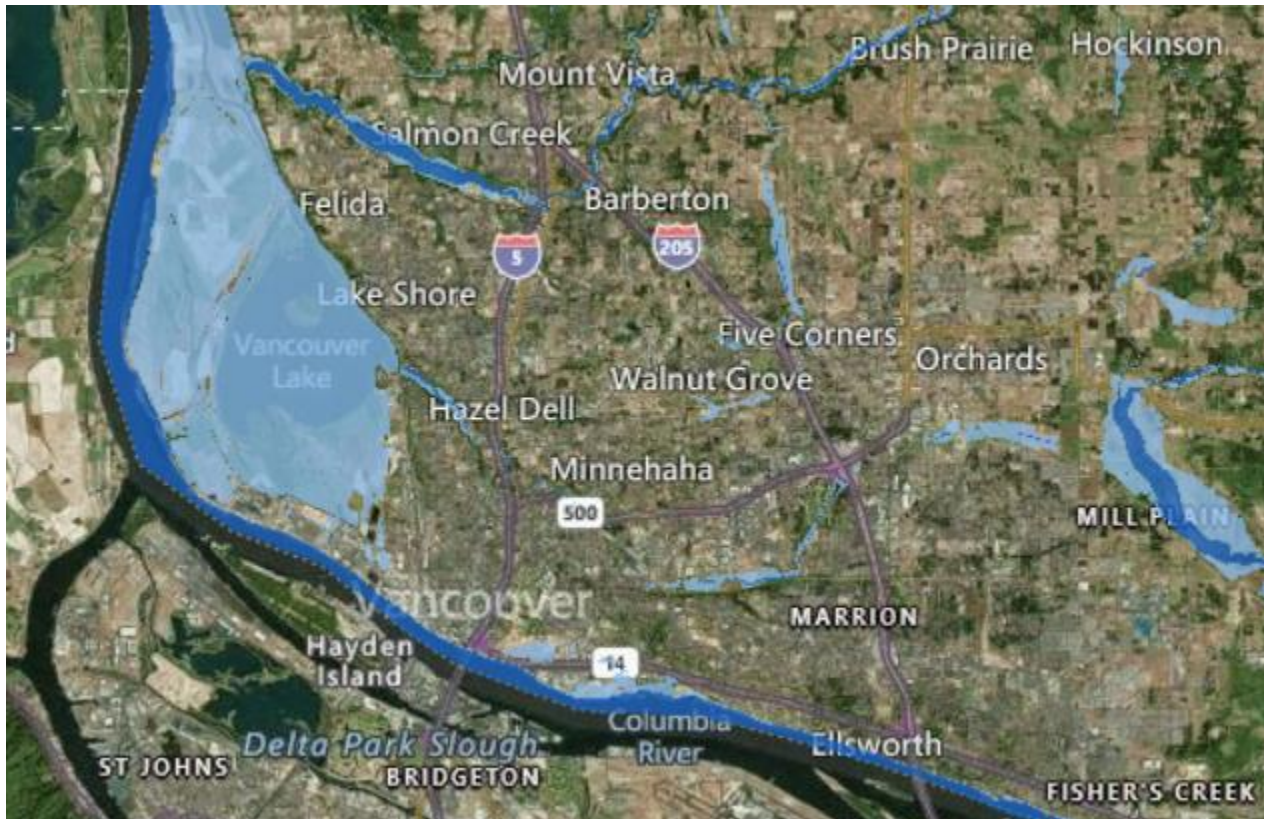
4) *Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.*

Not applicable – not a site specific proposal. Any changes to surface waters would also be subject to the Shoreline Master Program and Critical Area regulations.

5) *Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.*

Not applicable – not a site specific proposal. Exhibit 3, below shows the 100-year flood plain map for the greater Vancouver area.

Exhibit 3. Vancouver 100-year Floodplain Map (indicated by the blue)



Source: Washington State Department of Ecology, accessed July 2022.

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.*

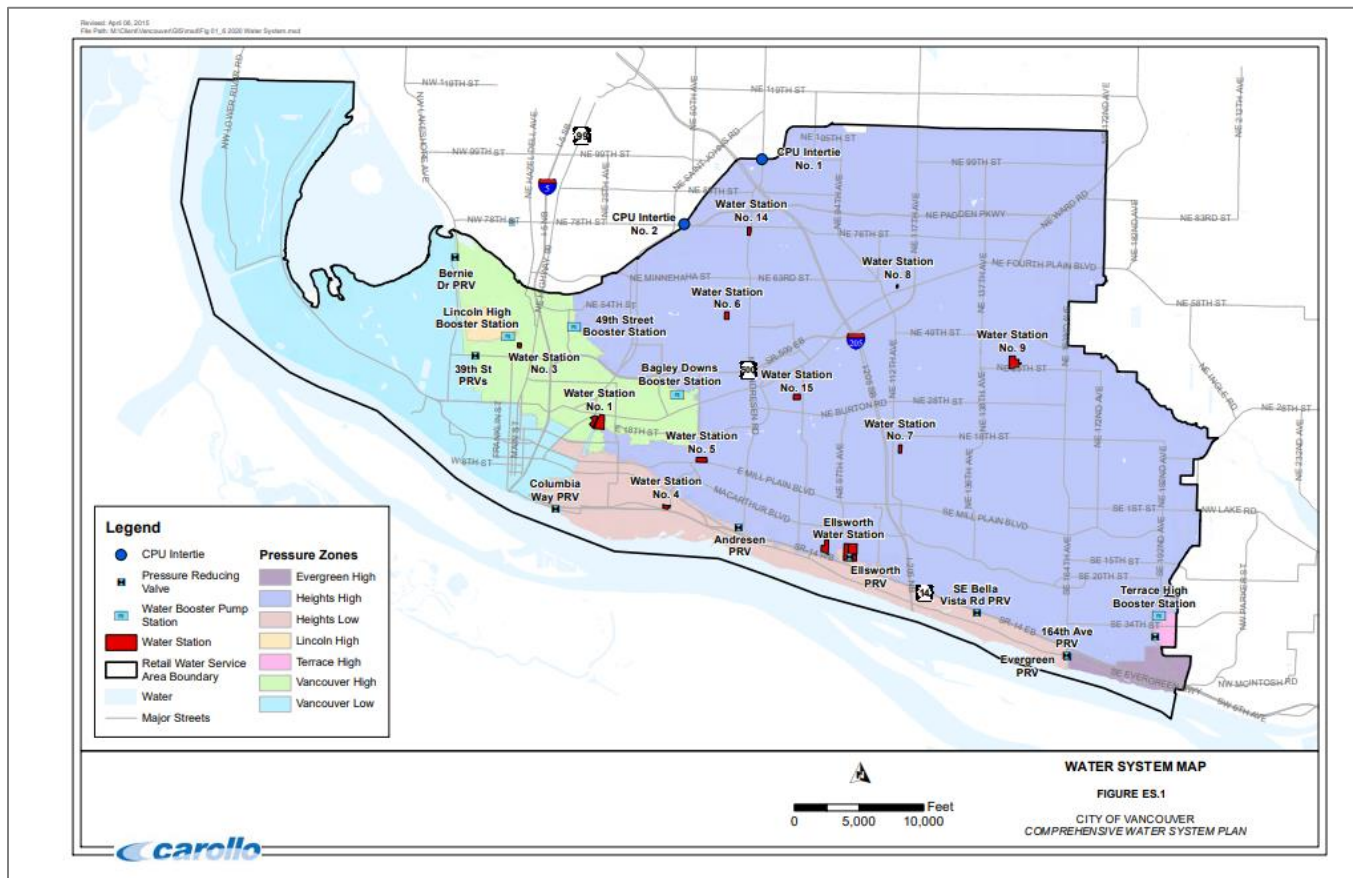
Not applicable – not a site specific proposal. Future development that would discharge waste materials to surface waters would be subject to City clearing and grading regulations as well as Shoreline Master Program and Critical Area regulations.

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.*

This non-project proposal is not site specific. The study area is served by City of Vancouver Water System in the Retail Service Area Boundary. Exhibit 4 below shows water system boundary

Exhibit 4. City of Vancouver Comprehensive Water System Plan



Source: City of Vancouver Comprehensive Water System Plan (last updated 2015)

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.

Not applicable- not a site specific proposal. In the event of a new small-scale fossil fuel facility, **or new cleaner fuel facility (if allowed optionally)**, applicants would be required to meet City permit standards including connection to wastewater systems. Potential improvements at one of the six existing large-scale fossil fuel facilities are subject to guidelines from this non-project proposal.

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.

Not applicable – not a site specific proposal. Water runoff could occur from point sources and non-point sources. However, all development is subject to surface water regulations and manuals.

2) *Could waste materials enter ground or surface waters? If so, generally describe.*

Not applicable – not a site specific proposal. Future development would be subject to aquifer protection regulations and surface water quality regulations.

3) *Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe.*

Not applicable – not a site specific proposal. Future development would be required to meet stormwater drainage regulations.

4) *Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any:*

No significant impacts are identified for the non-project proposal. **To support existing fossil fuel facilities, non-capacity improvements can be made to improve water emissions.** Future permit applications would be required to meet surface, ground and runoff water requirements and adhere to Vancouver Municipal Code (VMC) 20 Land Use Code. This includes but is not limited to:

- VMC 14.25 Stormwater Control
- VMC 14.26 Water Resources Protection

4. Plants

a. Check the types of vegetation found on the site:

- ☒ deciduous tree: alder, maple, aspen, other
- ☒ evergreen tree: fir, cedar, pine, other
- ☒ shrubs
- ☒ grass
- ☐ pasture
- ☐ crop or grain
- ☐ Orchards, vineyards or other permanent crops.
- ☒ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☒ water plants: water lily, eelgrass, milfoil, other
- ☒ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

Not applicable- not a site specific proposal. Future permit applications must submit a Tree, Vegetation and Soil Plan per Vancouver Municipal Code (VMC) 20.770.050. If there are wetlands, they would be subject to protection standards of VMC 20.740.140 Wetlands.

c. List threatened and endangered species known to be on or near the site.

Critical habitat has been identified for water bodies containing endangered and threatened fish species as identified by VMC 20.740.110

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

No significant impacts are identified for the non-project proposal. Any future development is subject to a State Environmental Policy Act (SEPA) checklist through Vancouver Municipal Code (VMC) 20.245.030. Future permit applications must also submit a Tree, Vegetation and Soil Plan per Vancouver Municipal

Code (VMC) 20.770.050. Native vegetation and wildlife habitat must be preserved to comply with VMC 14.24, Erosion Prevention & Sediment Control and the Shoreline Management Plan.

e. List all noxious weeds and invasive species known to be on or near the site.

Not applicable- not a site specific proposal. Noxious weed laws apply to help prevent the spread of invasive species through WAC 16.750. General mapping of noxious weeds shows some may exist within the City of Vancouver through the Washington State Noxious Weed Control Board (<https://www.nwcb.wa.gov/mapping-noxious-weeds>).

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:

X birds: hawk, heron, eagle, songbirds, other:

X mammals: deer, bear, elk, beaver, other:

X fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site.

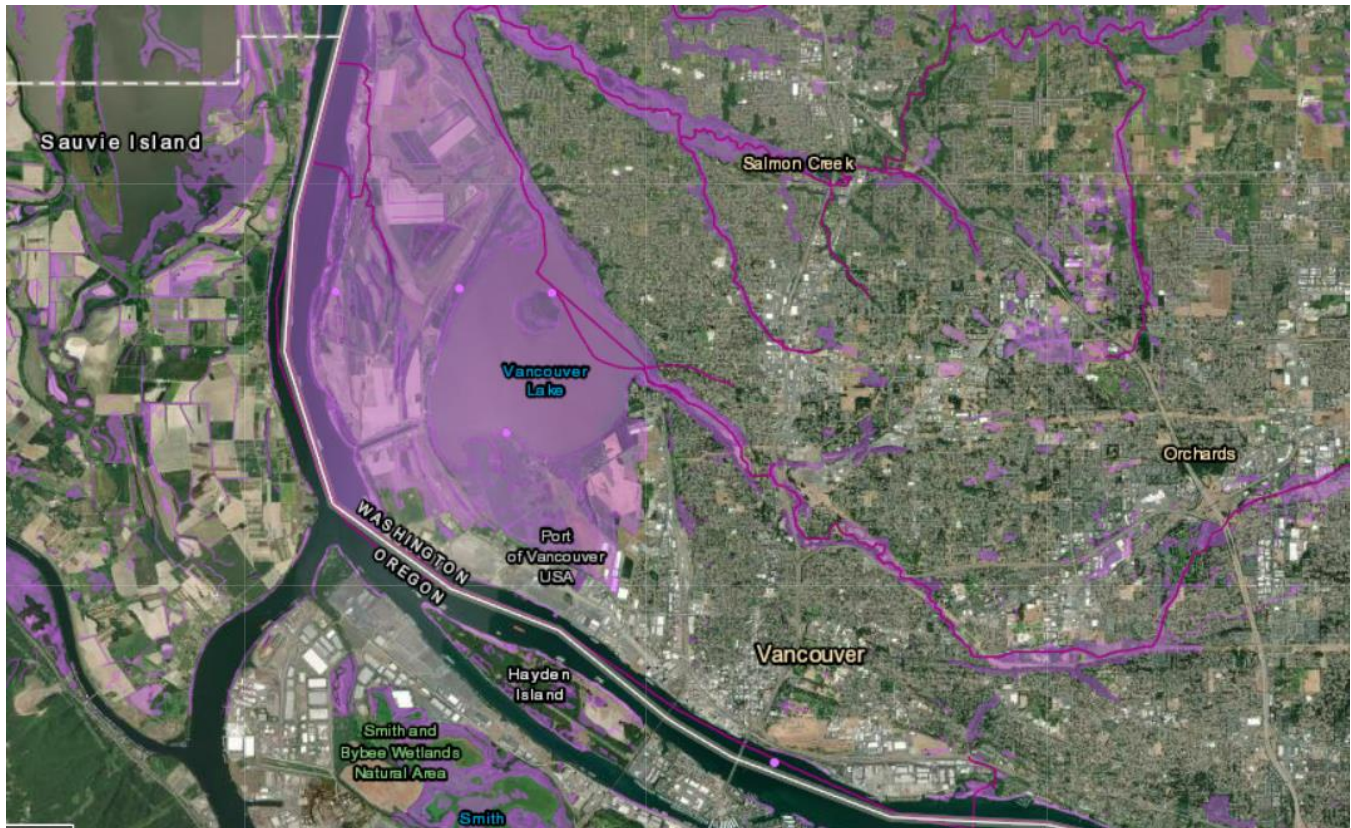
A range of fish, birds and mammals are or may be found in the City of Vancouver. The US Fish and Wildlife Service identified the following threatened or endangered species that could be found in Vancouver and Clark County:

- Northern Spotted owl
- Bull trout
- Steelhead trout
- Coho salmon
- Chinook salmon
- Chum salmon
- North American wolverine
- Brush Prairie pocket gopher

c. Is the site part of a migration route? If so, explain.

This non-project proposal is not site specific. However, potential future development and permit applications pertaining to fossil fuel facilities will be within parcels zoned for industrial uses. According to the Washington Department of Fish and Wildlife Priority Habitat and Species Map, Vancouver Lake, just north of the Port of Vancouver, is a part of a migration route for various waterfowl, including geese, swans and ducks. ~~Exhibit 5~~ Exhibit 5, below, shows the migration route nearby the IH zone and IL zone west of Fruit Valley Road.

Exhibit 5. Priority Habitat and Species Map for Vancouver, WA



Source: Washington Department of Fish and Wildlife

d. Proposed measures to preserve or enhance wildlife, if any:

This non-project proposal is not site specific. However, any new small scale fossil fuel facilities or expanded or new cleaner fuel facilities will be in parcels zoned for industrial uses, which are nearby the shoreline and Lake Vancouver. Any future development is subject to a SEPA checklist through VMC 20.245.030. **Future development must** minimize any impact to critical areas defined by VMC 20.740.110 Fish and Wildlife Habitat Conservation Areas. In the event of a permit application within the Shoreline Management Area, the applicant will adhere to policies and procedures set forth by Vancouver Municipal Code 20.760.060.

e. List any invasive animal species known to be on or near the site.

Not applicable – not a site specific proposal. The [Washington Invasive Species Council](#) has identified certain species considered invasive.

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.

This non-project proposal does not involve construction activity. Future development could use electric, gas, oil, and solar energy. Major energy users in the city include industrial; transportation, residential, and commercial uses represent smaller shares of energy users. An indirect impact of this proposal could

be to incentivize conversion to cleaner fuels, and potentially an overall decrease in fossil fuel dependency. Existing large-scale fossil fuel facilities are able to expand their storage capacity under the condition that they convert to cleaner fossil fuels, which is clarified in this non-project action. **To support existing fossil fuel facilities, non-capacity improvements can be made to improve air or water emissions, address maintenance/replacement, meet federal or state requirements, etc.**

b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

Not applicable – not a site specific proposal. City regulations allowing for solar energy would not change.

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:

No significant impacts are identified for the non-project action. The proposal would allow existing facilities but incentivize the conversion to cleaner fossil fuels **with up to 15% expansion**. As an option, the City may consider allowing new cleaner fuel facilities in the IH zone subject to size, location **(e.g. with a buffer distance to residential zones)**, and other environmental **standards (seismic, fire safety, spill prevention)**. The proposal would support the City's draft climate action plan anticipated for adoption in 2022.

Z. Environmental Health

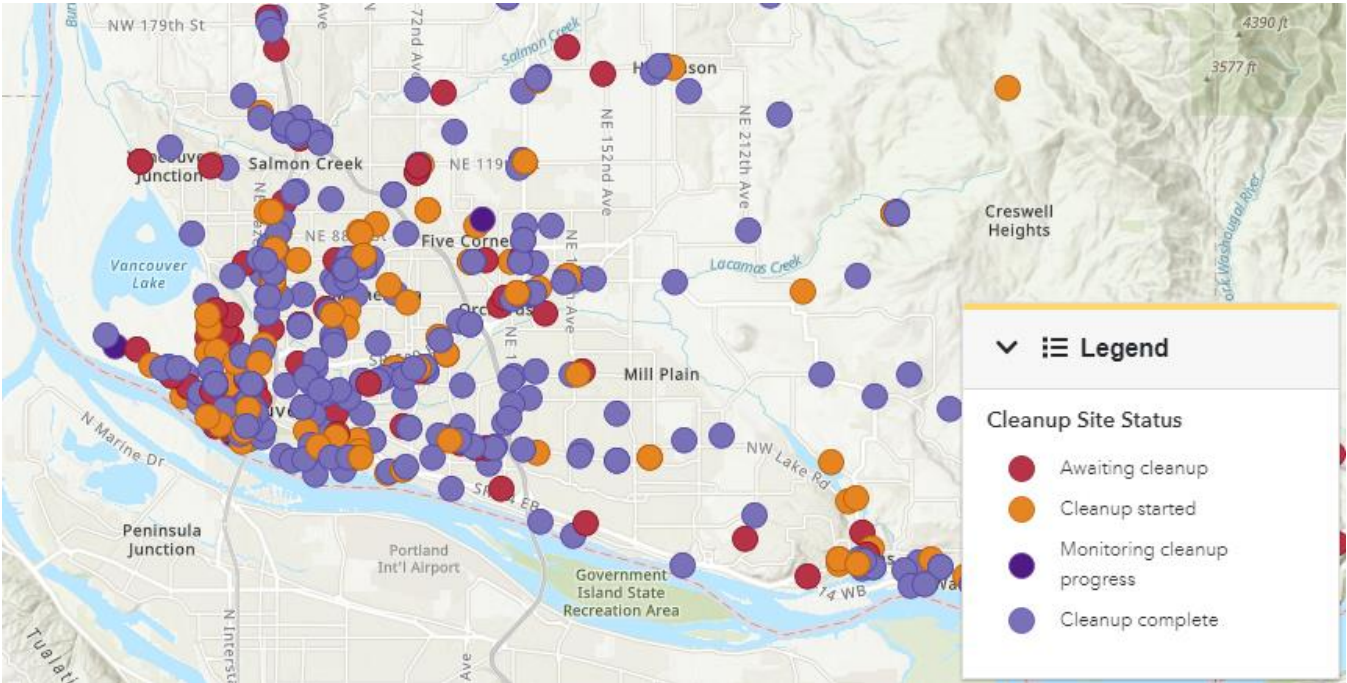
a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

Some industrial uses involving chemical manufacturing, smelting, or fossil fuel or renewable fuel processing, handling, and storage have risks, impacts, and vulnerabilities, such as: explosive and fire risks, spill, exposure to toxic chemicals, odor, stormwater, and waste products.

1) Describe any known or possible contamination at the site from present or past uses.

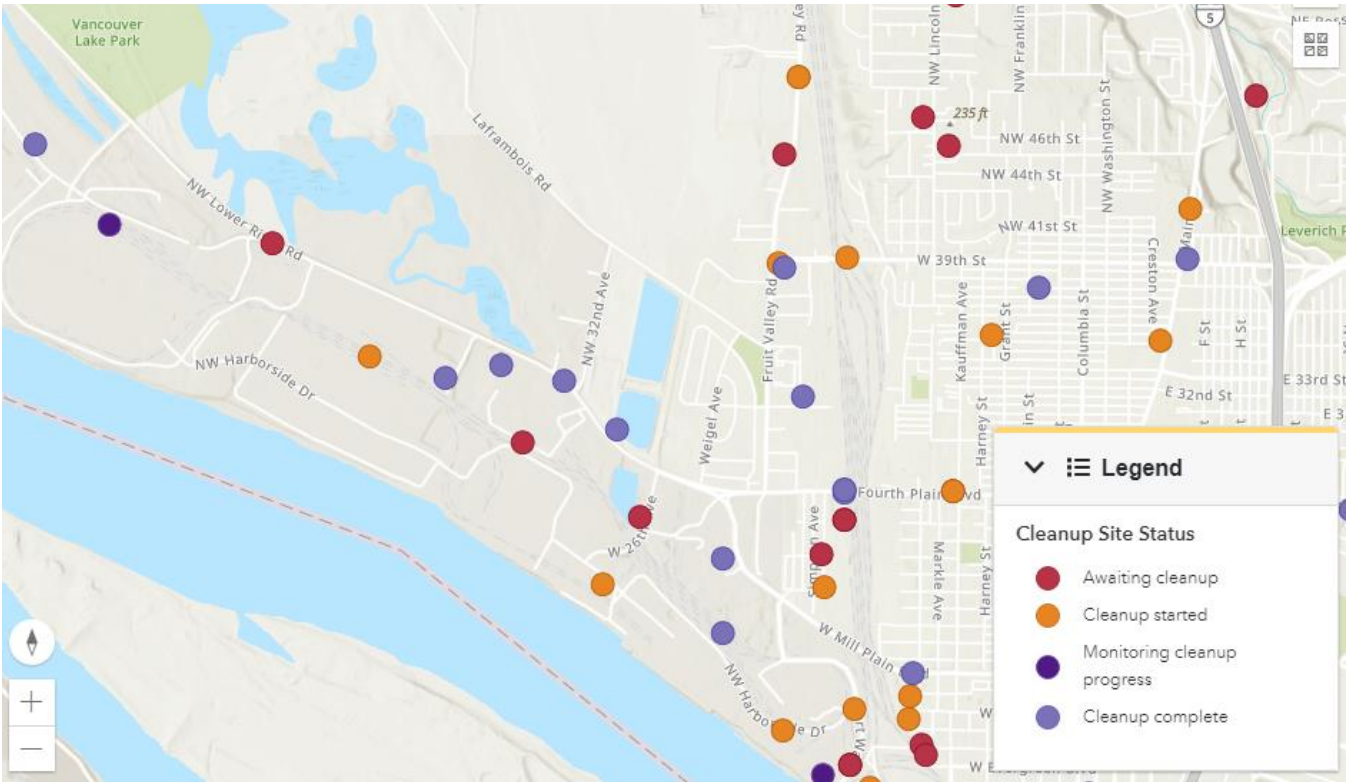
The State of Washington Department of Ecology maintains a database of contaminated sites. In all parts of the study area there are completed, in progress, and pending clean-up efforts. See Exhibit 6 and Exhibit 7.

Exhibit 6. Ecology Clean Up Sites Map- City of Vancouver



Source: State of Washington Department of Ecology (2022)

Exhibit 7. Ecology Clean Up Sites Map- Fruit Valley Vicinity

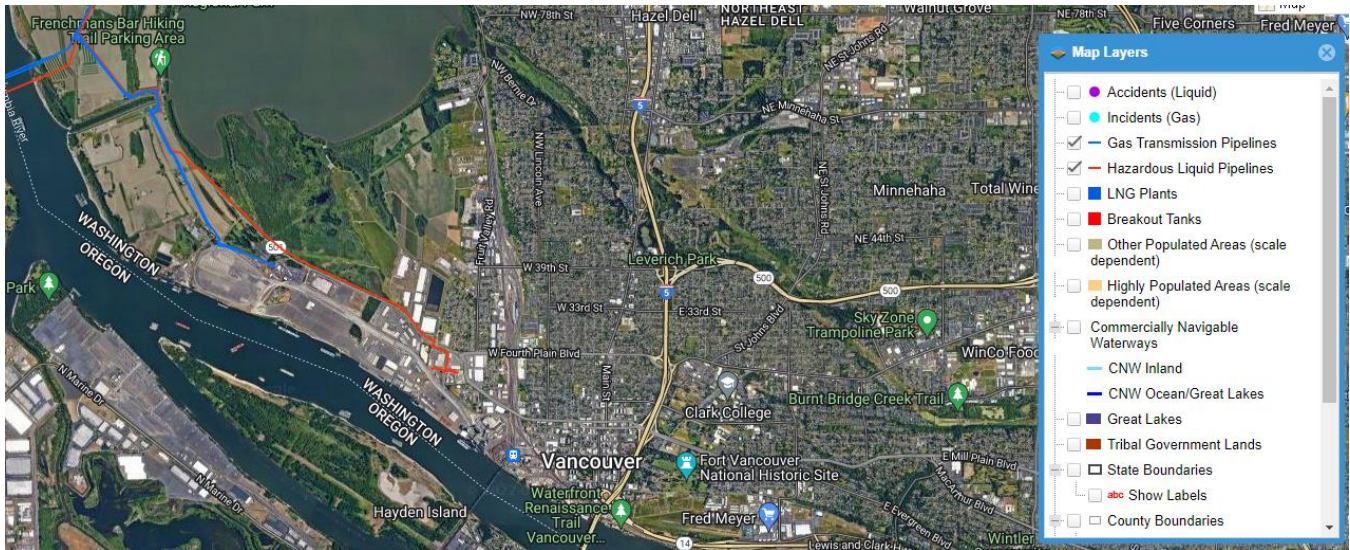


Source: State of Washington Department of Ecology (2022)

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.

The National Pipeline Mapping System from the Pipeline and Hazardous Materials Safety Administration (PHMSA) identified one hazardous liquid (Olympic Pipeline Company) and one gas transmission (Northwest Pipeline LLC) pipeline within the City of Vancouver. See Exhibit 8, below for location context.

Exhibit 8. Hazardous Liquid and Gas Pipeline Map



Source: Pipeline and Hazardous Materials Safety Administration (2022)

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.

Not applicable – not a site specific proposal. The City of Vancouver identified 6 existing large-scale (bulk) fossil fuel facilities. This non-project action will allow existing facilities and maintenance/upgrades provided there is compliance with City codes including seismic, fire protection, and spill prevention. Small fossil fuel and cleaner fuel facilities, and potentially new cleaner fuel facilities, would be subject to similar development standards. **Buffer distances from residential zones would be required (e.g. 1,000 feet minimum).** Any new or expanded facilities would be subject to SEPA review.

4) Describe special emergency services that might be required.

The City of Vancouver has the [Emergency Operations Plan](#), which identifies various hazardous and environmental health emergencies.

5) Proposed measures to reduce or control environmental health hazards, if any:

No significant impacts are identified for the non-project proposal. **The code proposal includes buffer distances of minimum 1,000 feet between small scale facilities or new or expanded cleaner fuel facilities and residential zones. The code proposal also addresses seismic upgrades pursuant to current building code requirements, and a comprehensive spill prevention plan and fire response plan.** The following regulations **also** apply to future development and can help mitigate impacts:

- State [Model Toxics Control Act](#) (Chapter 70.105D RCW)

- State Underground Storage Tank Regulations (Chapter 173-360A WAC)
- VMC 2.32.070 Hazardous Materials Incidents
- VMC 5.88.075 Distribution and transportation- Reporting Requirements for Natural Gas companies.
- 16.04.010 Adoption of the international fire code.

b. Noise

1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

Noise sources in the study area include traffic on roads and rail lines, and industrial and commercial equipment and operation in industrial areas.

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.

Not applicable – not a site specific proposal. Future development could produce more noise as identified from industrial commercial uses. The City of Vancouver has a Noise Impact Overlay District, which includes an area west of I-5, east of Lincoln Ave, north of the Columbia River in the Esther Short neighborhood. None of the six existing bulk facilities are located within the Noise Impact Overlay District. New smaller fossil fuel facilities will only be allowed in industrial zoned parcels, which are not in the overlay district.

3) Proposed measures to reduce or control noise impacts, if any:

No significant impacts are identified for the non-project proposal. Industrial Heavy uses are required to not be at conflict with any nearby commercial or residential activities. The City of Vancouver has a Noise Control Ordinance (VMC 7.05.010) and maximum permissible noise levels in VMC 20.935.030 Performance Standards.

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.

This non-project proposal includes changes to existing zoning standards and adding new land use categories. This primarily affects the IH zone. Current uses allowed in the IH zone include but are not limited to: Industrial Uses, commercial uses with outdoor sales, electric vehicle charging stations, airports, and rail lines. Institutional uses, including, trails, parks, community centers and transportation facilities are also allowed in IH zones. Exhibit 9 provides a zoning map for the entire city. Residential and commercial zoned parcels do abut IH zones. However, IH zoning boundaries were drawn to avoid impacting residential activities as started in Vancouver Municipal Code (VMC) 20.440.

The existing fossil fuel facility in the IL Zone (CNG) could continue, may add non-capacity improvements, and may convert to cleaner fuels with limited expansion potential. The IL zone allows industrial services, manufacturing, research and development, warehouses, and wholesale sales. The zone is not intended for uses requiring marine or rail transport.

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?

The study area does not contain working farmlands or working forest lands of long-term significance. Any future development would be located in IH zoned areas; the existing fossil fuel facility in the IL zone may add non-capacity improvements or convert to cleaner fuels with limited capacity changes (15%).

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:

There are no working farmlands or working forest lands of long-term significance abutting the study area.

c. Describe any structures on the site.

There are large industrial and manufacturing structures in the industrial zones.

d. Will any structures be demolished? If so, what?

Not applicable – not a site specific proposal.

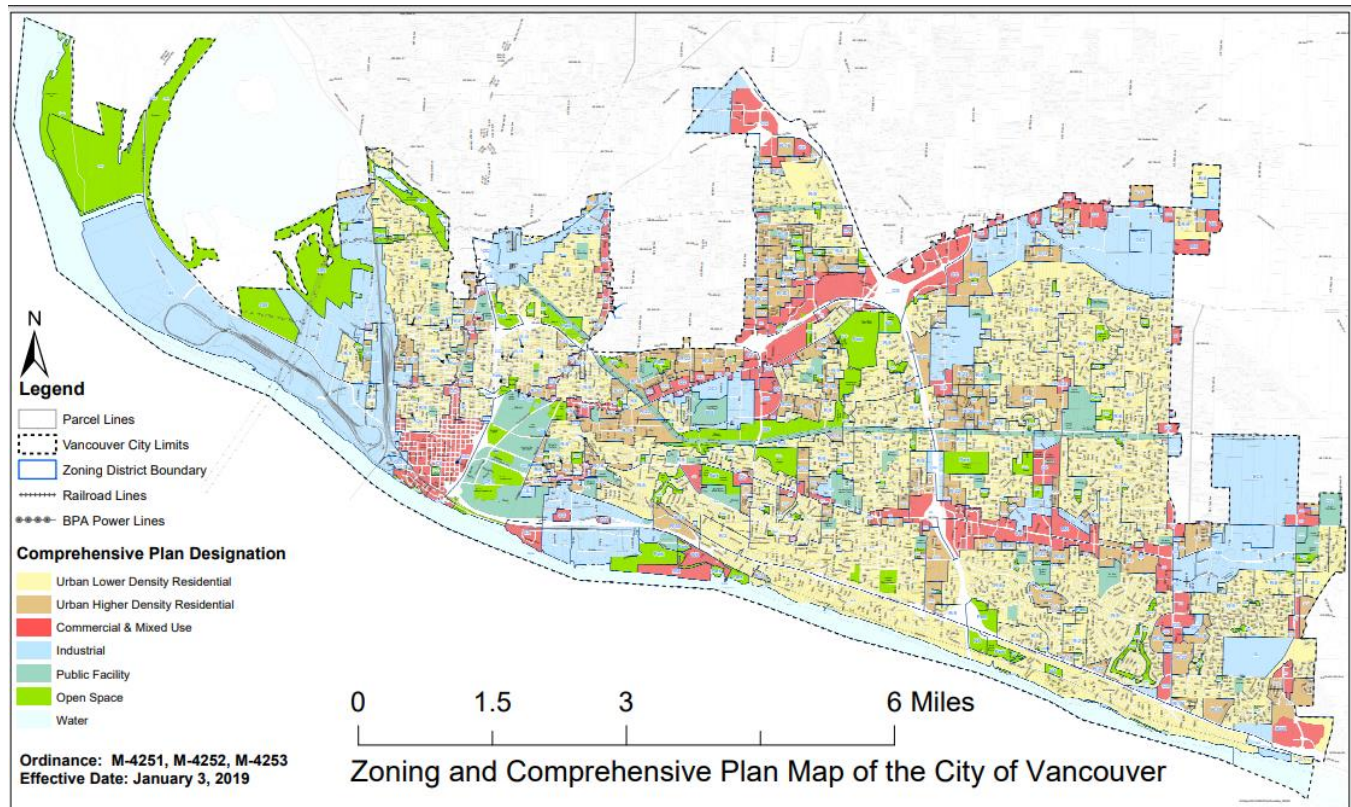
e. What is the current zoning classification of the site?

Not applicable – not a site specific proposal. All future development will be in parcels zoned IH; the IL zone affected would include an existing fossil fuel facility west of Fruit Valley Road (CNG).

f. What is the current comprehensive plan designation of the site?

This non-project action is not site specific. However, any future development for fossil fuel facilities will be located within areas zoned IH within the City of Vancouver; the IL zone affected would include an existing fossil fuel facility west of Fruit Valley Road (CNG). Exhibit 8 shows the general zoning designation for the city:

Exhibit 9. Zoning and Comprehensive Plan Map of the City of Vancouver

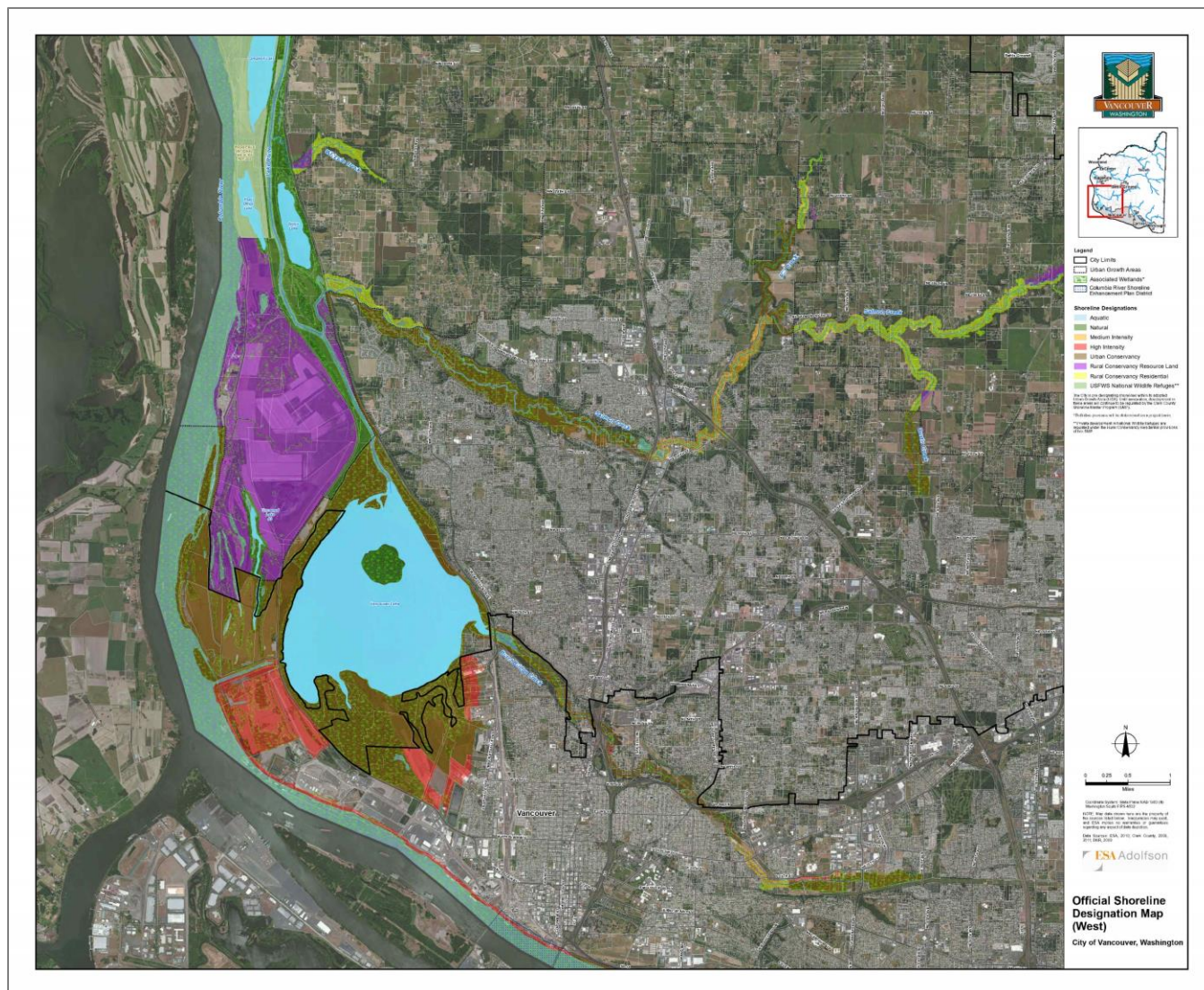


Source: City of Vancouver, 2019

g. If applicable, what is the current shoreline master program designation of the site?

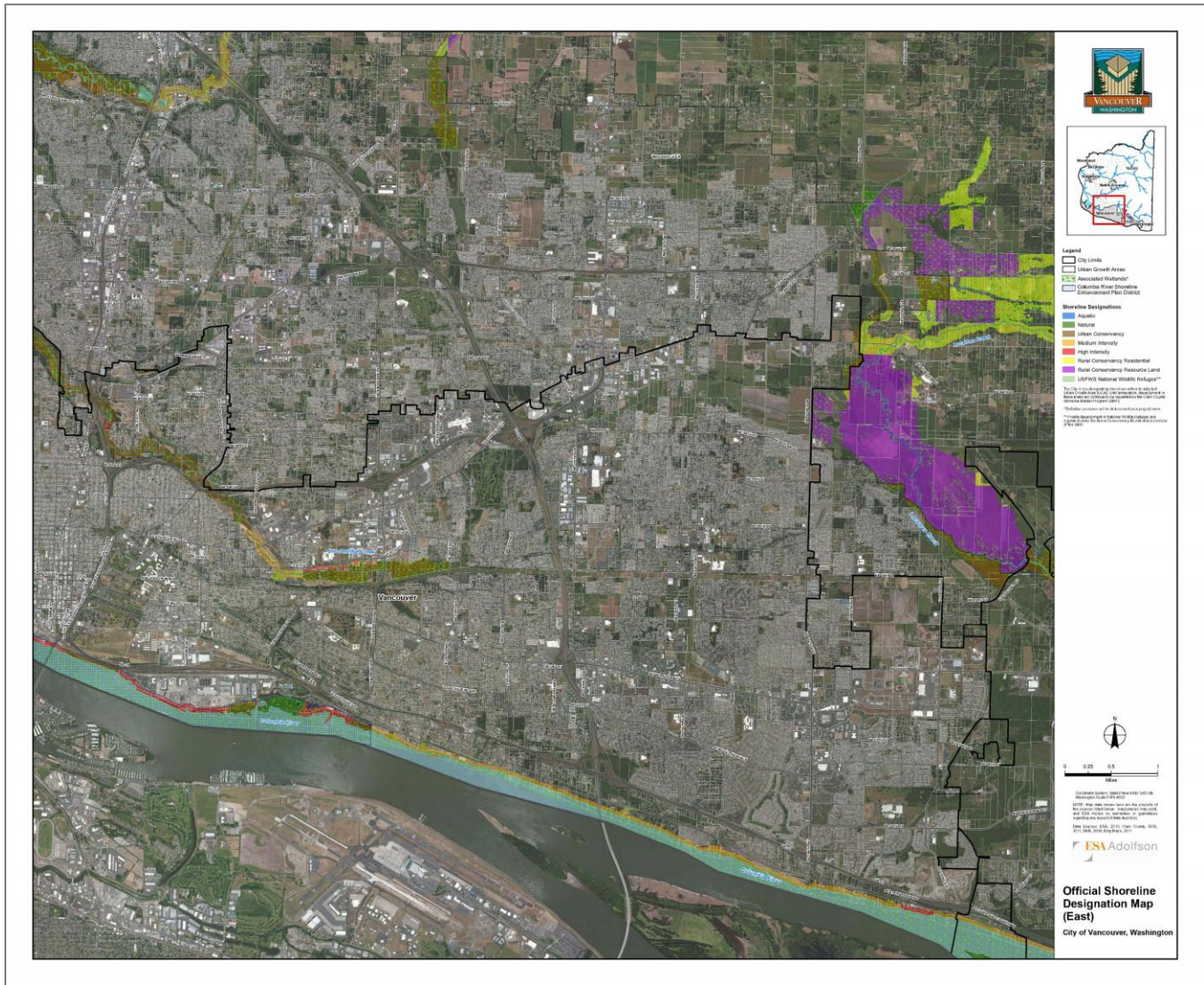
This non-project action is not site specific. The City of Vancouver adopted their Shoreline Master Plan (SMP) in 2012 and recently reviewed and updated it in June 2021. The City of Vancouver SMP 6.3.6.1 provides general requirements for industrial uses. Future development could result in new or altered facilities in compliance with the new “Bulk Fossil Fuel Storage and Handling Facility,” “Cleaner Fuel Storage and Handling Facilities” and “Small Fossil Fuel and Cleaner Fuel Storage and Distribution Facilities” land use categories. Some limitations may apply to using piers and docks for new transshipment. In the event of a permit application within the Shoreline Management Area, the applicant will adhere to policies set forth by Vancouver Municipal Code 20.760.060 Shoreline Permit Procedures. Exhibit 10 and Exhibit 11 show the areas on the west and east halves, respectively, within the City of Vancouver.

Exhibit 10. Shoreline Designation Map (west) for the City of Vancouver



Source: City of Vancouver

Exhibit 11. Shoreline Designation Map (east) for the City of Vancouver



Source: City of Vancouver

h. Has any part of the site been classified as a critical area by the city or county? If so, specify.

This non-project proposal does not involve construction activity. Future development could lead to the addition of smaller fossil fuel facilities, or facilities converting or adding cleaner fuels, on IH zoned land; **the existing fossil fuel facility in the IL zone may add non-capacity improvements or convert to cleaner fuels with limited capacity changes (15%).** If the proposed site falls under a critical area, the applicant will be subject to follow all state and federal permits as a condition of a critical area permit per Vancouver Municipal Code (VMC) 20.740 Critical Areas Protection. **Exhibit 10** ~~Exhibit 10~~ and **Exhibit 11** ~~Exhibit 11~~, above, also identify ecological conservation districts within the City of Vancouver.

i. Approximately how many people would reside or work in the completed project?

This non-project proposal does not involve construction activity of any new housing or commercial uses. Under Vancouver Municipal Code (VMC) 20.440 Industrial Uses, housing is allowed as a limited use in IH or IL zoned land. Future development of small fossil fuel facilities, or facilities converting or adding

cleaner fuels, will be reviewed per applicable permit requirements and standards. **This includes a distance of a minimum 1,000 feet.**

j. Approximately how many people would the completed project displace?

This non-project proposal does not involve construction activity that will result in the displacement of residential and commercial uses.

k. Proposed measures to avoid or reduce displacement impacts, if any:

This non-project proposal will prohibit industrial uses pertaining to fossil fuels in non-industrial zoned parcels. An indirect impact of the non-project action would be that housing and commercial uses continue to be prioritized within residential, commercial, and mixed use zoned parcels within the City of Vancouver.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

This non-project proposal will prohibit industrial uses pertaining to fossil fuels in non-industrial zoned parcels. An indirect impact of the non-project action would be that housing and commercial uses continue to be prioritized within residential, commercial, and mixed use zoned parcels within the City of Vancouver. **The proposal includes standards included to avoid incompatibilities (e.g., buffer distances from industrial to residential zones, spill prevention and seismic upgrades).**

The proposed land use code changes would help the City reduce greenhouse gas emissions (GHG) and minimize potential public and environmental health and safety impacts. The non-project action will then be used to align with the Vancouver Strategic Plan Update, Climate Action Plan and other Title 20 code amendments. Furthermore, protecting fish and wildlife habitats from the risk of spills from fossil fuel facilities through increasing seismic safety would indirectly support Treaty fishing rights with Tribal fisheries.

m. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any:

Not applicable. There are no designated agricultural or forest lands of long-term commercial significance.

9. Housing

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

This non-project proposal does not involve construction activity. The non-proposal action will prohibit industrial fossil fuel facility uses from residential zoning districts and will be allowed only in industrial zoned parcels. Residential uses are allowed as a Limited use under all Industrial land uses. In OCI and ECX zoned parcels, multifamily housing is permitted on the ground floor only. In ~~HL~~IL and IH zoned parcels, only caretaker residences are allowed.

There are residential zoned parcels that abut industrial zoned parcels. However, IH zoning boundaries and associated development standards are meant to avoid impacting residential activities as started in

Vancouver Municipal Code (VMC) 20.440. Proposed standards for new small facilities or cleaner fuel facilities include distance requirements from residentially zoned land (e.g. minimum 1,000 feet).

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

This non-project proposal does not involve construction activity. No housing units will be eliminated.

c. Proposed measures to reduce or control housing impacts, if any:

This non-project proposal does not involve construction activity, and the proposed code would limit fossil fuel facilities in the residential zones and include distance requirements from residentially zoned land (e.g. minimum 1,000 feet).

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?

Not applicable – not a site specific proposal. No changes to allowed heights are proposed.

b. What views in the immediate vicinity would be altered or obstructed?

The non-project action will limit the development of new fossil fuel facilities as well as limit the size of cleaner fuel facilities. There is currently no vision overlay district over parcels zoned for industrial uses. Any future development will be subject to height and landscape standards.

c. Proposed measures to reduce or control aesthetic impacts, if any:

No significant impacts are identified for the non-project proposal. The zoned based height standards and landscape standards would apply in the VMC Title 20 Land Use Code.

11. Light and Glare

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

This non-project action is not site specific. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC).

b. Could light or glare from the finished project be a safety hazard or interfere with views?

This non-project action is not site specific. No changes to regulations addressing light and glare are proposed. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC).

c. What existing off-site sources of light or glare may affect your proposal?

This non-project action is not site specific. No changes to regulations addressing light and glare are proposed. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC).

d. *Proposed measures to reduce or control light and glare impacts, if any:*

This non-project action is not site specific, and no significant impacts have been identified. Any future development will need to adhere to Title 20 of the Vancouver Municipal Code (VMC) including 20.935.030 Performance Standards with a standard to avoid light and glare.

12. Recreation

a. *What designated and informal recreational opportunities are in the immediate vicinity?*

This non-project action is not site specific. An indirect impact of this non-project proposal will prohibit fossil fuel facilities within open space districts.

b. *Would the proposed project displace any existing recreational uses? If so, describe.*

The regulations would not displace existing uses. Existing park and recreation uses would continue.

c. *Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:*

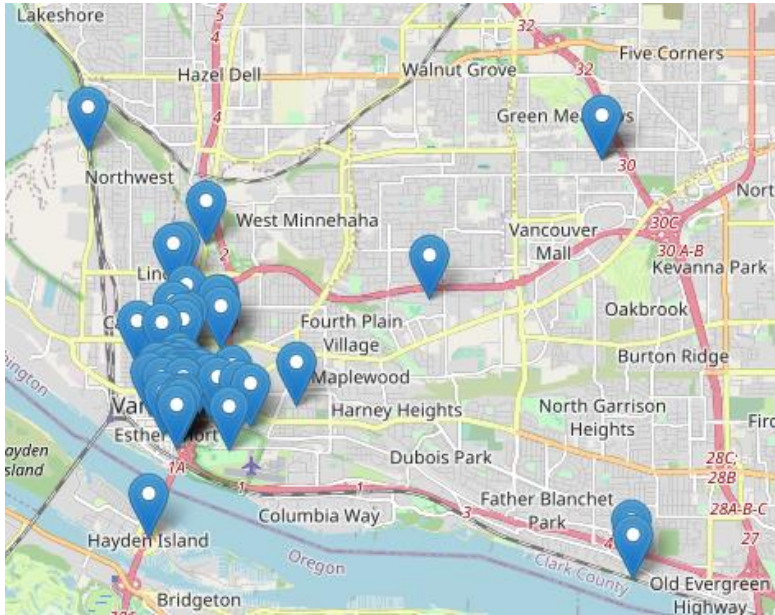
A key goal of this non-project proposal is to reduce greenhouse gas (GHG) emissions by prohibiting new bulk fossil fuel facilities. This includes disallowing fossil fuel facilities in open space districts.

13. Historic and cultural preservation

a. *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 ? If so, specifically describe.*

Future development under this new non-project action will occur only in industrial zoned districts within the City of Vancouver. According to the Clark County Historic Preservation Program, there are no buildings, structures or sites located within a parcel zoned for industrial land use. ~~Exhibit 12~~ ~~Exhibit 12~~, below shows the location of all historic structures within the city. The majority of sites are located west of Central Park in the Esther Short neighborhood and to the north.

Exhibit 12. Historical buildings, structures and sites within the City of Vancouver



Source: Clark County Historical Preservation Program (2022)

- b. 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.

The City of Vancouver is located within the ancestral lands of the primarily the Chinook and Cowlitz tribes. Washington State Department of Archaeology and Historic Preservation (DAHP) Statewide Predictive Model classifies the city boundaries overall in the very high-risk category.

- 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.

The methods included review of inventoried data with the Department of Archaeology and Historic Preservation (<https://wisaard.dahp.wa.gov/>).

- 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.

There are no anticipated impacts as a result of non-project proposals; no changes to historic or cultural resource regulations are proposed. Development would be subject to federal, state, and local laws protecting historic and cultural resources, including:

- National Historic Preservation Act (NHPA) (Title 54 United States Code [U.S.C.]); Section 106 of the NHPA (36 Code of Federal Regulations [CFR] Part 800)
- Native American Graves Protection and Repatriation Act (NAGPRA; 25 U.S.C. 2001-13)
- American Antiquities Act of 1906 (16 U.S.C. 432)
- Archaeological Resources Protection Act of 1979 (ARPA, 16 U.S.C. 470aa-470mm)
- Section 4(f) of the Department of Transportation Act (DOT Act, 49 U.S.C. 303)

- Abandoned Shipwreck Act, of 1988 (ASA, 43 U.S.C. 2101-2106)
- Procedures for State, Tribal, and Local Government Historic Preservation Programs (36 CFR Part 61)
- State Environmental Policy Act (RCW 43.21C, WAC 197-11-330)
- Governor's Executive Order 05-05
- Washington Heritage Register (Senate Bill 363; RCW 27.34.200, WAC 25-12)
- Archaeological Sites and Resources (RCW 27.53)
- Archaeological Site Public Disclosure Exemption (RCW 42.56.300)
- Human Remains (RCW 68.50)
- Indian Graves and Records (RCW 27.44)
- Abandoned and Historic Cemeteries and Historic Graves (RCW 68.60)
- Archaeological Excavation and Removal Permit (WAC 25 48)
- Archaeological activities on state-owned aquatic lands – Agreements, leases, or other conveyances (RCW 79.105.600)
- City of Vancouver Municipal Code (VMC) 17.39 Historic Preservation

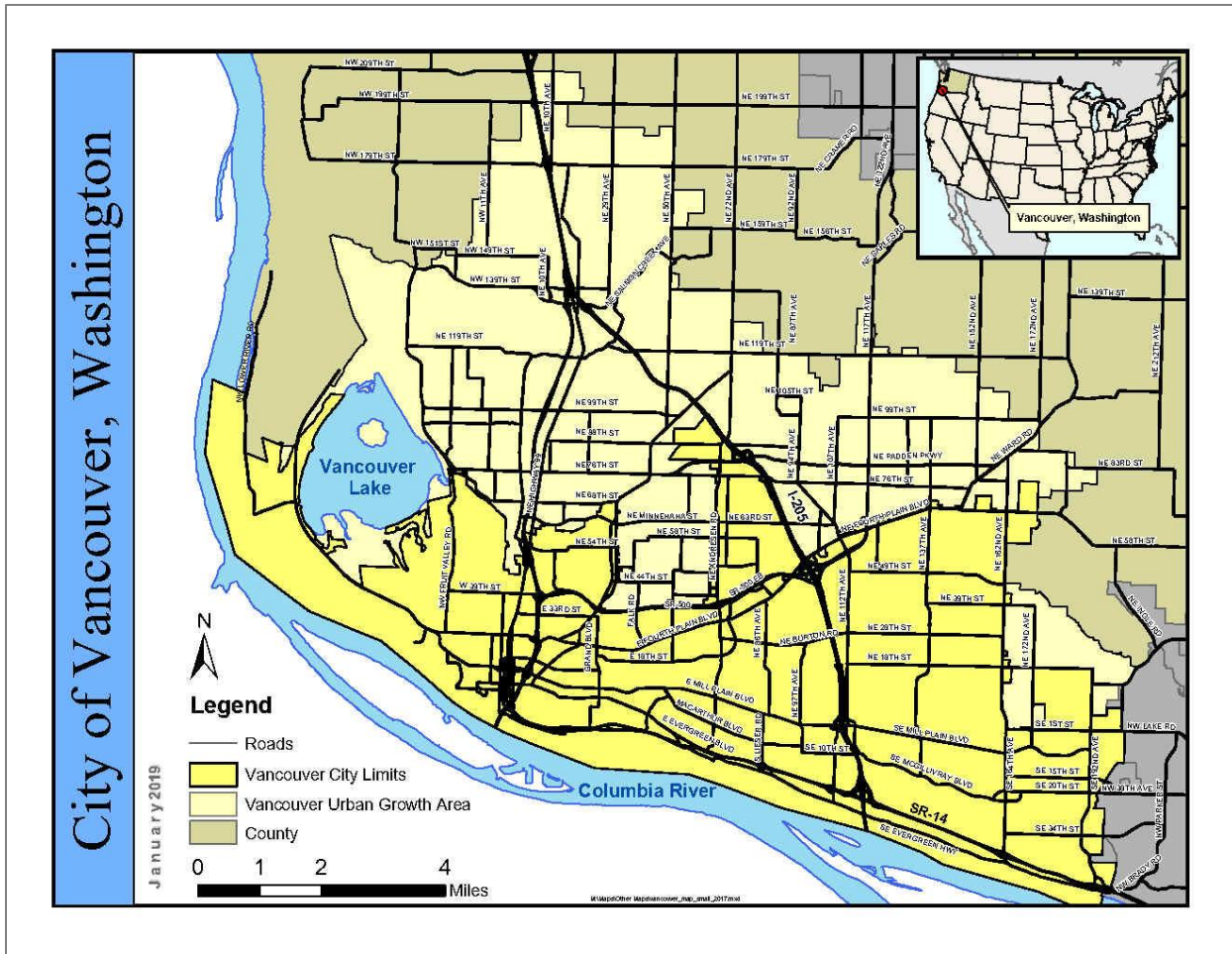
14. Transportation

- 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 non-project action is not site-specific and does not propose any new transportation system improvements. The City of Vancouver is primarily a vehicle-oriented environment, with about 86% of its residents commuting to work by car¹. The I-5 and I-205 highways extend north-south through the city, and State Routes 500, 501 and 14 extend east-west through the city. Exhibit 13, below, shows a street map for Vancouver.

¹ City of Vancouver State of Mobility Report 2020

Exhibit 13. City of Vancouver Street Map



Source: City of Vancouver

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?

Not applicable – not a site specific proposal. The study area is served by both C-TRAN and Sound Transit.

c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate?

Not applicable – not a site specific proposal. No changes are proposed to parking standards.

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).

Not applicable – not a site specific proposal. No changes are proposed to existing transportation systems.

- e. *Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.*

The study area includes areas served by water and rail transportation. If existing fossil fuels facilities are converted or expanded with cleaner fuels, they would be required to submit transportation analysis documenting use of water or rail; there would also be annual reporting of activities.

- 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 non-passenger vehicles). What data or transportation models were used to make these estimates?*

Not applicable – not a site specific proposal. The City's Comprehensive Plan is based on growth targets that are the basis for planned improvements; growth projections are not anticipated to change as a result of the code proposals. If existing fossil fuels facilities are converted or expanded with cleaner fuels, they would be required to submit traffic impact analysis documenting any changes in transport on roads; there would also be annual reporting of activities.

- 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.*

The study area contains port facilities that move a wide range of goods, including fossil fuels. No changes to the movement of resource products are anticipated.

- h. *Proposed measures to reduce or control transportation impacts, if any:*

There are no anticipated impacts as a result of non-project proposals; no changes to transportation regulations are proposed. There would also be annual reporting of activities. Any future development would be subject to:

- VMC 20.550 Transit Overlap District
- VMC 11.80.130 Traffic impact analysis.

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.*

Not applicable – not a site specific proposal. This non-project proposal will limit fossil fuel facilities within the City of Vancouver. Vancouver Fire Department has been identified as the lead agency to address any hazardous material incidents. There would be a requirement for a spill prevention plan and review by the Fire Marshall.

- b. *Proposed measures to reduce or control direct impacts on public services, if any.*

There are no anticipated adverse impacts as a result of non-project proposals. The proposal includes requirements for spill prevention and fire response plans. Future development would be required to meet:

- VMC 16.04.010 Adoption of the international fire code.
- VMC 2.32.070 Fire Department

16. Utilities

a. Circle utilities currently available at the site:

electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system,
other _____

Utilities are available in the city including power, sewer, and wastewater.

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.

Not applicable – not a site specific proposal. Future development would be required to meet City utility standards including Title 14 Water and Sewers. See B.6 Energy regarding power.

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 _____ Bryan Snodgrass _____

Position and Agency/Organization _____ Principal Planner _____

Date Submitted: _____ 8/16/2022; revised 9/9/22 _____

D. Supplemental sheet for non-project actions

(IT IS NOT NECESSARY to use this sheet for project actions)

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

See B.2, B.3, and B.7. Per B.2 Air, the proposed amendments to Vancouver's land use regulations are designed to reduce greenhouse gas (GHG) emissions.

Per B.3 Water, water runoff could occur from point sources and non-point sources. However, all development is subject to surface water regulations and manuals.

Per B.7 Environmental Health, the proposed code could allow small scale fossil fuel or cleaner fuel uses or expanded or new cleaner fuel facilities that have risks, impacts, and vulnerabilities, such as: explosive and fire risks, spill, exposure to toxic chemicals, odor, stormwater, and waste products. Future development could produce more noise as identified from industrial commercial uses.

Proposed measures to avoid or reduce such increases are:

See B.2, B.3, and B.7. Per B.2 Air, GHG evaluations would be required for cleaner fuel facilities (conversions, expansions, new). Air discharge permits would continue to be required including associated required monitoring. Per B.3 Water, future permit applications would be required to meet surface, ground and runoff water requirements and adhere to Vancouver Municipal Code (VMC) 20 Land Use Code. Per B.7, the proposal includes buffer distances of minimum 1,000 feet between small scale facilities or new or expanded cleaner fuel facilities and residential zones. The code proposal also addresses seismic upgrades pursuant to current building code requirements, and a comprehensive spill prevention plan and fire response plan. Environmental Health, noise control regulations apply.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

See B.4 and B.5. Per B.4 Plants, there are a range of vegetation types found in the applicable zones, and critical habitat. Per B.4 Animals, a range of fish, birds and mammals are or may be found in the City of Vancouver; there are migration routes near the applicable zones.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

See B.4 and B.5. Per B.4 Plants, future development would submit a Tree, Vegetation and Soil Plan per Vancouver Municipal Code (VMC) 20.770.050. Native vegetation and wildlife habitat must be preserved to comply with VMC 14.24, Erosion Prevention & Sediment Control and the Shoreline Management Plan. In addition, per B.5 Animals, future development must minimize any impact to critical areas defined by VMC 20.740.110 Fish and Wildlife Habitat Conservation Areas as well as other critical areas and shoreline plans.

3. How would the proposal be likely to deplete energy or natural resources?

See B.6. Per B.6 Energy, existing large-scale fossil fuel facilities are able to expand their storage capacity under the condition that they convert to cleaner fossil fuels. The proposal would allow existing facilities but incentivize the conversion to cleaner fossil fuels with up to 15% expansion. As an option, the City may consider allowing new cleaner fuel facilities in the IH zone subject to size, location, and other environmental standards.

Proposed measures to protect or conserve energy and natural resources are:

See B.6. The proposal would not reduce energy storage. It could increase cleaner fuels. The proposal would support the City's draft climate action plan anticipated for adoption in 2022.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

See B.4, B.5, B.8, and B.12. Per B.4, B.5, and B.8 there are critical areas in the affected zones. Per B.12 Recreation, existing parks and recreation uses would continue, and no park displacement is anticipated. Per B.13 Historic and Cultural Preservation, there are no historic buildings, structures or sites located within a parcel zoned for industrial land use. However, the area is considered in a high-risk category for archeological resources.

Proposed measures to protect such resources or to avoid or reduce impacts are:

See B.4, B.5, B.8, and B.12. Per B.4 Plants, B.5 Animals, B.8 Land Use, any expanded or new facilities would be required to meet critical area and shoreline protection standards that promote avoidance or minimization of impacts on environmentally sensitive areas. Per B.12 Recreation the code proposal disallows fossil fuel facilities in open space districts. Per B.13, development would be subject to federal, state, and local laws protecting historic and cultural resources.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

See B.8. Per B.8 Land Use, the code proposals would allow for industrial uses in industrial zones. The proposal will prohibit industrial uses pertaining to fossil fuels in non-industrial zoned parcels.

Proposed measures to avoid or reduce shoreline and land use impacts are:

See B.8. Per B.8 Land Use, the proposal includes standards included to avoid incompatibilities (e.g., buffer distances from industrial to residential zones, spill prevention and seismic upgrades).

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

See B.14, B.15, and B.16. Per B.14 Transportation, the area is served by multiple modes of transportation. The proposal does not include any new transportation system improvements. Future proposals would provide documentation of transportation system impacts. there would also be annual reporting of activities. Per B.15 and B.16, the study area is served by public services and utilities.

Proposed measures to reduce or respond to such demand(s) are:

See B.14, B.15, and B.16. Per B.14 Transportation there would be transportation impact analysis and there would also be annual reporting of activities. Per B.15 Public Services, application of the fire code would be required. In addition, the proposal includes requirements for spill prevention and fire response

plans. Per B.1.6 Utilities, Future development would be required to meet City utility standards including Title 14 Water and Sewers. See B.6 Energy regarding power.

Z. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The non-project action will align with the Vancouver Strategic Plan update and Climate Action Plan. Furthermore, these changes will support existing Tribal fishing treaties. It will promote cleaner fuels that fit state and federal rules and help achieve climate change reduction goals.

Proposed Fossil Fuel Use Related Code Amendments

August 11, 2022, changes identified in ~~strikeout~~ and underline

September 6, 2022 changes highlighted in yellow in ~~addition to strikeout~~ and underline

Chapter 20.150

DEFINITIONS

~~*Bulk Crude Storage.* Bulk crude storage and handling facility, means any structure, group of structures, equipment, or device that stores or transfers any naturally occurring liquid petroleum extracted from geological formations beneath the earth's surface which requires further refinement before consumer use, including but not limited to; conventional crude oil, extra heavy oil, and bitumen. The term does not include facilities that store and handle finished products derived from petroleum including but not limited to asphalt.~~

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

A. 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.

B. 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.

C. 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.

D. Alcohol fuels meeting the requirements of RCW 19.112.010(1) as that statute exists or may hereafter be amended.

E. 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.

F. 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 exists or may hereafter be amended.

G. Alternative fuels that are not fossil fuels and that produce low or no carbon that meet state or federal requirements not otherwise listed above.

Petroleum. Crude oil, gases (including natural gas), natural gasoline, and other related hydrocarbons, oil shale, and the products of any of such resources.

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 and coal energy generating facilities; and
4. Essential public facilities as defined in Chapter 20.855 VMC, Essential Public Facilities.

Chapter 20.160

USE CLASSIFICATIONS

C. *Commercial use types.*

5. *Motor Vehicle Related.*

- a. *Motor Vehicle Sales/Rental.* Includes car, light and heavy truck, mobile home, boat and recreational vehicle sales, rental and service.
- b. *Motor Vehicle Servicing/Repair.* Free-standing vehicle servicing and repair establishments including quick and general vehicle service, car washes and body shops not an accessory to new vehicle sales.
- c. *Vehicle Fuel Sales.* Establishments engaging in the direct to consumer sale of gasoline, diesel fuel, and oil products for cars, trucks, recreational vehicles, and boats.
- d. *Electric Vehicle (EV) Basic Charging Station.* A slow to medium level charging station for electric vehicles that is typically accessory to another use, such as single family residences, apartments, and businesses. Level 1 (120 volt AC) is considered slow charging. Level 2 (208 or 240 volt AC) is considered medium charging.
- e. *Electric Vehicle (EV) Rapid Charging Station.* An industrial grade electrical outlet that allows for faster charging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by Chapter [19.28](#) RCW and consistent with rules adopted under RCW [19.27.540](#). Such stations are also known as Level 3 facilities and are considered fast or rapid charging (480-volt AC), and are generally available to the public.
- f. *Electric Vehicle (EV) Battery Exchange Station.* A facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery. Such exchange stations may use a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter [19.27](#) RCW.

D. *Industrial use types.*

1. *Industrial Services.* Includes the repair and servicing of industrial and business machinery, equipment and/or products. Examples include welding shops; machine shops; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire recapping and retreading; truck stops; building, heating, plumbing or electrical contractors; exterminators; janitorial and building maintenance contractors where the indoor storage of materials is more than incidental to the office use (see subsection (C)(6)(a) of this section); ~~fuel oil distributions; solid fuel yards;~~ laundry, dry-cleaning and carpet cleaning plants; and photo-finishing laboratories.

8. *Major Utility Facilities.* Those facilities which have a substantial public impact, including but not limited to: sewage treatment plants and lagoons; electric generation facilities ~~including biomass and coal energy generation facilities;~~ and essential public facilities as defined in Chapter 20.855 VMC, Essential Public Facilities.

9. *Bulk Fossil Fuel Storage and Handling Facility.* Bulk fossil fuel storage and handling facility means any structure, group of structures, equipment, or device that stores or transfers any material derived from prehistoric organic matter, including but not limited to; petroleum and petroleum products, coal, and natural gases, including without limitation methane, propane, and butane. The term does not include facilities that store and handle finished products derived from fossil fuels including but not limited to asphalt, plastics, fertilizers, paints, and denatured ethanol. Bulk fossil fuel storage and handling facilities are greater than 60,000 gallons cumulative storage. The Director may refer to RCW 82.38.020 or other state or federal laws to assist in interpretation of this use classification.

10. *Cleaner Fuels Storage and Handling Facility.* Means any structure, group of structures, equipment or device previously classified as bulk fossil fuel storage and handling that is converted to store or transfers any material derived from cleaner fuels, as defined in VMC 20.150.

11. *Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities.* Means local distribution gas storage tanks with individual storage capacities of 30,000 gallons or less and cumulative storage of 60,000 gallons or less. Such tanks store fossil fuels or cleaner fuels and are either for local distribution to customers or serve as an accessory facility necessary to support an onsite allowed primary commercial, industrial, educational, scientific, or governmental use and do not otherwise meet the definitions of Bulk Fossil Fuel Storage

and Handling Facility in D.9, or Vehicle Fuel Sales in C.5.c. Provided that accessory emergency generators shall not be considered a Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities, which shall be governed by the primary use allowances and necessary fire code reviews.

20.400 ZONING DISTRICTS

Chapter 20.410

LOWER DENSITY RESIDENTIAL DISTRICTS

Sections:

20.410.010	Purpose.
20.410.020	List of Zoning Districts.
20.410.025	Lower Density Residential Zone Function and Location Criteria.
20.410.030	Uses.
20.410.040	Minimum and maximum densities.
20.410.050	Development Standards.

20.410.010 Purpose.

Preserve and promote neighborhood livability and protect the consumer's choices in housing. The Low-Density Residential Districts are primarily designed to preserve and promote neighborhoods of detached single dwellings at low intensities. Flexibility in housing type is promoted by allowing manufactured homes, duplexes, and planned unit developments under special conditions. Compatible nonresidential development, such as elementary schools,

churches, parks, and child care facilities are permitted at appropriate locations and at an appropriate scale. (Ord. M-3709 § 3, 06/20/2005; Ord. M-3643, 01/26/2004)

20.410.020 List of Zoning Districts.

A. R-2: Low-Density Residential District. The R-2 zoning district is designed to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 20,000 square feet and a density of 1.8 to 2.2 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses. The R-2 zoning district was referred to as R1-20 zone prior to March 11, 2004.

B. R-4: Low-Density Residential District. The R-4 zoning district is designed to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 10,000 square feet and a density of 2.3 to 4.4 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses. The R-4 zoning district was referred to as R1-10 zone prior to March 11, 2004.

C. R-6: Low-Density Residential District. The R-6 zoning district is designed to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 7,500 square feet and a density of 4.5 to 5.8 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses. The R-6 zoning district was referred to as R1-7.5 zone prior to March 11, 2004.

D. R-9: Low-Density Residential District. The R-9 zoning district is designed to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 5,000 square feet and a density of 5.9 to 8.7 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses. The R-9 zoning district is a new zoning district that combines what was referred to as R1-6 and R1-5 zones prior to March 11, 2004. (Ord. M-3643, 01/26/2004)

20.410.025 Lower Density Residential Zone Function and Location Criteria.

A. *General Criteria.* The Lower Density Residential designation is applied to areas that provide predominantly single-family structures (attached or detached) on individual lots. Application of individual zones to specific areas in the City should enhance and support the integrity of existing neighborhoods, provide for a range of choices in housing styles and cost, and encourage compatible infill development and redevelopment.

B. Lower Density Residential Zone (R-2, R-4, R-6, R-9) Location Criteria.

The Lower Density zone designations defined above can be appropriately applied and maintained in areas meeting one of the following criteria:

1. Blocks, intersection-to-intersection street segments, or areas with defined physical edges, which have at least eighty (80) percent of the existing structures in single-family residential use on lots whose average size falls within the minimum and maximum lot size standards of the zone to be applied. Half-blocks at the edges of single-family zones with more than fifty (50) percent single-family structures, or portions of blocks on an arterial with a majority of single-family structures, shall generally be included. This shall be decided on a case-by-case basis, but the policy is for inclusion.
 2. Blocks, intersection-to-intersection street segments, or areas with defined physical edges, which have less than eighty (80) percent of the existing structures in single-family residential use but in which an increasing trend toward single-family residential use can be demonstrated; for example:
 - a. The construction of single-family structures in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or
 - b. The area shows an increasing number of improvements and rehabilitation efforts to single-family structures, or
 - c. The number of existing single-family structures has been very stable or increasing in the last five (5) years, or
-

d. The area's location is topographically and geographically connected to, and compatible with, existing single-family residential development, with physical edges (such as major arterials, topography, waterways, open space, existing natural or landscape screening, etc) that separate and buffer the area from Higher Density Residential, Commercial, and Industrial.

3. Areas with sensitive physical, environmental or natural resource characteristics that make lower intensity development advisable and appropriate.

4. Areas that meet the above criteria for designation as Lower Density Residential shall not be rezoned for nonresidential uses, except NC (Neighborhood Commercial), unless the change has been adopted as part of a sub-area planning study.

5. No vacant or underutilized land areas (per Vacant Buildable Lands Model criteria) within the City shall be rezoned R-2 or R-4 for new residential development. Land use and zoning designations for residential lands being annexed into the City shall be converted to City designations in accordance with VMC Table 20.230.030. (Ord. M-3946 § 6, 02/01/2010; Ord. M-3730, Added, 12/19/2005, Sec 9)

20.410.030 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.

B. *Use table.* A list of permitted, limited, conditional, and prohibited uses in Low-Density Residential Districts is presented in Table 20.410.030-1.

Table 20.410.030-1. LOWER-DENSITY RESIDENTIAL DISTRICTS USE TABLE

USE	R-2	R-4	R-6	R-9
RESIDENTIAL				
Household Living	P ¹	P ¹	P ¹	P ¹
Group Living	P/X ¹	P/X ¹	P/X ¹	P/X ¹
Home Occupation	L ²	L ²	L ²	L ²
Medical Center Residential	L ²³	L ²³	L ²³	L ²³
HOUSING TYPES				
Single Dwelling, Attached	L ¹⁸	L ¹⁸	L ¹⁸	L ¹⁸
Single Dwelling, Detached	P	P	P	P
Accessory Dwelling Units	L ⁴	L ⁴	L ⁴	L ⁴
Duplexes ²²	L ²¹	L ²¹	L ²¹	L ²¹
Multi-Dwelling Units	X	X	X	X
Existing Manufactured Home Developments	L ⁵	L ⁵	L ⁵	L ⁵
Designated Manufactured Homes	L/X ¹⁹	L/X ¹⁹	L/X ¹⁹	L/X ¹⁹
New Manufactured Homes	L ²⁰	L ²⁰	L ²⁰	L ²⁰
CIVIC (Institutional)				
Basic Utilities	C	C	C	C
Colleges	C	C	C	C
Community Centers	X	X	X	X
Community Recreation	C ⁶	C ⁶	C ⁶	C ⁶

USE	R-2	R-4	R-6	R-9
Cultural Institutions	P/C ⁷	P/C ⁷	P/C ⁷	P/C ⁷
Day Care				
- Family Day Care Home	p ⁸	p ⁸	p ⁸	p ⁸
- Child Care Center	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹
- Adult Day Care	L/C/X ⁹	L/C/X ⁹	L/C/X ⁹	L/C/X ⁹
Emergency Services (except ambulance services)	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹
Ambulance Services	X	X	X	X
Medical Centers	X	X	X	X
Parks/Open Space				
- Neighborhood Parks	P	P	P	P
- Community Parks	P	P	P	P
- Regional Parks	C	C	C	C
- Trails	P	P	P	P
Postal Service	C	C	C	C
Religious Institutions	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹
Schools	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹
Social/Fraternal Clubs	X	X	X	X
Transportation Facility	C ¹²	C ¹²	C ¹²	C ¹²
COMMERCIAL				
Commercial and Transient Lodging	L/C/X ¹³	L/C/X ¹³	L/C/X ¹³	L/C/X ¹³
Eating/Drinking Establishments	X	X	X	X

USE	R-2	R-4	R-6	R-9
Entertainment-Oriented				
- Adult Entertainment	X	X	X	X
- Indoor Entertainment	X	X	X	X
- Major Event Entertainment	X	X	X	X
General Retail				
- Sales-Oriented	C ¹⁴	C ¹⁴	C ¹⁴	C ¹⁴
- Personal Services	C ¹⁴	C ¹⁴	C ¹⁴	C ¹⁴
- Repair-Oriented	X	X	X	X
- Bulk Sales	X	X	X	X
- Outdoor Sales	X	X	X	X
Motor Vehicle Related				
- Motor Vehicle Sales/Rental	X	X	X	X
- Motor Vehicle Servicing/Repair	X	X	X	X
- Vehicle Fuel Sales	X	X	X	X
- EV Basic Charging Stations (accessory only)	P	P	P	P
- EV Rapid Charging Stations (accessory only)	P	P	P	P
- EV Battery Exchange Stations	X	X	X	X
Office				
- General	X	X	X	X
- Medical	X	X	X	X
- Extended	X	X	X	X

USE	R-2	R-4	R-6	R-9
Non-Accessory Parking	X	X	X	X
Self-Service Storage	X	X	X	X
Marina	C	C	C	C
INDUSTRIAL				
<u>Bulk Fossil Fuel Storage and Handling Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cleaner Fuel Storage and Handling Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Industrial Services	X	X	X	X
Manufacturing and Production	X	X	X	X
Railroad Yards	X	X	X	X
Research and Development	X	X	X	X
Warehouse/Freight Movement	X	X	X	X
Wholesale Sales	X	X	X	X
Waste-Related	X	X	X	X
Major Utility Facilities	X	X	X	X
OTHER				
Agriculture/Horticulture	P	P	P	P
Airport/Airpark	X	X	X	X
Animal Kennels/Shelters	X	X	X	X
Cemeteries	C ¹⁵	C ¹⁵	C ¹⁵	C ¹⁵
Detention & Post Detention	X	X	X	X

USE	R-2	R-4	R-6	R-9
Facilities				
Dog Day Care	X	X	X	X
Heliports	X	X	X	X
Recreational or Medical Marijuana Facilities	X	X	X	X
Medical Marijuana Cooperatives	X	X	X	X
Mining	X	X	X	X
Rail Lines/Utility Corridors	P	P	P	P
Temporary Uses	L ¹⁶	L ¹⁶	L ¹⁶	L ¹⁶
Wireless Communication Facilities	L/C/X ¹⁷	L/C/X ¹⁷	L/C/X ¹⁷	L/C/X ¹⁷

1 Residential Care Homes, state or federally approved, with six or fewer residents and any required on-site residential staff permitted by right; all larger group living uses prohibited.

2 Subject to the provisions of Chapter [20.860](#) VMC, Home Occupations.

4 Subject to the provisions of Chapter [20.810](#) VMC, Accessory Dwelling Units.

5 Subject to the provisions of Chapter [20.880](#) VMC, Manufactured Home Parks. Manufactured Home Developments established prior to July 1, 2005, are exempt from the standards of VMC [20.410.050\(F\)](#), Criteria for Placement of Manufactured Homes, and may continue to exist and expand within existing previously approved boundaries. An existing manufactured home in a development or subdivision may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision.

6 Subject to provisions in VMC [20.895.040](#), Community Recreation and Related Facilities.

7 Libraries only permitted outright; all other cultural institutions are conditional uses.

8 Family day care homes for no more than 12 children are permitted when licensed by the state.

9 Adult day care facilities for six or fewer adults allowed as limited uses subject to compliance with the development standards governing Home Occupations, per VMC [20.860.020\(B\)\(1\)](#) through [\(B\)\(7\)](#) ; facilities with seven to 12 adults allowed as conditional uses; and larger facilities are prohibited.

10 *Repealed by M-4289.*

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- 11** Schools, religious institutions, government buildings, fire stations, child care centers, and emergency services facilities that meet all of the criteria contained in VMC [20.410.050\(D\)](#) are permitted by right; all others require conditional use approval. Child care centers permitted by right shall be consistent with Chapter [20.840](#) VMC, Child Care Centers, and be subject to Type II review pursuant to VMC [20.210.050](#).
- 12** Except bus, trolley and streetcar stops, including bus shelters, which are allowed by right.
- 13** One- and two-bedroom Bed-and-Breakfast facilities are permitted outright and three- to six-bedroom Bed-and-Breakfast facilities are allowed as conditional uses, with all Bed-and-Breakfast facilities subject to provisions of Chapter [20.830](#) VMC, Bed-and-Breakfast Establishments. No more than six bedrooms are allowed under any circumstances. All other commercial lodging is prohibited.
- 14** Retail commercial uses limited to 1,500 gsf per use to a maximum of 5,000 square feet in planned developments of 150 units or more. See VMC [20.260.020\(B\)\(1\)\(b\)\(2\)](#).
- 15** Subject to provisions in VMC [20.895.030](#).
- 16** Subject to provisions in Chapter [20.885](#) VMC, except sales of fireworks which is prohibited in residential zones.
- 17** Building-mounted antennas are allowed by conditional use on nonresidential buildings in single-family residential zones subject to requirements contained in Chapter [20.890](#) VMC, Wireless Communication Facilities.
- 18** Subject to VMC [20.260.020\(B\)\(1\)\(a\)\(2\)](#), planned development, VMC [20.910.050](#), Zero Lot Line Developments, and Chapter [20.920](#) VMC, Infill Development Standards.
- 19** A “designated manufactured home” is exempt from the development standards of VMC [20.410.050\(F\)](#) and may continue to exist and expand. An existing unit may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision. After July 1, 2005, only “new manufactured homes” that also meet the “designated manufactured home” criteria will be permitted on individual lots not part of an existing approved manufacturing home development or manufactured home subdivision. Except that a new manufactured home placed on an individual lot after July 1, 2005, may be relocated as permitted by this title if within five years of the date of the original placement.
- 20** Subject to VMC [20.410.050\(F\)](#), Development Standards – Criteria for Placement of Manufactured Homes.
- 21** Subject to Chapter [20.920](#) VMC, Infill Development Standards.
- 22** Existing duplexes built on lots meeting the minimum infill lot size standards of Table 20.920.060-1 shall be considered conforming uses even if not part of an infill development.
- 23** Medical Center Residential uses, as defined in VMC [20.160.020](#), are permitted outright if approved through a public facilities master plan per VMC [20.680.040](#).

(Ord. M-4325 § 3, 2020; Ord. M-4289 § 4, 2019; Ord. M-4255 § 6, 2018; Ord. M-4254 § 3(BB), 2018; Ord. M-4187 § 5, 2016; Ord. M-4071 § 7, 2014; Ord. M-4066 § 5, 2013; Ord. M-4035 § 2, 2012; Ord. M-4034 § 10, 2012; Ord.

M-4024 § 6, 2012; Ord. M-4002 § 5, 2011; Ord. M-3931 § 9, 2009; Ord. M-3922 § 19, 2009; Ord. M-3840 § 18, 2007; Ord. M-3709 § 4, 2005; Ord. M-3663 § 12, 2004; Ord. M-3643, 2004)

Chapter 20.420

HIGHER DENSITY RESIDENTIAL DISTRICTS

Sections:

20.420.010	Purpose.
20.420.020	Zoning Districts.
20.420.025	Higher Density Residential Zone Function and Location Criteria.
20.420.030	Uses.
20.420.040	Minimum and Maximum Densities.
20.420.050	Development Standards.
20.420.060	Commercial Development Restrictions.

20.420.010 Purpose.

Promote a range of housing choices while preserving neighborhood livability and protecting the consumer's choices in housing. These districts are designed to promote medium- to high-density residential neighborhoods. Housing types include manufactured homes, duplexes, rowhouses, and multi-unit structures. A mix of nonresidential uses, such as professional office and limited commercial, civic, and institutional uses, is permitted outright or conditionally subject to provisions to minimize adverse impacts, if any, on the residential character. However, the encouragement of mixed uses should not result in a predominance of business or commercial uses in areas designated for residential development by the Comprehensive Plan. (Ord. M-3709 § 6, 06/20/2005)

20.420.020 Zoning Districts.

A. R-18: Higher-Density Residential District. The R-18 zoning district is designed to accommodate attached homes such as duplexes and rowhouses, and garden-type apartments

at a minimum lot size of 1,800 square feet per unit. Professional office uses are permitted under certain circumstances. Some retail, civic and institutional uses are allowed conditionally. This zone consolidates the R-18 and OR-18 zones as of March 11, 2004.

B. R-22: Higher-Density Residential District. The R-22 zoning district is designed to accommodate rowhouses, garden-type apartments, and lower-density multi-dwelling structures at a minimum lot size of 1,500 square feet per unit. Professional office uses are permitted under certain circumstances. Some retail, civic and institutional uses are allowed conditionally. This zone consolidates the R-22 and OR-22 zones as of March 11, 2004.

C. R-30: Higher-Density Residential District. The R-30 zoning district is designed to accommodate multi-dwelling structures at a minimum lot size of 1,500 square feet per unit. Professional office uses are permitted under certain circumstances. Some retail, civic and institutional uses are allowed conditionally. This zone consolidates the R-30 and OR-30 zones as of March 11, 2004.

D. R-35: Higher-Density Residential District. The R-35 zoning district is designed to accommodate multi-dwelling structures at a minimum lot size of 1,200 square feet per unit. Professional office uses are permitted under certain provisions. Some retail, civic and institutional uses are allowed conditionally. (Ord. M-4034 § 11, 12/03/2012; Ord. M-3922 § 21, 07/06/2009; Ord. M-3730 § 11, 12/19/2005; Ord. M-3663 § 14, 08/02/2004; Ord. M-3643, 01/26/2004)

20.420.025 Higher Density Residential Zone Function and Location Criteria.

A. *R-18 (Higher Density Residential) Zone Location Criteria.* The R-18 designation is most appropriate in areas with the following characteristics and relationships to the surrounding area:

1. Areas occupied by a substantial amount of multifamily development, but where factors such as narrow streets, on-street parking congestion, local traffic congestion, lack of alleys and irregular street patterns restrict local access and circulation and make a lower intensity of development desirable.
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2. Areas where properties are well-suited to multifamily development, but where adjacent single-family developments or public open space make a transitional scale of development (height and bulk) desirable. There should be a well-defined edge such as an arterial, open space, change in block pattern, topographic change or other significant feature that provides physical separation from the single-family area. (This is not a necessary condition where existing moderate scale multifamily structures have already established the scale relationship with abutting single-family areas).

3. Properties must have access from collector or arterial streets, such that vehicular travel to and from the site is not required to use local access streets through lower density residential zones.

B. *R-22 (Higher Density Residential) Zone Location Criteria.* The R-22 designation is most appropriate in areas with the following characteristics and relationships to the surrounding area:

1. Areas already developed predominantly to the permitted R-22 density and where R-22 scale is well established.
2. Areas with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities.
3. Properties that are adjacent to existing business and commercial areas with comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable.
4. Areas well served by public transit and having direct access to arterials, such that vehicular traffic is not required to that pass through lower density residential zones; street widths must be sufficient to allow for two (2) way traffic and on-street parking in accordance with City street standards.
5. Areas with significant topographic breaks, major arterials or open space that provide a separation and transition to Lower Density Residential areas.

C. *R-30 (Higher Density Residential) Zone Location Criteria.* The R-30 designation is most appropriate in areas with the following characteristics and relationships to the surrounding area:

-
1. Areas that are already developed predominantly to the permitted R-30 density, or areas that are within an urban center, or identified in an adopted sub-area plan as appropriate for higher density multifamily housing.
 2. Properties in close proximity to major employment centers, open space and recreational facilities.
 3. Areas with well-defined edges such as an arterial, open space, change in block pattern, topographic change or other significant feature providing sufficient separation from adjacent areas of small scale residential development, or areas should be separated by other zones providing a transition in the height, scale and density of development.
 4. Areas that are served by major arterials, where transit service is good to excellent, and where street capacity could absorb the traffic generated by higher density development.
 5. Principal streets in the area shall be sufficient to allow for two (2) way traffic and parking on both sides of the street. Vehicular access to the area shall not require use of streets passing through lower density residential zones.
 6. Areas of sufficient size to promote a high quality, higher density residential environment with close proximity (and good pedestrian connections) to public open spaces, neighborhood oriented commercial services, and other residential amenities.

D. *R-35 (Higher Density Residential) Zone Location Criteria.* The R-35 designation is most appropriate in areas generally characterized by the following development characteristics of the area and relationship to the surrounding area:

1. Areas that are developed predominantly to the intensity permitted by the R-35 zone, or areas located within an urban center, or defined in a subarea plan adopted by the City as appropriate for higher density multi-family housing.
 2. Areas of sufficient size to promote a high quality, higher density residential environment with close proximity (and good pedestrian connections) to public open spaces, neighborhood oriented commercial services, other residential amenities, major employment centers, open space and recreational facilities.
 3. Properties adjacent to business and commercial areas with comparable height and bulk.
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4. Properties in areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings.

5. Areas that are served by major arterials and where transit service is good to excellent and street capacity could absorb the traffic generated by high density development. (Ord. M-3730, Added, 12/19/2005, Sec 12)

20.420.030 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.

B. *Use table.* A list of permitted, limited, conditional, and prohibited uses in Higher Density residential zones is presented in Table 20.420.030-1.

Table 20.420.030-1				
Higher Density Districts Use Table				
USE	R-18	R-22	R-30	R-35
RESIDENTIAL				
Household Living	P	P	P	P
Group Living	P	P	P	P
Home Occupation	L ³	L ³	L ³	L ³

Table 20.420.030-1
Higher Density Districts Use Table

USE	R-18	R-22	R-30	R-35
HOUSING TYPES				
Single Dwelling Units, Attached	P ⁴	P ⁴	P ⁴	X
Single Dwelling Units, Detached	P ⁴	P ⁴	P ⁴	X ⁵
Accessory Dwelling Units	P ¹	P ¹	P ¹	P ¹
Duplexes	P ⁴	P ⁴	P ⁴	P ⁴
Multi-Dwelling Units	P ⁴	P ⁴	P ⁴	P ⁴
Manufactured Home Developments	L ⁷	L ⁷ /X	L ⁷ /X	L ⁷ /X
Designated Manufactured Home	L/X ²³	X	X	X
New Manufactured Home	L ²³	X	X	X
CIVIC (Institutional)				
Basic Utilities	C	C	C	C
Colleges	C	C	C	C
Community Centers	C	C	C	C
Community Recreation	C ⁸	C ⁸	C ⁸	C ⁸
Cultural Institutions	P/C ⁹	P/C ⁹	P/C ⁹	P
Day Care				
- Family Day Care Home	P/C ¹⁰	P/C ¹⁰	P/C ¹⁰	P/C ¹⁰
- Child Care Center	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴
- Adult Day Care	P/C ¹¹	P/C ¹¹	P/C ¹¹	P/C ¹¹
Emergency Services (except ambulance services)	C ¹²	C ¹²	C ¹²	C ¹²
Medical Centers	C	C	C	C

Table 20.420.030-1
Higher Density Districts Use Table

USE	R-18	R-22	R-30	R-35
Parks/Open Space				
- Neighborhood Parks	P	P	P	P
- Community Parks	P	P	P	P
- Regional Parks	C	P	P	P
- Trails	P	P	P	P
Postal Service	C	C	C	C
Religious Institutions	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴
Schools	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴
Social/Fraternal Clubs	C ⁶	C ⁶	C ⁶	C ⁶
Transportation Facility	P/C ¹⁵	P/C ¹⁵	P/C ¹⁵	P/C ¹⁵
COMMERCIAL				
Commercial and Transient Lodging	L/X ¹⁶	L/X ¹⁶	L/X ¹⁶	L/X ¹⁶
Eating/Drinking Establishments	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X
Entertainment-Oriented				
- Adult Entertainment	X	X	X	X
- Indoor Entertainment	X	X	X	X
- Major Event Entertainment	X	X	X	X
General Retail				
- Sales-Oriented	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X
- Personal Services	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X
- Repair-Oriented	X	X	X	X

Table 20.420.030-1
Higher Density Districts Use Table

USE	R-18	R-22	R-30	R-35
- Bulk Sales	X	X	X	X
- Outdoor Sales	X	X	X	X
Motor Vehicle Related				
- Motor Vehicle Sales/Rental	X	X	X	X
- Motor Vehicle Servicing/Repair	X	X	X	X
- Vehicle Fuel Sales	X	X	X	X
- EV Basic Charging Stations (accessory only)	P	P	P	P
- EV Rapid Charging Stations (accessory only)	P	P	P	P
- EV Battery Exchange Stations	X	X	X	X
Office				
- General	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X
- Medical	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X
- Extended	X	X	X	X
Self-Service Storage	X	X	X	X
Non-Accessory Parking	X	X	X	X
INDUSTRIAL				
<u>Bulk Fossil Fuel Storage and Handling Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cleaner Fuel Storage and Handling Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Industrial Services	X	X	X	X

Table 20.420.030-1
Higher Density Districts Use Table

USE	R-18	R-22	R-30	R-35
Manufacturing and Production	X	X	X	X
Railroad Yards	X	X	X	X
Research and Development	X	X	X	X
Warehouse/Freight Movement	X	X	X	X
Wholesale Sales	X	X	X	X
Waste-Related	X	X	X	X
Major Utility Facilities	X	X	X	X
OTHER				
Agriculture/Horticulture	P	P	P	P
Airport/Airpark	X	X	X	X
Animal Kennel/Shelters	X	X	X	X
Cemeteries	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸
Detention & Post Detention Facilities	X	X	X	X
Dog Day Care	C ¹⁹	C ¹⁹	C ¹⁹	C ¹⁹
Heliports	X ²⁰	X ²⁰	X ²⁰	X ²⁰
Recreational or Medical Marijuana Facilities	X	X	X	X
Medical Marijuana Cooperatives	X	X	X	X
Mining	X	X	X	X
Rail Lines/Utility Corridors	C	C	C	C
Basic Utilities	P	P	P	P
Temporary Uses	L ²¹	L ²¹	L ²¹	L ²¹

Table 20.420.030-1 Higher Density Districts Use Table				
USE	R-18	R-22	R-30	R-35
Wireless Communication Facilities	L/C/X ²²	L/C/X ²²	L/C/X ²²	L/C/X ²²

- 1** Subject to the provisions of Chapter [20.810](#) VMC, Accessory Dwelling Units.
 - 2** The language for this footnote has been deleted.
 - 3** Subject to the provisions of Chapter [20.860](#) VMC, Home Occupations.
 - 4** Provided the minimum required residential density is met, on an overall project basis.
 - 5** Single-family dwelling units legally established prior to March 11, 2004, shall be considered permitted uses.
 - 6** Subject to the provisions of VMC [20.895.040](#), Community Recreation and Related Facilities.
 - 7** Subject to the provisions of Chapter [20.880](#) VMC, Manufactured Home Parks. Manufactured Home Developments established prior to July 1, 2005 are exempt from the standards of VMC [20.420.050\(G\)](#), Criteria for Placement of Manufactured Homes, and may continue to exist and expand within existing previously-approved boundaries. An existing manufactured home in a development or subdivision may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision. Manufactured Home Developments in the R-22, R-30, R-35 zones are allowed as a Limited Use (L) only as part of a Chapter [20.260](#) VMC Planned Development that meets overall minimum density standards for the applicable zone.
 - 8** Subject to the additional provisions in VMC [20.895.040](#).
 - 9** Libraries permitted only; all other cultural institutions are conditional uses.
 - 10** Family day care homes for no more than 12 children are permitted when licensed by the state. Child care centers are permitted as conditional uses, subject to the provisions of Chapter [20.840](#) VMC, Child Care Centers, unless part of a Planned Development, in which case they are approved subject to Chapter [20.260](#) VMC. All child care facilities must be licensed by the state.
 - 11** Adult day care facilities with 12 or fewer clients are permitted outright; larger facilities are permitted as conditional uses.
 - 12** The language for this footnote has been deleted.
 - 13** *Repealed by M-4289.*
 - 14** Schools, child care centers, and religious institutions that meet all of the locational criteria contained in VMC [20.420.050\(F\)](#) are permitted by right; all others require conditional use approval. Child care centers permitted by right shall be consistent with Chapter [20.840](#) VMC, Child Care Homes and Centers, and be subject to Type II review pursuant to VMC [20.210.050](#).
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- 15** Except bus, trolley and street car stops, including bus shelters, which are allowed by right.
- 16** Bed-and-breakfast establishments as limited uses subject to provisions of Chapter [20.830](#) VMC, Bed and Breakfast Establishments; all other commercial and transient lodging prohibited.
- 17** New commercial uses allowed as limited uses subject to special development restrictions in VMC [20.420.060](#). Existing commercial uses permitted if legally established prior to code effective date. However, alterations and expansions shall be subject to Chapter [20.245](#) VMC (Conditional Use Permits).
- 18** Subject to the provisions in VMC [20.895.030](#).
- 19** Subject to the provisions of Chapter [20.850](#) VMC, Dog Day Care.
- 20** Except as an accessory to a medical center.
- 21** Subject to provisions of Chapter [20.885](#) VMC, except sale of fireworks prohibited in residential zones.
- 22** Subject to the provisions of Chapter [20.890](#) VMC, Wireless Communication Facilities.
- 23** A “designated manufactured home” is exempt from the development standards of VMC [20.420.050\(G\)](#) and may continue to exist and expand. An existing unit may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision. After July 1, 2005, only “new manufactured homes” that also meet the “designated manufactured home” criteria will be permitted on individual lots not part of an existing approved manufacturing home development or manufactured home subdivision. Except that a new manufactured home placed on an individual lot after July 1, 2005, may be relocated as permitted by this title if within five years of the date of the original placement.

(Ord. M-4223 § 4, 12/04/2017; Ord. M-4187 § 6, 12/05/2016; Ord. M-4105 § 3, 11/17/2014; Ord. M-4071 § 8, 03/03/2014; Ord. M-4066 § 5, 12/16/2013; Effective 01/16/2014; Ord. M-4035 § 3, 12/03/2012; Ord. M-4024 § 7, 09/10/2012; Ord. M-4002 § 6, 12/05/2011; Ord. M-3959 § 25, 07/19/2010; Ord. M-3931 § 12, 11/02/2009; Ord. M-3840 § 20, 08/06/2007; Ord. M-3730 § 13, 12/19/2005; Ord. M-3709 § 7, 06/20/2005; Ord. M-3701 § 15, 05/02/2005; Ord. M-3663 § 15, 08/02/2004; Ord. M-3643, 01/26/2004)

20.420.060 Commercial Development Restrictions.

Commercial uses. General office, medical office, personal and sales-oriented retail services, eating and drinking establishments, and other nonresidential uses may be allowed in the Higher Density residential districts as part of a mixed use building or site pursuant to VMC [20.430.060](#). (Ord. M-4034 § 12, 12/03/2012; Ord. M-3730 § 16, 12/19/2005; Ord. M-3698 § 3, 04/03/2005; Ord. M-3643, 01/26/2004)

Chapter 20.430

COMMERCIAL AND MIXED USE DISTRICTS

Sections:

20.430.010	Purpose.
20.430.020	List of Zoning Districts.
20.430.025	Commercial Zone Function and Location Criteria.
20.430.030	Uses.
20.430.040	Development Standards.
20.430.050	Special Limitations on Uses.
20.430.060	Mixed Use Standards and District.
20.430.070	<i>Waterfront Mixed Use (WX) District.</i>

(Repealed by Ord. M-4289)

20.430.010 Purpose.

A. *Provide a range of commercial services for City residents.* One of the major purposes of the regulations governing development in commercial zoning districts is to ensure that a full range of retail and office uses are available throughout the City so that residents can fulfill all or most of their needs for goods and services within close proximity of their homes. The location of land within each commercial district must be carefully selected and design and development standards created to minimize the potential adverse impacts of commercial activity on established residential areas. At the same time, it is important to create more opportunities for mixed use, including residential, commercial and institutional activities in new and re-developing commercial areas.

B. *Facilitate economic goals.* Another purpose of these regulations is to ensure that there is a full range of economic activities and job opportunities within the City limits, in compliance with the economic goals of the City of Vancouver Comprehensive Plan. (Ord. M-3643, 01/26/2004)

20.430.020 List of Zoning Districts.

A. CN: Neighborhood Commercial District. The CN zoning district is designed to provide for small-scale, convenience commercial uses to serve adjacent residential neighborhoods.

Convenience goods and services are those which are purchased frequently and do not require comparison shopping. Typical uses include, but are not limited to, convenience markets, personal services, restaurants, bakeries, and video rental shops. Above ground floor housing and some civic and institutional uses are allowed conditionally. The design and impact of these uses should be compatible with the surrounding neighborhood in size and scale and should generate minimal traffic. Because these uses primarily serve the immediate area, there are significant opportunities for walking, bicycle and transit trips that shall be encouraged and accommodated through building design, landscaping and access. The CN zoning district was referred to as Neighborhood Commercial (NC) prior to March 11, 2004.

B. CC: Community Commercial. The CC zoning district is designed to provide for retail goods and services purchased regularly by residents of several nearby neighborhoods. The zone also accommodates offices, institutions and mixed use housing. Because of the limited trade area, there are significant opportunities for walking, bicycle and transit trips that should be encouraged and accommodated through building/site design, landscaping and access.

C. CG: General Commercial. The CG zoning district is designed to allow for a full range of retail, office, mixed use and civic uses with a city-wide to regional trade area. Above ground floor housing is allowed. Some light industrial uses also are allowed, but limited so as not to detract from the predominant commercial character of the district. Development is generally expected to be auto-accommodating given the large service area but trips by alternative modes – walking, cycling and transit – should be encouraged through building/site design, landscaping and access. Because such areas generate more traffic than less-intense commercial zones, such developments should take their primary access from a street with at least the capacity of a Minor Arterial. The CG zoning district was referred to as General Commercial (GC) prior to March 11, 2004.

D. CX: City Center. The CX zoning district is designed to provide for a concentrated mix of retail, office, civic and housing uses in downtown Vancouver. The broad range of allowed uses is intended to promote Vancouver as the commercial, cultural, financial and municipal center of Clark County. Typical uses include, but are not limited to retail sales; hotels/motels; restaurants; professional offices; educational, cultural and civic institutions; public buildings; and

commercial parking. Ground floor residential is allowed with the exception of properties fronting Main Street between Sixth Street and Mill Plain. All of the property that has a CX zoning designation lies within the Downtown Plan District.

E. WX: Waterfront Mixed-Use. The WX zoning district is designed to provide for a significant level of mixed-use development and pedestrian access along the Columbia River while maintaining environmental and scenic resources and compatibility of uses. Permitted use categories include retail, office, institutional, residential, parks and civic uses. Limited warehouse and industrial uses, in addition to some regional scale facilities, are conditionally permitted.

F. CPX: Central Park Mixed-Use. The CPX zoning district is the base zone designation for all land located within the Vancouver Central Park Plan District that contains a number of existing parks and governmental, health, recreational, educational and cultural facilities. The CPX zone district also contains the Vancouver National Historic Reserve that includes Officers Row, Vancouver Barracks, Fort Vancouver and Pearson Air Park. The CPX zone district is designed to enhance and protect existing facilities and fulfill the vision and policies identified in the Central Park Plan. The CPX zoning district was referred to as Vancouver Central Park (VCP) in the previous zoning code.

G. MX: Mixed Use District. The Mixed-Use zoning district is intended to provide the community with a mix of mutually supporting retail, service, office, light industrial, and residential uses. It promotes physically and functionally coordinated and cohesive site planning and design which maximizes land use. It also encourages development of a high-density, active urban environment which is expected to:

1. Achieve the goals and objectives of the Community Framework Plan and the Vancouver Urban Area Comprehensive Plan;
 2. Fulfill the community vision identified through the Visual Preference Survey and other opportunities for public involvement;
 3. Enhance livability, environmental quality, and economic vitality;
 4. Maximize efficient use of public facilities and services;
 5. Provide a variety of housing types and densities;
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6. Reduce the number of automobile trips and encourage alternative modes of transportation; and
 7. Create a safe, attractive, and convenient environment for living, working, recreating, and traveling.

H. *HX: Heights District.* The HX zoning district is envisioned as a vibrant neighborhood center that is sustainable, healthy, equitable, accessible and safe, and includes a mix of complementary uses, engaging public open space, diverse housing affordable to a wide range of community members and safe multimodal travel opportunities within the district and to transit and nearby neighborhoods. The purpose of the Heights Mixed Use (HX) Plan district is to implement the vision, goals, and policies of the Heights District Plan, and ensure future development is integrated, cohesive, context sensitive and contributes to the overall district vision. (Ord. M-4341 § 3 (Exh. B), 2021; Ord. M-4289 § 4, 2019; Ord. M-3891 § 4, 2008; Ord. M-3832 § 5, 2007; Ord. M-3730 § 17, 2005; Ord. M-3643, 2004)

20.430.025 Commercial Zone Function and Location Criteria.

A. *General Criteria.* Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling , or linear commercial areas. The preservation, improvement, and redevelopment of existing commercial areas shall be preferred to the creation of new business areas or districts. Areas meeting the location criteria for Lower Density designations (i.e. R-6, R-9) are generally not appropriate for conversion to commercial. The encroachment of commercial development into residential areas shall be discouraged, except for Neighborhood Commercial within the criteria defined below for CN.

B. *CN (Neighborhood Commercial) Location Criteria.* The CN (Neighborhood Commercial) zone designation, as defined in above, is most appropriate in areas that are generally characterized by the following:

1. Lower Density Residential areas surround the subject site;
 2. No physical edges (waterways, major arterial streets or freeways, ravines, cliffs, etc) separate the residential areas from the subject site;
 3. Access is through residential areas or from collector streets
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4. Designated areas typically total less than 2 acres and are not contiguous with other commercial areas.

C. *CC (Community Commercial) Location Criteria.* The CC (Community Commercial) zone designation, as defined in above, is most appropriate in areas that are generally characterized by the following:

1. Both residential and commercial areas abut the subject site;
2. No physical edges (waterways, major arterial streets or freeways, ravines, cliffs, etc) separate the existing residential or commercial areas from the subject site;
3. The site is located to provide a transition between more intense General Commercial areas and surrounding residential areas; or is located along a major arterial where parcels are generally small or shallow, and are bordered by Lower Density Residential areas.
4. The site is located on streets with good capacity (major collector streets and minor arterials) and good pedestrian and bicycle connections to adjacent residential areas.
5. Areas where the total acres in a Community Commercial cluster or node can be limited to approximately 10 acres, with other zones providing separation between Community Commercial clusters or nodes.

D. *CG (General Commercial).* The CG (General Commercial) Zone designation, as defined above, is most appropriate in areas designated by an adopted sub-area plan or generally characterized by the following:

1. Existing shopping centers or shopping areas along arterials or major commercial nodes or strips characterized by heavy, nonretail commercial activity, often including a few major employers;
 2. Areas readily accessible from a principal arterial with sufficient capacity to support major commercial development and with good to excellent transit service;
 3. Areas adjacent to or abutting industrial zones;
 4. Areas with physical edges that buffer residential districts, such as changes in residential street or lot layout that orient residential uses away from the commercial site, dense
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vegetation or landscaping, topographical features (i.e. ravines, cliffs), and other natural buffers.

5. Areas with a predominance of large lots that could physically accommodate a wide range of commercial uses, including large uses.

E. *Additional Commercial Criteria.*

1. Proposals to expand or create designated commercial areas shall include a current market analysis which identifies the need for the new commercial area/center.

2. Proposals to expand or create designated commercial areas shall include a current land use analysis of commercially designated and zoned land in the market area of the proposed site that includes a discussion of why the amount or character of existing commercial lands are inadequate. (Ord. M-3931 § 15, 12/02/2009; Ord. M-3730, Added, 12/19/2005, Sec 18)

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.

B. *Use table.* A list of permitted, limited, conditional, and prohibited uses in the commercial and mixed use zones is presented in Table 20.430.030-1.

Table 20.430.030-1. Commercial and Mixed-Use Districts Use Table

USE	CN	CC	CG	CX	WX	CPX ¹	MX ²	RGX ⁴⁴	HX ⁵¹
RESIDENTIAL									
Household Living	L ⁴	L ^{4,8}	L ^{4,8}	L ^{42,8}	L ^{5,8}		P ^{6,8}	P ⁸	P ⁸
Group Living	P/C ⁷	P/C ⁷	P/C ⁷	P/C ⁷	P/C ⁷		P ⁶	P	P
Home Occupation	L ¹⁰	L ¹⁰	L ¹⁰	L ¹⁰	L ¹⁰		L ¹⁰	L ¹⁰	L ¹⁰
HOUSING TYPES									
Single Dwelling Units, Attached	L ⁴	L ⁴	L ⁴	L ⁴²	L ⁴		P ⁶	P	L ⁴
Single Dwelling Units, Detached	X	X	X	X	X		P ⁶	P	X
Accessory Dwelling Units	X	X	X	X	X		P ⁶	P	P
Duplexes	L ⁴	L ⁴	L ⁴	L ⁴²	L ⁴		P ⁶	P	X
Multi-Dwelling Units	L ⁴	L ⁴	L ⁴	L ⁴²	L ⁴		P ⁶	P	L ⁴
Existing Manufactured Home Development	X	X	X	X	X		X	X	X
Designated Manufactured Home	X	X	X	X	X		X	X	X
New Manufactured Home	X	X	X	X	X		X	X	X
Affordable Housing Projects	X	L ⁸	L ⁸	L ⁸	L ⁸	L ⁸	L ⁸	L ⁸	P
CIVIC (Institutional)									
Basic Utilities	C	C	C	P	C		C	C	C
Colleges	X	C	C	P	C		P	P	P
Community Centers	X	C	C	C	C		C	C	C

USE	CN	CC	CG	CX	WX	CPX ¹	MX ²	RGX ⁴⁴	HX ⁵¹
Community Recreation	X	L ¹¹	L ¹¹	L ¹¹	L ¹¹		L ¹¹	L ¹¹	L ¹¹
Cultural Institutions	L ¹⁹	P	P	P	P		P	P	P
Day Care									
- Family Day Care Home	P/L ¹³	P/L ¹³	P/L ¹³	P/L ¹³	P/L ¹³		P/L ¹³	P/L ¹³	P/L ¹³
- Child Care Center	L ¹³	L ¹³	L ¹³	L ¹³	L ¹³		P/L ¹³	P/L ¹³	P/L ¹³
- Adult Day Care	P/C ¹⁴	P	P	P	P		P	P	P
Emergency Services	X	C	P	P	C		P	P	P
Medical Centers	X	C	C	P	C		C	P	C
Parks/Open Space									
- Neighborhood Parks	P	P	P	P	P		P	P	P
- Community Parks	P	P	P	P	P		P	P	P
- Regional Parks	X	P	P	P	P		P	P	P
- Trails	P	P	P	P	P		P	P	P
Postal Service	L ¹⁹	P	P	P	P		P	P	P
Religious Institutions	X	P	P	P	C		P	P	P
Schools (not truck driving schools)	C	P	P	P	P		P	P	P
Social/Fraternal Clubs	C	L ¹¹	L ¹¹	L ¹¹	L ¹¹		L ¹¹	L ¹¹	L ¹¹
Transportation Facility	P	P	P	P	P		P	P	P
Park & Ride Facilities									
- Surface	X	L ⁴⁸	L ⁴⁸	X	X	X	X	X	X
- Structure	X	L ⁴⁸	L ⁴⁸	L ⁴⁸	L ⁴⁸	L ⁴⁸	L ⁴⁸	X	L ⁴⁸
COMMERCIAL									
Commercial and	X	C	P	P	L ¹⁸ /C		L ¹⁸ /C	P	L ¹⁸ /C

USE	CN	CC	CG	CX	WX	CPX ¹	MX ²	RGX ⁴⁴	HX ⁵¹
Transient Lodging									
Eating/Drinking Establishments	L ^{19/20}	P	P	P	P		P	P	P
Entertainment-Oriented									
- Adult Entertainment	X	X	L ²³	X	X		X	X	X
- Indoor Entertainment	X	P/L ²⁴	P/L ²⁴	P/L ²⁴	P/L ²⁴		P/L ²⁴	P/L ²⁴	P/L ²⁴
- Major Event Entertainment	X	X	P	P	C		C	X	C
General Retail									
- Sales-Oriented	L ¹⁹	P	P	P ²⁵	P		P	P ²⁵ , 46	P
- Personal Services	L ¹⁹	P	P	P	P		P	P	P
- Repair-Oriented	X	P	P	P	X		P	P	P
- Bulk Sales	X	P	P	P	X		P	C	P
- Outdoor Sales	X	C	P/L ²⁶	P/L ²⁶	X		P/L ²⁶	X	P/L ²⁶
Artisan and Specialty Goods Production	X	L ⁴⁰	L ⁴⁰	L ⁴⁰	X		X	X	L ⁴⁰ ,52
Motor Vehicle Related									
- Motor Vehicle Sales/Rental	X	L ²⁷	P	P	X		C ²⁷	X, L ⁴⁵	X
- Motor Vehicle Servicing/Repair (entirely indoors)	X	L ²⁸	L ²⁸	L ²⁸	X		C ²⁸	X	X
- Vehicle Fuel Sales	X	L ²⁸	L ²⁸	L ²⁸	C		C ²⁸	X	X
- EV Basic Charging Stations (accessory and standalone)	P	P	P	P	P		P	P	P

USE	CN	CC	CG	CX	WX	CPX ¹	MX ²	RGX ⁴⁴	HX ⁵¹
- EV Rapid Charging Stations (accessory and standalone)	P	P	P	P	P		P	P	P
-EV Battery Exchange Stations	X	P	P	P	X		X	P	X
Office									
- General	L ¹⁹	P	P	P	P		P	P	P
- Medical	L ¹⁹	P	P	P	P		P	P	P
- Extended	X	P	P	P	X		X	X	X
Marina (See also Chapter 20.760 VMC)	X	P	P	P	P		P	X	P
Non-Accessory Parking	X	C	C	C ⁴³	C		C	C ⁴³	X
Self-Service Storage	X	P ^{3, 50}	P ⁵⁰	X	X		X	X	X
INDUSTRIAL									
<u>Bulk Fossil Fuel Storage and Handling Facilities</u>	X	X	X	X	X	X	X	X	X
<u>Cleaner Fuel Storage and Handling Facilities</u>	X	X	X	X	X	X	X	X	X
<u>Small Fossil Fuel and Cleaner Fuels Storage and Distribution Facilities</u>	X	X	X	X	X	X	X	X	X
Industrial Services	X	C	C	X	X		X	C	X
Manufacturing and Production	X	C/X ³⁰	P/X ³¹	P/X ⁴¹	X		C/X ³²	P ⁴¹	C/X ³²
Railroad Yards	X	X	X	X	X	X	X	X	X
Research and	X	X	P	C	C		C	P	C

USE	CN	CC	CG	CX	WX	CPX ¹	MX ²	RGX ⁴⁴	HX ⁵¹
Development									
Warehouse/Freight Movement	X	X	X	X	X		X	X	X
Waste-Related	X	X	P ⁴⁷	X	X		X	X	X
Wholesale Sales	X	X	C	C	X		X	X	X
Major Utility Facilities	X	X	X	X	X		X	X	X
OTHER									
Agriculture/Horticulture	X	X	X	X	X		X	X	X
Airport/Airpark	X	X	X	X	X		X	X	X
Animal Kennel/Shelters	X	L ³³	L ³³	X	X		X	X	X
Cemeteries	X	C ³⁴	P ³⁴	C ³⁴	X		C ³⁴	X	C ³⁴
Detention & Post Detention Facilities	X	X	C/X ³⁵	C/X ³⁵	X		X	X	X
Dog Day Care	L ³⁶	L ³⁶	L ³⁶	L ³⁶	L ³⁶		L ³⁶	L ³⁶	L ³⁶
Heliports	X	X	X	C ³⁷	C ³⁷		C ³⁷	C ³⁷	C ³⁷
Medical Marijuana Cooperatives	X	X	X	X	X		X	X	X
Recreational Marijuana, Production or Processing	X	X	X	X	X		X	X	X
Recreational Marijuana Retail	X	L ⁴⁹	L ⁴⁹	X	X		X	X	L ⁴⁹
Mining	X	X	X	X	X		X	C	X
Rail Lines/Utility Corridors	C	P	P	P	C		C	P	C
Temporary Uses	L ²⁶	L ²⁶	L ²⁶	L ²⁶	L ²⁶		L ²⁶	L ²⁶	L ²⁶

USE	CN	CC	CG	CX	WX	CPX ¹	MX ²	RGX ⁴⁴	HX ⁵¹
Wireless Communication Facilities	X	L/C/X ³⁹	L/C/X ³⁹	L/C/X ³⁹	L/C/X ³⁹		L/C/X ³⁹	L/C/X ³⁹	L/C/X ³⁹

1 Refer to Vancouver Central Park Plan District, Chapter [20.640](#) VMC.

2 Refer to Mixed Use standards in VMC [20.430.060](#).

3 A single ground floor caretaker/security/manager residence is allowed if it is an integral part of a mini-storage building.

4 All or part of residential uses must be located above the ground floor of the structure as specified by VMC [20.430.060\(B\)\(2\)](#) with exception of Community Commercial (CC) zoned properties fronting Broadway Street and located within the Uptown Village District of the Vancouver City Center Subarea Plan (refer to VMC [20.430.020\(B\)](#)).

5 Must have a minimum density of 10 dwelling units/net acre.

6 Allowed pursuant to mixed use standards of VMC [20.430.060](#).

7 Residential Care Homes with six or fewer residents and any required on-site staff permitted by right in housing above the ground floor; all larger group home uses are permitted conditionally.

8 Eligible affordable housing projects must (a) demonstrate eligibility for Washington State Housing Finance Commission Low Income Housing Tax Credits by providing at least 40 percent of units affordable to households at 60 percent of Area Median Income or otherwise as demonstrated eligible for credits; (b) include a guarantee that the threshold is maintained for at least 30 years unless specified longer by the finance commission; and (c) be located on properties whose borders are within 1,000 feet of a bus rapid transit or other high capacity transit corridor, or transit corridors with existing weekday peak service frequencies of 35 minutes or less, as indicated in the C-Tran 2018-2033 Transit Development Plan.

9 The language for this footnote has been deleted.

10 Subject to the provisions of Chapter [20.860](#) VMC, Home Occupations.

11 Subject to provisions of VMC [20.895.040](#), Community Recreation and Related Facilities.

12 The language for this footnote has been deleted.

13 Family day care homes for no more than 12 children are permitted when licensed by the state. Child care centers (13 or more children) are Limited (L), subject to a Type II procedure in Chapter [20.210](#) VMC. Child care centers can also be approved as part of a Planned Development, Chapter [20.260](#) VMC. In all cases child care centers must meet the standards outlined in Chapter [20.840](#) VMC.

14 In the CN zone, adult day care facilities for six or fewer adults allowed outright in the CN zone, all other facilities are permitted as conditional uses.

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- 15** The language for this footnote has been deleted.
- 16** The language for this footnote has been deleted.
- 17** Transportation facilities are permitted except for large or land-intensive facilities such as park-and-ride lots and water taxi and ferry stations.
- 18** Bed-and-breakfast establishments are allowed as limited uses, subject to the provisions in Chapter [20.830](#) VMC, and all other lodging allowed as conditional uses.
- 19** Limited uses subject to the development standards in VMC [20.430.040\(D\)](#).
- 20** Eating and drinking establishments are permitted only in conjunction with another permitted use on site. Exclusively or predominantly drive-through eating and drinking establishments are prohibited.
- 22** Limited uses subject to the development standards in VMC 20.430.050(B).
- 23** Subject to provisions in Chapter [20.820](#) VMC, Adult Entertainment.
- 24** Provisions in VMC [20.895.060](#) apply to Indoor Target Shooting Ranges.
- 25** Pawnshops allowed in CX and CG Districts only. No more than four pawnshop establishments allowed in the CX District.
- 26** Subject to provisions in Chapter [20.885](#) VMC, Temporary Uses.
- 27** Sales/rental lots for motor vehicles only are subject to the following criteria: (a) the lot size is approximately 200 feet by 200 feet, or 100 feet by 100 feet if a corner lot, though smaller lots will be considered if shown to meet all other requirements; (b) reviewed and approved by the city transportation manager for on-site circulation, access, and parking plan; (c) located on a primary arterial with average traffic in excess of 10,000 vehicle trips per day; (d) employee/customer parking is provided at a rate of one space plus an additional space per each 5,000 square feet of lot area; (e) there is no vehicle display in setback areas, and all setbacks are landscaped rather than paved.
- 28** Subject to provisions in VMC [20.895.070](#), Motor Vehicle Fuel Sales and Repair.
- 29** The language for this footnote has been deleted.
- 30** Micro-breweries and manufacturing of optical, medical and dental devices, goods, and equipment allowed by conditional use; all others prohibited.
- 31** Micro-breweries, bakeries, printing, publishing, binding, lithography, repair shops for tools, scientific/professional instruments and motors, and manufacturing of optical, medical and dental devices, goods, and equipment allowed outright; all others prohibited.
- 32** Micro-breweries allowed by conditional use; all others prohibited.
- 33** Subject to provisions in VMC [20.895.020](#), Animal Kennel/Shelters.
- 34** Subject to provisions in VMC [20.895.030](#), Cemeteries.
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- 35** Secure Transition Facilities as per VMC [20.855.020\(B\)\(6\)\(a\)](#) are prohibited.
- 36** Subject to the provisions in Chapter [20.850](#) VMC, Dog Day Care.
- 37** Subject to provisions in VMC [20.895.080](#), Private Landing Strips and Heliports. Airpark related uses are permitted in Pearson Airpark and Evergreen Airport only.
- 38** The language for this footnote has been deleted.
- 39** Subject to requirements in Chapter [20.890](#) VMC, Wireless Telecommunications Facilities.
- 40** Subject to limitations in VMC [20.430.050\(A\)](#). Uses defined in VMC [20.160.020\(C\)\(10\)](#).
- 41** Printing, binding, lithography, repair shops for tools, scientific/professional instruments and motors, computer research or assembly, and manufacturing of optical, medical and dental devices, goods and equipment permitted outright; all others prohibited.
- 42** Ground floor residential is allowed within the CX zone with the exception of properties fronting Main Street between Sixth Street and Mill Plain.
- 43** Parking structures are permitted outright.
- 44** Allowed subject to provisions of Riverview Gateway Plan District Standards, Chapter [20.680](#) VMC, and associated Master Plan adopted for the area of proposed development.
- 45** Motor vehicle rental permitted where ancillary to another use.
- 46** Retail uses shall not exceed 50,000 square feet in total floor space unless included in a mixed use building with other uses accounting for at least 20 percent of floor space, and is in full compliance with Riverview Plan District Design Guidelines.
- 47** Neighborhood recycling and/or yard debris collection centers which are exempt from a state solid waste handling permit are permitted; all other waste-related uses prohibited. If a neighborhood recycling and/or yard debris collection center is handling organic materials, they shall not be stored on site for a period longer than seven days.
- 48** See VMC [20.430.040\(E\)](#), Park and Ride Facility Development Standards.
- 49** Subject to Chapter [20.884](#) VMC.
- 50** Subject to requirements and standards within the Miscellaneous Special Use Standards for Self-Service Storage, pursuant to VMC [20.895.100](#).
- 51** Allowed subject to the provisions of the Heights District Plan standards, Chapter [20.670](#) VMC.
- 52** Permitted in the HX Plan district where commercial uses are permitted.

(Ord. M-4341 § 3 (Exh. B), 2021; Ord. M-4289 § 4, 2019; Ord. M-4288 § 4, 2019; Ord. M-4255 § 8, 2018; Ord. M-4254 § 3(DD), 2018; Ord. M-4187 § 7, 2016; ACM dated 1/7/2016; Ord. M-4147 § 4, 2015; Ord. M-4071 § 4, 2014; Ord. M-4035 § 4, 2012; Ord. M-4034 § 13, 2012; Ord. M-4024 § 8, 2012; Ord. M-4002 § 7, 2011; Ord.

M-4002 § 7, 2011; Ord. M-3959 § 26, 2010; Ord. M-3931 § 16, 2009; Ord. M-3922 § 22, 2009; Ord. M-3911 § 5, 2009; Ord. M-3891 § 5, 2008; Ord. M-3865 § 3, 2008; Ord. M-3840 § 22, 2007; Ord. M-3832 § 6, 2007; Ord. M-3730 § 19, 2005; Ord. M-3709 § 9, 2005; Ord. M-3701 § 17, 2005; Ord. M-3698 § 5, 2005; Ord. M-3667 § 3, 2004; Ord. M-3663 § 17, 2004; Ord. M-3643, 2004)

Chapter 20.440

INDUSTRIAL DISTRICTS

Sections:

20.440.010	Purpose.
20.440.020	List of Zoning Districts.
20.440.025	Industrial Zone Function and Location Criteria.
20.440.030	Uses.
20.440.040	Development Standards.
20.440.050	Additional OCI Development Standards.

20.440.010 Purpose.

A. *Provide a range of industrial services for City residents.* One of the major purposes of the regulations governing development in industrial zoning districts is to ensure that a full range of job opportunities are available throughout the City so that residents can work close to home if they choose. The location of land within each industrial district must be carefully selected and design and development standards created to minimize the potential adverse impacts of industrial activity on established residential areas.

B. *Facilitate economic goals.* Another purpose of these regulations is to ensure that there is a full range of economic activities and job opportunities within the City limits, in compliance with the economic goals of the City of Vancouver Comprehensive Plan. (Ord. M-3643, 01/26/2004)

20.440.020 List of Zoning Districts.

A. OCl: Office Commercial Industrial. The OCl zoning district provides appropriate locations for office, light industrial and small-scale commercial uses (e.g., restaurants, personal services and fitness centers) either singly or in combination. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, vibration, outdoor storage, or process visibility are permitted in the OCl zone. In addition to mandatory site plan review, design and development standards in the OCl zone have been adopted to ensure that developments will be well-integrated, attractively landscaped, and pedestrian friendly. The OCl zone combines two zones that were referred to as the Office Campus (OC) and Industrial Commercial (MC) zones prior to March 11, 2004.

B. IL: Light Industrial. The IL zoning district provides appropriate locations for combining light, clean industries including industrial service, manufacturing, research/development, warehousing activities, and general office uses and limited retail. These activities do not require rail or marine access and have limited outdoor storage.

C. IH: Heavy Industrial. The IH zoning district provides appropriate locations for intensive industrial uses including industrial service, manufacturing and production, research and development, warehousing and freight movement, railroad yards, waste-related and wholesale sales activities. Activities in the IH zone include those that involve the use of raw materials, require significant outdoor storage and generate heavy truck and/or rail traffic. Because of these characteristics, IH-zoned property has been carefully located to minimize impacts on established residential, commercial and light industrial areas.

D. ECX: Employment Center Mixed-Use. The ECX zoning district is designed to provide for a concentrated urban mix of office, light industrial and small-scale commercial uses (e.g., restaurants, personal services and fitness centers) either singly or in combination in the Section 30 Employment Center Plan District. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, vibration, outdoor storage, or process visibility are permitted in the ECX zone. In addition, the ECX zoning district provides for optional Urban Neighborhood Overlay(s), allowing for two concentrated urban mixed-use commercial/residential neighborhoods. Mandatory master planning and development standards in the ECX zone have been adopted to ensure that developments will be well-integrated, attractively landscaped, and pedestrian friendly. (Ord. M-3930 § 6, 10/05/2009; Ord. M-3730 § 24, 12/19/2005; Ord. M-3643, 01/26/2004)

20.440.025 Industrial Zone Function and Location Criteria.

A. *General Criteria.* Increasing industrially zoned land shall be favorably considered when such action will provide additional opportunities for business expansion, retention of manufacturing and other industrial firms, or increased employment, especially employment that adds to or maintains the diversity of job opportunities.

B. *OCI (Office-Commercial-Industrial) Location Criteria.* The OCI (Office-Commercial-Industrial) zone designation is most appropriate in areas generally characterized by the following:

1. Areas with existing concentrations of technology-oriented, research and development, and professional service uses or close proximity to major institutions capable of utilizing or supporting new technology-oriented, research and development, and professional service businesses.
2. Existing light or heavy industrial areas which are undergoing a transition to predominantly office and/or mixed commercial and industrial activity.
3. Areas which are underutilized and could provide the type of environment attractive for new technology-oriented, research and development, and professional service office-style development.
4. Areas with access primarily along major highways and arterials, preferably well served by transit.

C. *IL (Light Industrial) Location Criteria.* The Light Industrial (IL) zone designation is most appropriate in areas generally characterized by the following:

1. Areas that are currently developed with a mix of industrial activity and related or limited commercial uses;
 2. Areas that, because of their size, isolation, or separation by another type of zone or major physical barrier (such as a topographic break, major arterial, waterway, or open space) can accommodate more industrial activity without conflicting with the function of nearby commercial and residential activity.
 3. Areas with adequate access to the existing and planned arterial street network, such that additional trips generated by increased industrial activity in the area can be
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accommodated without conflicting with the access and circulation needs of nearby commercial and residential activity.

4. Large parcels of land with generally flat topography;
5. Adequate water, sewer, and fire protection services are available.

D. *IH (Heavy Industrial) Location Criteria.* The IH (Heavy Industrial) zone designation, as defined above, is most appropriate in areas generally characterized by the following:

1. Areas with suitable water access for marine industrial activity and/or directly served by major freight rail lines serving industrial businesses;
2. A character established by existing industrial uses and related commercial activity including manufacturing use, warehousing, transportation, utilities, and similar activities;
3. Areas that, because of their size, isolation, or separation by a nonresidential zone or major physical barrier (such as a topographic break, major arterial, waterway, or open space) can accommodate more industrial activity without conflicting with the function of nearby commercial and residential activity.
4. Access by roads designed/developed to accommodate heavy load or high volume truck traffic, with minimal mixing with nonindustrial traffic.
5. Large parcels of land with generally flat topography;
6. Adequate water, sewer, and fire protection services are available. (Ord. M-3730, Added, 12/19/2005, Sec 23)

20.440.030 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.
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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.

5. Uses may also be subject to restrictions and standards set forth in the Water Resource Protection Ordinance (VMC Title [14](#)).

B. *Use table.* A list of permitted, limited, conditional, and prohibited uses in the industrial zoning districts is shown in Table 20.440.030-1.

Table 20.440.030-1. Industrial Zoning Districts Use Table

USE	OCI ²⁰	IL ¹	IH	ECX ²⁷
RESIDENTIAL				
Household Living	L ²	L ²	L ²	L ²⁸
Group Living	P ²¹ /X	X	X	P ²¹ /X
Home Occupation	L ³	L ³	L ³	L ³
HOUSING TYPES				
Single Dwelling, Attached	L ²	X	X	L ²⁸
Single Dwelling, Detached	X	X	X	X
Accessory Dwelling Units	X	X	X	X
Duplexes	L ²	X	X	L ²⁸
Multi-Dwelling Units	L ²	X	X	L ²⁸
Existing Manufactured Home Developments	X	X	X	X
Designated Manufactured	X	X	X	X
New Manufactured Homes	X	X	X	X

USE	OCI ²⁰	IL ¹	IH	ECX ²⁷
CIVIC (Institutional)				
Basic Utilities	P	P	P	P
Colleges	X	X	X	C
Community Centers	P	X	P	P
Community Recreation	L ²⁴	P	X	L ²⁴
Cultural Institutions	X	P	X	P
Day Care				
- Child Care Center	L ⁴	L ⁴	X	L ⁴
- Adult Day Care	P	P	X	P
Emergency Services (except ambulance services)	P	P	P	P
Medical Centers	C	X	X	P
Parks/Open Space				
- Neighborhood Parks	P	P	P	P
- Community Parks	P	P	P	P
- Regional Parks	C	C	C	C
- Trails	P	P	P	P
Postal Service	X	P	P	X
Religious Institutions	X	X	X	X
Schools	X	X	X	X
Social/Fraternal Clubs	X	X	X	X
Transportation Facility	P/X ²⁶	P	P	P/X ²⁶
Park and Ride Facilities				
Surface	X	L ³¹	L ³¹	X

USE	OCI ²⁰	IL ¹	IH	ECX ²⁷
Structure	L ³¹	L ³¹	L ³¹	L ³¹
COMMERCIAL				
Commercial and Transient Lodging	X	X	X	P
Eating/Drinking Establishments	L	L ⁵	L ⁵	L ⁶
Entertainment-Oriented				
- Adult Entertainment	X	L ⁷	L ⁷	X
- Indoor Entertainment	X	X	X	X
- Major Event Entertainment	X	X	X	X
Artisan Small Scale Manufacturing	X	X	X	P
General Retail				
- Sales-Oriented	L	L ⁶	L/C ⁶	L ⁶
- Personal Services	L	L ⁶	X	L ⁶
- Repair-Oriented	L	L ⁶	X	L ⁶
- Bulk Sales	X	X	X	X
- Outdoor Sales	X	X	P	X
Motor Vehicle Related				
- Motor Vehicle Sales/Rental	X	X	X	X
- Motor Vehicle Servicing/Repair	X	L ⁸	L ⁸	X
- Vehicle Fuel Sales	X	X	L ⁸	L ^{8, 29}
- EV Basic Charging Stations (accessory and stand-alone)	P	P	P	P
- EV Rapid Charging Stations (accessory and stand-alone)	P	P	P	P

USE	OCI ²⁰	IL ¹	IH	ECX ²⁷
- EV Battery Exchange Stations	P	P	X	P
Office				
- General	P	P	L/C ⁹	P
- Medical	P	P	X	P
- Extended	P	P	X	P
Marina (See also Chapter 20.760 VMC)	X	C	X	X
Nonaccessory Parking	C ¹⁰	L ¹⁰ /X	X	L ³⁰
Self-Service Storage	P ³⁵	P ³⁵	X	X
INDUSTRIAL				
Industrial Services	P	P	P	P
Manufacturing and Production	P	P ¹¹	P ¹¹	P
Railroad Yards	X	X	P	X
Bulk Fossil Fuel Storage and Handling Facilities, Existing Legal and Non-Capacity Improvements	X ³⁴	L ³⁴	L ³⁴	X ³⁴
Bulk Fossil Fuel Storage and Handling Facilities, Existing, Conversion Full or Partial to Cleaner Fuels	X ³⁴	C ³⁴	C ³⁴	X ³⁴
Bulk Crude Oil Fossil Fuel Storage and Handling Facilities, New	X ³⁴	X ³⁴	X/ ³⁴	X ³⁴
Cleaner Fuel Storage and Handling Facilities (Option A only)	X	X	X ³⁷	X

USE	OCI ²⁰	IL ¹	IH	ECX ²⁷
Cleaner Fuel Storage and Handling Facilities (Option B only)	X	X	C ³⁷	X
Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities	X	X	C ³⁷	X
Petroleum/Oil Refineries	X	X	X	X
Research and Development	P	P	C	P
Warehouse/Freight Movement	X	L ¹²	P	X
Waste-Related	X	X	P ²² /X	X
Wholesale Sales	P	L ¹²	X	X
Major Utility Facilities	X	X/P ³²	L ³³	X
OTHER				
Agriculture/Horticulture	X	P	P	X
Airport/Airpark	X	L ¹⁹	P	X
Animal Kennel/Shelters	X	L ¹⁷	L ¹⁷	X
Cemeteries	X	X	C	X
Detention and Post Detention Facilities	X	C/X ¹³	C ¹⁴	X
Dog Day Care	L ¹⁵	L ¹⁵	L ¹⁵	L ¹⁵
Heliports	C	C	C	C
Medical Marijuana Cooperatives	X	X	X	X
Recreational Marijuana Retail	X	X	X	X
Recreational Marijuana Growing or Processing	X	L ³⁶	L ³⁶	X

USE	OCI ²⁰	IL ¹	IH	ECX ²⁷
Mining	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸
Rail Lines/Utility Corridors	P/X ²³	P	P	P/X ²³
Wireless Communication Facilities	L ¹⁶	L ¹⁶	L ¹⁶	L ¹⁶

1 Due to the unique character and combination of uses in the Columbia Business Center area, uses existing prior to March 11, 2004, on parcels zoned IL in the Columbia Business Center may be altered, expanded or replaced regardless of use limitations in Table 20.440.030-1.

2 In the OCI zone, multifamily housing allowed above ground floor only as specified by VMC [20.430.060\(B\)\(2\)](#). In all industrial zones, one caretaker residence permitted per use.

3 Subject to the conditions in Chapter [20.860](#) VMC, Home Occupations.

4 Child care centers allowed as a Limited (L) use, subject to a Type II procedure. Child care centers are permitted in order to provide service for those employees working in the IL district, subject to provisions in Chapter [20.840](#) VMC, Child Care Centers.

5 If within an industrial building, these uses shall consume no more than 10 percent of the building's total gross square footage. If freestanding, they shall be considered together with the rest of the project and shall consume no more than 10 percent of the site's total gross square footage.

6 These limited uses, separately or in combination, may not exceed 20 percent of the entire building square footage within a development complex. No retail uses shall exceed 40,000 gross square feet (gsf) per building or business; retail uses greater than 40,000 gsf but less than 60,000 gsf require conditional use review.

7 Subject to provisions in Chapter [20.820](#) VMC, Adult Entertainment.

8 Subject to provisions in VMC [20.895.070](#), Motor Vehicle Fuel Sales and Repair.

9 Offices not accessory to a permitted use may not exceed 40,000 gsf; offices greater than 40,000 gsf but less than 60,000 gsf require conditional use review.

10 In the OCI zone, nonaccessory surface parking is conditionally permitted on brownfields where subsurface environmental constraints effectively preclude other uses, provided such development complies with applicable local, state and federal environmental standards. In the IL zone, nonaccessory surface parking is permitted, and nonaccessory structured parking is prohibited. In the ECX zone, nonaccessory structural parking only shall be permitted.

11 Electroplating and related uses not permitted.

12 Permitted as limited use provided all activities, except outdoor storage of materials, are wholly contained within building(s).

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- 13** Secure Community Transition Facilities as per Chapter [20.150](#) VMC are prohibited.
- 14** In addition to other detention and post-detention facilities, Secure Community Transition Facilities are allowed by conditional use permit, subject to criteria set forth in VMC [20.855.020\(B\)\(6\)\(a\)](#).
- 15** Subject to provisions in Chapter [20.850](#) VMC, Dog Day Care.
- 16** Subject to requirements in Chapter [20.890](#) VMC, Wireless Telecommunications Facilities.
- 17** Subject to provisions in VMC [20.895.020](#), Kennels/Shelters.
- 18** Surface mining is only allowed by conditional use on sites of 20 acres or larger which are adjacent to existing mining operations. Reclamation activity for existing mining operations approved by the Washington State Department of Natural Resources is a permitted use in any nonresidential zoning district.
- 19** Allow airport/airpark related activities such as hangars, air cargo, and warehousing, pilot schools, aircraft sales and repairs, aviation clubs, and museum in the Light Industrial District (IL). New airports/airparks are prohibited.
- 20** All uses locating the OCI zone shall comply with the special use limitations of VMC [20.440.040\(C\)](#) and [20.440.050\(A\)](#). Development agreements in existence on the effective date of the ordinance codified in this section shall control the uses and development standards of the affected properties. In order to protect the investments made in reliance upon such agreements, improvements made or site plans approved consistent with these agreements shall not be deemed nonconforming.
- 21** Existing legally established group living uses are permitted. New group living is prohibited.
- 22** Ten-day hazardous waste handling and transfer facilities, excluding facilities handling radioactive or high explosive materials, are allowed, provided such facilities: (a) do not repackage waste (except as necessary to address damaged or improper packaging); (b) are located at least 200 feet from any residential zoning district; and (c) do not store hazardous wastes (except for "universal wastes," as that term is defined in Code of Federal Regulations, Title [40](#), Part 273) for more than 10 days.
- 23** Prohibited within 200 feet of a residential zone.
- 24** Subject to provisions of VMC [20.895.040](#), Community Recreation and Related Facilities.
- 25** The language for this footnote has been deleted.
- 26** Transportation facilities are permitted except for large or land-intensive facilities such as water taxi and ferry stations.
- 27** All uses locating in the ECX zone shall comply with Chapter [20.690](#) VMC, Section 30 Employment Center Plan District. Development agreements in existence on the effective date of this ordinance shall control the uses and development standards of the affected properties, unless property owners choose differently as provided under VMC [20.690.030](#). In order to protect the investments made in reliance upon such agreements, improvements made or site plans approved consistent with these agreements shall not be deemed nonconforming.
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28 In the ECX zone, multi-family housing is allowed above ground floor only; and one caretaker residence permitted per use.

29 Vehicle fuel sales is limited to one operation within the Section 30 Plan District

30 The language for this footnote has been deleted.

31 See VMC [20.430.040\(E\)](#), Park and Ride Facility Development Standards.

32 Major Utility Facilities are prohibited with the exception that sewer treatment plants and lagoons are allowed outright.

33 ~~Coal-fired electricity generating plants are prohibited in all districts.~~ Biomass ~~and coal~~ generating plants are prohibited on Heavy Industrial zoned properties within the Vancouver City Center Subarea and Hough Neighborhood Association boundaries located west of Lincoln Street and east of the Burlington Northern Sante Fe Railroad tracks.

34 ~~New bulk fossil fuel storage and handling facilities are prohibited. Maintenance and safety improvements to existing bulk fossil fuel storage and handling facilities are allowed subject to compliance with requirements in VMC 20.895.110. Existing bulk crude oil fossil fuel storage and handling facilities including vested projects as of July 18, 2016~~ **[insert date of ordinance]**, ~~are prohibited to~~ may convert to Cleaner Fuels and as part of such conversion may expand the amount of crude oil storage by up to 15 percent of the baseline capacity subject to a Conditional Use Permit and compliance with the requirements of VMC 20.895.110.

35 Subject to requirements and standards within the Miscellaneous Special Use Standards for Self-Service Storage, pursuant to VMC [20.895.100](#).

36 Subject to compliance with Chapter [20.884](#) VMC, Marijuana Businesses.

37 Subject to compliance with VMC 20.895.110.

Chapter 20.450

OPEN SPACE DISTRICTS

Sections:

20.450.010	Purpose.
20.450.020	List of Open Space Districts.
20.450.030	Uses.
20.450.040	Development Standards.
20.450.050	Special Provisions for Uses.

20.450.010 Purpose.

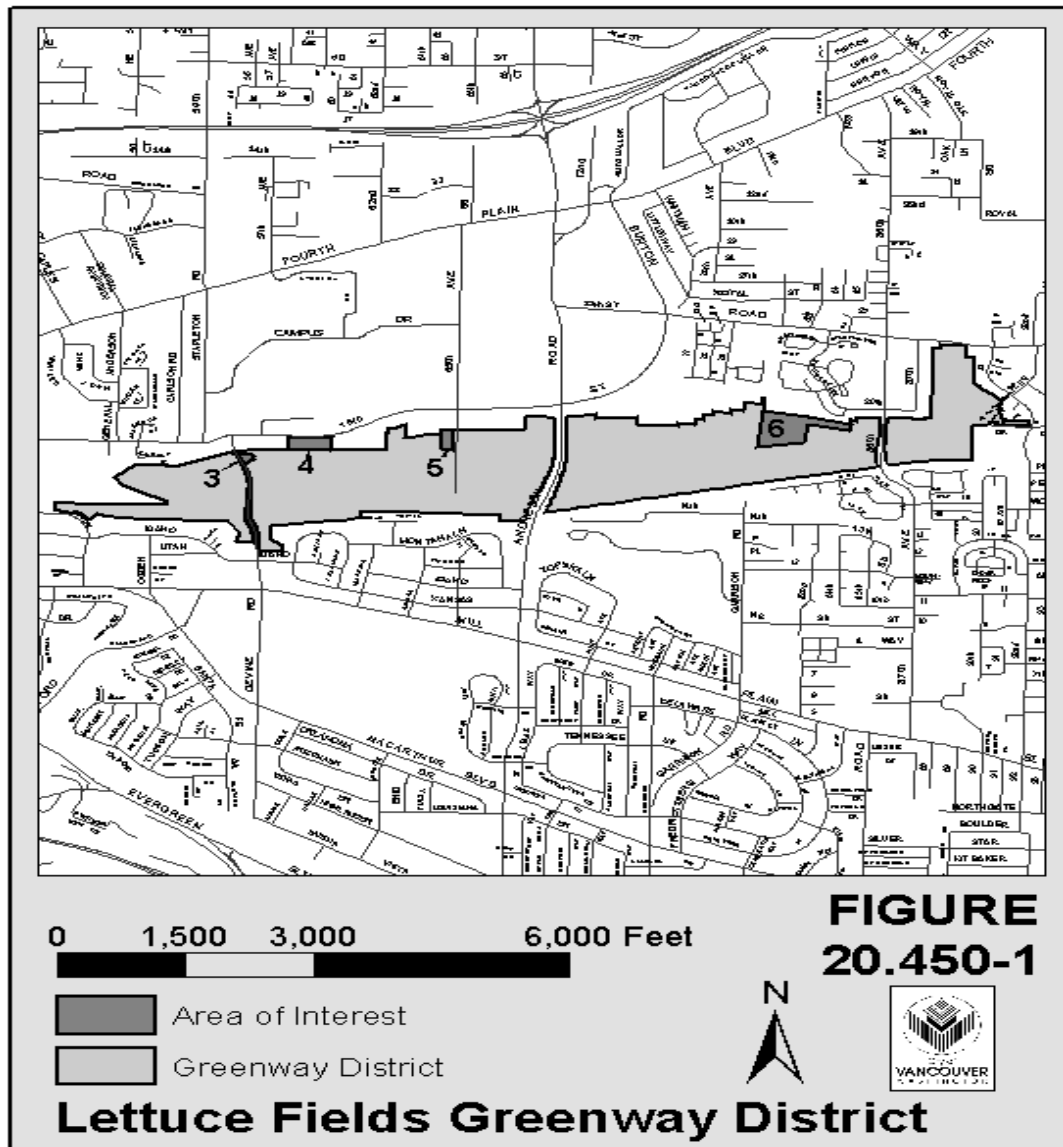
Generally. Open space districts are intended to protect, preserve, conserve, and enhance natural areas, greenways, and parks. Together, the open space districts are intended to provide a full range of passive and active uses as well as environmental protection and enhancement for the future use, understanding, and enjoyment of the City and its residents. (Ord. M-3643, 01/26/2004)

20.450.020 List of Open Space Districts.

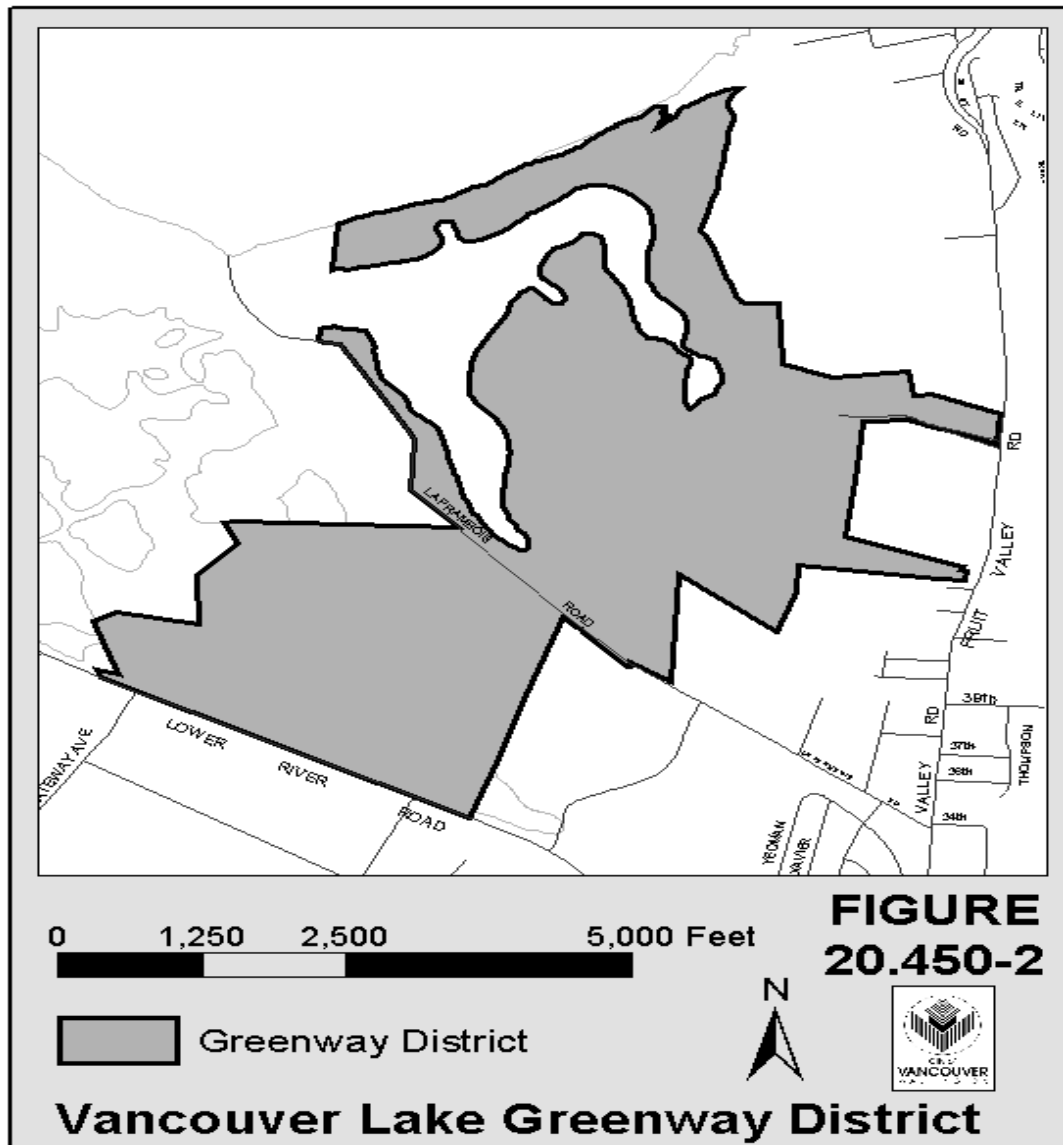
A. NA: Natural Areas. The Natural Areas District is intended to protect and preserve properly functioning habitat conditions to support the natural ecosystem of an area. Uses and activities to maintain and/or enhance the ecosystem and passive uses and activities are appropriate for these areas.

B. GW: Greenway. The Greenway District is intended to preserve, conserve, and enhance natural features to support water quality, habitat, public access, and education, contributing to Vancouver' s quality of life. Passive and low impact, low-intensity uses and activities are appropriate for these areas. The Greenway District consists of a set of greenways. Some are regulated individually to achieve their special purposes.

1. GW-Lettuce Fields Greenway District (Figure 20.450- 1). The Lettuce Fields Greenway District implements the Lettuce Fields Subarea Plan. The Lettuce Fields Greenway District is intended to effect (1) establishment of a continuous greenway throughout the District and the preservation and enhancement of its open space character; (2) enhancement and maintenance of the environmental conditions of the district, including fish and wildlife habitat; (3) provision of physical as well as visual public access to the publicly-owned lands of the district, including development of a pedestrian and bicycle trail connecting to established or planned trails on the east and west; (4) provision of environmental education opportunities; (5) enhanced stormwater and flood plain management; and (6) other passive or low-intensity, low-impact uses which further the public interest as stated in this section.
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2. GW-Vancouver Lake Greenway District (Figure 20.450- 2). The Vancouver Lake Greenway District is intended to encourage the preservation of agricultural and wildlife use on land which is suited for agricultural production, and to protect from incompatible uses agricultural areas that are highly valuable seasonal wildlife habitat. The district provides for activities which can be considered accessory only to agricultural, game, or wildlife habitat management, or recreational uses. Nothing in this chapter shall be construed to restrict normal agricultural practices.



3. GW: General Greenway District. The General Greenway District is intended to encourage preservation, conservation, and enhancement of natural areas in dispersed locations outside of the Lettuce Fields Greenway District or the Vancouver Lake Greenway District.

C. *Park*. The Park District is land that has been or is intended to be developed to provide for moderate- to high-intensity recreational activities in addition to passive or low-intensity recreational experiences. Environmental preservation, conservation, and enhancement are also objectives in the development and maintenance of park districts. Park districts will generally

consist of neighborhood, community, and regional parks as defined by the Vancouver Urban Parks, Recreation, and Open Space Plans. (Ord. M-3643, 01/26/2004)

20.450.030 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. Although permitted by right, most of these uses are still subject to the Site Plan Review, as governed by Chapter [20.270](#) VMC.
2. A limited (L) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions. Most uses also are subject to Site Plan Review, as governed by Chapter [20.270](#) VMC. If not subject to Site Plan Review, such a use may be subject to a Type I review, per the requirements in VMC [20.210.040](#).
3. A conditional use (C) is a discretionary use reviewed by the hearings examiner. The approval criteria and approval process are 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.

B. *Use tables.* Lists of permitted, limited, conditional, and prohibited uses in Open Space Districts are presented in Tables 20.450.030-1 and 20.450.030-2. Specialized open space uses and activities are set forth in Table 20.450.030-1. Uses described in the Use Classification section (Chapter [20.160](#) VMC), are set forth in Table 20.450-2. Special limitations on uses are set forth in VMC [20.450.050](#).

Table 20.450.030-1					
Specialized Open Space Uses/Activities					
		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields¹	General	Park
OPEN SPACE/ PARKS AND					

Table 20.450.030-1 Specialized Open Space Uses/Activities					
		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields ¹	General	Park
RECREATION					
Agricultural Related ²					
- Agriculture ²	X	L	L ³	X/ L ⁴	L ⁴
- Horticulture ²	X	L	L	X/ L ⁴	L ⁴
- Silviculture ²	X	C	L	X/ L ⁴	L ⁴
- Roadside Agricultural Stands/Sales ²	X	L	L	X/L ⁴	L ⁴
- Storage Structures ²	X	L	L	L ⁴	L ⁴
- Housing for Agricultural Employees ²	X	X/C ⁵	X	C	X
Environmental Management and Education ²					
- Environmental Education Activities	P	P	P	P	P
- Environmental Maintenance Projects and Activities	P	P	P	P	P
- Environmental Restoration, Rehabilitation, or Enhancement Projects and Activities	P	P	P	P	P
Fences ²	X	P	L	P	P
Fill ²	C	L	L	L	P
Flood Plain and Stormwater Management Projects	C	C	P	P	P
Wetland Banking	C	C	P	P	P
Wetland Mitigation	C	C	P	P	P
Wildlife Habitat	P	P	P	P	P

Table 20.450.030-1 Specialized Open Space Uses/Activities					
		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields¹	General	Park
Conservation, Maintenance, Rehabilitation, Restoration, Enhancement, and Education Projects					
Park Facilities					
- Interpretive Stations, Construction and Maintenance ²	C	P	P	P	P
- Playgrounds	X	X	X	P	P
- Restrooms ²	C	L	L	L	P
- Neighborhood Parks	X	X	X	P	P
- Community Parks	X	X	X	P	P
- Regional Parks	X	X	X	X	P
Recreational Facilities					
- Passive or Low-Impact, Low-Intensity Uses	P	C ⁶	P	P	P
- Moderate or High-Impact, High-Intensity Uses	X	X	X	C	P
Motorized Recreational Equipment including Off-Road Vehicles and All Terrain Vehicles	X ⁷	X ⁷	X	X ⁷	C ⁷
- Community Recreation Facilities	X	X	X	X	P
- Trails ²	L	L	L	L	P
- Parking ²	C	L	L	L	P
- Informational and Interpretative Signs ²	P	P	L/X	P	P

1 All uses in the Lettuce Fields Greenway District are subject to the special provisions for uses in VMC [20.450.050\(A\)](#).

2 The use is allowed (P, L, or C) subject to all applicable development standards set forth in VMC [20.450.040](#).

3 Agricultural practices existing on or before April 19, 2001, may continue. New agricultural uses must meet the standards of VMC [20.450.040](#).

4 Permitted uses of this classification or type are limited to those in existence on the date this ordinance was effective.

5 The prohibition on housing for agricultural employees in the Vancouver Lake Greenway District does not include a prohibition for a caretaker residence (see Table 20.450.030-2).

6 Subject to the development standards in VMC [20.450.040\(D\)\(2\)](#).

7 Not including motorized boats where permitted on Vancouver Lake and the Columbia River.

Table 20.450.030-2					
Permitted, Limited, Conditional and Prohibited					
Uses in Open Space District					
		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields²	General	Park¹
RESIDENTIAL					
Household Living	X	X/L ³	X/L ³	X/L ³	X/L ³
Group Living	X	X	X	X	X
Home Occupation	X	X	X	X	X
HOUSING TYPES					
Single Dwelling, Attached	X	X	X	X	X
Single Dwelling, Detached	X	X/L ³	X/L ³	X/L ³	X/L ³
Accessory Dwelling Units	X	X	X	X	X
Duplexes	X	X	X	X	X
Multi-Dwelling Units	X	X	X	X	X

Table 20.450.030-2
Permitted, Limited, Conditional and Prohibited
Uses in Open Space District

		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields²	General	Park¹
Existing Manufactured Home Development	X	X	X	X	X
Designated Manufactured Home	X	X	X	X	X
New Manufactured Home	X	X	X	X	X
CIVIC (Institutional)					
Colleges	X	X	X	X	X
Community Centers	X	X	X	X	X
Community Recreation	X	X	X	X	P
Cultural Institutions	X	X	X	X	P
Day Care					
Family Day Care Home	X	L ⁴	X	X	P
Child Care Center	X	C ⁴	X	X	X
- Adult Day Care	X	C	X	X	P
Emergency Services	X	X	X	X	X
Medical Centers	X	X	X	X	X
Postal Service	X	X	X	X	X
Religious Institutions	X	X	X	X	X
Schools	X	C	X	X	P
Social/Fraternal Clubs	X	X	X	X	X

Table 20.450.030-2
Permitted, Limited, Conditional and Prohibited
Uses in Open Space District

		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields²	General	Park¹
COMMERCIAL					
Commercial and Transient Lodging	X	X	X	X	X
Eating/Drinking Establishments	X	X	X	X	X
Entertainment-Oriented					
- Adult Entertainment	X	X	X	X	X
- Indoor Entertainment	X	X	X	X	X
- Major Event Entertainment	X	X	X	X	X
General Retail					
- Sales-Oriented	X	X	X	X	X
- Personal Services	X	X	X	X	X
- Repair-Oriented	X	X	X	X	X
- Bulk Sales	X	X	X	X	X
- Outdoor Sales	X	X	X	X	X
Motor Vehicle Related					
- Motor Vehicle Sales/Rental	X	X	X	X	X
-Motor Vehicle Servicing/Repair	X	X	X	X	X
- Vehicle Fuel Sales	X	X	X	X	X

Table 20.450.030-2
Permitted, Limited, Conditional and Prohibited
Uses in Open Space District

		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields²	General	Park¹
- Electric Vehicle Re-charging Station	X	X	X	X	X
Office					
- General	X	X	X	X	X
- Medical	X	X	X	X	X
- Extended	X	X	X	X	X
Non-Accessory Parking	X	X	X	X	X
Self-Service Storage	X	X	X	X	X
Marina	X	X	X	X	X
INDUSTRIAL					
<u>Bulk Fossil Fuel Storage and Handling Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Cleaner Fuel Storage and Handling Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
<u>Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
Industrial Services	X	X	X	X	X
Manufacturing and Production	X	X	X	X	X
Railroad Yards	X	X	X	X	X

Table 20.450.030-2
Permitted, Limited, Conditional and Prohibited
Uses in Open Space District

		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields²	General	Park¹
Research and Development	X	X	X	X	X
Warehouse/Freight Movement	X	X	X	X	X
Wholesale Sales	X	X	X	X	X
Waste-Related	X	X	X	X	X
OTHER					
Airport/Airpark	X	X	X	X	X
Animal Kennels/Shelters	X	X	X	X	X
Cemeteries	X	X	X	X	C ⁵
Detention Facilities	X	X	X	X	X
Dog Day Care	X	X	X	X	X
Heliports	X	X	X	X	X
Landfills, Sanitary	X	X	X	X	X
Mining	X	X	X	X	X
Public Facilities and Utilities					
- Essential Utilities	X	P	L ⁶	L ⁷	L ⁷
- Major Utilities	X	X	X/C ⁶	C	C
- - Essential Public Facilities	X	X	C ⁶	C	C
- - Other Major Utilities	X	X	X	C	C
- Minor Utilities	X	C	L ⁶	C ⁷	C ⁷

Table 20.450.030-2 Permitted, Limited, Conditional and Prohibited Uses in Open Space District					
		Greenway			
USE	Natural Area	Vancouver Lake	Lettuce Fields²	General	Park¹
- Public Utility Corridors	X	C	C ⁶	C	C
- Transportation Facilities	X	C	C ⁸ /X	C	C
Rail Lines	X	X	X	C	C
Recreational or Medical Marijuana Facilities	X	X	X	X	X
Temporary Uses	X	X	X	X	X
Wireless Communication Facilities	X	C/L ⁹	X	C ¹⁰	C

1 Parks shall be developed in accordance with the standards set forth in VMC [20.450.040](#).

2 All uses in the Lettuce Fields Greenway District are subject to the special provisions for uses in VMC [20.450.050\(A\)](#).

3 Caretaker residence or existing dwellings are permitted. In the Lettuce Fields Greenway District, only existing dwellings are permitted. New dwellings, including guest houses, accessory dwelling units, bed and breakfast establishments, etc. are prohibited. In the Vancouver Lake Greenway District, single-family dwellings require a minimum of 160 acres each.

4 Family day care homes for no more than 12 children are permitted when licensed by the state. Family day care homes and child care centers (13 or more children) must meet the standards outlined in Chapter [20.840](#) VMC.

5 Subject to the provisions of VMC [20.895.030](#), Cemeteries.

6 Subject to the development standards of VMC [20.450.040\(B\)\(5\)](#).

7 Plans for the construction or extension of essential utility services are to be reviewed and approved by development review staff. Utilities shall be installed underground or screened as to not be visible within the Greenway or Park. No septic fields are allowed.

8 Only transit stops and shelters and bicycle parking integrated with automobile parking at trailheads are permitted by conditional use. Other transportation facilities are prohibited.

9 Permitted subject to the requirements of Chapter [20.890](#) VMC.

10 Permitted only as co-location and through the conditional use process.

(Ord. M-4071 § 6, 03/03/2014; Ord. M-3709 § 11, 06/20/2005; Ord. M-3643, 01/26/2004)

Chapter 20.895

MISCELLANEOUS SPECIAL USE STANDARDS

Sections:

20.895.010	Purpose.
20.895.020	Animal Kennels/Shelters.
20.895.030	Cemeteries.
20.895.040	Community Recreation and Related Facilities.
20.895.050	Domestic Animals and Livestock.
20.895.060	Indoor Target Shooting Ranges.
20.895.070	Motor Vehicle Fuel Sales and Repair.
20.895.080	Private Use Landing Strips for Aircraft and Heliports.
20.895.090	Temporary Storage Units.
20.895.100	Self-Service Storage.
20.895.110	Fossil Fuel or Cleaner Fuel Storage and Handling

20.895.010 Purpose.

Purpose. In addition to other standards and requirements imposed by this Title, all uses included in this Chapter shall comply with the provisions stated below. Should a conflict arise between the requirements of this Chapter and other requirements of this Title, the more restrictive provision shall control. (Ord. M-3643, 01/26/2004)

20.895.110 Fossil Fuel or Cleaner Fuel Storage and Handling

A. Purpose. The purpose of these standards is to minimize the risk of spill or discharge of fuels into groundwater or the waters of the state; to promote public health and safety and avoid and minimize impacts to nearby properties from fire or explosion or adverse air emissions; to support a reduction in greenhouse gas emissions and a transition to renewable fuel and energy production consistent with Federal, state and local targets; and to protect and preserve fish and wildlife habitat areas to ensure viable Tribal fisheries consistent with Treaty fishing rights.

B. Applicability. The standards in this section apply to:

1. Bulk Fossil Fuel Storage and Handling Facility
2. Cleaner Fuel Storage and Handling Facility
3. Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities

C. Standards – Non-Capacity Improvements. The City may approve activities or structures for one or more of the following purposes as a limited use, provided there is no increase in baseline capacity:

1. Maintenance repair, or replacement.
2. Improvement of the safety or security of the infrastructure, including seismic upgrades.
3. Decrease in air or water emissions.
4. Allow the facility infrastructure or buildings to meet new regulatory requirements.
5. Addition of accessory structures or activities that do not add to the baseline capacity of the facility.

The applicant for non-capacity improvements shall specify the baseline capacity for the facility as of the date of this ordinance per subsection E.2 below.

D. Standards for New or Expanded Small Fossil Fuel or Cleaner Fuel Storage and Distribution Facilities

1. The applicant shall document the existing baseline, and any proposed additional storage capacity and the fuel type(s) to be stored. Documentation shall be consistent with subsection E.2 below.

2. The Planning Official shall require seismic upgrades to existing facilities as a condition of the land use permit.

3. The applicant shall obtain approval of comprehensive spill prevention and fire response plans to the satisfaction of the Planning Official and Fire Marshal.

4. New small fossil fuel or cleaner fuel storage and distribution facilities shall be located at least 1,000 feet away from residentially zoned properties.

E. Standards for Bulk Fossil Fuel Storage and Handling Facilities – New or Capacity Expansion

1. New Facilities. New Bulk Fossil Fuel Storage and Handling Facilities are prohibited, regardless of size.

2. Baseline Established. The baseline for storage, transportation, and transshipment facilities is established by the following information available as of (insert the adoption date of this ordinance). Storage baseline capacity shall be established using Washington Department of Ecology industrial section permits and oil spill prevention plans or other verifiable documentation. Transshipment and transportation facility baseline is established through the most recent spill prevention plans approved by the Department of Ecology or where a local permit documenting such facilities has been approved more recently. If an existing facility does not have an established refining or storage baseline from a past industrial section permit or spill prevention plan, the baseline must be established as part of a permit application.

3. Expansion of Bulk Fossil Fuel Storage and Handling Facilities is allowed up to 15 percent increase above the baseline capacity if converted to Cleaner Fuels, as defined by VMC 20.150 Definitions, and subject to the requirements of Section F below.

F. Standards for Cleaner Fuels Storage and Handling Facilities – New or Expansion.

Option A: 1. New Cleaner Fuel Storage and Handling Facilities are prohibited in all districts.

Option B: 1. New Cleaner Fuel Storage and Handling Facilities are allowed subject to a conditional use permit if no larger than 1 million gallons of cumulative storage, on a site 3 acres or less in size, and if located at least 1,000 feet from residential zoned land. Size cannot exceed the smaller of 1 million gallons or site acreage 3 acres. Such facilities shall meet spill prevention/fire response, seismic upgrade, GHG assessment, and annual reports in subsection 3.b et seq.

2. Existing Bulk Fossil Fuel Storage and Handling Facilities may be converted to Cleaner Fuels as defined by VMC 20.150 Definitions as a limited use, subject to the requirements of subsections 3 b, c, and d below.

3. Existing Bulk Fossil Fuel Storage and Handling facilities converted to Cleaner Fuels may be expanded, subject to approval of a conditional use permit and compliance with the following criteria:

a. Total or partial conversion of an existing fossil fuel storage and handling to cleaner fuel infrastructure is allowed. If a facility is converted the facility may be increased by up to 15 percent above the baseline capacity. The expansion shall be in proportion to the amount of cleaner fuel storage. For example, if 25% of the facility is converted to cleaner fuels, the storage and handling infrastructure may expand by 3.75%. If 50% of the facility is converted to cleaner fuels, storage and handling infrastructure may expand by 7.5%. If 100% of the facility is converted into cleaner fuels storage and handling, then 15% of the infrastructure may be increased.

b. If a fossil fuel storage and handling facility is partially or fully converted to cleaner fuel infrastructure that share of the facility used for cleaner fuel storage, transportation, or transshipment of petroleum-based fossil fuels shall be maintained on the overall site; products may be moved to different storage tanks on the site provided the cleaner fuel percentage of the total storage is maintained. The applicant shall provide a comprehensive spill prevention plan and fire response plan to the satisfaction of the Planning Official and Fire Marshal.

d. Seismic upgrades pursuant to current building code requirements shall be made to any existing fuel storage facilities.

e. GHG Assessment: Greenhouse gas emissions impacts shall be assessed for expanded facilities. The proponent is responsible to provide an expert evaluation by a qualified

professional to the satisfaction of the Planning Official. The evaluation shall document baseline lifecycle greenhouse gas emissions from the facility, net increases in lifecycle greenhouse gas emissions, and mitigation of greenhouse gas emission increases. Lifecycle emissions shall be quantified as defined in 42 U.S. Code § 7545. The Planning Official shall require mitigation to address the project's direct greenhouse gas emissions and may require mitigation to address the project's indirect emissions. The assessment shall address mitigation, which may include, but is not limited to the one or more of following: onsite efficiency improvements, carbon capture and storage, purchase of carbon offsets from any carbon registry approved by the Vancouver Land Use Department or state agency, implementation of strategies in Vancouver's Climate Action Plan, or other measures approved by the Planning Official. The mitigation may concurrently satisfy any other requirements imposed by county, state or federal governments. Mitigation shall be made conditions of approval, and shall be specific, identifiable, quantifiable, permanent; enforceable; and verifiable.

f. Financial Assurance in Case of Accidents. To ensure applicants are able to mitigate the consequences of accidents, proof of financial assurance (such as trust funds, letters of credit, insurance, self-insurance, financial tests, corporate guarantees, payment bonds or performance bonds) shall be provided sufficient to comply with the financial responsibility requirements set forth in any State and federal law applicable to their proposed project. If the applicant relies on an insurance policy for compliance with a State or federal financial assurance requirement, the applicant must add the City of Vancouver as an additional insured as a condition of permit issuance.

g. Annual Report. The applicant shall provide annual report to the Planning Official of the following:

- i. A description of on-site storage capacity including the number of tanks, tank volumes, and products.
 - ii. The number of vessel transfers of fuel, both inbound and outbound from the site, the type and quantity of products transferred, and the product destination.
 - iii. The number of rail cars transporting fuels, both to and from the site, including a description of the product, volume, and destination.
 - iv. The number of trucks transporting fuels, both to and from the site, including a description of the product, volume, and destination.
-

v. Document that onsite activity is similar to the established baseline of storage and/or throughput.

vi. Conformity with applicable regional, state, and federal reporting or permit requirements pursuant to laws and rules implemented by Southwest Washington Clean Air Agency, Washington Department of Ecology, US Environmental Protection Agency, and US Energy Information Administration to ensure compliance with the requirements herein.

From: [Dan Serres](#)
To: [Snodgrass, Bryan](#)
Cc: [City Council](#); [Planning Commission](#)
Subject: Comments on SEPA Checklist and DNS for Vancouver Fossil Fuel Code Standards Proposal
Date: Tuesday, August 30, 2022 12:02:44 PM
Attachments: [8.30.22 FF Code Change SEPA Comments submitted.pdf](#)

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 Bryan Snodgrass -

Please see the attached comments submitted on behalf of the Alliance for Community Engagement, Columbia Riverkeeper, Washington Environmental Council, Sunrise Southwest Washington, Washington Physicians for Social Responsibility, Sierra Club Loo Wit, Oregon Physicians for Social Responsibility, Friends of the Gorge and Vancouver Audubon Society regarding the SEPA Checklist and Determination of Nonsignificance (DNS) for Vancouver's Fossil Fuel Code Standards Proposal.

Thank you,

Dan Serres

--

Dan Serres | He/Him/His | Conservation Director
Columbia Riverkeeper | 1125 SE Madison Suite 103A Portland 97214
Direct: 503.890.2441 | dan@columbiariverkeeper.org

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August 30, 2022

Bryan Snodgrass, Principal Planner, CDD
City of Vancouver
PO Box 1995
Vancouver, WA 98668-1995

cc: Vancouver City Planning Commission; Vancouver City Council

Re: SEPA Checklist and SEPA Determination of Non-Significance for Vancouver Fossil Fuel Code Standards Proposal

Columbia Riverkeeper, Washington Environmental Council, Sierra Club Loo Wit, Washington Physicians for Social Responsibility, Oregon Physicians for Social Responsibility, Friends of the Columbia Gorge, Sunrise Southwest Washington, Vancouver Audubon Society, and the Alliance for Community Engagement support Vancouver's ongoing effort to develop a permanent ordinance prohibiting new or expanded bulk fossil fuel infrastructure in Vancouver. We offer the following comments on the Determination of Nonsignificance (DNS) and the State Environmental Policy Act (SEPA) Checklist for Vancouver's proposed Fossil Fuel Code Standards ("proposed code standards").

The proposed code standards represent an important step forward for protecting community health and safety from large-scale fossil fuel facilities in Vancouver. We agree with City staff that banning new large-scale fossil fuel facilities in Vancouver warrants a DNS, as reflected in Option A. We encourage Vancouver to ground the policy and the SEPA analysis firmly in health and safety concerns about these types of fossil fuel facilities and ensure that the final determination and code reflect these concerns.

1. Prohibiting new or expanded large-scale fossil fuel facilities will not have a probable significant adverse impact on the environment.

The proposed code standards will help to protect Vancouver communities from the health and safety impacts of new or expanded fossil fuel facilities, including air pollution, water pollution, and public safety hazards related to storing and handling large quantities of fossil fuels. Vancouver's SEPA Checklist demonstrates that the ordinance will address public and environmental health and safety impacts associated with fossil fuel facilities. In addressing

whether there are 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, the SEPA Checklist states, “Some industrial uses involving chemical manufacturing, smelting, or fossil fuel or renewable fuel processing, handling, and storage have risks, impacts, and vulnerabilities, such as: explosive and fire risks, spill, exposure to toxic chemicals, odor, stormwater, and waste products.”¹ By highlighting the types of risks avoided through the passage of the fossil fuel ordinance, the City’s SEPA analysis supports the DNS.

Vancouver has experience in reviewing the potential health and safety impacts of fossil fuel terminals. For example, the City of Vancouver participated extensively in the review process for the Tesoro-Savage oil train terminal. The environmental impact statement for that project concluded that fossil fuel trains could impose significant negative impacts: “The direct and indirect impact analysis determined that some significant impacts could be unavoidable, related to rail accidents, emergency response delays resulting from additional train traffic, and environmental justice impacts to minority or low-income populations along the rail corridor.”² The proposed ordinance would avert these impacts for new large-scale fossil fuel facilities.

Specific examples of new potential large-scale fossil fuel facilities include liquefied petroleum gas or liquefied propane gas (LPG) facilities, liquefied natural gas (LNG) proposals, coal terminals, and other facilities such as natural gas liquids or fracked gas-based methanol facilities. The SEPA Checklist states that the ordinance is intended to “avoid and minimize any impacts to adjacent communities from fire or explosion.” For facilities that invite long trains and large storage volumes of fossil fuels, the risks are tremendous. For instance, potential LNG train traffic drew sharp opposition from the National Association of State Fire Marshals³ and the National Transportation Safety Board due to unstudied and potentially catastrophic public health and safety risks.⁴ Storing LNG in rail cars or storage tanks poses significant public health and safety risks for communities within a large area near the LNG facility or rail car. In 2021, the Washington Post reported that scientists were alarmed by the potential ramifications of an LNG leak resulting in a vapor cloud and fire.⁵ E&E News reported in 2022, “...near-misses and environmental problems highlight the risk. Most recently, a fireball at a plant near Freeport, Texas, touched off a fire that burned for 40 minutes, led to the temporary closure of the plant and knocked about 20 percent of U.S. export capacity offline for months.”⁶ These concerns

¹ SEPA Checklist, p. 14.

² Washington Energy Facility Siting Council. 2017. Final Environmental Impact Statement for the Tesoro-Savage Oil Train Terminal. p. ES-21.

³ National Association of State Fire Marshals (NASFM). 2019. Comment from re: Docket Number PHMSA-2018-0025 (HM-264) – LNG by Rail. <https://www.regulations.gov/document/PHMSA-2018-0025-0096>

⁴ National Transportation Safety Board. 2019. Comment from re: Docket Number PHMSA-2018-0025 (HM-264) – LNG by Rail. <https://www.regulations.gov/document/PHMSA-2018-0025-0078>

⁵ Will Englund. June 3, 2022. Engineers raise alarms over the risk of major explosions at LNG plants. <https://www.washingtonpost.com/business/2021/06/03/lng-export-explosion-vce/>

⁶ Mike Soraghan and Mike Lee. June 28, 2022. LNG explosion shines light on 42-year-old gas rules. E&E News. <https://www.eenews.net/articles/lng-explosion-shines-light-on-42-year-old-gas-rules/>

underscore Vancouver's conclusion that the ordinance would not have a negative impact on the environment and instead avoid significant risks.

Train terminals that involve the storage and handling of large volumes of LPG would also pose major health and safety risks, including fire and explosion risks. A recent study published by the American Chemical Society notes,

LPG...possesses flammable and explosive properties. With its flammability, LPG is easily ignited, while it is leaking in the course of transportation and processing, thus causing fire or explosion, especially in a confined space. The explosion of LPG is characterized by a high diffusion rate and rapid combustion speed. The explosion disaster induced by LPG leakage has resulted in a high number of economic losses and casualties.⁷

Storage and transport of LPG both carry risks of explosion. Avoiding these types of risks will benefit Vancouver's environment and the health and safety of its communities. Accordingly, the DNS is correct in concluding that the avoidance of these risks will not have a negative impact on the environment.

The DNS correctly concludes that large-scale fossil fuel facilities pose spill risks, and that avoiding these risks would not have a negative impact on the environment. In passing the moratorium related to large-scale fossil fuel facilities, the City referenced significant spill risks from a large seismic event, such as a Cascadia Subduction Zone earthquake. The SEPA analysis provides clear evidence for the potential seismic risks that exist throughout industrial zones in Vancouver. Exhibit 2 of the SEPA Checklist depicts soil liquefaction hazards in Vancouver's industrial zones.⁸ The placement of additional flammable or toxic fuels in liquefaction zones could exacerbate existing spill, fire, and emergency response concerns related to existing facilities. The ordinance would help Vancouver avoid these significant new health and safety impacts while also providing flexibility for terminal operators to reduce these risks. The SEPA analysis highlights that the ordinance would not encumber seismic and safety upgrades at existing facilities, stating, "The City of Vancouver identified 6 existing large-scale (bulk) fossil fuel facilities. This non-project action will allow existing facilities and maintenance/upgrades provided there is compliance with City codes including seismic, fire protection, and spill prevention."⁹ Additionally, facilities that undergo seismic upgrades and convert to cleaner fuels may expand storage up to 15%.

⁷ Liang et al. 2021. Risk Assessment of Liquefied Petroleum Gas Explosion in a Limited Space. <https://pubs.acs.org/doi/10.1021/acsomega.1c03430>

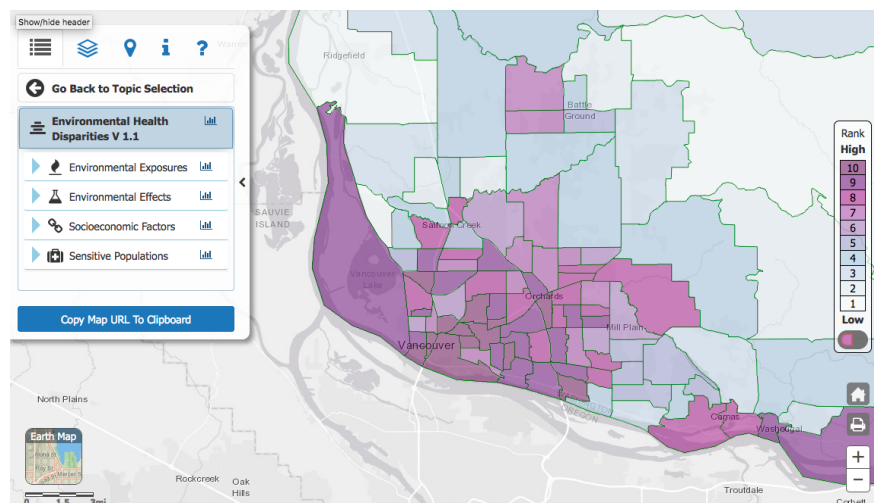
⁸ SEPA Checklist, p. 6.

⁹ SEPA Checklist, p. 16.

2. Prohibiting new or large-scale fossil fuel facilities will protect the health and safety of Vancouver residents, including BIPOC, lower-income, and other traditionally marginalized communities who already experience environmental health disparities.

The proposed code standards will help the City of Vancouver protect communities from the health and safety impacts of new or expanded fossil fuel facilities, including air pollution, water pollution, and public safety hazards related to storing and handling large quantities of fossil fuels. Although Vancouver has been working towards implementation of a Climate Action Plan (CAP) to diminish its fossil fuels for climate-related reasons, the prohibition on new large-scale fossil fuel facilities was originally conceived as a policy that would assist Vancouver in avoiding compounding environmental inequities already present, by reducing and averting health and safety risks.

Already, the environmental health impacts of fossil fuel facilities place disparate burdens on communities within Vancouver. Vancouver communities of color and low-income communities experience some of the most significant environmental health disparities in Washington, which would only be exacerbated by any new or expanded fossil fuel facilities.¹⁰ The proposed ordinance avoids worsening environmental health disparities already present in Vancouver and demonstrates an awareness of the difficulties these communities face.



Environmental Health Disparities in Vancouver.¹¹

Source: [Washington Environmental Health Disparities Map](https://fortress.wa.gov/doh/wtnibl/WTNIBL/). July 2022.

Data from the Washington Department of Health's Environmental Health Disparities Map support the prohibition of new bulk fossil fuel storage and handling facilities. Communities near

¹⁰ Washington Department of Health. Environmental Health Disparities Map. <https://fortress.wa.gov/doh/wtnibl/WTNIBL/>. Accessed 7.11.2022.

¹¹ *Id.*

industrial and high-traffic areas experience elevated exposure to air pollution that causes respiratory illness, such as low-level ozone, diesel particulates, and other pollution. Vancouver’s own experience with a proposed large, train-supplied fossil fuel terminal shows that fossil fuel train terminals have significant environmental justice implications. The Final Environmental Impact Statement for the Tesoro-Savage proposal concluded that there would be “environmental justice impacts to minority or low-income populations along the rail corridor.”¹²

3. The DNS supports Option A regarding new cleaner fuel facilities and the requirement for a conditional use permit for facilities that choose to undergo conversion and expansion.

The DNS states, “Uses would be prohibited in most districts in the city and where allowed in the Industrial Heavy Zoning District would be regulated according to development standards addressing size, location, operation, and health and safety.” The DNS and SEPA Checklist describe spill, fire, and other potential impacts that could result from new cleaner fuels facilities where they would be allowed—an indication that consideration of new facilities is better suited to a separate process from the proposed code standards. New cleaner fuel facilities could result in significant impacts distinct from current fossil fuel storage (and limited expansions), because they involve potentially new locations and differing risks. Given the SEPA Checklist’s finding that industrial uses involving renewable fuel processing carry risks, impacts, and vulnerabilities,¹³ the DNS supports Option A.

We support the requirement for conditional use permits for projects that convert to new cleaner fuels with a potential 15% expansion. The conditional use process will provide the community with an opportunity to understand and provide input on the potential impacts of cleaner fuel expansions. The requirements for facilities to meet seismic, spill prevention, fire protection, and emergency response will help to ensure that converted facilities do not adversely impact communities in Vancouver. However, potential expansions could add millions of gallons of fuel storage to Vancouver, and Vancouver communities deserve the opportunity to weigh in on any conversion-expansion proposal in a public hearing.

4. New facilities deserve specific consideration in a separate process.

As articulated above, a DNS correctly upholds the focus on banning large-scale fossil fuel facilities and enabling, through a conditional use permit review process, the expansion of existing facilities that convert to cleaner fuels. However, we urge caution regarding new facilities under this SEPA determination. Energy facilities of all kinds come with a suite of impacts, including: transportation impacts, water use and quality impacts, and air pollution. Expanding

¹² Washington Energy Facility Siting Council. 2017. Final Environmental Impact Statement for the Tesoro-Savage Oil Train Terminal. p. ES-21.

¹³ SEPA Checklist, p. 14.

the code to allow new types of facilities that are linked to the City’s CAP may have unintended consequences of impacting the health and safety of the neighborhoods and communities nearby. For example, the SEPA Checklist acknowledges that new cleaner fuel facilities may increase spill risks in new areas in Vancouver.¹⁴ That fact is highlighted by the February 2022 spill near Scappoose, Oregon, where a hazmat team was called to the site of a renewable diesel spill.¹⁵ The incident demonstrates that renewable diesel spills pose environmental risks to soil and water resources while also requiring a significant emergency response. Additionally, the potential aggregation of multiple new cleaner fuel facilities does not appear to be sufficiently addressed in Option B, creating potential concerns for areas that could see multiple new proposals. While the code limits each new facility to 1 million gallons of “cumulative” storage, it does not address the potential for multiple facilities to aggregate in an area.

To allow for a more robust assessment of impacts of facilities linked to the City’s CAP, we recommend a separate process that can establish the right type of protective measures as part of the transition to a clean energy economy. We also recommend that the City ensure a robust SEPA review process and conditional use permit process for any new facilities that are ultimately allowed under this code change, should the Council choose Option B. This should include adequate time (e.g. at least a 60 day public comment period) and public notification and a public engagement process. These steps will help ensure that the risks of new facilities are understood on a case-by-case basis, and that the community has time to engage meaningfully in that process.

5. Conclusion

We strongly support the proposed ordinance and Option A moving forward, and we appreciate the time and diligence City staff have devoted to the process of developing the SEPA Checklist, DNS, and proposed ordinance language. Prohibiting new large-scale fossil fuel facilities warrants a DNS, and the DNS is supported by information in the City’s SEPA analysis. The proposed ordinance could avoid worsening environmental health disparities in Vancouver, a core goal of the proposed ordinance and the moratorium currently in place. And, the City should be cautious about overextending this policy effort to an issue that requires more research and community engagement.

Sincerely,

Dan Serres, Conservation Director, Columbia Riverkeeper
Cathryn Chudy and Heidi Cody, Alliance for Community Engagement
Rebecca Ponzio, Climate and Fossil Fuel Program Director, Washington Environmental
Council

¹⁴ *Id.*

¹⁵ KATU. February 4, 2022. Hazmat team called to railcar leak in Scappoose.
<https://katu.com/news/local/hazmat-team-called-to-railcar-leak-in-scappoose>

Kelsey King, Group Chair, Sierra Club Loo Wit
Denise Lopez, Conservation Organizer, Friends of the Columbia Gorge
Susan Saul, Conservation Chair, Vancouver Audubon Society
Daniela Jokela, Sunrise Southwest Washington
Riley Lynch, Climate and Health Program Manager, Washington Physicians for Social
Responsibility
David De La Torre, Healthy Climate Program Director, Oregon Physicians for Social
Responsibility

From: [Arnie Teppo](#)
To: [Kennedy, Rebecca](#)
Cc: [Planning Commission](#)
Subject: Short term rental input for 09/13/meeting
Date: Wednesday, August 31, 2022 2:28:34 PM

You don't often get email from aateppo@icloud.com. [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.

Rebecca Kennedy,

I am contacting you about the meeting coming up regarding Short Term Rentals (STRs) in Vancouver **to give my input in favor of STRs** before you meet on September 13th.

First: In my case, I own the house. It is my property. I paid for it with hard work and take pride in it. I pay expensive property taxes that go up every year. **Because it is my property I should be able to use it as I see fit as long as it is not a nuisance to my neighbors.** The house is right next door to my primary residence. My mom lived there for many years until she died, (I bought it for her to live in, I did not inherit from her). I have been keeping it for the rest of my family and friends to use when they are in town for holidays and occasions. In fact my kids lived there for over a year during the pandemic. Using it as a short term rental is ideal as **it gives me the flexibility to keep it for family use as well as generate a little income to pay all the property taxes and expenses.**

Second: I don't want to rent it long term. If I do that my family can't use it when they are in town. LTRs are a hassle **because of rent moratoriums and difficult evictions laws** which make it nearly impossible to get dead beat renters out. LTRs have no stake in the property. It's just a place to live and like a rental car they tend to abuse it and not care for it properly and many times a land lord only finds out about a problem until it is an expensive disaster. Not so with STRs. Every week I have to go in and inspect the property, clean the property, address any maintenance issues, maintain the yard and the outward appearance. If I don't keep it up then no one will want to stay there. If there is a bad STR they are out in a relatively short time and they don't have the time to destroy property, I don't have to worry about get stiffed on rent or onerous and costly eviction procedures.

Third: STRs provide a needed service in this community. My place easily sleeps eight people. Over half of our STR guests are Hispanics, people of color who are not wealthy. Typically they come into town with large families, mostly for a graduations, weddings or a reunions. Occasionally they have temporary construction jobs or other work in the area. They can't possibly afford three or four hotel rooms and accommodations! STRs provide an economical house where they can all comfortably spread out and relax. They can have a kitchen to cook and a place where the family can stay together. My place next door has plenty of parking with a large driveway and garage and is on the corner of a cul de sac not causing any issue to my neighborhood. STRs provide an affordable alternative for people visiting this area. I would wager you yourself have stayed in an Airbnb or VRBO before so you know how this facilitates visitors coming to the area.

Fourth: I do not agree the STRs are significantly driving up rents in Vancouver

regardless of the study the Colombia noted. Vancouver is not NY City where there are rent controls and other restrictions which cause the incentive to build apartment buildings in order to circumvent these rules with STRs, it is comparing apples to oranges. Affordable Housing Online says there are 66,000 housing units in Vancouver and that there are 2.5 occupants per household. The current population of Vancouver is 182,792 divide that by 2.5 = over 73,000 housing units. The Columbian sited that there may be up to 300 STRs operating in Vancouver. According to Towncharts.com there are 76,000 housing units in Vancouver. **Even if we use the low number of 66K for housing units, STRs would only represent 0.45% of all housing units! To blame STRs for the lack of affordable housing is incredulous.** Do the math, **the numbers just don't support that theory.** Towncharts.com states that nearly 50% of all housing units in Vancouver are rentals. **So STRs would represent only 0.8% of all rental units in Vancouver ($73,000 \times .5 / 300$).** **Again the math does not support the notion that somehow 300 STRs are significantly driving up rents in Vancouver.** Even if all 300 STRs were converted to LTRs it would increase supply by less than 1% and that is with the assumption that they would all become rentals which probably would not be the case. You are targeting the wrong niche if to tackle the affordable housing issue.

Fifth: The input I garner from the small STR community in Vancouver, is that none of us are getting rich from our STRs. I am certainly not. **We are mostly mom and pops** who own a property and simply want the flexibility to use it in a way that fits our family and lifestyle.

Finally, Companies like Airbnb have wonderful tools to screen guests and prevent abuses. Airbnb also has been collecting Occupancy taxes from all the guests using Airbnb in the area and sending it to the city of Vancouver which is additional revenue for the city. **I agree STRs should not be allowed to be party houses and a nuisance to the neighborhood. There should be reasonable regulations that aren't onerous to property owners.** Business licenses, paying appropriate fees maybe even some sort of inspection. **I also feel strongly that a property which is contiguous to one's primary residence should be allowed.** I have been using Airbnb but have now blocked my calendar until the situation with Vancouver and STRs is resolved. I apologize, I was unaware until recently that I could be in violation.

Cordially,

Arnie Teppo

From: [Kennedy, Rebecca](#)
To: [Nortz, Jason](#); [Coutinho, Becky](#); [Cooley, William](#); [Rude, Becky](#); [Nischik, Julie](#)
Subject: FW: Short term rentals
Date: Monday, September 5, 2022 2:46:02 PM
Attachments: [image002.png](#)

STR team- FYI below.

Julie- please forward this to the Planning Commission when you can.

Thanks,

Rebecca Kennedy | Deputy Director
Pronouns: She/Her/Hers
CITY OF VANCOUVER, WASHINGTON
Community Development Department (CDD)
M: (360) 624-6070 | **O:** (360) 487-7896
rebecca.kennedy@cityofvancouver.us
www.cityofvancouver.us



From: Jamison Sessions <jamison.sessions@icloud.com>
Sent: Saturday, September 3, 2022 9:53 PM
To: Kennedy, Rebecca <Rebecca.Kennedy@cityofvancouver.us>
Subject: Short term rentals

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I wanted to share some thoughts before the September 13th meeting I hope you consider.

Opinion I heard from city council workshop – Vacation rentals reduce the housing stock, making housing unaffordable for a community's full-time residents.

As a professional property Manager, we agree there is need for fair and common-sense regulation. We manage 40 vacation rentals, and every one of those properties has a business license with the state of Washington, and we remit lodging taxes on the owner's behalf. We want everyone to be on the same playing field as us and our responsible property owners who have always followed the proper licensing and tax

payments however, we strongly disagree with requiring owners to live on site.

Here are some examples of properties we manage:

-Rentals with long term tenants that have tiny homes or container homes on the property that are rented short term. These tiny homes are not set up for long term rentals. They do not have washer and dryers, closet space, or enough room for someone to comfortably live there on a long-term basis.

-We also have a couple homeowners who are only here a few months out of the year. They rent their home while they are away. These homeowners would likely just leave the property vacant or sell the home if they were not able to be a part of this sharing economy.

-While some properties would likely switch to a long-term rental most of our owners prefer renting short term because they like the ability to use the property when family is in town or block off dates here and there for personal use. Talking with our owners many of them would still either keep the property vacant as a second home or sell. I am having a hard time seeing how this helps with affordable housing or outweighs the benefits of allowing short term rentals in our community.

Below are some points I would like to make for consideration specifically regarding affordable housing.

1. We flatly and completely are opposed to single individuals purchasing entire apartment buildings to rent out units on a short-term basis as an effective hotel.

While these types of situations are rare and infrequent, they attract significant media attention when they occur and attract the interest of state and local regulatory bodies. It is important to remember that while some bad actors undertake these types of practices, it is not an industry norm.

2. We believe that reasonable rules will protect these types of abuses from happening while still preserving individual rights to rent out a property to short-term guests.

3. Most properties listed as vacation rentals are second homes, which were purchased for the homeowner's personal use. Since the

owner uses the property from time to time, these homes are not going to be easily turned into long term housing.

4. Housing costs rise as a function of increased property values – which is a positive development for not only for communities, but particularly for full-time homeowners who live there.
5. In every community, there are a small number of homes classified as for seasons, recreational, and occasional use. Technology has now created a market allowing these otherwise-unused homes to be rented out to other travelers when not in use by the owner.
6. Many young people in urban centers are opting to purchase vacation getaways while still renting residences in their home city.
7. There are examples of cities using portions of the additional income generated from short term rentals on affordable housing including our neighboring city Portland.
8. Studies that show this is the case are usually defamatory fabrications designed to attack the entire short-term rental industry. Far too often, they rely on statistically unsound methodology that leave out key pieces of information in an attempt to justify the story they want to tell, which is that short-term rentals are bad for the city. Any reputable statistician can tell you that just because two numbers increase at the same time, that does not mean they are related or that one has caused the other. This is an example of the cum hoc ergo propter hoc fallacy, which says that correlation does not necessarily imply causation.
9. In New York City, for example, as of the 2010 census, there were 39,793 seasonally unused housing units throughout the city. These seasonal homes have existed in New York City for decades and have operated quietly. The fact that they are now being listed on popular short-term rental platforms does not necessarily mean that they are causing rents to rise.

Another Opinion I heard is - Short-term rentals and vacation rentals blur the line between residential and commercial use. Vacation rentals turn homes designated for residential use into hotels.

Below are some point I would like to make for consideration specifically

regarding this opinion on commercial vs residential.

1. Guests staying in short-term rentals use the facilities for the same residential uses that long-term tenants or full-time residents do, like sleeping, cooking, or entertaining guests. This is in no way a commercial use.
2. Some communities have implemented policies that treat rentals of 30 days or less as short-term and rentals of 31 days or more as long-term. This is an arbitrary distinction, and regardless of the length of the stay, both are still residential uses.
3. Hotels are considered commercial uses because they offer additional services to their guests, like restaurants/bars, catering, spa, and conference amenities, in addition to lodging. These are primary drivers of a hotel's profitability and a major source of revenue for the hotel industry.
4. The bulk of sites listed as short-term or vacation rentals were purchased as a second home for the homeowner to enjoy on a part-time basis. When not being occupied, the owner chooses to allow out-of-town guests to use the property for a fee. In both cases, whether being used by the homeowner or by a temporary guest, the use remains residential.
5. Most second homeowners who allow guests to rent their residence when they aren't using it are not big businesses who purchased the property to be strictly a rental unit. This is a common misconception made by people looking to regulate the industry.

Another Opinion I heard is - Guests who stay in vacation rentals in my neighborhood are nuisances. They are noisy, disrespectful, cause parking problems, and are messy. I don't want them in my neighborhood.

Below are some points I would like to make for consideration specifically regarding this opinion on neighborhood nuisances.

1. Many guests who stay in vacation rentals in our community enjoy the character of our neighborhoods and appreciate the experience of living like a local – even if only temporarily. They frequent our businesses and spend their hard-earned dollars here during their stays. This helps the city to provide essential services and keep our

property tax dollars low.

2. There are already laws on the books to deal with many of these issues. Where there are not laws on the books, professional vacation rental managers often implement policies to prevent them. When violations occur and are reported, professional managers take action to address them.
3. As a professional vacation rental manager, this is my community too. The neighbors of my rental properties are my neighbors. We view ourselves as the first line of defense in these types of violations, and act swiftly to resolve them when they come to our attention.
4. Long Term Renters or homeowners can upset neighbors with frequent parties just as easily as a short-term guest. These situations happen rarely and the benefit of it being a short-term rental we can kick them out immediately.

The short-term rental industry is one of the fastest-growing markets for many travelers. Please recognize that short-term rentals play an important role in contributing to our local economy. Short-term rental guests stay longer and spend more during their trips than guests of other types of accommodation. In addition, vacation rentals hire many local contractors to maintain, landscape, and clean the homes they rent. This brings in more tax revenue and helps local businesses thrive.

Best,

Jamison Sessions

Sent from my iPhone

From: [Kennedy, Rebecca](#)
To: [Jones, Keith \(CED\)](#); jblick00@gmail.com
Cc: [Snodgrass, Bryan](#); [Nischik, Julie](#); [Planning Commission](#)
Subject: RE: Citizen Communication
Date: Monday, August 29, 2022 10:19:29 AM

John and Jane-

While the process for approving the master plan is complete, community members can always reach out to Councilmembers on any topic or sign up to provide comment during the Community Forum portion of their meetings (generally scheduled for the second and forth Mondays). The next community forum is scheduled for September 26. The agenda will be published approximately one week before the meeting and will include information on how to participate in the community forum. Once its published, all this information will be available here: <https://www.cityofvancouver.us/citycouncil/page/city-council-meeting-community-forum-25>

You can contact the entire City Council here: <https://www.cityofvancouver.us/citycouncil/webform/contact-city-council>

Thank you,

Rebecca Kennedy | Deputy Director
Pronouns: She/Her/Hers
CITY OF VANCOUVER, WASHINGTON
Community Development Department (CDD)
M: (360) 624-6070 | O: (360) 487-7896
rebecca.kennedy@cityofvancouver.us
www.cityofvancouver.us

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

From: Jones, Keith (CED) <Keith.Jones@cityofvancouver.us>
Sent: Monday, August 29, 2022 10:09 AM
To: jblick00@gmail.com
Cc: Kennedy, Rebecca <Rebecca.Kennedy@cityofvancouver.us>; Snodgrass, Bryan <Bryan.Snodgrass@cityofvancouver.us>; Nischik, Julie <Julie.Nischik@cityofvancouver.us>; Planning Commission <PlanningCommission@cityofvancouver.us>
Subject: RE: Citizen Communication

Hello John & Jane Blickenstaff,

Regarding the HQ master plan, the Planning Commission made a recommendation to City Council showing 12 single-family lots. At the City Council hearing, Council directed the applicant to place townhouses in this location instead of detached single-family lots. At the direction of Council, Hurley amended the plan to show 25 townhouses and the Council approved the master plan with the 25 townhouses (the must current plan is attached).

The decision has been made on the master plan and there is no more opportunity to comment.

Let me know if you have other questions.

Regards

Keith

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

From: Nischik, Julie <Julie.Nischik@cityofvancouver.us>
Sent: Monday, August 29, 2022 9:25 AM
Cc: Kennedy, Rebecca <Rebecca.Kennedy@cityofvancouver.us>; Snodgrass, Bryan <Bryan.Snodgrass@cityofvancouver.us>; Jones, Keith (CED) <Keith.Jones@cityofvancouver.us>
Subject: FW: Citizen Communication

Commissioners and staff - FYI

Thanks,
Julie Nischik (She/Her/Hers)
CITY OF VANCOUVER, WASHINGTON

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

From: J B <jblick00@gmail.com>
Sent: Sunday, August 28, 2022 3:38 PM
To: Planning Commission <PlanningCommission@cityofvancouver.us>
Subject: Citizen Communication

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Hello, we have recently been made aware that Hurley Development has altered their proposal for Lot 30 of the West Quarry development. Their previous proposal of 10 -12 housing units was generally acceptable to us and some of our neighbors. It represented minimal impact to our tiny park and walking trails nearby. The latest revision negates that acceptability and recreates the initial concerns we neighbors have. Please let us know if there is an upcoming opportunity to provide feedback to the Council and City Planners.

Thanks,

John & Jane Blickenstaff

From: [Dan Serres](#)
To: [Planning Commission](#)
Cc: [City Council](#)
Subject: Comment petition from Columbia Riverkeeper regarding proposed fossil fuel ordinance
Date: Wednesday, September 7, 2022 12:12:13 PM
Attachments: [Comment petition from Columbia Riverkeeper regarding fossil fuel ordinance.pdf](#)

You don't often get email from dan@columbiariverkeeper.org. [Learn why this is important](#)

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Dear Vancouver Planning Commissioners and Staff:

Columbia Riverkeeper submits the following comments on behalf of 56 of our members. All of the signers support the form comment below, and many added their own short comments in the rightmost column of the attached table.

Thank you for your work in reviewing the proposed fossil fuel ordinance.

Sincerely,

Dan Serres, Conservation Director, Columbia Riverkeeper

Dear Members of the Planning Commission:

Thank you for your commitment to protecting community health and safety by pursuing a permanent ordinance prohibiting new or expanded large-scale fossil fuel facilities. I urge you to continue to move this work forward and ensure that this policy centers frontline communities already facing disparate environmental health and safety impacts created by fossil fuel facilities.

The current moratorium appropriately prohibits any new or expanded bulk fossil fuel projects on the basis of a wide range of health, safety, and quality of life concerns created by the storage, transfer, processing, and handling of fossil fuels in the City. The proposed permanent fossil fuel ordinance must safeguard community safety and health by avoiding loopholes that allow for fossil fuel expansions.

I urge the Planning Commission and City Council to require facilities converting to cleaner fuels or establishing new cleaner fuel facilities to get a conditional use permit. This review process provides important safeguards for addressing seismic risks, public safety hazards, and averting fuel spill impacts. The public deserves to have a say in any flammable, toxic fuel storage near Vancouver's neighborhoods and the Columbia River.

By passing this ordinance, Vancouver can avert dangerous facilities like LPG train terminals, LNG train terminals, or coal facilities. I support the ordinance moving forward.

Thank you,

--

Dan Serres | He/Him/His | Conservation Director
Columbia Riverkeeper | 1125 SE Madison Suite 103A Portland 97214
Direct: 503.890.2441 | dan@columbiariverkeeper.org

[Love. Defend Clean Water—Read it Now](#)

Learn how Columbia Riverkeeper is defending clean water in our communities today!

September 7, 2022

Vancouver Planning Commission
City of Vancouver
PO Box 1995
Vancouver, WA 98668-1995

cc: Vancouver City Council

Re: Comments in support of a fossil fuel ordinance

Dear Vancouver Planning Commissioners and Staff:

Columbia Riverkeeper submits the following comments on behalf of 56 of our members. All of the signers support the form comment below. Many added their own short comment, which are included in the rightmost column of the attached table. Thank you for your work in reviewing the proposed fossil fuel ordinance.

Sincerely,

Dan Serres, Conservation Director, Columbia Riverkeeper

Dear Members of the Planning Commission:

Thank you for your commitment to protecting community health and safety by pursuing a permanent ordinance prohibiting new or expanded large-scale fossil fuel facilities. I urge you to continue to move this work forward and ensure that this policy centers frontline communities already facing disparate environmental health and safety impacts created by fossil fuel facilities.

The current moratorium appropriately prohibits any new or expanded bulk fossil fuel projects on the basis of a wide range of health, safety, and quality of life concerns created by the storage, transfer, processing, and handling of fossil fuels in the City. The proposed permanent fossil fuel ordinance must safeguard community safety and health by avoiding loopholes that allow for fossil fuel expansions.

I urge the Planning Commission and City Council to require facilities converting to cleaner fuels or establishing new cleaner fuel facilities to get a conditional use permit. This review process provides important safeguards for addressing seismic risks, public safety hazards, and averting fuel spill impacts. The public deserves to have a say in any flammable, toxic fuel storage near Vancouver's neighborhoods and the Columbia River.

By passing this ordinance, Vancouver can avert dangerous facilities like LPG train terminals, LNG train terminals, or coal facilities. I support the ordinance moving forward.

Thank you,

First Name	Last Name	City	State	Zip Code	Comment
John	Cruz	Vancouver	WA	98664-2836	Please take note: A fossil fuel ordinance gives us all an important opportunity to help Vancouver avert pollution, health impacts, and safety risks in neighborhoods that already rank among Washington's worst in environmental health disparities.
Heidi	Cody	Vancouver	WA	98664-5432	Our fossil fuel ordinance is meant to protect community health and safety. It is not meant to grease the skids for industry. Expanding polluting, flammable projects close to Fruit Valley is dangerous. Even if they're called cleaner fuels, the public has a right to weigh in on these projects through a CUP process before they get approved. Please don't lose track of the original intent of the ordinance. Thank you.
Susan	Schwartz	Vancouver	WA	98660	I see too many tanker trucks going by my by my apartment living room window.
Mona	McNeil	Vancouver	WA	98686-1533	I am proud of Vancouver's efforts to move away from fossil fuels and protect our environment. The climate crisis is urgent and needs you to do all you can. Thanks for your good work so far.
Beverly	Thomas	Vancouver	WA	98685-4113	Let's keep Vancouver, WA a healthy place for its people to live by saying 'no' to fossil fuel facilities. Thank you!
Michelle	Maani	Vancouver	WA	98685-2762	
CAROLYN	SOWDON	Vancouver	WA	98684-5704	
Jill	Boyer-Quick	Vancouver	WA	98661-6620	Dear Sirs/Madams: Thank you for keeping our community, safe, clean and oriented towards a green fossil fuel free future. As a public health physician, I understand not only the economic importance of a green future but more importantly the human/environmental health imperative of a clean green future.
Frank	Marre	Vancouver	WA	98683-7691	
John	Baughner	Vancouver	WA	98685-1561	

Sarah	Collmer	Vancouver	WA	98660-2420	
Julie	Krieger	Vancouver	WA	98661-1036	
Barbara	Hedges	Vancouver	WA	98663-1543	
Cheryl	Gavin	Vancouver	WA	98686-4119	I will be watching carefully how City Council and planning commission act on this.
Judith	Heath	Vancouver	WA	98663-1637	
Jill	Hawtrey	Vancouver	WA	98683-1847	
Marta	Benson	Vancouver	WA	98661-1357	
Merilee	Frets	Vancouver	WA	98683-7032	We wholeheartedly endorse efforts to keep Vancouver in a leadership position with regards to reducing environmental and social risks associated with transportation and storage of fossil fuels. Conditional use permits are just part of that process to safeguard our beautiful community and its neighborhoods.
Tim	Emineth	Vancouver	WA	98661-6647	
Celia	Cruz	Vancouver	WA	98664	Simply: Please pass this ordinance to avert the environmental dangers facing us all.
Sarah	Martin	Vancouver	WA	98685-2417	
Jane	Nicolai	Vancouver	WA	98664-5385	Preventing a disaster is easier than recovering from one. Vancouver can avert dangerous facilities like LPG train terminals, LNG train terminals, or coal facilities. by requiring a conditional use permit.

Cathryn	Chudy	Vancouver	WA	98663-2807	I appreciate all the work the city staff and Council have done to keep Vancouver safe from bulk fossil fuel facilities since 2020 with the Moratorium which will be replaced with an updated ordinance that must continue to provide protections that are critical for ensuring the health and safety of our community. I support a strong ordinance that not only prohibits new bulk fossil fuel facilities but also sets crucial standards that must be followed for allowing conversions to 'cleaner' fuels and permitting smaller facilities that could possibly still involve risks to those most vulnerable. The Conditional Use Permit is a necessary part of the protections that our community must have in place in order to ensure sufficient, careful, forward-thinking oversight, transparency, and public engagement in the process as we transition away from fossil fuels and towards cleaner ways to power our transportation system, while retaining the underlying health and safety of our community.
Mary	Blackburn	Vancouver	WA	98663-1829	
Karen	Genest	Vancouver	WA	98683-4311	We need your support to protect our communities, now and for future generations. Thank you.
Renee	Bourgea	Vancouver	WA	98686-5772	Use permits should be standard and required for obtaining consent for facilities wishing to to convert to cleaner fuels.
Hannah	Liu	Vancouver	WA	98686-2258	
Jean M.	Avery	Vancouver	WA	98683-6595	Let's keep fossil fuels out of Vancouver.
Elizabeth	Brinkley	Vancouver	WA	98661-7635	
Keisha	Landers	Vancouver	WA	98665-6205	
donna	joslyn	Vancouver	WA	98665-6145	We have to stop fouling our own nest.
Nan	Flaaten	Vancouver	WA	98684-4945	
Laurie	Rubin	Vancouver	WA	98664	It is vital to ban all fossil fuel expansion and move to zero fossil fuel use ASAP.
Emilie	Olson	Vancouver	WA	98683	

Mark	Leed	Vancouver	WA	98661-5176	Please pass as robust an ordinance as possible, and require a conditional use permit for facilities converting to cleaner fuels.
	W. Bruce Coc	Vancouver	WA	98662-1009	
Keith	Scheid	Vancouver	WA	98685-1102	
Brenda	Gardner	Vancouver	WA	98685-3151	I am opposed to any new oil or gas facilities in my community!
Mari	Stephenson	Vancouver	WA	98661-6672	We need to take all steps possible to slow climate change.
Elizabeth	Verbeck	Vancouver	WA	98660-2208	Let's put this matter to bed once and for all!
Sarah	Hafer	Vancouver	WA	98684-5913	
Lehman	Holder	Vancouver	WA	98664-2411	As a longtime Vancouver resident, I strongly support this permanent ordinance moving our city toward cleaner fuels. Heartfelt thanks for your efforts.
Rachel	Tramontini	Vancouver	WA	98683	
Janet	Hedgepath	Vancouver	WA	98660-1619	
Steven	Campana	Vancouver	WA	98663-2078	Climate change is real. I support making the moratorium permanent. :)
Bonnie	Bingle	Vancouver	WA	98665-0903	This is not a NIMBY wish. This is for the whole earth
Thomas	Gordon	Washougal	WA	98671-1129	Dear Members of the Vancouver City Council, Members of the Planning Commission, and Staff: My wife and I live in Washougal and don't want fossil fuel trains coming through our town or into Vancouver. Several years ago, I was stuck in traffic on Highway 14 as the oil train burned in Mosier, Or. I was amazed that the fire did not spread to the school a short distance away, and the wind was not blowing which would have scattered embers all over the hillsides and started a massive fire. Such luck can be counted on in the future. Anything that can be done to eliminate the chance of fossil train fires on either side of the Columbia River is a great idea. Thank You, Tom Gordon
Kristin	Edmark	Battle Groun	WA	98604-7248	

Sherry	Fitzpatrick	Brush Prairie	WA	98606	No fossil fuel here in Port of Vancouver. We are going electric even with our cars Thank you
Lyndee	cunningham	Camas	WA	98607-1268	Cheers to keeping our Vancouver clean, green and healthy!
Camilla	Bishop	Hood River	OR	97031-1124	Thank you for taking care of the environment and our citizens, plants, and animals' health.
JL	Angell	Rescue	CA	95672-9411	
Jim	Byrne	Ridgefield	WA	98642-9139	Avoid fuels passing through Vancouver. Make them get a CUP, better yet just prohibit. Jim
Tracy	Ceravolo	Ridgefield	WA	98642-9597	
Julie	Anderson	Stevenson	WA	98648-6038	
Pauline	Igoe	Tacoma	WA	98465-1603	

From: [Frank Marré](#)
To: [Planning Commission](#)
Subject: From Moratorium to Ordinance: Dangers of Bulk Fossil Fuel and Other Hazardous Infrastructure
Date: Thursday, September 8, 2022 2:04:37 PM

You don't often get email from frank.marre@gmail.com. [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 Planning Commission:

Thank you for your work to protect community health. I urge you to ban new and expanded large-scale fossil fuels facilities. There has never been a greater risk to human health and the health of our home, the earth than fossil fuel extraction, processing, transport and use. It must stop. We are getting sick and our world is burning up and flooding out.

The ordinance must clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A. It is time to shift our attention to clean energy investment and development and say no to fossil fuels.

I support the City's work to address climate change through the Climate Action Framework and urge the City to continue to move this forward rapidly.

I urge you to:

1. Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
2. Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels;
3. Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
4. Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Sincerely,

Dr. Frank Marre DO MS FAOCOPM

From: [Kristin Edmark](#)
To: [Planning Commission](#)
Subject: Moratorium on Bulk Fossil Fuel Facilities or Expansion
Date: Thursday, September 8, 2022 11:19:18 AM

You don't often get email from kristinedmark@hotmail.com. [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 Planning Commission:

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. Please focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent “conditional use permit” review process for any changes at these facilities and any new “cleaner” facilities.

Please be especially careful of facilities which claim to be cleaner. In our area we have seen ‘bait and switch’, data used which is contrary to accepted standards, tiny projects like carbon capture used as an excuse for increase fossil fuel infrastructure. You will find that ‘cleaner’ fossil fuels still endanger our most vulnerable and still promote fossil fuel use which harms us all.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the City’s work to address climate change through the Climate Action Framework and urge the City to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new cleaner facilities are included.

I urge you to:

1. Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
2. Follow staff’s recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels;
3. Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally

4. Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community. Sincerely, Kristin Edmark, 7611 NE 296th Way, Battle Ground 98604

From: [Mario Raia](#)
To: [Planning Commission](#)
Subject: 4th Plain Forward plan
Date: Tuesday, September 6, 2022 8:07:01 PM

You don't often get email from mario@fuelaccountants.com. [Learn why this is important](#)

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To the Planning Commission,
I am encouraging the development of a food cart court at an appropriate location along the Fourth Plain Corridor. Not only does it create commerce value for the area, it also creates eating and social use areas that are congruent with the area demographics, providing eatery options for the diverse populations in the area.

This should include some parking access, to encourage commerce from outside the immediate area. We should also have the means of crossing the street to access the facility across Fourth Plain.

Thank you,
Mario Raia

Mario Raia
360-608-7659 (Direct)
mario@fuelaccountants.com
www.fuelaccountants.com

To schedule a meeting: [**https://MarioRaiaCalendar.as.me**](https://MarioRaiaCalendar.as.me)

Sent from my iPad

From: [Sarah Collmer](#)
To: [Planning Commission](#)
Subject: Fossil Fuel Ordinance - September 13
Date: Friday, September 9, 2022 6:48:35 AM

You don't often get email from sicollmer@gmail.com. [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 Planning Commission:

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent “conditional use permit” review process for any changes at these facilities and any new “cleaner” facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the City's work to address climate change through the Climate Action Framework and urge the City to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new cleaner facilities are included.

I urge you to:

1. Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
2. Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels;

3. Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
4. Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Sincerely,
Sarah Collmer
98660

From: [Jean M. Avery](#)
To: [Planning Commission](#)
Subject: Fossil Fuel ordinance comment
Date: Friday, September 9, 2022 2:59:41 PM

You don't often get email from jeanmavery@gmail.com. [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.

I urge the Planning Commission to adopt the strongest possible bulk fossil fuel ordinance.

Over the past several years, the Vancouver community has come together to forcefully show that fossil fuels are not welcome in our city or region.

--We said NO to the Tesoro-Savage oil terminal.

-- We said NO to coal in nearby Longview.

-- We said NO to methanol in Kalama.

Let's say NO to fossil fuels and YES to a cleaner, healthier future for Vancouver.

Jean M. Avery
Vancouver

From: [Sydney Brahmar](#)
To: [Planning Commission](#)
Subject: fossil fuel ordinance
Date: Saturday, September 10, 2022 2:39:37 AM

[You don't often get email from sydney.brahmar@gmail.com. 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.

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance I urge you to go for option A and focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Sydney

From: [Sharon Kalister](#)
To: [Planning Commission](#)
Subject: Fossil Fuel Ordinance
Date: Saturday, September 10, 2022 8:05:35 AM

[You don't often get email from sharonkalister@yahoo.com. 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.

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance I urge you to go for option A and focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Sharon Kalister

Sent from my iPhone

From: ssilvey643@aol.com
To: [Planning Commission](#)
Subject: Citizen Communication
Date: Saturday, September 10, 2022 2:21:23 PM
Attachments: [Binder2.pdf](#)

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: Planning Commission

RE: Proposed Use and Development Standards for Fossil Fuel Storage and handling Facilities

8 September 2022

Sirs,

I am opposed to your changes, and have attached some notes/comments to the various papers in the meeting package, also data in regards to what was use to base the moratorium. Given that climate is what is discussed, than world population, deforestation, and climate/earth cycles should be reviewed as it is not just one thing as presented in this code change proposal.

I find the changes of the **code "Proposed Use and Development Standards for Fossil Fuel Storage and handling Facilities"** that the language used to be vague and it concerns me. The other issue is the general lack of trust I have for the planning department (prior history of issues) in that without defined definition there is confusion, and personnel preference seems to intercede. This is not good for anyone let alone industry which must move though all the permitting and planning, as it creates confusion. It appears that sources of information might be bias, and some data such as that of Hydrogen being widely available in California is false (see notes). Thus while all are under a time limit it is critical to have answers as to the unintended consequences of your actions, and not just make history as one of the contributors has stated in their email blasts.

Doing what is good and sound for the community is important, but looking at the impact overall is too. Does this action create jobs, eliminate jobs, cost folks in tax or additional expense, and make our community better or worse? Is this a situation of "not in my backyard?" but it is okay to put in someone else's? If in fact something

changes course in the future are we now locked out of participating, and or benefiting due to this action. If in fact the data used to move to this past moratorium and current change is based on only a small portion of an issue, then is it correct to move forward?

Thank you for your consideration

Sincerely,

Steven Silvey

Attachments: Binder 2. PDF (comments to Proposed Use and Development Standards for Fossil Fuel Storage and handling Facilities)

Comments/ notes:

Page 2 **Review of Proposed Use and Development standards for Fossil fuels storage and handling**

Page 4 **Notes general all**

Page 6 **Comments to Per the SEPA dated 22 August 2022**

Page 7 **comments Juliana v. United States**

Page 10 **Issues with basing things on only one source**

Page 10 **How does Population Growth impact Climate Change?**

Page 12 **Moving to electric**

Page 13 **Population in the World**

Page 14 **Temperature vs time...**

Proposed Use and Development standards for Fossil fuels storage and handling

Review of:

Page 2 of 11

Existing bulk Fossil Fuel storage:

While talking about where located, were any of the zones changed and if so when? As with any progression, development things were built in an area that allowed, and over time as new knowledge was gained, possible issues are brought to light. Further as times change and demands change population growth consumes what was industrial or agricultural lands of the past, with all the inherent unforeseen issues of prior use and or future development.

Page 3 of 11

Bullet point 1: New bulk facilities would be prohibited...

Thus where does a growing population get its energy? Fuels and or green fuels?

Bullet point 3: Could be expanded up to 15% if....

What is considered a cleaner fuel?

Bullet point 4: Small fossil fuel storage...

Why are they allowing them to build on unstable land? Is that not a point made previously

Bullet point 5: As a possible option New Cleaner fuels facilities may be.....

So a hydrogen plant is allowed? Even though it is very explosive, and flammable? All very vague

III Summary:

It is interesting when trying to reference the VMC that the subsection is not listed but only the general, somewhat like saying it's in the encyclopedia, and exhibit A is lacking.

The use of stating that methane a result of degradation and compose of organic materials is to be considered a petroleum product is somewhat perplexing, especially when it is 10 plus times more harmful as a green house gas. (Mentioned in section 2 A) should be used in bio-gas generation.

- A. I find it interesting that a term such as bulk crude can be changed to bulk fossil fuel, when in fact crude is not necessary yet fuel, or that a definition of a term gets changed.
- B. New definition of cleaner fuels, to include gaseous or liquid produced from renewable sources, what are these definitions?

E and F... if in fact this is changed does it eliminate it from the code as to an essential facility

Page 4 of 11

Q: The question would be are other codes changing to where a house may not be built closer than 1000 feet from an industrial site? While it is all well that new plants are limited, by this code they are banned, but nowhere is it stated that a new housing or retail development may not be built closer than 1000 feet,

Page 6 of 11

Equity,

While this is interesting the question not asked are these home owner occupied or rented? Also though it sounds racist what has been the history of peoples living in this area? Was it due to affordability, and or ethnicity and or that in the past one could walk to work from there?

Page 9 of 11

Option B... Statement that hydrogen fuel is widely available and used in California... Only in Los Angeles and San Francisco metro area.... so not a true statement (see notes end)

Notes:

Why is biogas called none useful and banned? Is not methane a worst contributor to the environment than what is called CO₂? If in fact a biogas facility was built and all the decomposing materials were than producing gas and heat, the result would be this than lowers the effect to the green house gas emissions. Especially since methane is a result of decomposition and is 10 plus times more harmful green house gas. Yet this change now seems to ban these types of facilities and expansion into these facilities.

Since in fact the use of term in general if protection of fish, I have yet to see the city or federal government implement standards of capturing bilge from ships, which carry contamination and also invasive species into our environment.

The other aspect not address is the quality of life, in that this is a direct elimination of tax revenues, employment opportunity, and technologies advancement as to building facilities which are better than most and contained from the get go.

Having dealt with a simple issue for over 2 plus years with the planning and building departments of the city of Vancouver, and they're not addressing the issue of no building permits, and the fact that things are out of specification, when a COA states that all is in compliance yet is not and no resolution from the various departments, I can only imagine the issues that shall ensue if this change is made and it is not correctly spelled out.

If in fact there is a concern, should it not be what we do for all of mankind? That seems to be the view some take, though do not say in their narrow view of not in my back yard. What is meant by this is that if the coal shipped from a port is cleaner burning (though still not good) but would lower green house gas emission is this not the right direction? Even in the short term? If in fact we had the liquefied gas facilities and could ship would this not help Europe currently and prevent firing of brown coal plants to produce energy?

A transition occurs with planning and foresight not with outright bans and no solutions to current and future demands. Since in fact there is no bubble over the city of Vancouver or the state or the whole of the USA, we are part of a broader world, and given that the population of the USA is only about 4% of the world, and that of city of Vancouver is only 2% of WA state which is 2.2% of the USA population, what is it that we are effecting? If in fact these effect the economic viability of people in the city and region then they leave, which then results in less tax revenue for city and it population least not city employees.

Hydrogen in california

<https://cafcg.org/stationmap>

<https://www.energy.ca.gov/data-reports/energy-almanac/zero-emission-vehicle-and-infrastructure-statistics/hydrogen-refueling>

<https://californiahydrogen.org/resources/hydrogen-faq/#S51>

Note that do not cover California as a whole and many not built and some closed, based on population not very many.

Given that 100 stations well support 68,000 cars, does Vancouver need 200 stations? " In California, 100 stations are planned to be funded by 2022, which would support 68,000 cars."

How will the cost of hydrogen compare to gasoline?

Based on current analysis, the cost of hydrogen will be comparable to gasoline, on a per-mile basis. As infrastructure develops and volumes increase, costs will further decrease and hydrogen will be cheaper than gasoline. Currently, a kg of hydrogen costs between \$10 and \$17 at California hydrogen stations, which equals about \$5 to \$8.50 per gallon of gasoline, however, manufacturers include free hydrogen fuel for several years when selling FCEVs.

<https://climate-xchange.org/2021/09/17/driving-the-toyota-mirai-my-hydrogen-fuel-cell-car-experience/>

Comments specific:

Per the SEPA dated 22 August 2022

Summary of Proposed Code Changes

The purpose of proposed fossil fuel standards is to minimize the risk of spill or discharge of fuels into groundwater sources or waters of the state; to avoid and minimize any impacts to adjacent communities from fire or explosion; to support a reduction in greenhouse gas emissions and a transition to renewable fuel and energy production consistent with Federal, state and local targets; and to protect and preserve fish and wildlife habitat areas to ensure viable Tribal fisheries consistent with Treaty fishing rights.

The above summary is broad and not correct for the actions to be taken by this change to the code change.

The outright ban of something does not do away with exposure or risk but transfers that exposure and risk to a broader area. It states risk, but in truth it bans all, current and future storage, processing and new developments within the city.

An example is that of a tanker truck which is involved in an accident and leaks into the environment, this all due to the fact that they are driving more miles to deliver goods on public roads, since local sources are not available. Where as local facilities which are maintained and under the rules and regulations can be monitored, and transport is less miles to end consumer. Further, fewer miles driven may equal less green house gas emissions.

If in fact the risk for fire is such a concern, then why has the planning commission allowed any heavy industry to build in the unstable lands that are allocated to heavy industry? Why from an environmental standpoint has the port even been allowed, being that it is all built on unstable ground? How many fires and explosions have occurred over the history of the storage of fuels in Vancouver? Whom was in the area first, the industry or the houses and community?

As one looks to energy transition one does not change overnight or flip a switch but over years, and with foresight, that foresight is lacking in these general code comments and definitions.

The comment about preserving fish and wildlife habitat, might be interrupted as no new building, no growth of population, and or use of resources available to all. Since it is evident that windmills kill birds and are allowed to, even eagles, why is there a difference to a bulk fuel plant and or facilities?

Andrew D. Hurwitz, Circuit Judge authoring the majority opinion of *Juliana v. United States*,

While this is quoted in exhibit A, and is the cities basis, the results of the case "In January 2020, a [Ninth Circuit](#) panel dismissed the case on the grounds that the plaintiffs lacked standing to sue for an injunction. On February 10, 2021, the *en banc* Ninth Circuit issued an order without written dissents denying the appeal. As of May 2022, the case is awaiting the district court's ruling on plaintiffs' motion for leave to amend their complaint."

In regards to the above case; If in fact the use of petroleum is to be banned as some wish, how is one to get to the destination, and enjoy said recreational facilities? Was not the expansion of civilization due to the use of oil and as a cheaper cost to other types of fuel, if in fact oil is stopped do we go back to killing whales for their oil, and render down other animals for all they are worth. Do we cut the trees and destroy buildings for fuel to burn so as to cook and heat?

If in fact petroleum and it off shoots are banned, i.e. does that not affect agriculture and production of food for the masses that now live within the cities and do not grow their own?

If in fact this is the bases of the ban that the city now wants, then:

- a- How do they feed the masses?
- b- When death by starvation results whom is to blame?
- c- Given that the USA is only 4% of the world's populations; does our starving and elimination end the perceived notion of climate change? This is not to say the climate is not changing, as in geological sense it is a constant change, though current thoughts and screaming is but looking at a very small portion.
 - a. This can be explained by finding cold blooded creatures such as dinosaurs (fossils) in northern climates along with palm fossils etc.
- d- While the results of a reduced population are less demands on the environment, and thus less increase in CO2 equivalents, it is also less social development and tax dollars.
- e- If in fact one studies history and a people such as the Mayan's what happened? Was it not a major draught that is thought to have lead to the elimination of their cities and so forth as was recently presented on OPB. Are we to call this climate change, as it was an event?

So why is it that the city brings forth in their wording cases which were dismissed but one point allows them to say see it was proved. Where is the dissent and debate? Where is the actual data? While this case was on petroleum basically, why was not deforestation, palm destruction not brought up, and that of population growth with the world, all of which have effects?

If the trapping of modern society are not what the city wants then lead the way by example, back to horse and wagon, no electricity, and start up the burning of wood, and see the results of all the smoke and pollution due to particulates, does no one remember the gorge fire and others which impacted this area? Maybe new steel and iron foundries can be built so as to revive the industry

that was once here for the manufacture of stoves to burn the wood and cook, thus resulting in the transport of ore, coal and minerals, the smoke and pollution of the furnace.

It is called change, but it is not without planning and having an alternative available that is better, and cleaner, not only in your house but your neighbors too, meaning another state, or country since no one is under a bubble. But to ban based on one case, that was not won, but that a non technical jurist states they proved their case, is a bit confusing, since quality of life is a personnel thing and not a responsibility of society to an individual, as display by recent political actions untaken.

<https://www.jonesday.com/en/insights/2020/01/ninth-circuit-dismisses-climate-change-lawsuit>

Ninth Circuit Dismisses Major Climate Change Lawsuit Against the Federal Government

Court rejects request for extraordinary relief in opinion that could prove useful in other climate change litigation.

JANUARY 2020 ALERT

The private sector is increasingly the target of climate change litigation. These lawsuits seek to hold private companies liable for climate change under state public and private nuisance law. Although the most recent wave of litigation generally focuses on whether these cases should be in state or federal court, the Ninth Circuit's recent decision in *Juliana v. United States* illustrates a potential obstacle to pursuing these types of cases in federal court: As a matter of Article III standing, federal courts lack any authority to redress injuries related to climate change.

Juliana was a high-profile case involving 21 young people who sued the federal government, alleging a constitutional due process right to a "climate system capable of sustaining human life." They alleged that the federal government violated that right by permitting, authorizing, and subsidizing the fossil fuel industry's activities despite being aware of alleged risks to the climate. For relief, the plaintiffs sought an order requiring the government to develop a plan to "phase out fossil fuel emissions and drawn down excess atmospheric CO₂." In a 2-1 decision, the Ninth Circuit held that the plaintiffs lacked Article III standing, "even assuming such a broad constitutional right exists."

In the Ninth Circuit's view, "copious expert evidence" established the harms of climate change. The court held that the plaintiffs had established concrete and particularized injuries—for example, by being forced to leave their homes because of water security or flooding. The court further held the causation requirement was satisfied because the injuries were caused by carbon emissions from fossil fuel production, extraction, and transportation. And the court reasoned that there was at least a genuine factual dispute as to whether the government's policies, from subsidizing fossil fuel production to offering drilling permits, constituted a substantial factor in causing the carbon emissions, which, in turn, caused the plaintiffs' injuries.

But the "more difficult question," according to the court, was "whether the plaintiffs' claimed injuries are redressable by an Article III court." On this point, the court held that the plaintiffs' own experts did not show that enjoining the government's activities—i.e., subsidies, leases, or pro-carbon fuel plans—would "suffice to stop catastrophic climate change or even ameliorate [the plaintiffs'] injuries." Reducing "the global consequences of climate change ... calls for no less than a fundamental transformation of this country's energy system, if not that of the industrialized world." As a result, "any effective plan would necessarily require a host of complex policy decisions entrusted, for better or worse, to the wisdom and discretion of the executive and legislative branches." According to the court, courts are ill-suited to supervise such a complex compliance plan.

Key Takeaways

1. The Ninth Circuit dismissed a major climate change lawsuit seeking extraordinary relief against the federal government that would have caused significant disruption to businesses and the economy.

2. The court's causation ruling could be problematic in pending and future climate change cases because the court traced the harms from climate change to carbon emissions.
3. But *Juliana* could prove helpful in pending and future climate change litigation against private defendants where defendants have argued that the plaintiffs' claims present profound justiciability questions that courts are ill-suited to address and instead are best addressed by the elected branches of government.
4. The Ninth Circuit did not decide whether private plaintiffs have a constitutional right to a "climate system capable of sustaining human life."

Issues with basing things on only one source:

When one looks at the complexities of things, and does a comparison, some only focus on the small things,

In reviewing the time to temperature charts one sees that the swings have occurred over time.

In reviewing the time to population, one can see that the worlds population has double plus since the 1960's and is looking to soon triple in numbers to 1960.

So basically like a room full of people if in fact it is doubled and then tripled with occupants the result is a warmer or even hotter room.

If one now adds in deforestation to the mix it has been on an uptick thus less trees to adsorb, plus those lands which are logged now give off methane gas due to decomposition and release of CO2 due to burring and slash and burn efforts in these parts of the world.

<https://ourworldindata.org/deforestation>

<https://ourworldindata.org/deforestation#how-much-deforestation-occurs-each-year>

<https://ourworldindata.org/deforestation#the-world-has-lost-one-third-of-its-forests-but-an-end-of-deforestation-is-possible>

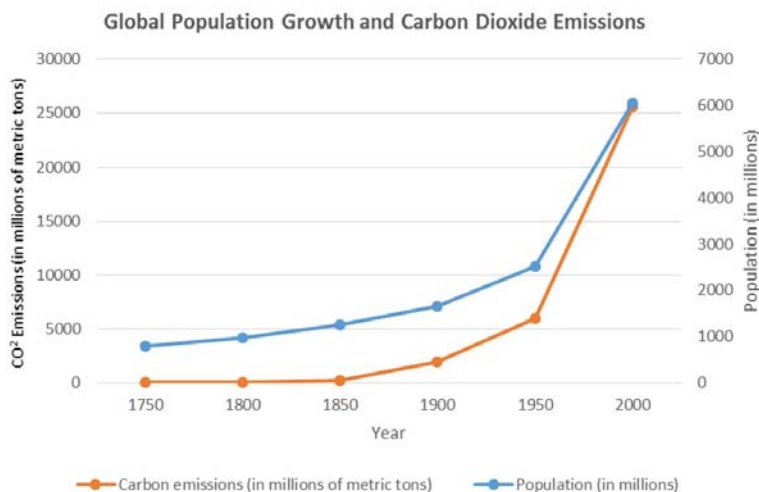
<https://www.timeanddate.com/astronomy/axial-tilt-obliquity.html>

<https://populationeducation.org/how-does-population-growth-impact-climate-change/>

How does Population Growth impact Climate Change?

BY KATIE LUOMA | *November 1, 2016*

In just 50 years, the world's population has more than doubled to over 7.4 billion people. That's more than 7.4 billion bodies that need to be fed, clothed, and kept warm, all requiring a large amount of energy. Alongside this consumption, these 7.4 billion people are also producing vast quantities of waste. Consequently, the demand for energy and the production of waste are significant producers of greenhouse gas emissions that contribute to climate change. The impacts of climate change are significant across the globe and its effects are already beginning to take place in different communities to different degrees.



Rising Seas: As temperatures heat up, seas begin to rise which ultimately threaten low-lying areas, coastal populations, and ecosystems. Rising seas also have the ability to encroach on agricultural lands resulting in soil salinity and other environmental hazards, as well as seep into freshwater sources that people may rely on for their drinking water.

Ecosystems: Many plants and animals live in areas with specific climate conditions, enabling them to survive and flourish. Extreme weather patterns, increases in temperature, and rising seas are already beginning to affect plants and animals, altering their habitat and bringing life-threatening stress and disease.

Agriculture: Although some countries may actually benefit from the changing conditions of increased temperatures and carbon dioxide, climate change is expected to negatively affect crops, livestock, and fisheries in many regions, especially due to changes in the frequency and severity of droughts and floods – ultimately impacting our food supply.

Human Health: Consequences of climate change such as rising sea-levels, extreme weather patterns, and degraded air quality directly and indirectly threaten our health by affecting the food we eat, the water we drink, the air we breathe, and the weather we experience. These impacts will fall disproportionately upon [developing countries and the poorest sectors within all countries](#), thereby exacerbating inequities in health status and access to adequate food, clean water and other resources.

This list is far from exhaustive and there will certainly be more examples of observable climate change impacts in real time in many places. These issues affect us all and it will take significant cooperation to mitigate these challenges. [The World Wildlife Fund](#) states, “We have the knowledge and the technology to reduce our impact on the climate, and ease the pressures on the world’s most vulnerable places, people and wildlife. We just need to make it happen.”

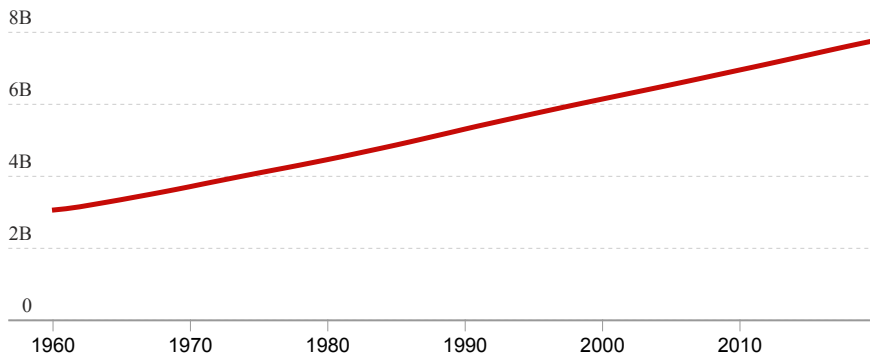
Climate change is one of the topics for the 2016-2017 World of 7 Billion [student video contest](#). For more information on population and climate, check out the contest [background resources](#).

Moving to electric:

Since it appears that it is a pure ban of fossil type storage, distribution etc., (based on a court case) and the mention of all electric future is noted, where does that electricity come from? Does that mean there is no choice? According to WA state **hydro is not green**, wind kills birds, and to go all electric means new mines, manufacturing process centers and so forth must be created. So it is okay to destroy northern Nevada for a mine because it satisfies your needs? What of theirs? Is a copper smelter allowed now? Is our community electrical grid up to charging cars at every home and apartment, meaning running 400 amp services or more? Further how about battery recycling or solar cell recycling since the environment was mentioned in the report... they do contain heavy metals.

https://populationmatters.org/sites/default/files/styles/full_width_image/public/Population%20and%20CO2%20emissions%201750-2015%20%28landscape%29.png?itok=Q4RYIwoB

Population in the World



Data from datacatalog.worldbank.org via Data Commons

as 73 degrees Fahrenheit, over 14 degrees above current levels. Ocean sediments and fossils indicate that massive amounts of carbon dioxide were released into the atmosphere.

By contrast, evidence shows there have been at least five major ice ages on Planet Earth. One of the most well-documented and largest, occurred from 850 to 630 million years ago, is called the Cryogenian period. Glacial ice sheets likely reached all the way to the equator producing a "Snowball Earth." Scientists believe that this massive ice age ended due to increased underground volcanic activity and, perhaps, a much warmer solar cycle.

Many scientists believe that the Earth's temperature reached a record level in 2016 was, at least in part, to the very strong El Nino in the waters of the south-central Pacific Ocean that formed in 2015 and the increased greenhouse gases. El Nino is the abnormal warming of ocean waters that often leads warmer air temperatures and less snowfall during the winter seasons. However, in 2021 and early 2022, there was a moderate La Nina event and low sunspot activity. Despite the event, global temperatures remained near record levels.

In 2007-08, a moderately strong La Nina, the cooler than normal sea-surface temperature event, combined with extremely low solar activity (storms on the sun), resulted in a period of slight global cooling and record snowfalls across many parts of the northern U.S., Europe, Asia and the Former Soviet Union. Some parts of the northern U.S. had over three times their normal snowfalls. The northwestern U.S. reported more heavy snowfalls in the 2008-09 season.

Climate scientists are not completely certain why ocean waters suddenly warm up and cool down over a period of months or years. The warming of sea-surface temperatures may be due, at least in part, to increased underwater volcanic activity or the addition of carbon dioxide into the atmosphere. Researchers are constantly finding new active underwater volcanoes and thermal vents that may be contributing to the warmer temperatures. It's very possible that we'll find more of these thermal vents in the future as over 80 percent of the Earth's oceans haven't been explored or mapped.

Recently, researchers discovered at least three to six times more heat-spewing thermal vents along the seafloors where tectonic plates are pulling apart. In 2003, at least nine hydrothermal vents along the Gakkel Ridge in the Arctic Ocean were found. Arctic ice has been melting at a steady pace in recent years and may be due to the warmer than normal ocean waters. In April 2015, an underwater volcano known as the Axial Seamount, about 300 miles off the coast of Oregon, erupted for a month and added 88 billion gallons of molten rock to the ocean floor.

Since the 1950s, data shows that ocean temperatures have been getting warmer. According to research at the University of Alabama in 2013, climate models indicate "a natural shift to stronger warm El Nino events in the Pacific Ocean might be responsible for a substantial portion of the global warming recorded during the past 50 years." Also, ocean waters have been considerably warmer in recent years, especially in the Arctic regions where readings have been as much as 10 degrees warmer than normal in the late 2010s.

By contrast to the Arctic ice melt largely due to the warmer waters, glaciers were thickening in Antarctica's eastern interior. That portion of the continent was experiencing increased snowfall and had a gain of about 100 billion tons of ice per year from 1991 to 2008. It was recently discovered that heat from the Earth's interior may have contributed to some of the melting in Antarctica. However, there has been loss of glacier mass in Antarctica's western region.

From the late 1940s through the early 1970s, a climate research organization called the Weather Science Foundation of Crystal Lake, Illinois, determined that the planet's warm, cold, wet and dry periods were the result of alternating short-term and long-term climatic cycles. These researchers and scientists also concluded that the Earth's ever-changing climate likewise has influenced global and regional economies, human and animal migrations, science, religion and the arts as well as shifting forms of government and strength of leadership.

Much of this data was based upon thousands of hours of research done by Dr. Raymond H. Wheeler and his associates during the 1930s and 1940s at the University of Kansas. Dr. Wheeler was well-known for his discovery of various climate cycles, including his highly-regarded "510-Year Drought Clock" that he detailed at the end of the "Dust Bowl" era in the late 1930s.

One of the most recent cold periods was "The Little Ice Age," a 500-Year plus span that extended from the early 1300s to the mid-1800s. During that time, there was little solar activity, or solar storms, which scientists refer to as the "Maunder Minimum." There were also numerous volcanic eruptions in the 1800s like Krakatoa and Mt. Tambora. In 1815, Mt. Tambora has a major eruption which was the largest recorded one in human history. The explosion sent thousands of tons of ash and dust into the atmosphere resulting in the lowering of Earth's temperature by several degrees and numerous extremes. The event also led to a "year without a summer" in 1816 across parts of northern Europe and U.S. as snow was reported in each month of the year, including the summer season.

During the early 1970s, our planet was in the midst of a colder and drier weather cycle that led to concerns of another "Little Ice Age." Inflationary recessions and oil shortages led to rationing and long gas lines at service stations worldwide. Since that time, global temperatures have steadily climbed to the levels they are today. But, there were several interruptions of this global warming cycle. In June, 1991, Mt. Pinatubo erupted in the Philippines leading a temporary drop of about one degree of the Earth's average temperature. In the late 2000s, a strong La Nina and very low solar activity likely helped to slightly lower global temperatures before rebounding in the early 2010s.

The Weather Science Foundation also predicted, based on these various climate cycles, that our planet would turn much warmer and wetter by the early 2000s, resulting in general global prosperity. They also said that we would be seeing widespread weather "extremes." There's little doubt that most of their early predictions came true. In the decade of the 2010s, hundreds of thousands of weather records, more high than low, were broken worldwide. That trend is expected to continue for current decade and beyond.

Dr. Wheeler also discovered that a much warmer and drier climatic cycle affects our planet. The last such "warm and dry" peak occurred in 1930s, around the end of the infamous "Dust Bowl" period. During that time, extreme heat and dryness, combined with a multitude of problems during the "Great Depression," made living conditions practically intolerable.

We believe that were in the next "warm and dry" climatic phase, and it's scheduled to peak around the mid-2030s. It's very possible that we could see an average global temperature rise above 60 degrees during the 2020s. This would be largely due, according to most climate scientists, to the continuation of adding more greenhouse gasses, like carbon dioxide, into the atmosphere. A major volcanic eruption would likely be the one and perhaps only natural event to drop the Earth's temperature.

During the "warm and dry" phases, based on history, there has been minor to major global unrest. In early 2022, droughts have covered much of the western and portions of the central U.S. California reservoirs are around the lowest levels in history, especially in Southern California where a new "megadrought" is likely in place and is already considered to be one of the worst in recent geologic history. Major droughts have also been reported in South America and other countries in the world. Record warmth has also been reported in Siberia in 2021. As temperatures are expected to warm further and many areas are turning drier, we're seeing significant global unrest with increasing chances of major world wars.

Based on current data, this warmer period caused by increased carbon dioxide, cycles and perhaps other unknown factors could produce even hotter and drier weather patterns in the coming decades. We also believe that our prolonged period of wide weather "extremes," the worst in at least 1,000 years, will continue and perhaps become more severe in the years to come. We already had the most named storms (30) in the Atlantic and Caribbean waters in 2020.

We should remember, that the Earth's coldest periods have usually followed excessive warmth. Such was the case when our planet moved from the Medieval Warm Period between 900 and 1300 A.D. to the sudden "Little Ice Age," which peaked in the 17th Century. Since 2,500 B.C., it's estimated that there have been over 70 major climate changes worldwide, including two major changes in just the past 50 years. In terms of upcoming cooling and warming periods, only time will tell.



Global temperature chart was compiled by Climatologist Cliff Harris that combined the following resources:

"Climate and the Affairs of Men" by Dr. Iben Browing.

"Climate...The Key to Understanding Business Cycles...The Raymond H. Wheeler Papers. By Michael Zahorchak
Weather Science Foundation Papers in Crystal Lake, Illinois.

<https://www.visualcapitalist.com/stunning-graphic-earths-temperature-22000-years/>

From: [Ian McCoy](#)
To: [Planning Commission](#)
Subject: Watching You Fossil Fuel Ordinance
Date: Saturday, September 10, 2022 4:46:39 PM

You don't often get email from ianjmccoy@outlook.com. [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.

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance I urge you to go for option A and focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

From: [Peter L. Fels](#)
To: [Planning Commission](#); [City Council](#)
Cc: [Dan Serres](#); [Heidi Cody](#); [Cathryn Chudy](#)
Subject: Fossil Fuel Ordinance
Date: Sunday, September 11, 2022 4:02:32 PM
Attachments: [fossil fuel ordinance letter.pdf](#)

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Please see the attached letter.

Thank you,

Peter Fels
Vancouver

Peter Fels
5121 NW Franklin Street
Vancouver WA 98663
TELEPHONE: (360) 737-3154 • plfels@gmail.com

Sept. 11, 2022

RE: Fossil Fuel Ordinance amendments

Dear Planning Commission and City Council:

For the past few days I have worn a mask while outside and paused my normal running and cycling in order to avoid breathing smoky air. The Air Quality Index has shown dangerous levels of pollutants due to high heat and forest fire smoke.

Two weeks ago, my annual vacation in the Eagle Cap Wilderness area of the Wallow Mountains in eastern Oregon was made miserable by the presence of fire smoke and the potential of evacuation due to nearby wildfires (primarily the Sturgill and Nebo fires). My wife and I have made this trip for over 10 years, but this year the fire danger and conditions were the worst.

Experts tell us that the hotter, dryer climate and increased fire danger are caused by climate change, which is primarily a result of atmospheric warming from humans burning fossil fuels. Even the fossil fuel companies made that conclusion years ago, although they publicly denied it.

There is no doubt that global warming has made the environment less safe and more unhealthy, including here in Vancouver. We do not need to use or store more fossil fuels; we need to reduce and eventually eliminate them as soon as possible.

The fossil fuel industry (WSPA) wants to be able to create more storage with no public review, claiming that stopping more storage creates unspecified environmental harms. Given their history of hiding the truth and outright lying to the public, they have no credibility and you should not believe anything they say.

To avoid harm to public health and safety, I urge you to support the strongest prohibitions on bulk fossil fuel storage and disallow any outright permits. The conditional use process allows for the transparency and public review which your citizens deserve.

Thank you,

s/
Peter Fels

From: [Janet's Mail](#)
To: [Planning Commission](#)
Subject: Fossil Fuel Ordinance
Date: Sunday, September 11, 2022 8:31:05 PM

You don't often get email from gr8tefully@gmail.com. [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 Commissioners,

I wish to express my hope that you adopt the strongest possible fossil fuel ordinance. Please do not weaken the original ban on all new fossil fuel facilities.

Vancouver's health, safety, and clean energy future is at stake. New or expanded bulk fossil fuel facilities will endanger our community, which has already experienced decades of disproportionate health and safety impacts from existing infrastructure, especially low-income and BIPOC communities. Vancouver's current large-scale fossil fuel facilities are all at moderate to high risk for liquefaction by earthquake.

A meaningful fossil fuel ordinance must safeguard community safety and health, without loopholes that allow for unnecessary expansions, or poorly understood "cleaner fuels" technologies that create new health, safety, or environmental risks and impacts. Option A is the better option. So called "clean fuels" are still fossil fuels and we no longer have the luxury of extending our use of fossil fuels of any kind. That time has literally gone up in smoke.

Please be brave and be bold. Move us to ward a fossil free future.

Thank you,
Janet Hedgepath
Vancouver, WA

From: [Mike Ellison](#)
To: [Planning Commission](#); [City of Vancouver - Office of the City Manager](#)
Subject: Proposed Use and Development Standards for Fossil Fuel Storage and Handling Facilities
Date: Sunday, September 11, 2022 11:02:20 PM

You don't often get email from 3heartmike@centurylink.net. [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 Members of the Vancouver City Council, Members of the Planning Commission, and Staff:

As a 60-year resident of Vancouver I want to thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As a retired science educator with an environmental science background, I believe that your decisions to prevent some large very dangerous fossil fuel bulk facilities to be located at the Port of Vancouver have been very wise and have protected our community. The downtown core is a much-valued part of my life and I am grateful.

There are also many threats from climate change that require a transition away from fossil fuels. As a resident, and a homeowner, these are of great concern for me. So, I have been reviewing your Proposed Use and Development Standards for Fossil Fuel Storage and Handling Facilities. I have also been reviewing recommendations by some of the local environmental advocacy groups that I respect. My comments here include some of the comment language they have proposed when I agree with it. It is important to me that you continue to move this work forward and ensure that this policy centers frontline communities already facing disparate environmental health and safety impacts created by fossil fuel facilities.

As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent "conditional use permit" review process for any changes at these facilities and any new "cleaner" facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. I am finding it difficult to choose between recommending Option A or B in the draft to be presented by city staff at tomorrow's workshop to the Council.

The environmental justice considerations are extremely important. This argues for using the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance. The first 3 of these are especially important in the case of hydrocarbon fuels that are from feedstocks that lower their overall carbon emissions. Their toxicity argues for the strictest standards to protect frontline neighborhoods. These fuels must also meet very rigorous analysis to be satisfied that they really have a lower carbon footprint.

Hydrogen, on the other hand, has less toxicity, but shares the same carbon footprint concern. Hydrogen from electrolysis powered by wind or solar should be cleaner than that sourced from fossil (often called 'natural' gas).

While these health and public safety concerns of these 'cleaner' fuels warrants caution, the need to quickly transition to lower carbon fuels to reduce the intensity of climate change is also of great concern to our community. This argues for larger cleaner fuel facilities as in Option B, but there must be great caution built in to assess clean air and spill prevention and amelioration from an equity perspective. And cleaner fuels must clearly reduce lifecycle carbon emissions.

I support the City's work to address climate change through the Climate Action Framework and urge the City to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new cleaner facilities are included.

I urge you to:

- a. Only allow larger fuel facilities as in Option B if they can be proven to reduce carbon emissions and meet the strictest health and safety standards AND must be shown to create carbon emission reductions on a timescale that justifies the infrastructure investment, so that we are not locked into out-of-date facilities that ultimately slow our carbon emissions;
- b. Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels;
- c. Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring they have a public process and conditional use approach for these facilities; and finally
- d. Ensure at a minimum, a conditional use permit for any new cleaner fuel facilities above 60,000 gallons.

I am grateful that you are tackling these challenging, but consequential decisions.

Sincerely,
Mike Ellison
4303 NE 14th Ave
Vancouver, WA 98663

Sept 12, 2022

Heidi Cody
1506 SE Court
Vancouver WA 98664

Planning Commission and City Council
City of Vancouver

Dear Planning Commission and City Council,

Today I am writing you a personal letter. I have been following the City's fossil fuel moratorium/ordinance process for some time now. Thank you for your ongoing efforts to pass an enforceable, strong ordinance. My personal opinion is that simpler is better for the ordinance, because if the fossil fuel industry can game it, they will.

I watched the City of Portland try to defend itself against new fossil fuel infrastructure after passing a no new fossil fuel infrastructure policy. Zenith Energy, a defunct asphalt facility, leveraged a loophole in Portland's policy, and was able to vastly increase throughput of fossil fuels, using existing infrastructure, transloading directly onto more and more trains, without adding new buildings or storage. This cost the City of Portland a lot of money and resources.

Vancouver should learn from Portland's misadventure. If you're not convinced, just go outside and smell the smoke in the air. Look directly at the hot pink-orange sun. It is time to drastically change how we are living. It is time for an ambitious Leading Edge Climate Action Framework, and a simple, targeted ordinance against new or expanded bulk fossil fuel infrastructure.

If the City is not going to keep the ordinance simple, which is Option A, I ask that you proceed with extreme caution with Option B. Conditional use permitting should be in place for everything new. I have two reasons for requesting this:

1. New cleaner fuels are emerging technologies. Some might argue that with a little research, we'll understand them better and be able to greenlight them. Perhaps. On the other hand, this view assumes that available information and marketing is on the up-and-up. But as my research into renewable natural gas (RNG) and NW Natural's Smart Energy program showed me, RNG is supported by a lot of marketing blather, and very little reliable information.

Did you know there are blue, green, grey, brown, pink and turquoise versions of hydrogen fuels? This article by the Sierra Club [Hydrogen: Future of Clean Energy or a False Solution?](#) covers some of them. While "cleaner" and "step-down" fuels are an

important step towards a green energy future, the cleaner fuels category is broad. The inclusion of the "cleaner fuels" category complicates this ordinance, which has already been stopped once by the oil industry. Cleaner fuels aren't automatically safe or cost-efficient, just because they're not fossil fuels.

I have a friend who works as a Regulatory Analyst in Attorney General Bob Ferguson's office. He told me last week that his work has shown him hydrogen is not cost-efficient right now, though it could be effective in hard to electrify sectors. Putting in infrastructure for speculative fuel technologies may not pay off. Does building new infrastructure for a fuel that's not cost-effective make sense? Does that type of investment make sense at our Port, or in Fruit Valley? These are valid considerations.

2. Vancouver has six bulk fossil fuel facilities already. They are all on land which is at moderate to high risk for liquefaction in an earthquake, either on Port property or in the Fruit Valley neighborhood. Fruit Valley, which is largely BIPOC and low-income, is already overburdened by air pollution, proximity to existing fossil fuel infrastructure, and seismic risk. Exposing these already marginalized communities to even more risk deserves a built-in public process. The folks who live there must be allowed to weigh in on proposed new fuel facilities of any kind or size. Would you like to live by these projects?

The original intent of the moratorium is to protect community health and safety. I am concerned that this crucial focus is getting lost, as considerations for industry threaten to weaken the ordinance. I realize there is pressure from all sides on this issue. Thank you for your work, and for your consideration of input from the public.

Sincerely,

A handwritten signature in black ink, appearing to read "Heidi Cody". The signature is fluid and cursive, with the first name "Heidi" and last name "Cody" clearly distinguishable.

Heidi Cody

From: [Heidi Cody](#)
To: [Planning Commission](#); [City Council](#)
Subject: Letter re: fossil fuel ordinance for meeting 9.13.22
Date: Monday, September 12, 2022 11:04:28 AM
Attachments: [HCody_Ordinanceltr.9.12.22.pdf](#)

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Dear Planning Commission and City Council

Attached, please find my comments about the fossil fuel ordinance. Thank you for your work.

Sincerely,
Heidi Cody

--

Strategic Coordinator for SWWA | Stand Up to Oil Coalition
Secret Agent Toothpaste | Climate Toothpaste
Sparkle with #climatetoothpaste. I do. climatetoothpaste.com #greennewdeal

From: [William Sneiderwine](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:27:12 PM

You don't often get email from william.sneiderwine.562180873@p2a.co. [Learn why this is important](#)

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Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
William Sneiderwine
14901 SE Sunpark Dr
Vancouver, WA 98683

From: [Richard Osmun](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:27:09 PM

You don't often get email from richard.osmun.562188659@p2a.co. [Learn why this is important](#)

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Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

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The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Richard Osmun
2726 NW Valley St
Camas, WA 98607

From: [Annie Palmer](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:27:07 PM

You don't often get email from annie.palmer.571300095@p2a.co. [Learn why this is important](#)

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Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Annie Palmer
SE 11th Ave
Camas, WA 98607

From: [Rebecca Sellers](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:27:04 PM

You don't often get email from rebecca.sellers.562278631@p2a.co. [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 Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Rebecca Sellers
3609 NW Knapp Ln
Camas, WA 98607

From: [Doris Raspa](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:27:03 PM

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Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Doris Raspa
10500 NE 51st Cir
Vancouver, WA 98682

From: [Nancy Gleim](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:27:00 PM

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Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Nancy Gleim
313 Charlotte Way
Vancouver, WA 98664

From: [Susan Kiplinger](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:57 PM

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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 Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Susan Kiplinger
450 E 13th St
La Center, WA 98629

From: [Susan Saul](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:56 PM

You don't often get email from susan.saul.571301229@p2a.co. [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 Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. I appreciate the commitment you have shown to this multi-year process.

As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included. We don't understand enough about cleaner fuels to know their health and safety risks so a conditional use permit requirement is essential to provide full public disclosure and community engagement.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your leadership and commitment to protect our community.

Regards,
Susan Saul
10102 NE 10th St
Vancouver, WA 98664

From: [Richard Osmun](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:53 PM

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Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Richard Osmun
2726 NW Valley St
Camas, WA 98607

From: [Jody Caicco](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:52 PM

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Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Jody Caicco
23402 NE 108th St
Vancouver, WA 98682

From: [Dan Rogers](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:48 PM

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Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Dan Rogers
3331 H St
Washougal, WA 98671

From: [Dorothy Sosnowski](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:45 PM

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Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

As someone with a 17-year career working in renewable energy, I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Dorothy Sosnowski
2715 NW 44th Ave

Camas, WA 98607

From: [Elizabeth Verbeck](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:43 PM

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Dear Planning Commission City of Vancouver,

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The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Elizabeth Verbeck
200 W 28th St
Vancouver, WA 98660

From: [Karissa Halstrom](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:41 PM

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Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Karissa Halstrom
7819 NE 136th Ave
Vancouver, WA 98682

From: [Christopher Collmer](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:37 PM

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Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Christopher Collmer
704 W 20th St
Vancouver, WA 98660

From: [Hannah Liu](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:34 PM

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Dear Planning Commission City of Vancouver,

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The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

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- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Hannah Liu
3008 NE 141st St
Vancouver, WA 98686

From: [mary.n](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:29 PM

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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 Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

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- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
mary n
14005 SE 38th St
Vancouver, WA 98683

From: [Patricia Kenny](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:24 PM

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Dear Planning Commission City of Vancouver,

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

Our fossil fuel ordinance seeks to protect the health and safety of the community members hardest hit by the pollution from industry and from our fossil fuel economy. This ordinance should address this problem and clearly ban new and expanded fossil fuel terminals storage and handling facilities, as outlined by Option A.

The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;
- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Patricia Kenny
13107 NW 13th Pl
Vancouver, WA 98685

From: [Jim Gayden](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:23 PM

You don't often get email from jim.gayden.330543561@p2a.co. [Learn why this is important](#)

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Dear Planning Commission City of Vancouver,

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- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Jim Gayden
1620 NE 162nd Ave
Vancouver, WA 98684

From: [Wesley Banks](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:18 PM

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Dear Planning Commission City of Vancouver,

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The ordinance should also use the conditional use permit process, as well as strong special use requirements including seismic upgrades, spill prevention, fire response plans, and financial assurance.

And while our Orchards neighborhood is not yet part of Vancouver, it will not be many years until the city annexes us. Please take the future Vancouver areas into consideration when you make your decisions.

I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

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- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Wesley Banks
15640 NE Fourth Plain Blvd
Vancouver, WA 98682

From: [Debbie Mahder](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:17 PM

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- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Debbie Mahder
303 NE 10th St
Battle Ground, WA 98604

From: [Jeffrey Kaufman](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:09 PM

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Dear Planning Commission City of Vancouver,

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- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Jeffrey Kaufman
26110 NE 209th St
Battle Ground, WA 98604

From: [Marianne Eddington](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:06 PM

You don't often get email from marianne.eddington.279017284@p2a.co. [Learn why this is important](#)

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Dear Planning Commission City of Vancouver,

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- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Consider what happened to the proposed Tesoro facility on our waterfront. What could have been a setup for potential danger to humans and wildlife was finally given thumbs down by the governor, after four years of active protesting. Now my husband and I can see how locals and tourists alike enjoy the restaurants and housing on that valuable land which is the shining jewel of Vancouver. More such wise planning can be in store for us if we stop the senseless favoriting of fossil fuel companies.

Regards,
Marianne Eddington
20520 NE 221st Cir
Battle Ground, WA 98604

From: [Linda Leighton](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:05 PM

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- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Linda Leighton
8612 Mt Olympus Ave
Vancouver, WA 98664

From: [Cheryl Gavin](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:26:00 PM

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Dear Planning Commission City of Vancouver,

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Thank you for your work to protect our community.

Regards,
Cheryl Gavin
2401 NE Parkview Dr
Vancouver, WA 98686

From: [Jon Pedersen](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:25:57 PM

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- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Jon Pedersen
27903 NE 59th St
Camas, WA 98607

From: [Pamela Garlett](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:25:56 PM

You don't often get email from pamela.garlett.571443097@p2a.co. [Learn why this is important](#)

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Dear Planning Commission City of Vancouver,

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- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Pamela Garlett
12713 SE 8th St
Vancouver, WA 98683

From: [Cathryn Chudy](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:25:52 PM

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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 Planning Commission City of Vancouver,

Our city has protected our community since 2020 with a Moratorium on bulk fossil fuel facilities that was put in place out of concern for the risk of harm to Vancouver residents should we add to fossil fuel risks that already exist here. Health, safety and equity continue to be essential underlying priorities in the work that is being completed for a final ordinance.

Thank you for your work to protect community health and safety from new and expanded fossil fuel facilities. As you finalize the details of this critical ordinance, I urge you to focus on banning new and expanded large-scale fossil fuels facilities and on ensuring a thorough and transparent 'conditional use permit' review process for any changes at these facilities and any new 'cleaner' facilities.

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I support the city's work to address climate change through the Climate Action Framework and urge the city to continue to move this forward. Any reference or inclusion of cleaner facilities in this code should require a conditional use permit process and ensure that public health and safety issues related to these types of new facilities are included.

I live in a neighborhood close to Fruit Valley and am familiar with the ways in which fossil fuel industry proponents can offer assurances that are not always trustworthy or reliable, and have witnessed how necessary public process is in order to ensure that the best interests of local residents like me and my neighbors are represented. The Conditional Use Permit process is a minimum protection that should not be set aside because industry proponents want a "convenient" pathway. The perception that the CUP is an "obstacle" to industry proceeding forward ignores the other side of the coin - that guaranteeing the strongest public process possible is the only way for policy makers to ensure the equity priority of the community residents you represent is being met.

I urge you to:

- 1) Continue to champion and ultimately pass the strong fossil fuel ordinance which centers community health, safety, and environmental justice, with preference for Option A;

- 2) Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels; and
- 3) Allow communities with high levels of pollution to have a voice in addressing health and safety risks from any new cleaner, non-fossil fuel facilities. This means requiring a public process and conditional use approach for these facilities; and finally
- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community. It is encouraging to see how close we are to finally lifting the Moratorium and moving forward, and I support doing so with the strongest possible ordinance that does not sacrifice the transparency and public process provisions that ensure industry accountability and protection for our community residents.

Regards,
Cathryn Chudy
1506 E 29th St
Vancouver, WA 98663

From: [Barry Parker](#)
To: [Planning Commission](#)
Subject: Establish a Strong and Clear Fossil Fuel Ordinance
Date: Monday, September 12, 2022 1:27:17 PM

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Dear Planning Commission City of Vancouver,

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- 4) Ensure at a minimum, a conditional use permit and public process for any new cleaner fuel facilities above 60,000 gallons.

Thank you for your work to protect our community.

Regards,
Barry Parker
8422 NE 8th Way
Vancouver, WA 98664

From: [Arnie Teppo](#)
To: [Planning Commission](#)
Subject: Citizen Communication In favor of Short Term Rentals for 9/13 meeting
Date: Monday, September 12, 2022 3:51:37 PM

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Planning Commission:

Please keep in mind the importance in balancing property rights, ie **one should be able to use a property they own as they see fit as long as it is not a nuisance to the neighborhood.** Personally, an STR provides me with flexibility and the ability to be able to keep my second property available for family when they come to visit. Also to be able to generate some income to help me stay afloat in these difficult economic times, ie rising property taxes, etc.

STRs bring a positive economic impact to an area. They can provide a city with an additional income through occupancy taxes. Travelers who use Airbnb enjoy longer stays, spend more money in the cities they visit, bringing income to less-touristed neighborhoods. **Does Vancouver want to keep up with the times and be a welcoming destination for families, offering a variety of accommodations?** STRs give guests more privacy and space than traditional hotels. STRs are perfect for families visiting for weddings, reunions, graduations and other important functions. I would posit that members of this commission have most likely used STRs when traveling with families and experienced these same benefits.

STRs do not drive up housing costs in the area significantly. STRs represent, at most, 1% of all available rentals in Vancouver, which doesn't support this premise. Some studies show the effect on property values on neighborhoods outside of popular tourist area is negligible at best. Targeting STRs won't solve the large influx of people that continue to move into the area, the main factor driving housing prices.

I agree, STRs should not be allowed to be party houses, there should be reasonable regulations that aren't onerous to property owners. Business licenses, registrations, paying appropriate fees, restrictions on events, limiting number of occupants or requiring minimum stay requirements, having adequate parking could all be looked at to alleviate this issue. Limiting STRs to one per owner can prevent corporations from buying large swaths of property to convert to STRs

The input I receive from the small STR community in Vancouver, is that none of us are getting rich from STRs. I am certainly not. They're time-consuming and expensive to manage, and it ultimately comes down to a question of "What's the highest and best use" of my property. **We are mostly mom and pops** who want to be good neighbors who through hard work and effort own a second property and simply want the flexibility to use it in a way that fits our family and lifestyle.

Respectfully,

Arnie Teppo

From: [Cathryn Chudy](#)
To: [Planning Commission](#)
Subject: Citizen Communication for Fossil Fuel Regulations Amendment Public Hearing
Date: Monday, September 12, 2022 5:10:58 PM
Attachments: [2022-09-13 Fossil Fuel Regulations Code Amendment \(PC Comments\).pdf](#)

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I will testify in person at the Planning Commission public hearing.

Please accept the attached comments for the record.

Thank you,

Cathryn Chudy

To: Vancouver Planning Commission
Re: Fossil Fuel Regulations Code Amendment/Public Hearing/09/13/22

I appreciate that we are getting close to turning the Moratorium on new and expanded bulk fossil fuel facilities into an updated ordinance.

With your careful consideration, I hope that the updated ordinance will remain grounded in its' original intent, that of protecting the health and safety of our community, and in particular, providing the strongest protections for those most affected by the risks and burdens of the fuel industry facilities that will continue to affect the quality of our lives.

The fuel industry asks for "less process and greater certainty" and the price for this is clearly to short circuit what the proposed city code now promises the residents of our community who live, work, play, raise their children and hope to survive: **"the maximum amount of public notice and opportunity to comment on all proposed new fuel storage and handling uses (large and small), through the conditional use permit process."**

As the city staff note in the Addendum Responses to SEPA Comments:

"That a conditional use permit would deter projects for cleaner fuels is speculative. A conditional use permit process is a common permit type in the Vancouver Municipal Code, and within the IH zone is applied to some forms of office, retail, R&D and others. It is not an unusual process and creates a record for applicants and the public. SEPA determinations are also discretionary. Such facilities may require other discretionary non-city permits (e.g., air permits from SWCAA)"

I support our city's Climate Action Team for the work they have been doing, and understand the desire to "incentivize" cleaner, alternative fuels to address the problem of transportation emissions. Fostering a transition away from traditional fossil fuels to "cleaner" fuels does not automatically mean that risks and impacts are not present or potentially significant.

Retaining the "maximum amount of public notice and opportunity to comment" via the conditional use permit process is essential to the underlying health, safety and equity values that our city is committed to, and should not be sacrificed in order to "incentivize" an industry that will make this transition regardless, due to the changing realities of what is happening around us relative to climate disruption, public health, and what the city consultants have pointed out: "The per capita use of fossil fuels is decreasing in Washington State even as the population grows."

I live close to the IH zone (Fruit Valley) and see the conditional use permit process as essential in ensuring that the understandable push for cleaner fuels does not inadvertently open the door to turning Fruit Valley into even more of a "sacrifice zone" than it already is, given its location and fuel industry facilities that already exist there. Making the problem worse by allowing less public process should not be part of the equation. I urge you to keep the best interests of Vancouver's residents clearly in mind as you make your recommendation to our City Council.
Thank you for your consideration of these comments.

Cathryn Chudy

ZZ

From: [xander roux](#)
To: [Planning Commission](#)
Subject: Citizen Communication
Date: Monday, September 12, 2022 7:55:13 PM

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

I, Alexander Lusk, residing at 2814 NW 1113th Avenue in Vancouver Washington, fully support the Proposed Ordinance to Ban Large Fossil Fuel Terminals.

I support the permanent ordinance that is currently drafted, that would:

- Prohibit new large-scale fossil fuel facilities. These types of facilities can be fed by unit trains; are often located on liquefiable soils; and pose major health, safety, and spill risks during and after a seismic event.
- Prohibit expansion of existing large-scale fossil fuel storage and handling, but allow seismic retrofits, safety upgrades, and maintenance improvements.
- Allow existing facilities to convert to cleaner fuels. Facilities that convert would be allowed to expand storage by 15% if they meet safety and seismic upgrade standards and obtain a conditional use permit from the City.

I strongly urge the Vancouver Planning Committee to-

- Recommend passage of a strong fossil fuel ordinance which centers community health, safety, and environmental justice;
- Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels;
- Allow communities with high levels of pollution to have a voice in addressing spill, seismic, and fire risks from new cleaner, non-fossil fuel facilities by establishing a separate process to consider rules for these facilities (staff refer to this as "Option A").
- At a minimum, require a conditional use permit for new cleaner fuel facilities above 60,000 gallons.

The city of Vancouver needs better protections to lessen the harm of fossil fuel pollution on people in Vancouver who bear the brunt of fossil fuel pollution. According to the Washington Department of Health, some areas of Vancouver are among the worst in the state for environmental health disparities, including exposure to smog and other hazards associated with fossil fuel use. The reasons for Vancouver to act are clear: people in Vancouver experience environmental health risks far too often, and these impacts disproportionately fall on BIPOC, lower income, and otherwise marginalized communities.

I urge the city of Vancouver to please protect its residents health and safety first and foremost.

Thank you for your time,

Alexander Lusk

From: [IRINA KOVALENKO](#)
To: [Planning Commission](#)
Subject: Citizen Communication
Date: Monday, September 12, 2022 8:24:27 PM

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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.

Just wanted to state that I as a mom of 7 don't travel to areas where there are no STR's allowed. I'm not able to stay in a hotel with such a big family. Our city will lose out on a lot of travelers to our city if have a ban on STR's as many will just go elsewhere.

STR homes are most maintained and and are an asset to the neighborhoods and communities.

Sent from my iPhone

From: [Vicki Coles](#)
To: [Planning Commission](#)
Subject: Short term rentals
Date: Monday, September 12, 2022 9:37:35 PM

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

I am unable to attend the virtual meeting due to medical appointments for my husband on 09/13/2022. My opposition to short term rentals is documented in many letters to the city council that were cc-ed to The Columbian.

My opposition to short term rentals:

- 1) They remove housing for Vancouver residents from the housing market while profiting those who do not live in our community. (The rental house on my cul-de-sac is owned by someone who lives in Portland.)
- 2) They disrupt neighborhoods with noisy parties and **see multiple** cars parking **on previously quiet streets** where everyone generally parks in their own garage/driveway.
- 3) They add street traffic that endangers everyone living on the street, including young children. Short term rental users are discourteous to residents of the neighborhood and oblivious to anyone's (other than themselves) safety concerns. They're on vacation, they don't care how they are impacting the neighborhood!!!

I am hopeful the city council takes a strong position against short-term rentals in Vancouver. The rentals negative impact cannot be overstated.

Vicki Coles
Old Evergreen Highway neighborhood.
360.904.8272

From: [Leigh Saint-Louis](#)
To: [Planning Commission](#)
Subject: PUBLIC TESTIMONY proposed FOSSIL FUELS FACILITIES ordinance
Date: Monday, September 12, 2022 9:40:21 PM

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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 the Planning Commission,
I, Leigh Saint-Louis, MD, am a board certified family physician, licensed in the State of Washington and residing in Vancouver.

I agree with passage of the proposed ordinance, as stated in the 9/2/22 "Proposed Use and Development Standards for Fossil Fuel Storage and Handling Facilities," to limit the presence of large fossil fuel facilities, reduce the impact of purported "cleaner fuel" facilities, and require responsible risk management of non fossil fuel resources.

To a primary care physician providing care across the lifespan, from infants to elders, the health risks from fossil fuel industrial concentration, as experienced in Vancouver's Fruit Valley neighborhood, are clear. These risks include harm to pregnancies, as shown in the Journal of the American Medical Association in June of 2020. Heart disease, cancer, and cognitive decline are increased where air pollutants concentrate, as demonstrated in a University of Washington review published in Environmental Health Perspectives in December of 2021. Such concentrations in Heavy Industrial Districts are amply documented.

Additional risks to health and life from potential disasters -- from earthquakes to flooding and wildfire -- are numerous, are exacerbated by fossil fuel transport, storage, and processing -- and are unacceptable.

Lastly, dependence on fossil fuels must reverse course immediately, to prevent the suffering, disease, and hardship resulting from climate change.

Severe and worsening heatwaves are already causing untimely deaths. Agriculture is taking repeated hits, as climate crisis affects plants and their pests. Just a few days ago, the Columbia River Inter-Tribal Fish Commission's report noted that "Many Columbia Basin salmon and steelhead populations are near extinction" and outlined a path to a future of carbon-free energy resources, to curtail the harms to wildlife and water from heating and pollution.

Please center our health and safety, in the context of climate change, in your decisionmaking about Vancouver's fossil fuel industry exposures.

Where the Commission has been presented with "options A and B" regarding "cleaner fuel" facilities, more information is needed as to health and safety implications of new or theoretical approaches.

Thank you for the opportunity to comment.
Leigh Saint-Louis MD, ABFM
2814 NW 113th Street, Vancouver WA

From: [Jason Bautista](#)
To: [Planning Commission](#)
Subject: Re: Citizen Communication
Date: Monday, September 12, 2022 9:48:00 PM

You don't often get email from pnwairbnbhomeshare@gmail.com. [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 short-term rental project team,

My name is Jason the CEO and founder of PNWAIRBNB HOMESHARE LLC , I am a proud Airbnb Superhost in the STR/MTR with multiple properties listed.

I would like to put in my comments for this workshop tomorrow at 4pm meeting.

The City of Vancouver is concerned about short-term rentals more than the community itself. Platform such as Airbnb, VRBO, Homeaway, Booking.com, Expedia are all booking services for all types of travelers including mid-term rental travelers for traveling nurses and business executives travelers. With these platforms host can change their minimum stays to 30 days to mid-term rentals.

Here is a fun fact to share with you. Did you know there is a high demand of healthcare professionals who are seeking for places to stay in Vancouver, WA.

Travel Nurse Housing Demand For Vancouver, Washington

Travel Nurse Housing Trends and Statistics

Map Searches and Housing Requests for the Vancouver
area (last 12 months): **216,451**

Map and Property Listing Page Views for the Vancouver
area (last 12 months): **1,105,915**

Vancouver, Washington ranks #5 in the state of
Washington, and #156 of 19,654 cities
nationwide.

All data is taken from the Furnished Finder and Travel
Nurse Housing websites and app.

Total Vancouver Rentals
513

Vancouver Homes
350

Vancouver Private Rentals (whole house)
149

Total Vancouver Hotels
14

On Mon, Sep 12, 2022, 9:36 PM Jason Bautista <pnwairbnbhomeshare@gmail.com> wrote:
Dear short-term rental project team,

My name is Jason the CEO and founder of PNWAIRBNB HOMESHARE LLC , I am a proud Airbnb Superhost in the STR/MTR with multiple properties listed.

I would like to put in my comments for this workshop tomorrow at 4pm meeting.

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Map and Property Listing Page Views for the Vancouver
area (last 12 months): [1,105,915](#)



Travel Nurse Housing Demand For Vancouver, Washington

Travel Nurse Housing Trends and Statistics

Select another city

Include surrounding cities within

10 miles



Hillsboro

Portland

Ridgefield

Vancouver

Warren

Map Searches and Housing Requests for
the Vancouver area (last 12

months): **216,451**

Map and Property Listing Page Views for
the Vancouver area (last 12

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Vancouver, Washington ranks #5 in the state of Washington, and #156 of 19,654 cities nationwide.

All data is taken from the Furnished Finder and Travel Nurse Housing websites and app.

Total Vancouver Rentals

513

Vancouver Rooms

350

Vancouver Private Units (whole house)

149

Total Vancouver Hotels

14

From: [Eiken, Chad](#)
To: [Nischik, Julie](#)
Subject: FW: City of Vancouver Proposed Fossil Fuel Code Amendments - WSPA comments
Date: Tuesday, September 13, 2022 11:52:45 AM
Attachments: [image001.png](#)
[WSPA Comment re City of Vancouver Fuel-Related Code Changes FINAL.pdf](#)

Another one for the PC

From: Holli Johnson <hjohnson@wspa.org>
Sent: Tuesday, September 13, 2022 11:08 AM
To: Snodgrass, Bryan <Bryan.Snodgrass@cityofvancouver.us>; Eiken, Chad <Chad.Eiken@cityofvancouver.us>
Cc: Erin Mobley <emobley@wspa.org>
Subject: City of Vancouver Proposed Fossil Fuel Code Amendments - WSPA comments

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 Bryan and Chad,

Thank you for the updates to the proposed fossil fuel storage amendments. However, WSPA still has concerns with the proposed code, particularly with the use of CUP's and the mitigation requirements. In anticipation of the Planning Commission public hearing this evening, I have attached WSPA's comments for the record. If you have any questions about our comments or position, I would be happy to discuss.

Thank you again, for your work and communications with WSPA and other stakeholders.

Best,

Holli Johnson
MANAGER, NW REGION

 **WSPA**
P.O. Box 6069, Olympia, WA 98507
P 360.239.2248 wspa.org



Holli Johnson
Senior Manager NW Region

September 12, 2022

Via Email:
bryan.snodgrass@cityofvancouver.us

Planning Commission
c/o Bryan Snodgrass
Principal Planner
City of Vancouver
PO Box 1995
Vancouver, WA 98668-1995

Re: Western States Petroleum Association Comments on the City of Vancouver's Proposed Fossil Fuel Zoning Code Amendments (Revised August 11, 2022)

Dear Commissioners and Mr. Snodgrass:

Western States Petroleum Association (WSPA) appreciates the opportunity to provide comments to the City of Vancouver (the "City") on its revised Fossil Fuel Code Standards Proposal (the "Proposal"). The Proposal consists of proposed zoning code amendments, Planning Commission version (revised August 11, 2022).

WSPA is a nonprofit trade association representing companies that explore for, produce, refine, transport, and market petroleum and petroleum products in five western states, including Washington. WSPA members have operated petroleum terminals in the City for many years. These facilities supply fuel to the region, provide critical emergency infrastructure, and have many positive impacts on the economy, including providing family-wage jobs.

Vancouver's industrial districts provide key energy and emergency infrastructure as recognized by various city, state, and federal documents. The Proposal would constrain existing operations and projects for current and near-future regional needs for energy, including the need for lower-emission fuels.

WSPA and operators of facilities targeted by the existing moratorium and the Proposal have previously outlined for the City the significant harm these regulations are having and will continue to have on structure safety, transition to lower-carbon fuels, reduction of greenhouse gases (GHG), improvements to existing infrastructure, and displacement of fuel transportation to less-safe methods—all of which have direct and significant environmental impacts.

The revised Proposal continues to suffer from these defects, and inserts additional uncertainty through vague Conditional Use Permit ("CUP") and mitigation requirements. The CUP and mitigation elements would prevent and discourage safety upgrades and cleaner fuel transitions.

The current Proposal would make Small Fossil Fuel and Cleaner Fuel Storage and Distribution Facilities subject to this burdensome CUP process.¹ Existing Bulk Fossil Fuel Facilities would not even be able to perform basic “[m]aintenance and safety improvements” without going through this CUP process.² To our knowledge, no other use in the City of Vancouver is subject to this level of uncertainty, cost, and delay to perform maintenance or safety improvements. This substantially undermines the City’s position that the Proposal is intended to improve health and safety.

These facilities play an integral role in the local, state, and regional economies. The discretionary CUP process unnecessarily restricts operational flexibility and creates a strong disincentive and potential impediments to facility improvements that are required to respond to market demands for different products (including cleaner fuels) and other important improvements at the refineries that are necessary for safety, efficiency, and environmental protection. WSPA respectfully asks the City to reconsider and reevaluate the CUP requirement to eliminate these disincentives and impediments.

Similarly, the Proposal inserts uncertain assessment and mitigation requirements for Existing Bulk Fossil Fuel Facilities that seek to expand to provide cleaner fuels. For these clean-fuel transition projects, the applicant must provide expert emission evaluation “to the satisfaction of the Planning Official.”³ This gives such applicants no guidance on what might ultimately be required, how long it will take, and whether ultimate approval is even feasible. The Proposal further requires an applicant to provide mitigation to address the cleaner-fuel project’s indirect emissions.⁴ There is again no guidance on what mitigation would be sufficient, how much it would cost, or if it is even feasible. This will have the undesired effect of preventing or at least discouraging cleaner-fuel projects.

The Proposal would create substantial barriers to fuel facility upgrades that would improve safety, lower facility emissions, and allow for the introduction of new fuel technology. Each time fuels with lower emissions are developed or required by a governmental entity, new or updated infrastructure is needed to provide that fuel. The Proposal would prohibit improvements and beneficial innovation to the City’s fuel infrastructure. Its effect is to freeze the current fuel supply system in place. Further, by uniformly blocking new fuel infrastructure in the City, the Proposal would force fuel distribution into less-efficient routes around the City and by modes such as truck distribution that would increase GHG and other emissions.

In summary, the Proposal affects the City’s fuel facilities in the following ways:

- Prevents and discourages fuel facility equipment upgrades necessary to meet market demand or comply with lower-emission federal and state fuels law;
- Discourages fuel facility safety upgrades, which most often occur concurrently with market-based infrastructure expansion and improvement;

¹ Proposed VMC 20.440.030.B.37

² Id.

³ Proposed VMC 20.895.110.F.3.e

⁴ Id.

- Prevents fuel facility efficiency upgrades that generally reduce GHG emissions, in contravention to the Proposal's climate change prevention goals;
- Discourages transition of the City's fuel facilities to newer, lower-carbon-fuel sources;
- Prevents the introduction of future technologies that do not fit within the current fossil-fuel infrastructure framework;
- Prohibits new fuel tanks for blended fuels that transition toward lower-carbon-fuel sources;
- Prevents market-based fuel facility upgrades that would trigger seismic safety improvements and retrofits; and
- Forces fuel facilities to stay in areas with heightened seismic and groundwater risk by prohibiting fuel suppliers from relocating facilities to areas that have lower seismic risk and lower risk of impacting City groundwater resources.

In short, the Proposal freezes existing infrastructure in place and prohibits beneficial changes to fuel infrastructure. If the Proposal had been passed 20 or 30 years ago, the City would have missed out on years of safety and emissions improvements, which would have resulted in higher emissions and less-safe facilities today. The effect of the Proposal is to increase emissions and decrease safety over time. The Proposal fails to deliver, and in fact hinders, its intended benefits of reducing emissions and improving local safety.

We respectfully request that the City reconsider its approach to regulating fuel facilities. The Proposal would have the undesired effect of making the City's fuel infrastructure less safe and more carbon-intensive over time by blocking and discouraging projects that would increase safety and reduce emissions. The uncertainty, delay, and costs imposed by the Proposal would result in the City's freezing its fuel infrastructure in its current condition.

Sincerely,



cc: Jodie Muller, WSPA
Jessica Spiegel, WSPA

From: [Nancy](#)
To: [Planning Commission](#); [City Council](#)
Subject: Fossil Fuel Ordinance
Date: Tuesday, September 13, 2022 11:55:50 AM

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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 Planning Commission and City Council:

I support your efforts to establish a moratorium on new fossil fuel facilities. That moratorium is consistent with the city's efforts to achieve emission reductions through a Climate Action Plan. In fact, the moratorium is necessary to achieve emission reduction goals. Thank you for taking climate concerns seriously and taking action to address climate issues.

My comment relates to the need for a conditional use permit process for "cleaner fuel" expansion. I encourage you to include a conditional use permit requirement and adopt option B. The conditional use permit process will enable the city to identify, in a public process, whether a proposed expansion truly constitutes an allowed "cleaner fuel" expansion.

It's important for the city to retain authority to assess whether a proposal falls within an allowed purpose. After all, if the city's goal is to prevent fossil fuel expansion, the city should have a process to assess whether a proposed use is allowed under the ordinance.

A conditional use permit is required for other proposals. The process is the city's tool to evaluate a proposed use. It isn't outrageous to require the permit for expansions that have the potential to interfere with the city's efforts under the Climate Action Plan it ultimately adopts. In fact, requiring a conditional use permit is necessary to assure a proposed use is consistent with the city's climate action goals and ordinance requirements.

Thank you for considering my comments.

Nancy Helget
5121 NW Franklin St.
Vancouver, WA 98663

From: [Cathryn Chudy](#)
To: [Planning Commission](#)
Subject: Additional Comments for Public Hearing on Fossil Fuel Regulations Code Amendment
Date: Tuesday, September 13, 2022 11:59:09 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.

Planning Commission,

I watched the City Council workshop last evening and I am offering additional comments to those I submitted already.

I share Mayor Pro Tem Ty Stober's deep concern about the Fruit Valley impacts and his preference for Option A which, until more careful deliberation and outreach is done by the city regarding "cleaner fuels" and their potential to harm health and safety, would (by the city staff's own admission) provide maximum protection for those most disadvantaged and overburdened and whose voices are not adequately heard in this current ordinance process.

In spite of the fact that most of the IH district is within Fruit Valley Neighborhood, and the Heavy Industrial District and Equity Map shows that Fruit Valley Neighborhood has a High Equity Index, the Fruit Valley Neighborhood Association was NOT listed as stakeholders on the Stakeholder Outreach slide for this proposed ordinance amendment. This is unacceptable.

In spite of the belief of the majority Council that the city can provide health and safety protections as well as advance climate action goals by opening the door to "cleaner" fuel facilities in the HI zone, with some of those (small "cleaner" fuel facilities) able to use an expedited permit process that leaves out public participation in the process, the unknowns are left to be experienced by those most affected without their input. City staff referenced unknowns about the fuel economy and changes in automotive technology as considerations for potential future code amendments without referencing unknowns about health and safety impacts of "cleaner" fuels. This ordinance amendment as currently drafted, supporting Option B for large "cleaner" fuel facilities along with the majority Council's feedback allowing small "cleaner" fuel facilities to be expedited for the convenience of fuel industry advocates, leaves the health and safety unknowns of such fuel facilities unaddressed in favor of the belief that industry "incentives" for a transition they most likely will make anyway for their own survival, are more relevant and take priority over those who live in the area and will yet again pay the price for whatever negative health and safety impacts occur once these facilities are in operation. An area already a "sacrifice zone" for fossil fuel operations may pay a deeper price than the rest of our city and community should those "unknowns" prove to be unhealthy or unsafe for local residents. I too have deep concerns about anything beyond Option A and the use of a Conditional Use Permit for all fuel facilities.

I urge you to take these comments into consideration in your recommendation to City Council.

Cathryn Chudy

Vancouver, WA

From: [Travis Arnold](#)
To: [Planning Commission](#)
Subject: Comments on Short Term Rentals
Date: Tuesday, September 13, 2022 11:59:56 AM

You don't often get email from travis.arnold@hotmail.com. [Learn why this is important](#)

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

My name is Travis, and I would like to share my experience and thoughts as an Airbnb host. My wife and I purchased our home because of the potential to run an Airbnb via an attached addition. We were willing to buy the foreclosed home, which needed work, because of this investment capability. The potential addition of extra regulations, taxes, red tape, etc., FEELS unfair to us. Why? (1) Because we bought the house on the grounds that Vancouver did not prohibit this. We thought we were escaping overregulation when we moved from Portland. (2) Our already-meager family budget is based largely on our Airbnb earnings, and additional taxes and fees may seem small to council members, but they are HUGE to us (especially in this environment). (3) This space would not make a very good rental and we could likely be unable to pay the mortgage without this additional income if we lost the Airbnb. It wouldn't make room for more rentals, but it could force us out of our house

Because of this, I have some suggestions for the council.

- (1) If we can't maintain status quo, please let the burden of new regulations be as light as possible in terms of time and money.
- (2) I don't think we need to form a business. Airbnb is a business, and we operate under them. We receive insurance from them, we are monitored by them (in terms of standards and reviews); and we pay local and federal taxes on the income.
- (3) Perhaps consider grandfathering current Airbnb's in, especially if they run it from their primary residence. We got into it based on the rules at the time (or lack thereof). This was not haphazard. It was a thought-through investment, and now the rules could change!
- (4) Perhaps focus on dealing with the problem of "party houses" (especially when whole houses are rented out) rather than little guys like us. This hurts us.

Thank you for listening!

Travis Arnold

From: [Tuck Swords](#)
To: [Planning Commission](#)
Subject: Planning Commission on Fossil Fuel Terminals
Date: Tuesday, September 13, 2022 1:25:34 PM

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

I, Tuck Swords, residing at 2814 NW 1113th Avenue in Vancouver Washington, fully support the Proposed Ordinance to Ban Large Fossil Fuel Terminals.

I support the permanent ordinance that is currently drafted, that would:

- Prohibit new large-scale fossil fuel facilities. These types of facilities can be fed by unit trains; are often located on liquefiable soils; and pose major health, safety, and spill risks during and after a seismic event.
- Prohibit expansion of existing large-scale fossil fuel storage and handling, but allow seismic retrofits, safety upgrades, and maintenance improvements.
- Allow existing facilities to convert to cleaner fuels.
Facilities that convert would be allowed to expand storage by 15% if they meet safety and seismic upgrade standards and obtain a conditional use permit from the City.

I strongly urge the Vancouver Planning Committee to-

- Recommend passage of a strong fossil fuel ordinance which centers community health, safety, and environmental justice;
- Follow staff's recommendation that existing fuel terminals obtain a conditional use permit before converting facilities to cleaner fuels and expanding storage for non-fossil fuels;
- Allow communities with high levels of pollution to have a voice in addressing spill, seismic, and fire risks from new cleaner, non-fossil fuel facilities by establishing a separate process to consider rules for these facilities (staff refer to this as "Option A").
- At a minimum, require a conditional use permit for new cleaner fuel facilities above 60,000 gallons.

The city of Vancouver needs better protections to lessen the harm of fossil fuel pollution on people in Vancouver who bear the brunt of fossil fuel pollution. According to the Washington Department of Health, some areas of Vancouver are among the worst in the state for environmental health disparities, including exposure to smog and other hazards associated with fossil fuel use. The reasons for Vancouver to act are clear: people in Vancouver experience environmental health risks far too often, and these impacts disproportionately fall on BIPOC, lower income, and otherwise marginalized communities.

I urge the city of Vancouver to please protect its residents health and safety first and foremost.

Thank you for your time,
Tuck Swords

From: [Nancy](#)
To: [Planning Commission](#); [City Council](#)
Subject: Corrected Comment - Fossil Fuel Ordinance
Date: Tuesday, September 13, 2022 1:35:59 PM

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Dear Planning Commission and City Council:

I previously sent a comment urging you to adopt a conditional use permit requirement for cleaner fuel expansion. I mistakenly urged you to adopt Option B. As the substance of my comments indicates, I intended to urge you to adopt Option A. I apologize for that mistake.

Thank you.

Nancy Helget

From: [Anita J. Thomas](#)
To: [Planning Commission](#)
Subject: fossil fuel regulation code amendment
Date: Tuesday, September 13, 2022 3:12:21 PM

[You don't often get email from anjantom@centurylink.net. 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.

Planning Commissioners:

Please support option A, No for now, in regard to proposed amendments on fossil fuel facilities in Vancouver. There has not been proper due diligence done regarding the impact of proposed fossil fuel amendments on Fruit Valley and other affected citizens. Also, there has not been sufficient clarification of what "cleaner" fuels entails. Cleaner than tar sands sludge or frakked up raw methane is not "clean," even if it is "cleaner." In short, more study and due diligence is required here.

No fuel facility of any kind should be exempted from the citizen oversight provided for by conditional use permits. One of the glories of Vancouver municipal government is the transparency we as citizens enjoy here in Vancouver. Do not dilute the strength of public participation here or in any other area that affects us as Vancouver citizens.

Finally, as commendable as the desire for cleaner fuels is in the interest of Vancouver's achievement of the goals in Vancouver's Climate Action Plan, it is seriously unwise to seek a short cut to those goals with "cleaner" fuels. Such fuels need to be properly vetted before they can be approved. Urgent as the looming climate catastrophe is, we cannot approve attractive-seeming solutions that have not properly been hashed out.

Sincerely,
Anita J. Thomas, citizen of Vancouver

From: [Mark Fitz](#)
To: [Planning Commission](#)
Subject: Public Comment on Fossil Fuel Moratorium
Date: Tuesday, September 13, 2022 3:41:32 PM
Attachments: [Vancouver Fossil Fuel Moratorium Statement Sept 13 2022.pdf](#)

You don't often get email from mark@staroilco.net. [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 find attached my statement on the Fossil Fuel Moratorium before the Planning Commission today.

I apologize for my late submittal.

I did not realize I needed to provide it before noon today.

Mark Fitz
President,
Star Oilco
Cell: 503-260-2815



232 NE Middlefield Rd., Portland, OR 97211

T 503.283.1256 F 503.283.1736

E orderdesk@staroilco.net W staroilco.net

TO: Whom it may concern

FR: Mark Fitz, President, Star Oilco

DT: September 13, 2022

RE: City of Vancouver Fossil Fuel Moratorium proposed changes.

The stated goal of the Vancouver Fossil Fuel Moratorium was to prohibit new or expanded large scale fossil fuel facilities. Though the draft code allows for "Cleaner Fuels Storage" it has a muddled understanding of what these are and how that will work. This draft code being unique compared to a universe of other regulation around fuel. This is problematic and I do not think the proposed code achieves a long-term result as stated by hopes of the Moratorium.

Please also consider, as with all non-conforming uses with a high industrial value, this proposed code locks in the past uses, increasing their value by barring substantive improvements. Allowing for a small 15% upgrade opportunity is not helpful when an industry works in segregated quantities of millions of gallons that will be blended.

Additionally, this code will not allow for upgrades where new storage meeting higher earthquake standards can be built and then moved into. The 15% upgrade limit requires an existing petroleum terminal to cease a portion of operation to upgrade rather than add on and then retrofit once the new infrastructure is available. The 15% limit being placed into law is a policy failing to recognize that liquid fuels (be they fossil or otherwise) are necessary for our modern existence.

Your code removes incentives to move to low CO2 non-fossil fuels as there is no risk of such a facility ever competing with incumbent terminals serving the area. If you codify the Moratorium as drafted you set back renewable fuels which will be moved by rail and truck far less efficiently (with much higher emissions) rather than at a local major petroleum terminal.

The City of Vancouver should back away from the Fossil Fuel Moratorium. This far reaching and complicated code that restricts necessary uses for liquid fuels does not achieve its intent. It instead institutes arbitrary measures of volumes on a safety basis for things already regulated by Fire Code as well as other Federal and State laws on the same safety basis.

I request the City of Vancouver consider instead an alternate to achieve your goal. Create an affirmative use for Liquid Fuel Terminals, and exclude the use for transloading for export from the state to achieve the real desired result. There is a bright line for what is a petroleum terminal than what you currently describe.

As for smaller bulk infrastructure (as terminals are millions of gallons) eliminate these restrictions which will have unintended consequences on backup power and legitimate commercial uses where they need fuel. There are several robust layers of safety rules and regulation including insurance requirements which protect the public from underground fuel

storage tanks, orphan sites, and gross negligence from an operator of a site under 60,000 gallons as well as over that level of storage.

The Moratorium's intent can also be expressed by requiring compliance with Washington State's soon to be in effect CO2 reduction laws on fuel. Though this code hints at this feature, it should accept that Washington state's new laws ensure an ever-reducing impact of the fuels.

Within your code any upgrades (such as Earthquake UL needs for our region) must be for fuels with a lower than baseline Fossil Fuel under Washington's Clean Fuels Program (CFP). The Washington CFP law alone does more to limit the growth of Fossil Fuel infrastructure than anything the City of Vancouver could hope to do.

I request that you lean into making the Washington Clean Fuels Program successful and resist complicated and arbitrary land use laws that won't remove fossil fuels but will raise the expense of the fuel consuming Vancouver resident.

Development codes and comprehensive plans exist for a long-term view and the benefits thinking ahead can provide. The balancing of immediate economic interest against long term quality of life and land use decisions. The proposed Fossil Fuel moratorium is very short term and immediate in its concern.

The City of Vancouver Moratorium has served its purpose to slow down a rush in petroleum related projects. Today I request you look a little further ahead at what is coming as it relates to the liquid fuels that run our economy.

If the stated goal of the Fossil Fuel Moratorium is to ensure short term market forces don't encourage the squandering of Vancouver's valuable Port facilities is understandable. This code will squander the existing use and eliminate investments in the current petroleum terminals moving forward to a Low CO2 future in the hopes of preventing more of these uses. It would just be easier to place the moratorium on new developments not the existing footprint and adjacent zoned land of our current energy infrastructure.

If another goal of the Fossil Fuel Moratorium is to decarbonize Vancouver, Washington. The proposed code harms that effort. Investments in next generation Low CO2 fuels is necessary to achieve that goal. Your proposed code blocks this with the arbitrary 15% cap on new infrastructure.

If an unstated goal of the Fossil Fuel Moratorium is to raise the retail cost per gallon of liquid fuels consumed in Southwest Washington. The suggested code will do that.

If another unstated goal of the Fossil Fuel Moratorium is to also reduce the quantity of diesel stored inside Vancouver. It should be stated, that is also a reduction in the availability of life saving diesel infrastructure necessary to respond to a major seismic event or natural disaster. The suggested code has real issues as it likely limits emergency storage of diesel for major back up generators.

CODE SPECIFIC COMMENTS BELOW:

MORATORIUM CODE NEEDS CLEAR DEFINITION OF “CLEANER FUELS”

Cleaner Fuels doesn't define if blended fuels (fuels that are lower CO2 before entering the city of Vancouver) but still have fossil fuel content would be allowed under this code. This needs to be addressed for two reasons.

In particular there is a major development of CO2 sequestration happening in the US today. The US Tax Code provides under “Regulation 45Q” has led to “fossil fuel” developers to sequester CO2 alongside their development of traditional crude oils making possible a negative CO2 crude fossil fuel. This is both a fossil fuel (possibly seeing a future pathway through the Washington State Clean Fuels program) and a “Cleaner Fuel” if measured solely by CO2 footprint. Additionally, can a fossil fuel blended with a low CO2 biofuel prior to arriving (or at time of arrival) to Vancouver meet a Low CO2 fuel? This needs to be clear as it is not.

MORATORIUM CODE HAS POTENTIAL CONFLICTS IN REGULATION

The Moratorium as well as the proposed municipal code mentions many things tightly and firmly regulated by other agencies in Washington State. This gives rise to a place for needless conflict versus just deferring to that authority.

Below are some immediate regulations that everywhere else in the world are handled outside of Development Code. Both at a Federal and Municipal Level, public safety from environmental release and fire safety have a very rigorous system of rules expressed in code that impacts development decisions and review. On top of these, there is also the Army Corps of Engineers and Coast Guard regulation of anything taking place over the waters adjacent to the Port of Vancouver.

Washington State Building Code regulates the fire and public safety of fuels stored. Permitting for liquid fuels stored is regulated partially within this code for public safety as it relates to fire, release into the environment, and containment. The Fire Code and this level type of safety is regulated by the Washington State Fire Code (which is the adopted International Fire Code 2018). The International Fire Code guiding “Bulk Fossil Fuels” and “Cleaner Fuel Storage” the definitions, size, and type of development are:

Chapter 23 – Motor Fuel Dispensing Facilities and Repair Garages

Chapter 50 – Hazardous Materials General Provisions

Chapter 53 – Compressed Gases (Compressed Natural Gas and Hydrogen)

Chapter 55 – Cryogenic Fluids (Liquified Natural Gas and Hydrogen)

Chapter 47 – Flammable and Combustible Liquids

Chapter 58 - Flammable Gases and Flammable Cryogenic Fluids

Chapter 61 – Liquified Petroleum Gas (Propane)

Washington State Department of Ecology regulates Above Ground and Underground Storage Tanks as well. The regulation and program has required inspections (both internal operators as well as with State inspectors), insurance to fund any leaks or clean ups, and a host of other ongoing maintenance requirements that hold an operator of a underground storage tank directly accountable to both the Washington Department of Ecology as well as the US Environmental Protection Agency.

From the Revised Code of Washington:

Chapter 19.94.507 – Gasoline Delivered to Service Stations (relates to inventories in and out of the tanks to check if a tank is leaking)

Chapter 19.112 – Motor Fuel Quality Act (Requires biofuel blended content of fuel, requires registration of all motor fuels with the state, authorizes Department of Ecology and Agriculture to grant variances from ASTM to produce lower emission fuels, and standards for biofuels for Washington state).

Chapter 70A.325 – Underground Petroleum Storage Tanks

Chapter 70A.345 Underground Storage Tank Revolving Loan and Grant Program (a fund to remediate and facilitate clean up of petroleum pollution associated with underground tanks).

Chapter 70A.355 – Underground Storage Tanks

Chapter 70A.415 – Hazardous Substance Information (disclosure of stored hazardous substances to the public)

Chapter 70A.535 – Transportation Fuels – Clean Fuels Program

Chapter 90.56 - Oil and Hazardous Substance Spill Prevention and Response

Chapter 70A.45.020 – Greenhouse Gas Emission Reductions (if you are bringing fuels into Washington State you are held accountable to move to Cleaner Fuels).

SUGGESTIONS FOR “PROPOSED CHANGES” IN THE MORITORIUM UPDATE:

NOTE: It is our opinion that the majority of this draft Comprehensive Plan change be backed away with and started anew. Specifically with a special Zoning Category for Petroleum Terminal and the only Conditional or Approved Uses being those that are done to meet lower CO2 emitting fuels for the Washington State Clean Fuels Program.

Barring that as an option we have the following comments on the Fossil Fuel Moratorium's suggested changes to the Comprehensive Plan:

- PROPOSED CHANGE 1 - Change "Fossil Fuel" to something that aligns with Washington State's Clean Fuels Standard language for a baseline petroleum fuel.
- PROPOSED CHANGE 2 – Change the fuel definitions to align with the Washington State's Clean Fuel Standard pathways.
 - o NOTE: First Law of Thermodynamics – "Fuels that are Low or no emissions" do not exist. There is an energy and therefore an emission cost with all energy. What makes it a low emission fuel is by comparison, this language is problematic. It should be removed and site the regulatory goals of the Clean Fuels Program.
- PROPOSED CHANGE 3 – Remove this as it is arbitrary. Volumes for fuel storage are also regulated by the International Fire Code as well as inspected regularly by the either the US Environmental Protection Agency or Washington Department of Ecology. Federal and State Law also require special and significant insurance to operate these sites to ensure a clean up if a site is ever polluted. Additionally, "Small Fossil Fuel Storage and Distribution Facilities" are about to become "Cleaner Fuel" facilities by law, given the requirements of the Washington Clean Fuels program as they will be taking blended lower CO2 fuels routinely in this program.
- PROPOSED CHANGE 8 – Municipal garbage is a strategic feedstock for Renewable Diesel and Sustainable Aviation Fuel. Small footprint processing of these fuels is expected in the near future as the technology becomes more proven. Limiting industrial uses in industrial zones may be regretted as the potential of new clean fuel technology dynamically improves and provides a huge potential for green jobs. To process waste into low CO2 fuels on a small cottage scale will require bulk storage. My reading of the code "Bulk Fossil Fuel" also obstructs new Cleaner Fuel infrastructure (as the code arbitrarily assumes a site must be a fossil fuel before being built for a low CO2 fuel).
- PROPOSED CHANGE 9 – Please remove any obstructions to invest in serving Washington's Clean Fuels Standard. This change is poorly written. You cannot block maintenance and safety improvements required by Federal and State rules in a non-conforming use. Also the arbitrary 15% is treating critical energy infrastructure like it's a restaurant's square footage. The assumption that only "Conversion" will be a land use is extremely short sighted as is banning investments in Cleaner Fuels.
- PROPOSED CHANGE 10 – Banning all new cleaner fuel facilities is a mistake and will raise the cost of living in Clark County exorbitantly in a Clean Fuels Program regime. Please remove this absolute ban on low CO2 fuels.
 - o NOTE: Major back up power generation is reliant on diesel fuels. This might be considered a ban on utility, hospital, and industrial scale back up power storage.

- PROPOSED CHANGE 14 – Please remove this. This lists a whole host of regulated subjects as well as other Agencies involved. If regulating on this level, please default to their code rather than add possible conflicts with the Comprehensive Plan.

From: [Cdickinsen](#)
To: [Planning Commission](#)
Subject: Citizen Communication
Date: Tuesday, September 13, 2022 8:44:45 PM

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Chair and Commissioners,

Here is an article outlining Olympia's regulatory decisions regarding STRs and Homestays I reference during my testimony tonight. They updated their regulations in August of 2021 after four years of communication and hearings. 4 years!!

If we are serious about the need to retain as well as gain housing stock in Vancouver we should limit the number of STR units an owner may operate.

I have also included the Portland, OR Accessory Short Term Rental (ASTR) regulations that like Olympia's were not listed in the comparison chart in tonight's presentation. Portland is serious about not losing housing stock to STRs. They require residency and only allow a unit to be rented 95 days out of a year as an STR.

There was much that wasn't discussed tonight. For instance, Vancouver just updated our housing codes to increase middle housing to allow multiplexes and cottage homes etc. Will we allow someone to operate three STRs in one triplex? How many will be allowed in a cottage cluster? We also made it easier to build ADUs. Hopefully, they become LTRs but they could just as easily be STRs defeating our reason for making the housing code changes.

Thank you for your consideration tonight and for giving back to our community by serving on the planning commission.

Christine Dickinsen
Carter Park
503 794 7143

<https://www.theolympian.com/news/local/article253401730.html>

<https://www.portland.gov/bds/astr-permits/you-apply#toc-buildings-you-can-use-as-a-short-term-rental->

Sent via the Samsung Galaxy A52 5G, an AT&T 5G smartphone

From: [Kennedy, Rebecca](#)
To: [Nischik, Julie](#)
Subject: FW: Short term rentals - planning commission
Date: Tuesday, September 13, 2022 5:52:30 PM
Attachments: [image001.png](#)
[image003.png](#)

Please forward to Planning Commission. Thanks!

Rebecca Kennedy | Deputy Director
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From: Kennedy, Rebecca
Sent: Tuesday, September 13, 2022 5:50 PM
To: Cari Corbet-owen <corbetoc1@gmail.com>
Cc: Williams, Shannon <Shannon.Williams@cityofvancouver.us>; Nortz, Jason <Jason.Nortz@cityofvancouver.us>; Coutinho, Becky <Becky.Coutinho@cityofvancouver.us>
Subject: RE: Short term rentals - planning commission

Thank you Cari-

Appreciate you sending your comments and attending the meeting tonight for the time you were available. I'm confirming receipt and that I have passed on your comments to both the project team (copied here) as well as the Planning Commission. Thanks again and don't hesitate to reach out to the project team if you have additional questions for comments

Rebecca Kennedy | Deputy Director
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From: Cari Corbet-owen <corbetoc1@gmail.com>
Sent: Tuesday, September 13, 2022 5:33 PM
To: Kennedy, Rebecca <Rebecca.Kennedy@cityofvancouver.us>
Subject: Short term rentals - planning commission

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Hi Rebecca, I'm sorry but I was unable to wait until 6.30pm to deliver the comments I had applied online to, so I am forwarding them here:

- COMPLIANCE WITH LIFE-SAFETY STANDARDS

Safety for guests is important, so is the cost-expense ratio in inspecting these. I believe the first decision to make so as not to waste time and resources is what ADA and other health/safety regulations are going to be required from STR's. There is no doubt that if the average airbnb needed to become ADA compliant (sprinklers/ramps/disabled parking places) many would cease to exist either because they couldn't physically make the changes or couldn't afford to implement the required changes.' If these are to be the same as hotels - then it would seem that nothing is more important than finding out how many would still exist to regulate before continuing with this process.

If it is decided there is going to be some relaxation on those requirements then....

I can only talk for the airbnb platform though which does require us to register that we have: fire extinguishers, carbon monoxide alarm, fire alarm and first aid kit and let's guests know if they are NOT provided. The cost of hiring additional appropriate staffing referred to may need to be weighed up against how much can be expected to be gathered in taxes and from such a small segment of the market, especially when many may earn less than \$12,000 annually.

As a suggested more cost effective alternative, especially during the 1 year pilot program, could many of these health-safety services not be monitored by the host platform and reported to the city via Host compliance by asking guests during the review process to confirm presence of safety elements and using the star ratings on cleanliness to measure hygiene. Doing it this way would require zero additional tax payer dollars.

AFFORDABLE HOUSING AND HOUSING STOCK

- Mayoress mentioned that major corporations are buying up houses and turning them into STR's? Maybe these 5.6% need different treatment and a required ownership period to prevent this trend.

There were some discrepancies in the figures presented between the report of June 13th 2022, the council workshop on June 27th 2022 and presentation to the planning commission on 13th Sept 2022. In the June 13th report there were somewhere between 250-300 existing STR units (in Sept 13th this had been changed to 350 although the graph next to the city map actually showed 279 so no evidence of 350 and in fact fewer than the 293 shown in the same graph earlier) in the City of Vancouver out of approximately 72,500 households (being a very small percentage of 0.4%). In the June 27th workshop number of households were stated as being 83,868 which means that the upper limit of 300 would actually be even smaller at 3.5%). It was shown in ALL reports but not mentioned that this figure has REDUCED though from a high of 371 in 2020). I have to assume that the updated figure to 350 came from the Mayoress using that figure verbally during the workshop on June 27th without this being corrected.

Housing advocates say that every house used as a vacation house exacerbates the housing crisis - however when STR hosts were surveyed only 49.5% said that ONE of their options they MIGHT consider would be to make it into a LT rental....if there are an average of 300 and every single one of them converted to LT rentals, that would mean 150 more homes. Now let's look at the flip side.... with current gas and grocery prices and greatly increased property taxes, how many of those STR's subsidising their retirement income or their mortgage might no longer be able to afford to keep those houses?

The number of Vancouver STR units has increased 165% (report) or 166% (workshop) from 2016 (that sounds alarming however, in real terms it means that if there were 105 STR's in 2016 and if we now have 300 in 2022, there is an average of only 32 units per year being added.

Vancouver's population has Increased from 2016 to 2022 = 20 439 (an average of 3406 people per year....) Which equates if I look at the WA state average household size of 2.51 to about 1356 households per year - 11.4% increase). If we have an average of 32 new STR's added a year during this same period then it's only a 2.35 % increase in STR's relative to the number of household increase of 11.4. Looked at this way, the STR market is actually SHRINKING not expanding relative to number of households in real terms).

So is the problem that the STR market is truly a problem or that there are other factors like cheaper housing compared to CA and OR thus large influxes pushing up prices, and should we be looking at other factors like zoning and permitting laws.

MITIGATION OF COMPLAINTS

75% of Vancouver St rentals are advertised through airbnb...In June 2022 they banned party houses AND in August 2022 they took it a step further and started employing tools to spot potential party houses. This should take care of many noise, parking, people coming and going and trash complaints. A reminder that there were only 6 recorded complaints received. I realize the mayoress said it felt like more than that - however that might be equally true for complaints in general so we can really only go on those that were recorded.

Many thanks
Cari Corbet-Owen