



CITY COUNCIL MEETING MINUTES

Vancouver City Hall | Council Chambers | 415 W. 6th St.
PO Box 1995 | Vancouver, WA 98668-1995
www.cityofvancouver.us

Anne McEnery-Ogle, Mayor

Bart Hansen • Ty Stober • Erik Paulsen • Sarah J. Fox • Diana H. Perez • Kim D. Harless

October 16, 2023

WORKSHOPS

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

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

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

https://www.cvtv.org/vid_link/35969?startStreamAt=0&stopStreamAt=6115

4:00-5:00 p.m. 2024 State Legislative Planning

Brian Enslow, Principal - Arbutus Consulting; Aaron Lande, Program and Policy Development Manager, 360-487-8612

Summary

Staff led Council through a discussion of the 2024 State Legislative Planning.

5:00-6:00 p.m. Complete Streets Quarterly Update

Kate Drennan, Principal Transportation Planner, 360-487-7959; Emily Benoit, Senior Transportation Planner, 360-487-7944

Summary

Staff led Council through a discussion of the Complete Streets Quarterly Update.

COUNCIL DINNER/ADMINISTRATIVE UPDATES

COUNCIL REGULAR MEETING

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

Vancouver City Council meeting minutes are a record of the action taken by Council. To view the CVTV video recording, including presentations, testimony and discussion, for this meeting please visit: https://www.cvtv.org/vid_link/36053?startStreamAt=0&stopStreamAt=1670 Electronic audio recording of City Council meetings are kept on file in the office of the City Clerk for a period of six years.

Pledge of Allegiance

Call to Order and Roll Call

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

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

Absent: None

Proclamations: Great Washington ShakeOut

Mayor McEnerny-Ogle read and presented a proclamation to Gene Juve, Emergency Preparedness Manager, proclaiming October 19, 2023, as the Great Washington ShakeOut.

Community Communications

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

- Christine Lamb-White, Vancouver
- Kimberlee Goheen Elbon, La Center, WA
- Israel Lopez, Vancouver
- Zack Gatton, Vancouver

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

Consent Agenda (Items 1-3)

Motion by Councilmember Stober, seconded by Councilmember Fox, and carried unanimously to approve items 1 and 3 on the Consent Agenda.

Council requested that Item 2 be remanded back to staff.

1. Continued use of C-101343: Piggyback Sourcewell Contract #011723 for the purchase of heavy construction equipment and their related parts, accessories, attachments, and supplies

Staff Report: 186-23

Over the next four years, three pieces of existing John Deere equipment are due for replacement. Since these purchases will exceed the current contract's \$300,000 spending threshold, we are proactively asking that this contract be amended for purchases to be made according to the departments' current authorized budget in place of setting a new spending threshold. This contract also includes all replacement parts needed for maintenance and repairs. In keeping with Fleet Service's effort to streamline the City's fleet, staff is requesting the ability to purchase from this contract and take advantage of the contract pricing.

Request: Authorize the City Manager or his designee to approve purchases under Sourcewell Contract 011723 for the life of the contract with The Pape Group up to the current authorized budget.

Dan Zenger, Fleet Services Manager, 360-487-8205

Motion approved the request.

2. Evergreen and Grand Commercial Corridors Overlay District

Staff Report: 187-23

AN ORDINANCE relating to Comprehensive Plan and Zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20; adopting the Evergreen and Grand Commercial Corridors Overlay District, intended to ensure new development contributes to achieving the goals of the Evergreen and Grand Commercial Corridors Strategy; providing for severability and an effective date.

The Evergreen and Grand Commercial Corridors Strategy document was adopted by City Council on February 28, 2022, intended to guide short-term

zoning code changes and other longer-term land use, community development and transportation goals. The Strategy vision is to promote equitable and diverse corridor development that is vibrant, sustainable, and mixed use, as well as to foster development that recognizes and builds upon the neighborhood's unique setting, history, and character. Specific goals for future development outlined in the Strategy were to create ground floor use requirements to aid in the creation of active edges and a pleasant pedestrian environment, update building height and parking requirements, and identify opportunities to promote walkability, vitality, and affordability in the corridors.

Following the adoption of the Strategy, City Staff completed a competitive request for proposal process to secure a consultant to aid in the work of creating development regulations and additional implementation measures. Cascadia Partners, a full-service urban planning, real estate, environmental sustainability, and public engagement firm was chosen. The project team began work in October 2022 on development of the Evergreen and Grand Commercial Corridors Overlay District and Implementation Plan. Regular progress reports were given to the Planning Commission throughout the process, including workshops on February 14, 2023, April 11, 2023, and June 13, 2023. At these workshops the Planning Commission continued to indicate overall support of the project and provided feedback on a variety of code concepts, design requirements, and implementation efforts. Planning Commission feedback and guidance have been incorporated into the proposed final version of the Overlay District and Implementation Plan (See attachments B and D below). The project team presented under City Council communications on June 5, 2023, at a Council workshop on July 17, 2023, and at Council communications on October 2, 2023. The Council indicated overall support for the project and the direction of implementation work. At the July workshop Council asked staff a series of clarifying questions to which staff responded via memo (See attachment E). Council also asked staff to review and confirm Planning Commission support of proposed step-down requirements, which were refined in advance of the Planning Commission public hearing and were confirmed by the PC in discussions and with their vote to recommend approval.

Implementation is intended to facilitate development consistent with the overall Strategy goals and vision, through the development code as well as longer term implementation efforts. The code development process has included community outreach, including a public open house and a developer focus group to share code concepts and gather community input. Feedback received from the open house indicated continued support for the goals of the Strategy and that the development code language was in line with the vision of the Strategy. During the conversation there was a focus on identifying the other programmatic activities the city planned to do to support the corridor's growth. At the developer focus group, developers expressed that the draft code standards struck the right balance between high quality design outcomes and development feasibility and flexibility. There was considerable outreach conducted as part of the earlier Strategy planning process (see Attachment E for summary).

Following adoption of Overlay District, the next phase of work will focus on economic development, community building, and transportation improvements, and will occur over the next several years. The Evergreen and Grand

Implementation Plan will guide this next phase of work.

Proposed development standards for the Evergreen & Grand Commercial Corridors Overlay District include the following code concept recommendations:

- Building Height- Maintain the existing 4-story height limit along Evergreen and western half of Grand. Increase to 5-story limit along eastern half of Grand near the new transit line.*
- Building Form- Adopt new standards that address the shape and size of new buildings to address concerns about buildings being compatible with existing neighborhood.*
- Required Ground Floor Commercial- Require ground floor commercial uses only along Grand and allow more flexibility for ground floor residential along Evergreen.*
- Parking- Reduce parking requirements for multifamily developments and for commercial uses and eliminate required parking for ground floor commercial uses.*

These code concepts have been integrated into the Evergreen and Grand Commercial Corridors Overlay District (see Attachment B) that will apply to the corridor boundaries consistent with the original Strategy document. The overlay district outlines the types of land uses permitted in the district and development standards around density, building orientation, building setbacks and buffers, building heights, building massing, and parking.

Through the overlay development process, the project team has identified needed adjustments to some of the specific provisions outlined in the Strategy Document. These proposed refinements are outlined in the chart titled “Evergreen and Grand Commercial Corridors Strategy Refinements” on page 5 of this report and respond to changing market conditions reflected in the findings in the Pro Forma analysis conducted by Cascadia Partners (see Attachment C) as well as new information about the scale of the City’s housing deficit. The pro forma analysis incorporated a parcel-by-parcel site inventory, development modeling, and current development patterns. Given the development climate today, the project team believes the below changes are necessary to make development in the corridor feasible. These changes continue to reflect the Strategy vision and community aspirations for the area, and support development feasibility and flexibility. In addition to addressing current market conditions, these changes align with goals outlined in the Climate Action Framework and respond to new state regulations related to housing production and parking requirements.

Objective design standards are also included in the Evergreen and Grand Commercial Corridors Overlay District to meet the vision of the Strategy document, focusing on the ground floor of buildings to create a vibrant street and pedestrian experience, and to address the unique challenges of creating an active street while preserving resident privacy. The standards are not intended to promote a particular architectural style or aesthetic. Use of objective standards is intended to allow for consistent administration and interpretation as opposed to more discretionary guidelines, with the goal of striking a balance between the number/complexity of standards and encouraging new development in the

Corridor.

The following are the proposed design standards:

- *Building Orientation*
 - o *Build-to-Line: A minimum of 50% of the street-facing facade of the building must be located within 0-10 feet of the street.*
 - o *Parking Areas: No more than 50% of the street frontage may be used for vehicle areas. Where parking is adjacent to the street, it must be screened with low wall and/or landscaping.*
- *Main Entrances*
 - o *Commercial Uses: Must provide at least one entrance on either Evergreen or Grand. If on a corner, the entrance must be oriented to the corner.*
 - o *Residential Uses:*
 - § *Minimum 50% of ground floor residential units must have individual entrances.*
 - § *Additional setback and design standards to create a transition from street to private units and activate the street.*
- *Ground Floor Commercial*
 - o *Minimum Height: Ground floor commercial spaces must be 12-15 feet in height.*
 - o *Windows: Minimum 60% of the ground floor elevation must be windows or other glazed openings.*
 - o *Weather Protection: A minimum of 25-50% of the width of street-facing facade must include weather protection (awnings, canopies, etc.)*
- *Ground Floor Residential*
 - o *Entrances to residential units must be setback 5-10 feet from street.*
 - o *Must provide either a hardscape patio, landscaped private open space, raised private open space (patio, porch, etc.) or the dwelling unit must be raised above the street, or include steps to a terrace, among other design features that create a public private realm.*
 - o *Must provide either a transparent low wall or fence (18-24") or landscape screening.*
- *Facade Articulation*
 - o *Applicability: Buildings more than 20 feet high. The standard would only apply to larger buildings, not single-story commercial buildings.*
 - o *Standard: Buildings must incorporate vertical and horizontal elements that articulate the facade.*
 - o *These elements help to divide the mass of the building into a base, middle, and top with distinct physical transitions.*
 - o *This standard does not dictate architectural style.*
 - o *It requires details that break up larger facades, so they are interesting to people walking by and contribute to the identity of the Corridor.*
- *Screening and Fences*
 - o *No High Fences/Walls on Street: Fences, walls, or hedges*

higher than 3 feet shall be prohibited between the street and the building.

- o *Ground Mounted Utilities/Equipment/Waste Receptacles.* New electric meters, gas meters, HVAC equipment, and waste receptacles must be screened from view from the street.
- o *Rooftop Utilities/Equipment:* must be set back at least 15 feet from roof edges on street-facing facades and include screening

Evergreen and Grand Commercial Corridors Strategy Refinements Table

	Current Development Code	2022 Strategy Document	Proposed Development Code
Maximum Building Height	50-feet throughout, typically 4 stories	3-5 stories, varying by parcel	50ft along Evergreen and west Grand (4 stories) 60ft on east side of Grand and crossroads of Grand and Mill Plain Blvd (5 stories)
Building Bulk and Massing	Silent beyond height limits and setbacks. Commercial abutting lower density residential requires 10-foot setback Upper portions need ½ foot setback for each foot of building height above 20 feet.	No standard directly proposed to address the development form beyond active edge requirements, maximum front setback of 0-5 feet at the ground floor	Maximum height step down only on rear face within 25 feet of a residentially zoned site Maximum building width, with breaks within the building
	Current Development Code	2022 Strategy Document	Proposed Development Code
Required Ground Floor Commercial	At least half of frontage along arterial/collector streets must be commercial or office	More flexibility along Evergreen, keep existing requirement on Grand	Allow for either ground floor commercial or residential along Evergreen. Require ground floor commercial along Grand
Required Minimum Off-Street Parking Spaces	0.75 per multi-family unit near frequent transit such as Evergreen and Grand 1/300sf for goods and services, 1/250sf for eating and drinking, 1/400sf office	1 per unit for residential 1/1000sf for commercial uses Zero for ground floor retail	0.5 per multi-family unit 1/1000sf commercial Zero for ground floor retail

Evergreen & Grand Commercial Corridors Implementation Plan

The full extent of the vision outlined in the Evergreen and Grand Commercial Corridors Strategy requires both development code regulations and other longer-term programmatic investments. The Evergreen and Grand Implementation Plan has been drafted to guide the work that falls outside the purview of the

development code (see Attachments D) and is intended to guide ongoing City investments while also bringing in key partners like neighborhood associations, mobility advocates, businesses and technical assistance providers, nearby schools and service providers, affordable housing developers, and the community at large. The tasks have been broken down to four focus areas including housing and economic development, urban design, mobility, and parking, as outlined below. All will require resources to implement in the coming years.

- *Economic Development:*
 - o *Foster a unique and attractive corridor identity*
 - o *Establish a business-friendly climate that supports a diversity of neighborhood-serving businesses*
- *Housing:*
 - o *Maintain economic diversity and housing affordability, especially for low- and moderate-income households*
- *Urban Design:*
 - o *Support a vibrant and active corridor*
 - o *Pursue opportunities for climate resilient design*
- *Mobility:*
 - o *Leverage ongoing corridor and neighborhood-wide infrastructure projects*
 - o *Support targeted interventions to improve mobility for all users and connectivity to transit*
 - o *Improve safety for all corridor users*
- *Parking:*
 - o *Evaluate and manage vehicular parking impacts to local residents*
 - o *Support climate and parking goals by increasing micro mobility, shared parking options, and EV infrastructure*

The two tasks below are highlighted here as shorter term non-regulatory implementation priorities, as they play a critical role in catalyzing several of the other implementation tasks.

- *ED 1.1: Provide seed support for a locally based, self-created neighborhood Business District Organization that can meet the shared needs of new and future businesses through networking, marketing, promotions, special events, beautification, and advocacy*
- *ED 1.2: Provide staff and resource support to the Business District Organization so it can develop into a fully-fledged, self-sustaining, and independent organization.*

The goals and associated tasks that fall under the four implementation focus areas reflect input and expertise from various City departments who will lead them, with a particular emphasis on feasibility, timing, and resource needs. It will continue to be refined as the team collaborates with other partners. Note that Housing action 1.1 – Extend the Multi-Family Tax Exemption (MFTE) program calibrated to implement the vision and goals for the corridor and consider adding workforce housing- has already been completed and approved by City Council.

Request: On Monday, October 16, 2023, approve ordinance on first reading,

setting date of second reading and public hearing for Monday, October 23, 2023.

Bryan Snodgrass, Principal Long Range Planner, 360-487-7899

Item remanded back to staff.

3. Approval of Claim Vouchers

Request: Approve claim vouchers for October 16, 2023.

Motion approved claim vouchers in the amount of \$6,749,914.57.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

Adjournment

6:56 p.m.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

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

From: [City of Vancouver - Office of the City Manager](#)
To: [Dollar, Sarah](#); [Delapena, Amanda](#)
Subject: FW: Port of Vancouver - Warehouse Ordinance Amendments Comment Letter
Date: Friday, October 13, 2023 12:55:47 PM
Attachments: [image001.png](#)
[231004POVCommentsonCOVWarehouseMoratorium.pdf](#)

Hi,

We received this in the CMO inbox

-*Amelia*

From: Mike Bomar <[REDACTED]>
Sent: Friday, October 13, 2023 11:25 AM
To: City of Vancouver - Office of the City Manager <CMO@cityofvancouver.us>; McEnerny-Ogle, Anne <A.McEnerny-Ogle@cityofvancouver.us>
Cc: Holmes, Eric <Eric.Holmes@cityofvancouver.us>; Julianna Marler <JMarler@Portvanusa.com>; Eiken, Chad <Chad.Eiken@cityofvancouver.us>
Subject: Port of Vancouver - Warehouse Ordinance Amendments Comment Letter

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.

Mayor McEnerny-Ogle and members of the City Council,

Please see attached comments from the Port of Vancouver regarding the proposed warehouse ordinance amendments proposed for the moratorium set to expire on December 6th. I'm available if you have any questions and will plan to attend the upcoming Planning Commission meeting and Council hearing as well.

Thank you for your consideration and for your service to this community.

Sincerely,

Mike Bomar
Director of Economic Development
3103 NW Lower River Road, Vancouver, WA 98660
(C) [REDACTED]; (Internal) 5300
mbomar@portvanusa.com | www.portvanusa.com | [available port properties](#)

Leadership | Stewardship | Partnership





Wednesday, October 11th, 2023

City of Vancouver
Attn: Mayor Anne McEnerny-Ogle and City Council
P.O. Box 1995
Vancouver, WA 98668-1995

Subject: Proposed Warehouse Code Amendments

Dear Mayor and City Council members:

Thank you for the opportunity to comment on the City's proposed warehouse code amendments in response to the original moratorium enacted on December 12th, 2022, and extended in June of 2023. The Port of Vancouver USA has appreciated the opportunity to talk with City staff to better understand the purpose of the moratorium and to provide input into workable solutions to address staff and Council's concerns. Regarding the staff's proposed recommendations listed in the September 12th, 2023, Planning Commission memorandum, the port has the following comments:

1. Allowance of warehouses larger than 250,000 square feet only in Heavy Industrial (IH) zoning as a limited use.

Recommendation: While most of the port's land is already zoned IH, the port requests to retain flexibility in its Light Industrial (IL) zoned properties that are not adjacent to residential zoned land and that are within one mile of a state or interstate highway. The port's marine / industrial area is focused on receiving, staging and transloading cargo from one mode to another. It is conceivable that future development could require a warehouse facility exceeding 250,000 square feet.

The port appreciates the recognition that a limited use process is more appropriate than a conditional use in IH zones for the type of project under consideration. There are, however, few parcels, such as the port's Parcel 7, which are appropriately zoned as IL and could accommodate a large warehouse without generating the negative impacts of concern in the moratorium. Without favoring the port specifically, the city may consider requiring large warehouses in the IL zones to be located within a certain distance to a state or interstate highway and to be a certain distance away from residential or other zones of concern.

2. Clarification on “warehouse” versus “Warehouse / Freight Movement”

Recommendation: The memo refers to both “warehouses” and “Warehouse / Freight movement.” This should be clarified by referring only to “Warehouse / Freight Movement” as outlined in the current VMC (Vancouver Municipal Code). There are different warehouses defined in the VMC, but the focus is on one warehouse class (“Warehouse / Freight Movement”).

VMC 20.160.D. Industrial Uses classifies “Warehouse/Freight Movement” as:

“5. Warehouse/Freight Movement. Uses involved in the storage and movement of large quantities of materials or products indoors and/or outdoors; associated with significant truck and/or rail traffic. Examples include freestanding warehouses associated with retail furniture or appliance outlets; household moving and general freight storage; food banks; cold storage plants/frozen food lockers; weapon and ammunition storage; major wholesale distribution centers; truck, marine and air freight terminals and dispatch centers; bus barns; grain terminals; and stockpiling of sand, gravel, bark dust or other aggregate and landscaping materials.”

Defining code changes only to the “Warehouse/Freight Movement” use defined above focuses the proposed code changes to developments that results in “significant truck” traffic. Additionally, ensuring that code changes are specific to “Warehouse / Freight Movement” would still allow “Manufacturing and Production Facilities” to be developed in both light and heavy zones areas.

VMC 20.160D defines “Manufacturing and Production” development separately from “Warehouse / Freight Movement”:

Manufacturing and Production. Includes production, processing, assembling, packaging or treatment of semifinished or finished products from raw materials or previously prepared materials or components. Manufacturing production is intended for the wholesale market rather than for direct sales.”

3. Limitation of truck traffic from Warehouse / Freight Movement to Designated Freight Corridors

Recommendation: Change the proposed wording in 20.895.120.B. Traffic (Page 5 of Memo) to the below:

Tractor trailers delivering goods to or from “Warehouse / Freight Movement” covered by this section shall only travel on designated freight corridors.

This recommendation removes the specific reference to named roads and allows the City the opportunity to designate freight corridor restrictions (which could include Fruit Valley Road) throughout the city as necessary, which may change over time.

4. Buffer depth and tree planting requirements

Recommendation: The City should change the buffer depth requirement (proposed 20.895.120 section C.2) from 25 feet to 15 feet, and clearly state that any tree requirement required in proposed 20.895.120 Section D can be planted in the landscaped buffer area. At developer's discretion, allow any tree requirement to be completed at an approved off-site location.

This requirement should also be reconsidered if the project's environmental assessment can mitigate wildlife, water retention and climate impacts in other ways if necessary. The port suggests removing the required area (20% of the building area) from the tree planting requirements.

Increasing the setback to 25 feet AND requiring an additional 20 percent of the building footprint area to be covered by trees significantly impacts the financial viability for a development project so burdened – especially since the proposed code would also restrict development to 75 percent of the project area or less. Without the recommended changes outlined above, the site reduction (100 to 75 percent), landscape buffer (currently 25 feet), and tree plantings (20 percent of building footprint) will make large scale warehouses – whether they are freight related or manufacturing related – extremely difficult to construct.

The Port does not have space in its marine operations area to limit required marine facilities to the proposed “maximum lot coverage of 75 percent” versus the current 100 percent allowed. Additionally, it would not be appropriate or effective to require the port to plant trees in its marine industrial areas.

Allowing the planting of trees offsite, when onsite tree planting is deemed impractical, will also allow developers to use any tree credits they may have or to buy tree credits if needed.

Additionally, reducing the landscape buffer to 15 feet would improve traffic safety – especially as site lines would be obscured as the plantings mature.

5. Trip generation for Warehouse / Freight Movement facilities exceeding 250,000 square feet

Recommendation: Add a traffic metric (such as 100 tractor trailer trips per 24-hour period) in addition to the use and size criteria for “Warehouse / Freight Movement”

facilities exceeding 250,000 square feet to invoke the additional miscellaneous special use standards of proposed in VMC 20.895.120.

Adding a traffic count to the “Warehouse / Freight Movement” use category for proposed warehouses of at least 250,000 square feet would provide a clear metric that both developer and city can understand when applying these code changes. This metric would come from a traffic consultant paid for by the developer.

6. EV outlets at loading docks

Recommendation: Restate 20.895.120 Section D. 6 as outlined below:

All loading docks will have conduit and other electrical infrastructure to allow for future installation of electrical systems to charge electric powered freight trucks servicing the facility.

The port supports and is pursuing electrification within our adopted Climate Action Plan. As currently proposed, however, the port has concerns that underutilized, charging infrastructure would be prone to costly vandalism and theft. Developers would rather have the conduit in place to meet future demands and standardization with the technology in place at that time. Requiring developers to install full charging infrastructure will result in capital wasted as newer and more secure electrical technologies emerge.

7. EV charging stations for parking area

Recommendation: Restate 20.895.120 Section D.7 as outlined below:

For any warehouse over 250,000 feet at least 10 electric vehicle (EV) charging stations will be provided at initial occupancy. Conduit to support EV charging will be constructed to serve all parking spaces at initial occupancy.

Designating a specific number of parking stalls to have EV charging stations (10) meets the City’s goal to have adequate EV charging installed during initial construction. Requiring conduit to be placed for the remainder of the parking stalls allows for future upgrades to occur efficiently as EV’s capture more of the market and anti-vandalism solutions can be developed.

8. Calculation of Total Square Footage

Recommendation: The ordinance should clearly state that the threshold of 250,000 square feet applies to any single structure on a given site, and not the total square footage of multiple separate structures or facilities.

Thank you for your consideration of the Port of Vancouver USA's feedback and recommendations. We look forward to continuing to work with Council and staff throughout this process to ensure an outcome that addresses the City's concerns and continues to responsibly advance trade and economic development within the City of Vancouver and throughout the region.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Bomar', with a stylized, cursive script.

Mike Bomar

Port of Vancouver USA, Director of Economic Development

From: [Christine White](#)
To: [Dollar, Sarah](#)
Subject: Testimony for council meeting on Oct. 16th
Date: Sunday, October 15, 2023 11:59:07 PM

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

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Sarah, could you email me to let me know you received this? Thanks, Christine

TESTIMONY

To: Mayor and City Council
From: Christine Lamb White; [REDACTED]
RE: WORKSHOP; Complete Streets Quarterly Update; Transportation & Council Meeting

I would like to address bike lane accessibility, transportation, safety, and new rebates on E-bikes to lower greenhouse gas emissions.

Facts that a car runs the average family about \$12K a year, with gas costs rising, insurance booming, AND then there's maintenance.

Happy to hear "Governor Jay Inslee just signed the state's 2023-2025 transportation budget into law in May. WSDOT officials began building the **REBATE PROGRAM** in July when the money became available. In all, the budget set aside \$5 million for two years worth of rebates, said Chamberlain, director of WSDOT's Active Transportation Division." Refer to THE SEATTLE TIMES ARTICLE, AUGUST 31, 2023 ON EBIKE REBATES (I will bring copies for the Council)

The initiative that lawmakers enacted to cut Washington's greenhouse gas emissions, and to shift people away from cars burning fossil fuels onto cleaner modes of transportation like electric bikes/trikes/which carry battery-powered motors to help riders when they pedal (or not), said Democratic State Sen. Sharon Shewmake.

Washington's transportation sector is the single largest source of greenhouse gas emissions in the state, accounting for 39% of emissions in 2019, the State's Department of Ecology reported last year. E-bikes are an effective way to reduce congestion on streets and reduce greenhouse emissions at the same time.

Since the State is going to implement this incentive, will the City of Vancouver's commitment to bikes also be an incentive?

Bike lane accessibility: My electric trike is my form of transportation, even on the newest lanes on Columbia Street, I find IN THE DESIGNATED BIKE LANE, trash cans, street sweepers debris, and everything from yard cuttings to fallen branches, even bottles and cans to dodge. Much of the time, I end up riding in the street anyway, which is not the safest for a Senior. Perhaps a mandate a bike lane Supervisor or sweeper?

Example: Going from 45th & Main up the hills to Hazel Dell Avenue finding sidewalks covered with overgrown brambles, weeds, and mud, meaning walkers have to be in the bike lane. Then, the bike lane has it's own problems, and after reaching the top of the hill, its spotty (and unsafe) at best, where I map my route block by block transferring from bike lane to sidewalk to street. Its precarious. Because hwy. 99 is not accessible (or safe), this

is the choice to go North. I have had to snake my way around the city to find options to safely shop, eat out, go to Doctor appointments, and yes, even cross the I-5 bridge. (Not that I'd highly recommend it, or Jantzen Beach with literally no crosswalks or lanes.)

Safety Issues: The City Police advised me not to leave my bike unattended, even with my expensive titanium lock. Electric bikes/trikes are spendy and highly desirable (In 2021, mine was 2K) If stolen, my \$500 homeowners deductible shows the issue of replacement. Most large stores have electric scooters for the disabled, and allow mobility devices of their customers for use in their stores, and for the most part, I have found no issue with shopping or riding my trike in stores. Even Corporate Starbucks agreed to allow me to bring my trike inside their store. Mine is not only a form of transportation for me, but a Doctor prescribed mobility device for a disability.

Check out LIBERTY TRIKE'S FACEBOOK PAGE bringing solutions to worldwide Seniors who were homebound and lonely, but were offered a way to help themselves by getting out and connecting! Imagine what this could do for soaring healthcare costs alone?

In recap, my electric trike is better for the air we breathe, I get 20 miles to the charge and fully recharge in 3 hours, and with an extra battery I can travel 40 miles if I wish. The trike cost \$1599, minus a \$1200 rebate, with a sale going on to save another \$300, bringing down the cost to a whopping ONE HUNDRED DOLLARS, and I've made a contribution to the wellbeing of my community, to my health, and to my pocketbook. And yes, my trike is just as popular as having a dog, based on the excitement folks have when seeing me ride, stopping me to ask about it, then we get to know each other, bringing more opportunity for community connections.

My goal is to help promote safe and accessible bike lanes and start saving ourselves from ourselves!

From: [Wynn Grcich](#)
To: [Rebecca Messinger](#); [Dollar, Sarah](#)
Subject: Contaminated covid jabs
Date: Monday, October 9, 2023 12:56:08 PM

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

https://live.childrenshealthdefense.org/chd-tv/shows/good-morning-chd/dna-contamination-in-mrna-shots-with-jessica-rose-phd/?utm_source=mms&utm_medium=txt. Please send to council members and MELNECK. Put on public record and confirm that you did. Thanks from Wynn

From: [Wynn Grcich](#)
To: [Rebecca Messinger](#); [Dollar, Sarah](#)
Subject: Watch "VAERS data with Dr Jessica Rose" on YouTube
Date: Monday, October 9, 2023 2:12:25 PM

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<https://youtu.be/FRyaJr85qL8?si=4fj2MpUQqUMDd8qR> . Please send to council members and MELNECK .Put on public record and confirm that you did. Thanks from Wynn

From: [Wynn Grcich](#)
To: [Rebecca Messinger](#); [Dollar, Sarah](#)
Subject: Watch "Professor Dagleish" on YouTube
Date: Monday, October 9, 2023 2:14:09 PM

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<https://youtu.be/PnJ5T1Enwq4?si=X4SB21uX-wZhEED7>. Please send to council members and MELNECK. Put on public record and confirm that you did. Thanks from Wynn

From: [Wynn Grich](#)
To: [Rebecca Messinger](#); [Dollar, Sarah](#)
Subject: Fwd: Follow the Money to Understand US COVID Mortality
Date: Tuesday, October 10, 2023 11:42:42 AM

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Send to council members and MELNECK. Put on public record and confirm that you did.
Thanks from Wynn

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

From: Robert W Malone MD from "Who is Robert Malone"
<[REDACTED]>
Date: Tue, Oct 10, 2023, 10:24 AM
Subject: Follow the Money to Understand US COVID Mortality
To: <[REDACTED]>

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Follow the Money to Understand US COVID Mortality

US HHS Bureaucracies try to have their cake and eat it too!

ROBERT W MALONE MD, MS
OCT 10



READ IN APP



One of the key lessons of the COVIDcrisis is that the US Federal Health and Human Services (HHS) arm of the administrative state is, at a minimum, grossly incompetent. As I repeatedly observe, it is really hard to tell the difference between incompetence and malice unless you have the receipts (or can read minds), and the

US HHS response to the COVIDcrisis provides multiple textbook case studies to illustrate the point.

From Deborah Birx and Anthony Fauci and their flip/flops and repeated lies, to Rochelle Walinski (hiding the myocarditis adverse events and so much more while lying to press and public), David Marks (FDA Vaccines oversight), Janet Woodcock (Operation Warp Speed), the list goes on and on down the permanent Senior Executive Service ranks all the way to the Government Service 12 rank employees who have been enablers rather than whistleblowers.

These “servants” of the citizen/taxpayers of the United States are sworn to uphold and defend the US Constitution, but they see themselves as the permanent government, as opposed to the “temporary employee” elected officials who theoretically supervise and manage them. And again and again we have all seen that these “permanent employees” are almost never held accountable for their actions, and cannot be removed from their posts (even by POTUS) without years of legal battles. Which is why Trump tried (and almost succeeded) in reclassifying them as “Schedule F” employees.

The self-image which these HHS “leaders” and staffers repeatedly use to overcome their guilt so that they (and their families) can live with themselves, and which is so actively projected/propagandized to all of us outside the beltway is one of benign, objective competence.

However, the inconvenient truths and facts of the COVIDcrisis are beginning to slip through the bulwarks of propaganda, censorship and PsyWar psychological manipulation technologies which the administrative state and their many allies, paid shills and stooges have deployed on all of us. Tiny cracks in the defensive fortifications are developing consequent to reporting by alternative media “minute man” journalists, FOIA actions, and a wide range of lawsuits and court cases that are gradually, gradually pushing back against what is clearly a fraudulent, Government-approved narrative. And through those cracks the truth is starting to stream like an unstoppable tide.

Long ago and far, far away I had a recorded conversation with Mr. Joe Rogan ([#1757](#)) which briefly “broke the internet” and caused Google, aging rockers like

Neil Young, and the entire censorship/governmental/industrial complex to loose bladder control and wet themselves. And one of the things that Joe and I discussed were the perverse incentives provided to hospitals by the USG to inflate the COVID death count. Now of course, just like my description of Mattias Desmet's "Mass Formation" hypothesis (for which I used the terminology of his earliest podcasts "Mass Formation Psychosis"), my reporting that this was going on was "factchecked" as false.

But the chickens are coming home to roost on that, and it once again looks like the "factchecker"/approved narrative defenders were wrong once again, and did not actually know what they were talking about. As has been the case with so many other seemingly controversial (ergo unapproved) reports and statements I have made over the past three years. I guess that someone with over thirty years of experience and training in the biotech/vaccines/biodefense business actually knows more about such matters than an undergraduate literature major typing away in his basement for spare cash to buy beer, or an aging has-been 60s "rocker" that sold his song portfolio to the highest bidder. Ahh, the love of mammon, what it will do to your soul. But I digress.

When asked to opine on what motivated this or that government or non-governmental organization "leader" to do this or that, I always repeat the mantra that (unlike so many of my detractors who constantly speculate about my motives) I cannot read minds. So unless I have the receipts, I just don't go there.

However, I think that we have abundant data and receipts demonstrating the broad range of nefarious actions taken to support the false narrative that SARS-CoV-2 is a highly lethal virus (3.4% case fatality rate thanks to the modeling geniuses <sarcasm> of the Neil Ferguson group at Imperial College, London). There are also plenty of data to negate claims that the gene therapy-based mRNA vaccines were "safe and effective", masks and lockdowns impact on the spread of a tiny, highly infectious respiratory virus, that early treatment with a variety of repurposed pharmaceuticals was not effective in preventing hospitalization and death, and that "nobody is safe until everyone is safe." This was all clear propaganda which was used to justify universal vaccination requirements under the (false) assumption that "herd immunity" could be achieved using leaky "vaccine" products.



But what about those huge tallies of American dead that were so endlessly pushed by both government shills and corporate media (most notably CNN)? Did the benign and competent administrative state manipulate those data to support the approved narrative of a highly lethal respiratory virus as I accused them of doing on the infamous Rogan podcast (which in reality had a case fatality rate of a fraction of a percent as Dr. Jay Battacharia demonstrated so early on)? And if so, how was this accomplished? Which US Government HHS agency was responsible for this?

Lets begin with a look at the data. The report card, as it were. How did the renowned USA HHS and healthcare system, one of the most expensive in the world, do (relative to other countries) in handling COVID-19? Lets look at the “official” national death count data (as opposed to the insurance actuary all cause mortality data that Ed Dowd and others have been analyzing). And the answer is... The USA did not well at all relative to other western “five eyes alliance” nations - with the exception of the UK, which is right there with us. 3,330 cumulative “confirmed” COVID-19 deaths per million persons for USA since March 2020. 1.13 million US deaths.

I grade that report card with an “F”.



A horrible record for a country that has one of the highest healthcare cost profiles as a percent of Gross Domestic Product (GDP). Notice China, by the way (who knows, if that is real), comes in at 121,700 total deaths? US healthcare costs are projected to reach **almost 20% of the GDP by 2028**, but here in good old USA we have overall poorer health outcomes compared with almost all other wealthy countries, and one of the worst track records during the COVIDcrisis. And yet the USA HHS has consistently portrayed its COVIDcrisis (mis)management policies as the global standard.

As far as I am concerned, **we did not get what we paid for, and there needs to be both an accounting and a “lessons learned” exercise**, rather than more “war gaming” for future infectious and biodefense events by the same old players reading off of the same old playbook.

But are those cumulative confirmed deaths per million persons statistics actually real, or are they inflated due to perverse financial incentives provided by HHS to hospitals and medical care providers? And were those inflated statistics weaponized by both the US Government, their PsyWar/PsyOps units, their censors and propagandists, and corporate media to induce an unrealistic state of fear in the US population?

Did the chronic fearmongering/fearporn by USG, non-governmental organizations, WHO and others use these inflated mortality statistics to justify and obtain compliance with authoritarian practices such as counterproductive mask and lockdown mandates, compliance with NIH treatment protocols, suppression of effective early treatment protocols developed by actual front line physicians, Emergency Use Authorization of inadequately tested drugs and “vaccines”, and of course the notorious “vaccine” mandates.

And if so, which USG Federal program paid for those financial over-reporting incentives, where did the money come from, and who received them, and how much mammon (\$\$) you might ask?

The “who” that administered the program would be the US HHS Health Resources and Services Administration (HSRA).

The “where did the money come from” (well, aside from taxpayers, printing presses and those that finance the massive deficit spending of our current government) would be the congressionally-approved CARES act.

The “who” that got the financial goodies would be as follows:

For Phase 1 and 2 of the program, who got the goodies would be 46 Billion dollars that was-

“designed to distribute relief to providers who bill Medicare fee-for-service with a payment of 2 percent of the provider's gross patient revenue regardless of the

provider's payer mix. Payments were determined proportional to providers' share of annual patient revenue.”

For Phase 3, HHS announced \$24.5 billion in new funding available from existing PRF funds for Phase 3 General Distribution allocation in October 2020. Providers were funded for a baseline 2 percent annual patient care revenue plus an add-on that considers financial losses and changes in operating expenses caused by the coronavirus.

For Phase 4, HHS initially announced \$17 billion in new funding available for Phase 4 General Distribution payments in September 2021, and began making the first payments in December 2021. Providers received payments based on changes in revenues and expenses as well as the amount and type of services provided to Medicare, Medicaid, and/or Children’s Health Insurance Program (CHIP) patients.

Taking just a moment to sum up the borrowed/printed fiat currency, that would be $46B + 24.5B + 17B = 133.5$ Billion US Dollars. As they like to say up north inside the beltway, a Billion here, a Billion there, and pretty soon it adds up to real money.

Via what mechanism, you ask? Direct payments disbursed by HRSA to health care providers large and small is the answer.

A summary of distribution of the goodies by state and program phase [can be found here](#).

Could that be what actually happened? Who was correct, me or the “factcheckers”?

Could it be that the COVID deaths in USA reported and weaponized by CDC and corporate media were artificially inflated numbers, falsely labeled as dead due to COVID rather than recognizing that all who died from any cause and were associated with a single positive PCR test (testing associated with a notoriously high false positive rate) were not actually COVID-caused deaths?

Have hospitals and medical care providers been mixing up death DUE to COVID rather than death ASSOCIATED with COVID? Resulting is a falsely elevated death count that was then weaponized against the public to justify the horridly dysfunctional public health policies imposed on all of us? And did the US

Government HHS/HSRA actually provide financial incentives for such fraudulent medical coding?

Well, since I have been told by high ranking members of the “Feds for Medical Freedom” resistance group that most of these decisions were made by committees operating behind closed doors with no cell phones allowed and no notes taken, I doubt we will every get the “smoking gun” receipts concerning the reasons and persons responsible for these decisions. So, smoking guns are unlikely to suddenly appear. And we are forced to look for indirect evidence elsewhere to address this question.

The trail turns to recent astute reporting by an obscure Houston TX news outlet.



A **UC-Berkeley scholar** uses the CDC's own data to suggest a sharp decline in **COVID "deaths"** once federal reimbursements to hospitals ended.

After the \$178 billion in CARES Act money for the "Provider Relief Fund" dried up in January 2022, hospital coders were no longer required to list COVID as cause of death.

"They got paid individually for positive tests. If you got ventilated. If you died a COVID-related death, it was \$70,000 plus. It was really high numbers," says Jennifer Bridges, former nurse at Houston Methodist Hospital.

"The hospitals were actually trying to get them to switch the cause of death to COVID-related so they could get higher reimbursements. Some of them did, but the ones that I know lost their jobs because they refused to. They said no, that's unethical and we're not doing that."

Bridges is among those suing Houston Methodist after being fired for refusing the COVID vaccine.

"We still have 113 people strong, all the way from doctors to dietary, physical therapy, nurses. You name it, they're on our lawsuit," she says.

The lawsuit, says Bridges, has reached the federal court level.

Thanks to a recently posted analysis by a UC Berkley data scientist (Steven Hayward), we now have some strong supportive evidence for this theory of the case. What do the data plots look like, you ask?

<note, contrary to popular belief, not all California residents are batshit crazy about COVID>

THE DAILY CHART: FOLLOW THE COVID MONEY

Supposedly we're on the cusp of—or already in the middle of—another COVID variant outbreak, with calls for reviving mask and vaccine mandates. The Branch COVIDians will not be denied. Funny thing, though. Is it merely a coincidence that the sharp drop in COVOD diagnoses coincided with the end of special federal reimbursement for COVID cases?



Simple suggestion: if the Branch COVIDians want the COVID numbers to soar again, just get Washington to reinstitute laving reimbursement formulas. Problem solved!

Now yes, yes, of course I acknowledge that correlation does not prove causation. But that is some pretty strong correlation!

To my eyes, as one that has been following this whole COVIDcrisis clown show pretty closely since January 04, 2020, I have to conclude that once again the

“factcheckers” got it wrong, and the 1.13 million US deaths which corporate media routinely quotes as deaths FROM COVID is actually an artificially inflated number driven by what has functionally been a Federally funded incentive program which acted to drive the death count up. And that artificially inflated death count, much like the inflated 3.4% case fatality rate modeled estimate by the Neil Fergusen group at Imperial College, London , was then used to justify what should go down in the history of the 21st century as one of the most counterproductive administrative public health overreactions in modern history.

And now the US Administrative state, its minions, shills, Pharma partners and surrogates in corporate media are acting like irresponsible immature children crying “I didn’t do it!” to their parents, doing what they can to cover up their mismanagement, misdeeds, and flagrant lawless actions by imposing illegal draconian authoritarian censorship, propaganda, gaslighting, and PsyWar technologies on American citizens to stop any discussion of their activities.

We cannot allow them to have their cake (*the ongoing fear mongering about inflated COVID risk*) and eat it too (*claims that if they had not imposed these horrendous policies and medical products on all of us things would have been much worse*).

There must be accountability.

Once again quoting the immortal quote of Aleksandr Solzhenitsyn concerning those staffing the USSR Administrative State bureaucracy:

We know they are lying. They know they are lying. They know that we know they are lying. We know that they know we know they are lying. And still they continue to lie.

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COMMENT

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From: [Wynn Grcich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#)
Subject: Fwd: Theoretical Vaccine Effectiveness for Novavax Unacceptably Low
Date: Wednesday, October 11, 2023 3:49:28 PM

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From: "Peter McCullough, MD from Courageous Discourse™ with Dr. Peter McCullough & John Leake" <[REDACTED]>
Date: Wed, Oct 11, 2023, 2:25 AM
Subject: Theoretical Vaccine Effectiveness for Novavax Unacceptably Low
To: <[REDACTED]>

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Theoretical Vaccine Effectiveness for Novavax Unacceptably Low

Real World Study Disappointing for Non-Genetic Vaccine

PETER MCCULLOUGH, MD
OCT 11



READ IN APP



LISTEN TO POST · 2:52

By Peter A. McCullough, MD, MPH

If it came to forced COVID-19 vaccination against human will, I have said Novavax would be the choice since it gives a limited 5 mcg dose of the potentially lethal Spike protein and has no genetic material. The growing number of fatal side effects with

mRNA vaccines and recent news of contamination with SV-40 cDNA has resulted in record low rates of booster uptake, currently at 1.3% of unwary Americans.

Mateo-Urdiales reported on 20,903 individuals who took the two shot primary series of Novavax. Theoretical vaccine effectiveness was shockingly low:

“Adjusted estimated vaccine effectiveness against notified SARS-CoV infections in those with partial vaccination (15 days after the first dose to 14 days after the second dose) was 23%(95%CI, 13%-33%), increasing after full vaccination to 31% (95%CI, 22%-39%). Estimated vaccine effectiveness was higher against symptomatic COVID-19, with an estimate of 31% (95%CI, 16%-44%) in those partially vaccinated and of 50% (95%CI, 40%-58%) in those fully vaccinated.”

If a vaccine cannot safely provide at least 50% protection for a year, it is not viable in my clinical practice. Sadly Novavax failed at both of these outcomes. With low-risk Omicron, and likely substantial natural immunity by Fall of 2022, only 26 infections led to hospitalization during the study period; 1 occurred during the reference period, 7 during partial vaccination, and 18 after full vaccination. No deaths were reported.



Mateo-Urdiales A, Sacco C, Petrone D, et al. Estimated Effectiveness of a Primary Cycle of Protein Recombinant Vaccine NVX-CoV2373 Against COVID-19. *JAMA Netw Open*. 2023;6(10):e2336854. doi:10.1001/jamanetworkopen.2023.36854

In summary, Novavax is probably the safest of all the COVID-19 vaccines because it does not use genetic technology. Sadly, it is useless against Omicron and cannot be recommended for any health benefit.

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Peter A. McCullough, MD, MPH

President, McCullough Foundation

www.mcculloughfnd.org

Mateo-Urdiales A, Sacco C, Petrone D, et al. Estimated Effectiveness of a Primary Cycle of Protein Recombinant Vaccine NVX-CoV2373 Against COVID-19. JAMA Netw Open. 2023;6(10):e2336854. doi:10.1001/jamanetworkopen.2023.36854

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From: [Wynn Grcich](#)
To: [Rebecca Messinger](#); [Dollar, Sarah](#)
Subject: Watch "Common Ground documentary (2023) - Official Trailer" on YouTube
Date: Friday, October 13, 2023 12:27:51 AM

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<https://youtu.be/6-M4Hq0MKFA?si=UNCU17oTmLFB4eTp> . Please send to council members and MELNECK. Put on public record and confirm that you did. Thanks from Wynn

From: [Wynn Grcich](#)
To: [Rebecca Messinger](#); [Dollar, Sarah](#)
Subject: Watch "Experts demand immediate halt to COVID-19 vaccine program" on YouTube
Date: Friday, October 13, 2023 5:22:08 PM

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https://youtu.be/PiVG7QcYXKQ?si=OdcH9kAtRf8K_7mX . Please send to council members and MELNECK. Put on public record and confirm that you did. Thanks from Wynn

From: [Wynn Grcich](#)
To: [Rebecca Messinger](#); [Dollar, Sarah](#)
Subject: Covid doctors censored
Date: Friday, October 13, 2023 10:34:29 PM

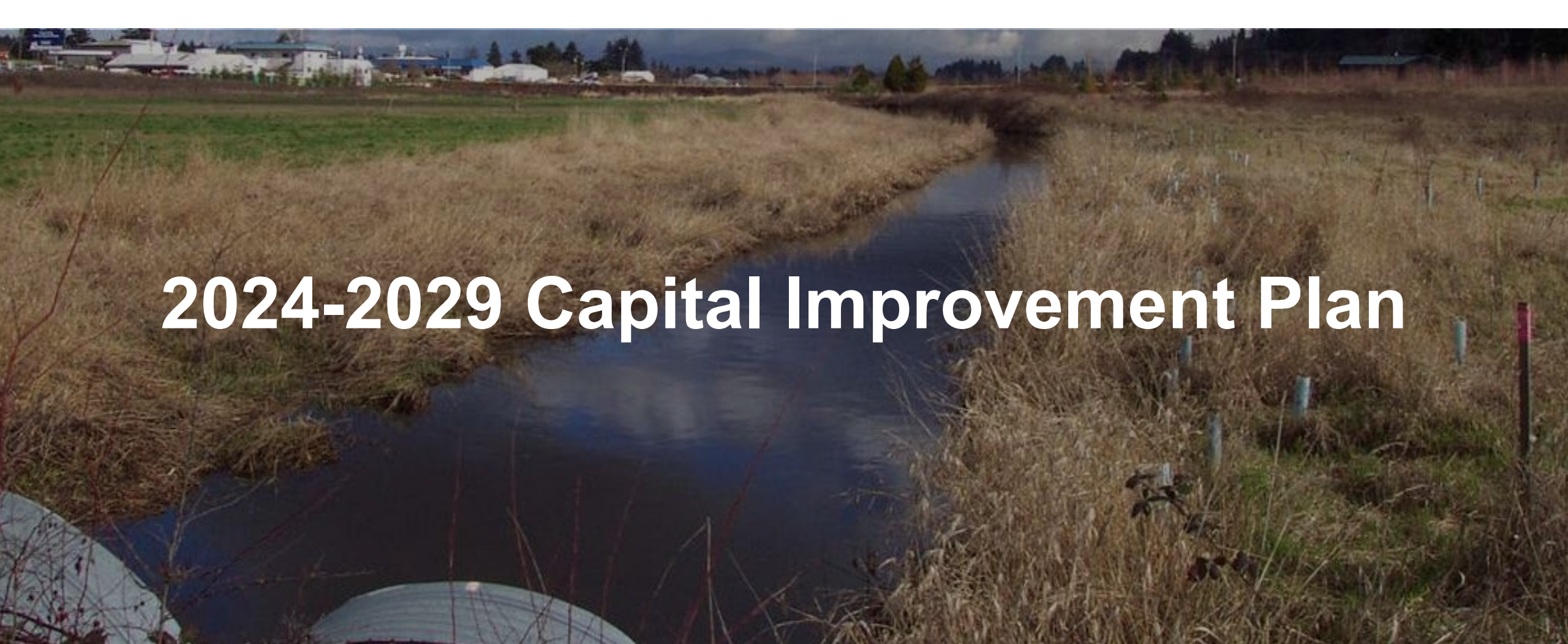
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<https://needtoknow.news/2023/10/newsom-repeals-california-law-that-censored-doctors-giving-covid-care/> . Please send to council members and MELNECK. Put on public record and confirm that you did. Thanks from Wynn

From: [Wynn Grcich](#)
To: [Dollar, Sarah](#); [Rebecca Messinger](#)
Subject: Watch "Rand Paul: Unraveling Government Lies and Cover-ups During the COVID Pandemic | Ep. 19" on YouTube
Date: Saturday, October 14, 2023 1:14:11 PM

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https://youtu.be/cw4KsQGpPI?si=gxXfLv95tHz_9eQz . Send to council members and MELNECK. Put on public record and confirm that you did. Thanks from Wynn



2024-2029 Capital Improvement Plan



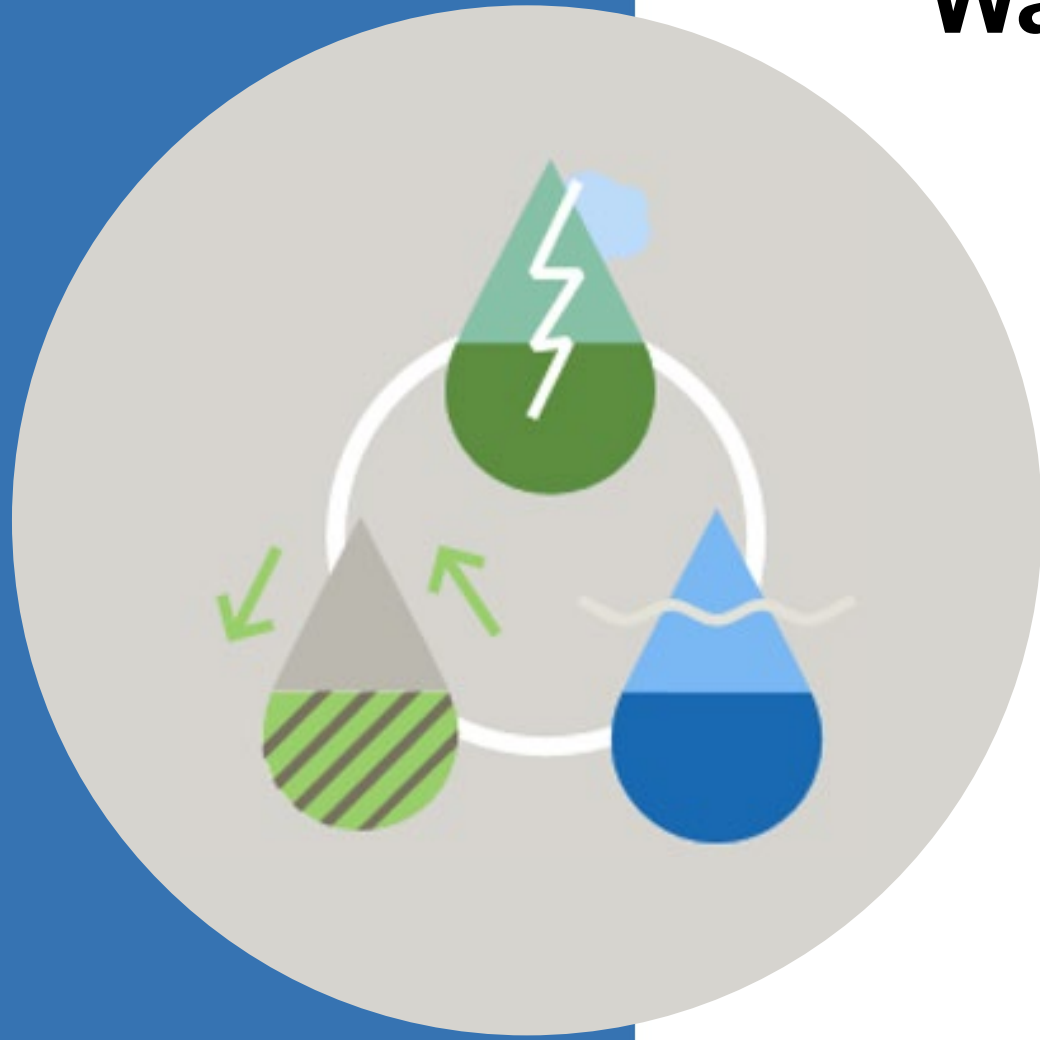
Chris Malone
Finance and Asset Manager
Public Works



Overview

- **Water Resiliency Strategy**
 - Inform future improvements
 - Supportive financial structure
- **Utility Summary**
 - Drinking Water
 - Wastewater
 - Surface Water
- **Prioritization Tool Analysis**
 - Discussion/questions

Water Resiliency Strategy



- Integrated Water Management
 - Drinking Water Utility
 - Wastewater Utility
 - Surface Water Utility



Service



Infrastructure



Economy



Health

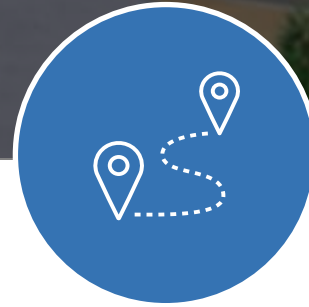
Financial Levers to Support Capital Improvements



**Rate Changes
and Bonding**



**System
Development
Charges**



**Inside/Outside
Multiplier**



**Utility Tax
Stabilization**

Drinking Water Utility

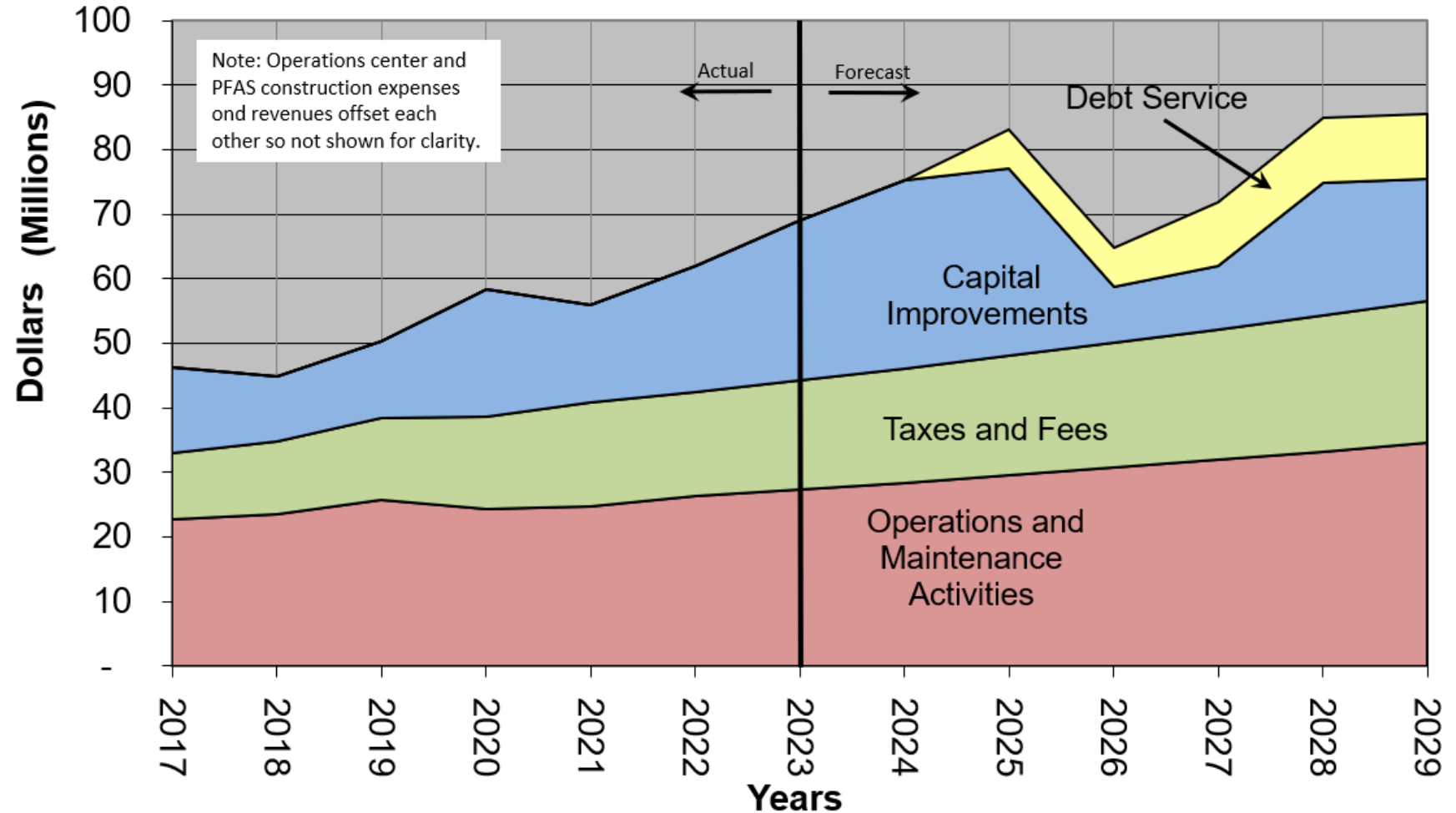
- Drinking water utility funds healthy with continued strategy implementation
- New Operations Center
 - Bond option
- Assess and mitigate PFAS impacts
 - Grant opportunities
 - Bond option



2022 Drinking Water Utility

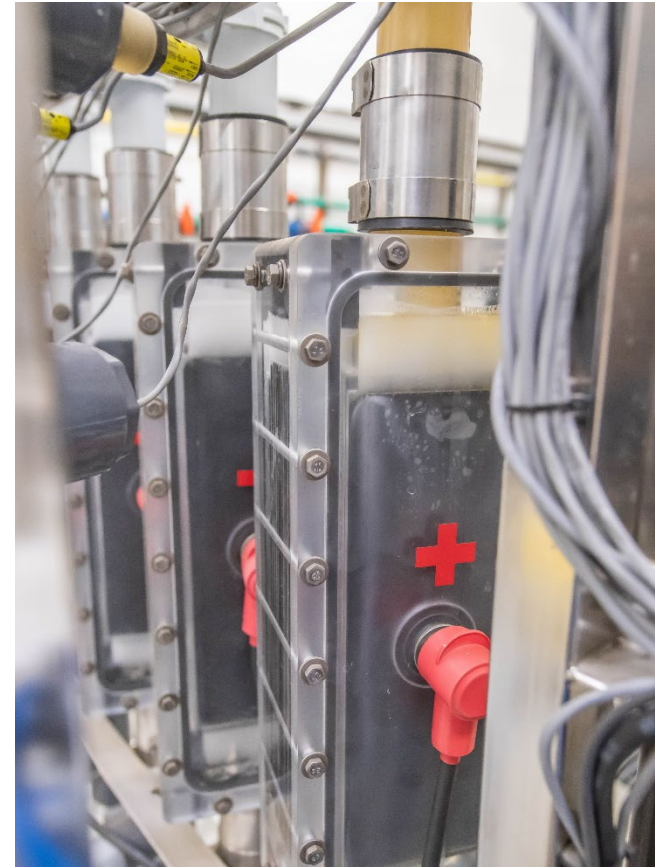
- Ratepayers nearly 80% of revenue
- Nearly 1/3 capital expenditures

Water Expenses (2017-2029)



2024-2029 Drinking Water Utility Key Projects

- New Operations Center
- Multiple Water Station upgrades for PFAS treatment
- Water Station 5 upgrades
- Multiple well replacements at multiple locations
- Ongoing main/transmission main upgrades
- Electrical equipment upgrades at multiple locations
- Water Station 3 reservoir and pump station replacement



Wastewater Utility

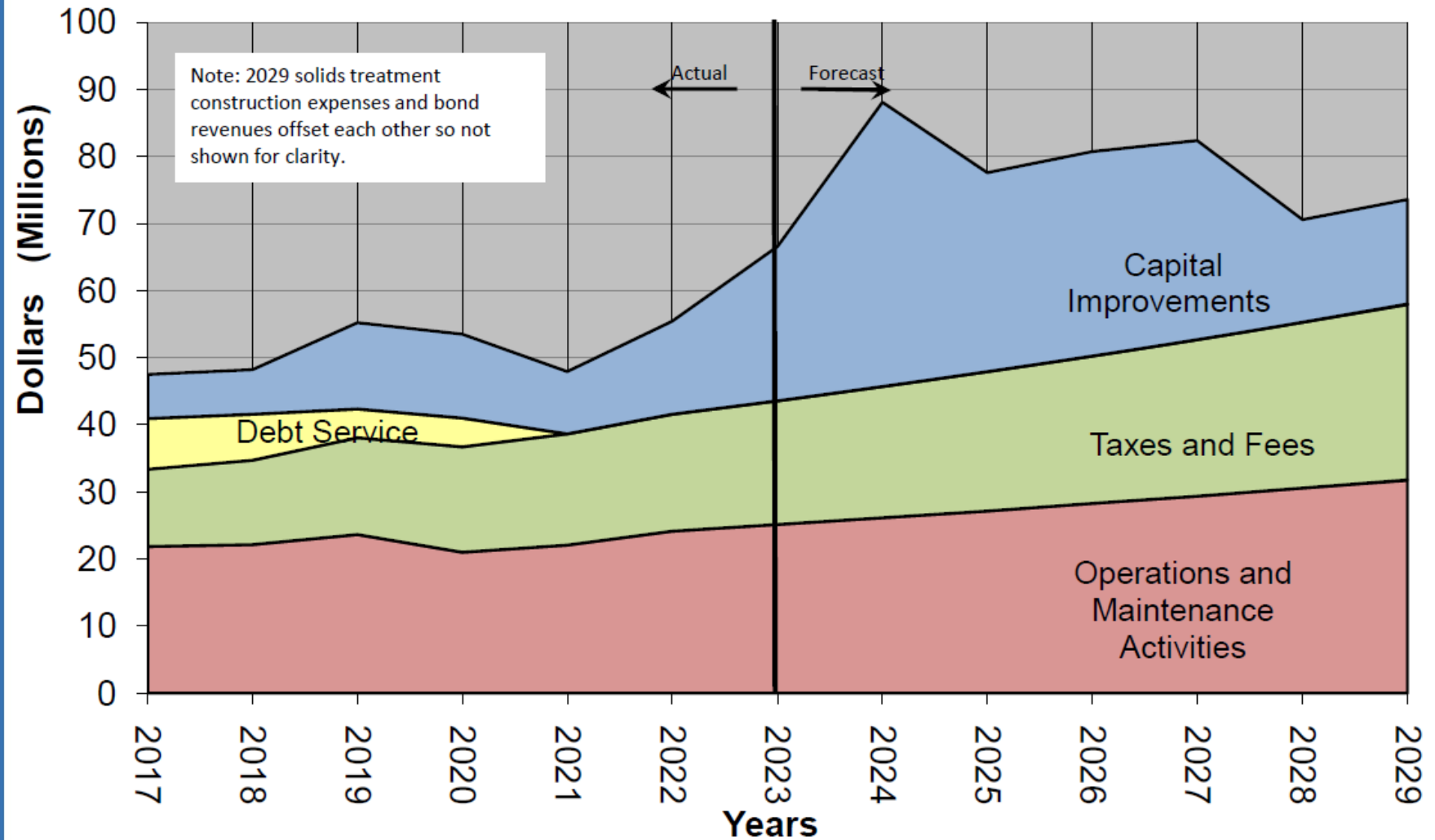
- Wastewater utility funds healthy with continued strategy implementation
- Solids Handling Improvements (Marine Park and Westside Plants)
- Energy Efficiency Upgrades
- Rehabilitation and Replacement of Aging Infrastructure
- Sewer Connection Incentive Program 2027 completion

2022

Wastewater Utility

- Revenues=\$62.7 M
- Expenses=\$55.4 M
- Ratepayers more than 80% of revenue
- 25% capital expenditures
- Nearly 1/3 taxes and fees
- Jacobs

Sewer Expenses (2017-2029)



2024-2029

Wastewater Utility Key Projects

- E-Interceptor Main Rehabilitation
- Burnt Bridge Creek Interceptor Main Rehabilitation
- Energy Efficiency Upgrades at Pump Stations, Industrial Lagoon, and Treatment Plants
- Solids Renewal Planning (Westside Plant)
- Solids Conveyance from Marine Park Plant to Westside Plant
- Marine Park Process Improvements



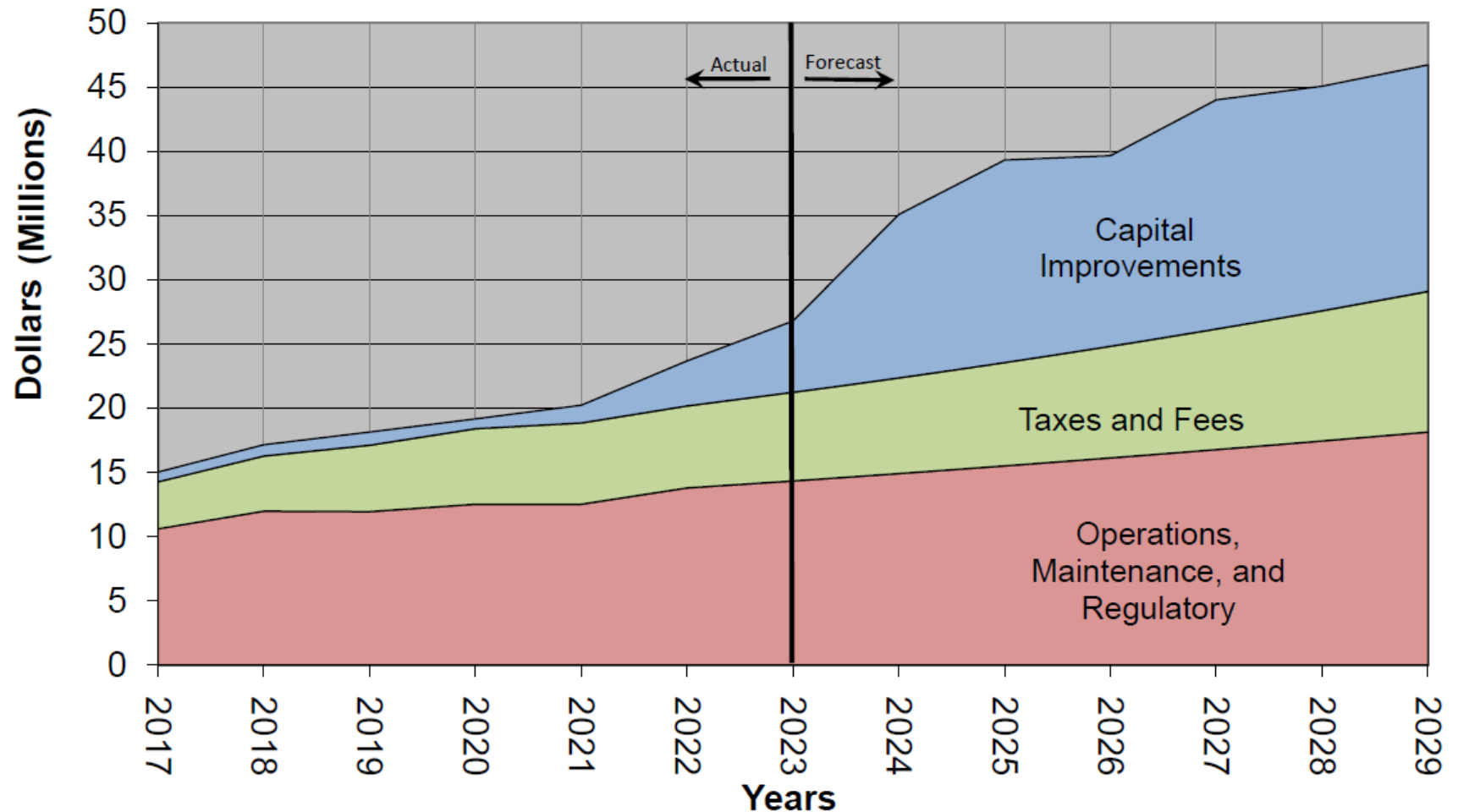
Surface Water Utility

- Surface water utility funds healthy with continued strategy implementation
- Grant Funded Improvements
- Compliance with City's stormwater National Pollutant Discharge Elimination permit
- Burnt Bridge Creek Watershed Improvements
- Continued Evaluation of Substandard Systems

2022 Surface Water Utility

- Revenues=\$24.4 M
- Expenses=\$23.7 M
- Ratepayers more than 90% of revenue
- 15% capital expenditures
- Nearly 30% taxes and fees

Surface Water Expenses (2017-2029)



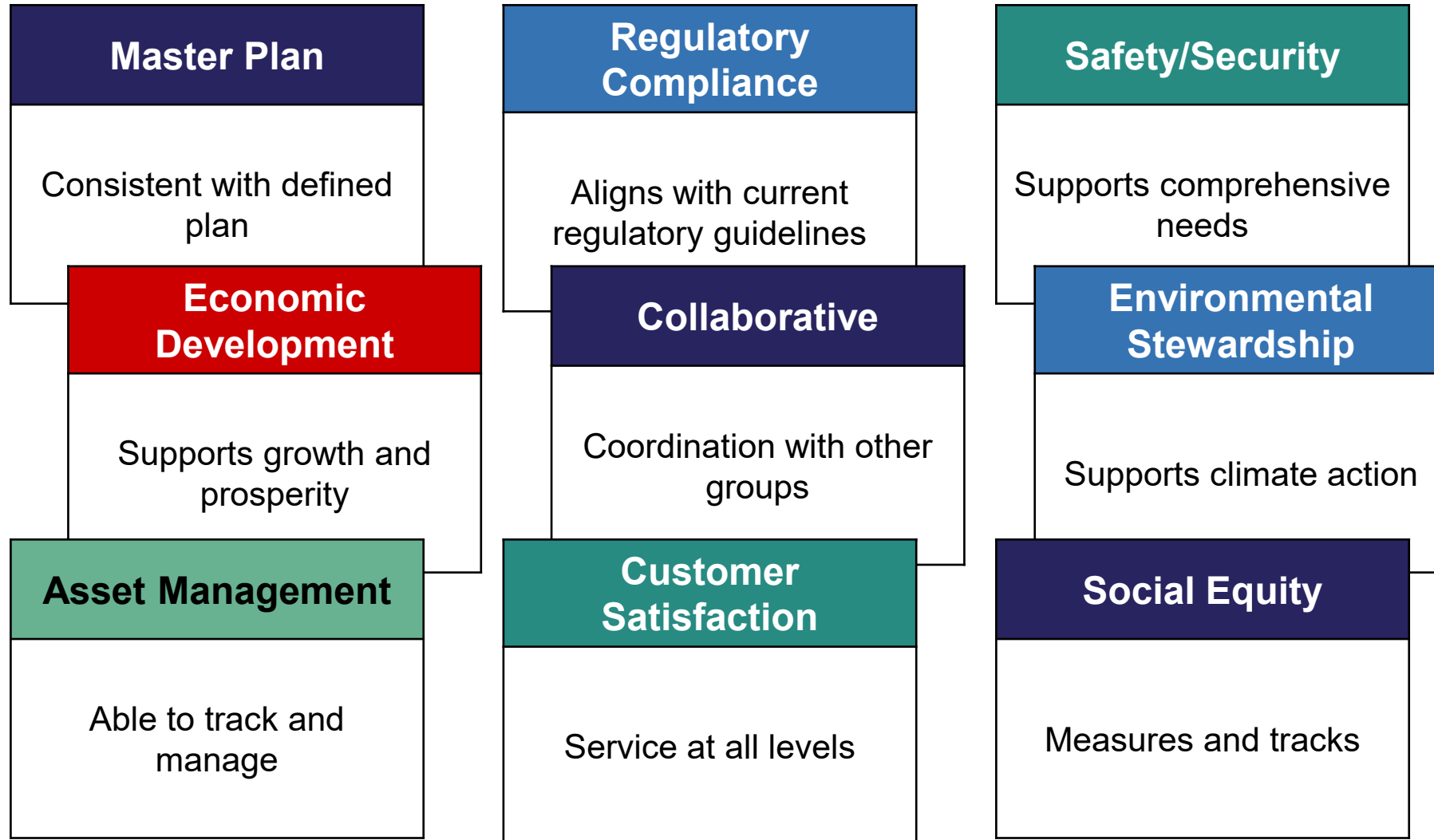
2024-2029

Surface Water Utility Key Projects

- Mill Creek culvert replacement project
- Purchase greenspace properties along Burnt Bridge Creek to preserve water quality
- Water quality study along Burnt Bridge Creek to identify future improvements
- Multiple retrofit projects to improve water quality treatment throughout the City
- Continued evaluation of substandard systems to identify rehabilitation/replacement needs



Capital Improvement Prioritization Tool



Thank You

To learn more, visit www.cityofvancouver.us/UtilityCIP





Transportation System Plan Draft Plan - Update



Kate Drennan, Principal Transportation
Planner, Community Development Department

Rebecca Kennedy, Deputy Director,
Community Development Department

Agenda

- Edits/ Changes to Plan
- Public Feedback
- Schedule & Next Steps



Transportation System Plan Timeline



Changes / Edits to the Plan Document

- Added Introduction from City Council & City Manager
- Added major Capital Projects highlights focused on planned arterial urban upgrades



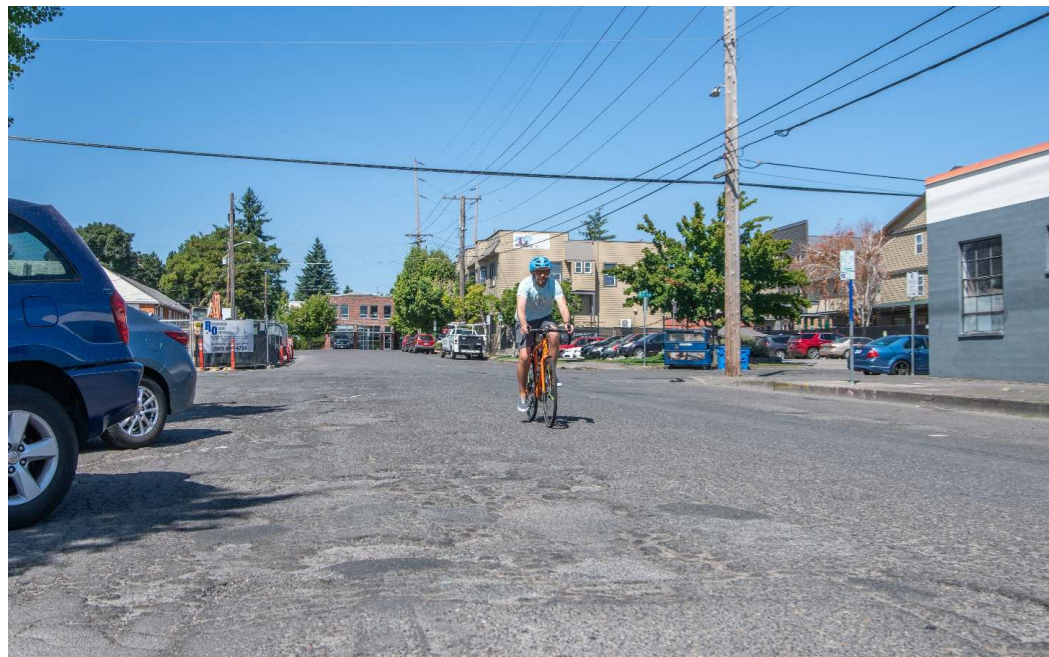
Policy Additions

- Added a ‘Community Safe Routes’ policy (LS 1.1) that specifically identifies needs of seniors- “Safe Routes for Seniors”
- Added a “Connected Neighborhoods” policy (TN1.3) to improve interconnection of neighborhoods with pathways, easements, etc.



Policy Additions, cont.

- Added parks as a defined ‘essential place’
- Refined definitions of “Thriving Neighborhoods” Big Idea; ‘Street Trees’ Program; Citywide Safety Program



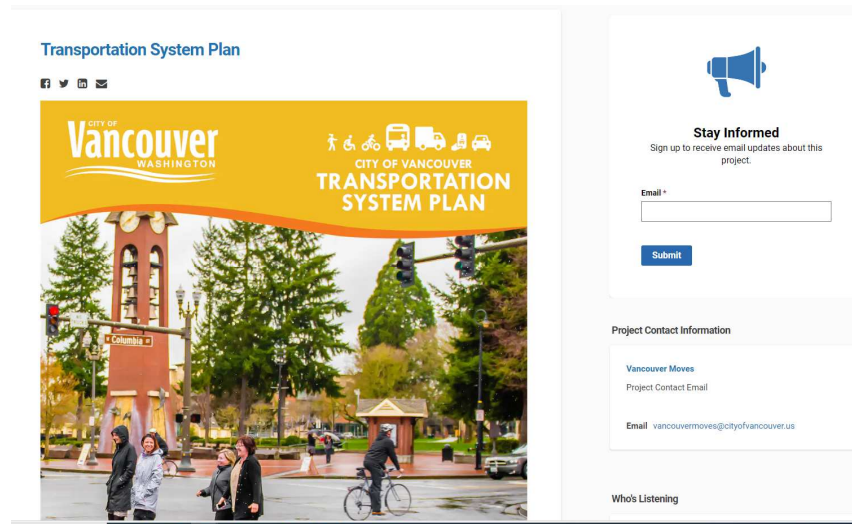
Map Edits

- Added proposed multi-use path projects in Zones 1, 2 & 5
- Minor corrections to existing facilities layer



Phase 3: Public Comment Period

- TSP shared with internal and external stakeholders via email, website, newsletters
- TSP shared with general public online, print and e-newsletters, social media, in person events
- Online video featuring TMC Chair and Vice Chair
- BeHeard survey and open- form comment boxes



The screenshot displays the 'Transportation System Plan' webpage. The header features the 'CITY OF Vancouver WASHINGTON' logo and a yellow banner with icons for various transportation modes (pedestrian, bicycle, bus, truck, car) and the text 'CITY OF VANCOUVER TRANSPORTATION SYSTEM PLAN'. Below the banner is a photograph of a city street scene with a clock tower. To the right of the main content area is a 'Stay Informed' section with a megaphone icon, a sign-up form for email updates, and a 'Submit' button. Below this is a 'Project Contact Information' section with a 'Vancouver Moves' link, a 'Project Contact Email' field, and an email address 'vancouvermoves@cityofvancouver.us'. At the bottom of this section is a 'Who's Listening' link.

Feedback Themes

Q 1. Do you think that the policies, programs and projects outlined in the TSP reflect the values of the City of Vancouver community?

Yes: 55%

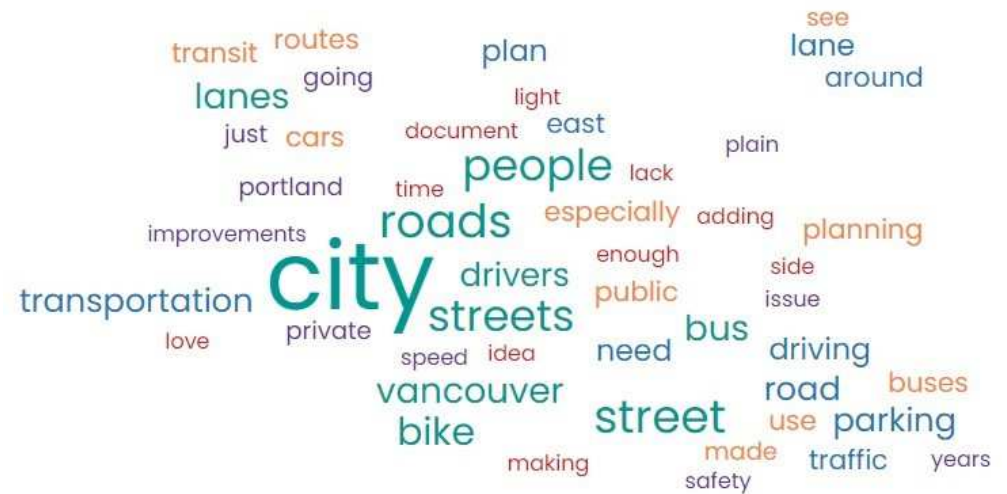
No: 38%

I don't know: 7%

Q 2. Do you agree with these four (4) near term initiative priorities?

Definitely or somewhat agree: 54%

Definitely or somewhat disagree: 46%



Word cloud from Q 3 open-ended question

Open Ended Comment Themes

- **Speed:** biggest issue, large corridors encourage speeding, quick turns & unsafe driving
- **Transit:** Supportive, would like more options like rail & streetcar
- **Vehicular Mobility:** Concern about narrow lanes, limits to parking, no vehicle capacity projects represented in plan
- **Equity:** What does it mean? Higher density housing should be on public streets
- **Safety:** For pedestrians, bicycle, mobility users through traffic calming, greenery, design, etc.

Next Steps

TSP Public comment period targeted for Mid-September to mid-November

October -November

- City Council workshop
- Public Comment Period
Open until 11/20
- Online engagement

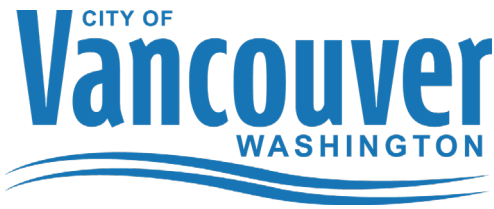
December 2023 -
January 2024

- Transportation and Mobility Commission (TMC) Public Hearing – 12/5
- City Council Consent Agenda – 12/18
- Public Hearing on Adoption targeted for January 2024

Questions?

Thank You





MEMORANDUM

DATE: November 20, 2023

TO: Mayor McEnerny-Ogle and City Council

FROM: Eric Holmes, City Manager

CC: Kate Drennan, Principal Planner, Community Development Department; Rebecca Kennedy, Deputy Director, Community Development Department

RE: **Vancouver Transportation System Plan – Edits and Updates**

Introduction

The [City of Vancouver Transportation System Plan \(TSP\)](#) is the broad vision for our transportation system – and a roadmap for getting there. Through adoption of policies, programs, and projects, the TSP will guide investments in our transportation system for the next 20 years. After a multi-year process, with significant input from City Council, the Transportation and Mobility Commission, and the Vancouver community, the draft TSP has been completed and released for public review and comment.

The Project Team reviewed the Draft TSP with City Council on October 9th and outlined efforts to share the plan and collect feedback during the final engagement phase. The final engagement phase is focused on widely sharing the Plan and collecting public comments over a 60-day period lasting from September 20 – November 20, 2023. Today's workshop is to share edits and additions made to the document resulting from stakeholder and public feedback, and to share early themes we've heard during the comment period.

Overview of Plan Document Edits and Additions

The Vancouver TSP is divided into eight (8) chapters summarized in the October 9th staff memo. The Project Team collected feedback on the Plan from staff and stakeholders via email and internal comment logs, received written and oral comments during workshops from members of City Council and the Transportation and Mobility Commission, and received feedback from the public via the BeHeard survey, email, and via social media. The feedback received has been largely positive, and most edits consist of small refinements and document fixes or typos. There have been some substantial comments that have resulted in added policies, and a new section in the Plan. The following include the major edits and additions to the document.

New Additions:

- The Plan now has an opening letter from the City Council and City Manager emphasizing the importance of the TSP and how it ties into the City's goals, values, and other large-scale planning efforts. This section previously had a placeholder.
- The Plan now features a section highlighting some of the major capital projects in our existing Transportation Improvement Program (TIP) focused on upgrading arterial roadways to urban standards. These upgrades most often include increased vehicle capacity, adding street lighting, sidewalk infill, adding curb ramps and other ADA upgrades, as well as mobility facilities. This is to highlight major investments the City is making on these corridors, and address concerns shared with us that that arterial upgrade projects were not referenced in the Plan.
- Added a new policy: LS 1.1, called "Community Safe Routes". The policy states: "Create safe routes to community destinations such as parks or transit. Identify the specific needs of seniors and develop safe routes for these users." This policy was added to address feedback to incorporate travel needs of seniors in planning walking routes to important destinations.
- Added a new policy: TN .3 called "Connected Neighborhoods". The policy states: "Develop pathways between lots that connect neighborhoods to schools, parks, and other destinations. Clarify legal responsibility for pathways." This policy was added to address comments from Parks staff about issues with isolating development patterns that cut off neighborhoods from access to schools and parks. In particular there is an interest to develop policy and standards about pathway easements and clarifying ambiguity about legal liability and maintenance responsibilities.
- The Plan also includes some language refinement under the Big Idea description of "Thriving Neighborhoods" to capture the vision of neighborhood nodes that serve as gathering places for social and commercial activities. The team also refined descriptions of policy CC4.2 "Citywide Safety Program", and program TN2. "Street Trees".

Map Edits/ Additions

The modal maps have also undergone a few small refinements and additions. They include updating the Bike and Small Mobility Network to show the proposed extension of the multi-use path on Lower River Road and adding in the midblock multi-use path between 57th and 62nd Avenue as proposed in the Fourth Plain Pedestrian Safety Action Plan. We also adjusted the Zone 5 map to better depict the proposed 18th Street multi-use path, and added the East Powerline Trail between 86th and 192nd. Other changes include adding either existing or proposed greenways to segments of roadways such as portions of McLoughlin Blvd, Plomondon Street, 29th Street, La Framboise Road and General Anderson Avenue.

Feedback Themes from Public Comment Period to Date

This final phase of TSP outreach began in Fall 2023 and is currently ongoing. The focus is largely on sharing out the Draft TSP, collecting feedback on whether it meets the vision and goals of the City and community, and building public support for plan adoption.

Early in the fall, the project team created materials that could be shared out through multiple mediums that summarized the recent work on the TSP and released the Draft TSP for public review and comment. The materials directed readers back to the BeHeard website where they could download the draft Plan, take a short survey, and provide open-ended comments on the Plan and process. The survey opened on September 20th and will run through November 20th, 2023. Information has been shared through email, both print and e-newsletters, on various social media channels, online and at in-person events. While the project team has seen a positive reception of the TSP, we have seen lower levels engagement in the survey and public comment opportunity, which is consistent with what we've observed in other longer term policy and visioning projects where people engage more in discrete phases than in the review of the overall product.

From the survey responses we have received, more than half of the participants thought the policies, programs, projects do align with the TSP goals and values.

We also surveyed community members on whether they agreed with the near-term initiative priorities. The question had a figure listing out the following initiatives with a short description of each: Complete Corridors Program, Leveraging Development, Vision Zero, and Safe Routes to School. Respondents could choose: *Definitely agree*, *Somewhat agree*, *Neither agree nor disagree*, *Somewhat disagree*, and *Definitely disagree*. One third of participants (10 responses) definitely agree with the near-term initiative priorities. About one fourth of participants (8 responses) somewhat disagree with the chosen initiative priorities. The responses were relatively split (15 to 13) whether participants agree or disagree with prioritization of initiatives like the Complete Corridors Program, Leveraging Development, Vision Zero, and Safe Routes to School.

The themes that emerged from our open-ended comment box, and from other feedback collected by email or through social media, include:

Address traffic safety: Community members generally support safety to all who walk, roll, bike, take transit drive, or drive as a TSP goal. The biggest issue expressed is speed, especially in corridors with many vehicle travel lanes. There is general support to address safety through better traffic enforcement and street design improvements.

Prioritize transit: Many community members mentioned the importance of prioritizing public transit and offering various transit modes throughout the city. Many people desire to have a well-connected transit network. Community members expressed a desire to add future connections to existing C-TRAN and Vine routes by adding a streetcar line and light rail lines to the TSP. In general, there was strong support for the enhanced transit network proposed in the TSP.

Improve and maintain transportation infrastructure: Community members recognize there are roads throughout the city that need to be improved and maintained. Key issues mentioned include

poor street markings and poor signal timing in the existing network. There is general support to improve the infrastructure by improving sidewalks, upgrading/adding traffic signals, adding roundabouts, and adding turn lanes.

Implement equity: Community members generally support equity and would like to know what equity means in the context of roads, safety in walking and biking, and users like students. There is a desire to develop policies and programs to address the needs of equity areas that intersect transportation and housing.

Acknowledge vehicular mobility: While the TSP is addressing multimodal opportunities, the TSP should also acknowledge ways of improving vehicular travel throughout the city. For example, some community members commented that driving is the main mode for many people and to address the issues within the TSP. If vehicular mobility is not an important element of the TSP, then the TSP should explain why.

Next Steps

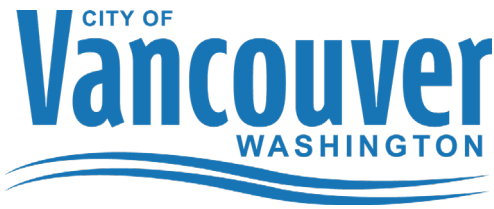
The Project Team will continue to collect public comment through November 20th. The updated Transportation System Plan will have a public hearing before the Transportation and Mobility Commission on December 5th. The Project Team will include information about the discussion and recommendation in materials for City Council when the TSP comes before City Council on the December 18th Consent Agenda. The Project Team is targeting January 2024 for Plan adoption.

Attachment(s):

Staff Memo on Transportation System Plan Document (September 2023)

Kate Drennan, Principal Transportation Planner, Community Development Department

Kate.Drennan@cityofvancouver.us, (360)487-7959



MEMORANDUM

DATE: October 9, 2023

TO: Mayor McEnerny-Ogle and City Council

FROM: Eric Holmes, City Manager

CC: Kate Drennan, Principal Planner, Community Development Department; Rebecca Kennedy, Deputy Director, Community Development Department

RE: **Vancouver Transportation System Plan public comment draft**

Introduction

The [City of Vancouver Transportation System Plan \(TSP\)](#) is the broad vision for our transportation system – and a roadmap for getting there. Through adoption of policies, programs, and projects, the TSP will guide investments in our transportation system for the next 20 years. After a multi-year process, with significant input from City Council, the Transportation and Mobility Commission, and the Vancouver community, the draft TSP has been completed and released for public review and comment.

The workshop today will briefly review the content and organization of the Draft Plan and provide an overview of next steps during the public comment period. The goal is to familiarize City Council with the Plan contents and review public comment opportunities on the path toward adoption.

Overview of the Draft Plan

The Vancouver TSP identifies transportation projects, policies, and programs for the next twenty years. The draft report outlines how the TSP reflects both the City's guiding values of safety, equity, and climate – and how the community's values are reflected in the Plan goals and big ideas. Each chapter of the Plan builds upon the previous one, beginning with existing conditions and identified opportunities and incorporating community values and feedback that led to the Plan's goals and big ideas. The big ideas are then used to organize the Plan's policies, programs, and modal networks. To realize the vision of the modal networks, a comprehensive list of projects was identified to transform the existing roadway conditions today to the envisioned long-term modal network across the city. Finally, the Plan looks at near-term priorities, funding and staffing needs, and identifies trends and innovations on the horizon.

The Plan is divided into eight (8) chapters that are summarized below.

1. City on the Move

This chapter introduces the Plan, identifies key outcomes of the Plan, project partners and lays a foundation by covering some high-level existing conditions. This chapter also includes important definitions for what the TSP covers (the city versus the VUGA) and defines each mode, e.g. – what is a mobility lane? Finally, page 17 of this chapter provides a graphic overview of the planning process that began in late 2019 through today.

2. By Vancouver, for Vancouver

This chapter outlines public outreach and engagement done throughout the Plan development. It includes the methods and strategies used and highlights key concerns, opportunities, and values shared with the Project Team. More detailed information on the Plan's public engagement can be found in Appendices B and C summarizing major engagement milestones.

3. Vancouver Moves Vision

This chapter ties the Plan's goals back to the community feedback on their values for the transportation system. Top community values were safe, earth-friendly, reliable travel times, regional connectivity, and affordable. These values were translated into the TSP goals of safety, equity, climate, transportation choice, regional connectivity and maintaining our assets. Each goal is put into the context of Vancouver's existing conditions today, and the key opportunities the TSP presents toward advancing the goal.

4. Big Ideas

The Big Ideas are an organizing framework for tying goals with relevant policy and program opportunities. The chapter begins by showing the connection between each 'big idea' and the Plan's goals. Each big idea has a short definition and context to Vancouver, and then outlines the policies and programs that advance the big idea. Key policies are notated with a star and serve as a framework or broader policy umbrella to the supporting programs and policies that nest below.

5. TSP Networks

The TSP modal networks aim to meet the needs of a growing city by recognizing where pedestrian activity will be highest, where roadway investments to support transit are needed, and by setting a minimum density of low-stress facilities for the bicycle and small mobility network. The network chapter includes both a series of maps showing the future designated network of different modes (e.g., pedestrian or transit), and presents information on network quality or level of stress. This is to demonstrate that facilities take a different form depending on

the characteristics such as speed and traffic volume on the street they are on. To assist in readability, the chapter includes both full city network maps as well as five geographies across the city created to better display the modal networks. The Plan uses the same geographic zones to display projects.

6. *Capital Projects*

This chapter presents the list of capital projects necessary to bring our existing roadway system into alignment with the proposed modal networks based on known conditions today. The project list is long and comprehensive, and is meant to span even beyond the twenty-year lifespan of this TSP. The chapter outlines the process behind the prioritization rankings, timing, and cost levels that accompany each listed project. Projects will continue to be refined over time as conditions on the ground change. For example, a change in posted speed or traffic volumes could impact the recommended facility on any given roadway, redefining the associated capital project. The chapter also highlights an example project from each of the five geographic zones.

7. *Implementation*

The implementation chapter focuses on how we go about implementing the plan, including a focus on funding, staffing needs, and near-term priorities for City staff to focus on. The four near-term priorities include: advancing the complete corridors program; leveraging new development through updates to our concurrency standards, transportation impact analysis guidelines, and traffic impact fee program; implementing Vision Zero principals and a safe systems approach; and standing up a City Safe Routes to Schools program. This chapter also outlines the performance measures the City will track and report on through future City dashboards.

8. *Moving Forward*

The final chapter looks ahead to other parallel efforts that will align with and help to advance the goals and policies in the TSP. Lastly, the chapter identifies some emerging trends that continue to impact how people and goods travel. These are trends that the City is monitoring and are reflected in some of the policies and programs that will help the City prepare for, respond to, and advance best practices into the future.

Public Engagement Milestone 3

The final engagement phase of the TSP is underway and focused on sharing out the draft TSP for public review and comment. The primary investment is in a short promotional video introducing the TSP draft, highlighting its purpose and process, and inviting the public to review the plan. The video features interviews with the Chair and Vice-Chair of the Transportation and Mobility Commission. The team is [gathering feedback via a short survey](#) with the opportunity for open-ended public comment. The Project Team has presented to the Planning Commission, the Community Partner Group for the Comprehensive Plan, and will invite stakeholder members of the Technical Advisory Group to share the Plan with their own boards, commissions and stakeholders. The Project Team is also using social media, e-newsletters, and other fall outreach

Memo Title

Date

Page 4 of 4

events to spread the word. The public comment period lasts 60 days, from approximately mid-September to mid-November. The Project Team will process and summarize comment in advance of the final Plan, and report back findings and comment themes to Council prior to adoption.

Next Steps

The TSP is scheduled for an additional City Council workshop on November 20th to present interim public comment themes, followed by a first reading on the Council consent agenda for December 18th. In advance of that, TMC will hold a public hearing on the TSP on December 5th to provide their recommendation on Plan adoption. A City Council public hearing is anticipated for January 2024.

Attachment(s):

Council Presentation 23_10_09 Draft TSP Workshop

Vancouver TSP Draft 2023_09_19 Reduced

Kate Drennan, Principal Transportation Planner, Community Development Department

Kate.Drennan@cityofvancouver.us, (360)487-7959



Fall 2023 Comprehensive Plan and Zoning Map and Text Amendments

Vancouver City Council Workshop November 20, 2023



Bryan Snodgrass
Principal Planner
City of Vancouver Community Development Department

Fall 2023 Comprehensive Plan and Zoning Changes

- Follow up from October 23 and November 6 Council workshop and communications discussions, and October 24 and November 14 Planning Commission public hearings.
- Identify Council concerns and additional information needed prior to December 4 First Reading and December 18 Public Hearing

192nd Avenue Map Change - UL/R-6 to UH/R-22 at SE 192nd Avenue/15th Street.

PC unanimously recommended approval on October 24 based on need for housing, commercial and public services near site, and mitigation offered by applicant through development agreement (D.A.)



192nd Avenue Map Change – Conceptual Site Plan, 210-223 units

- D.A. requires future development to be generally consistent with site plan
- Specific D.A. references to 2-3 story buildings; 35 foot north and west setbacks, with 20 foot mature tree buffer; 5% units affordable at 80% AMI



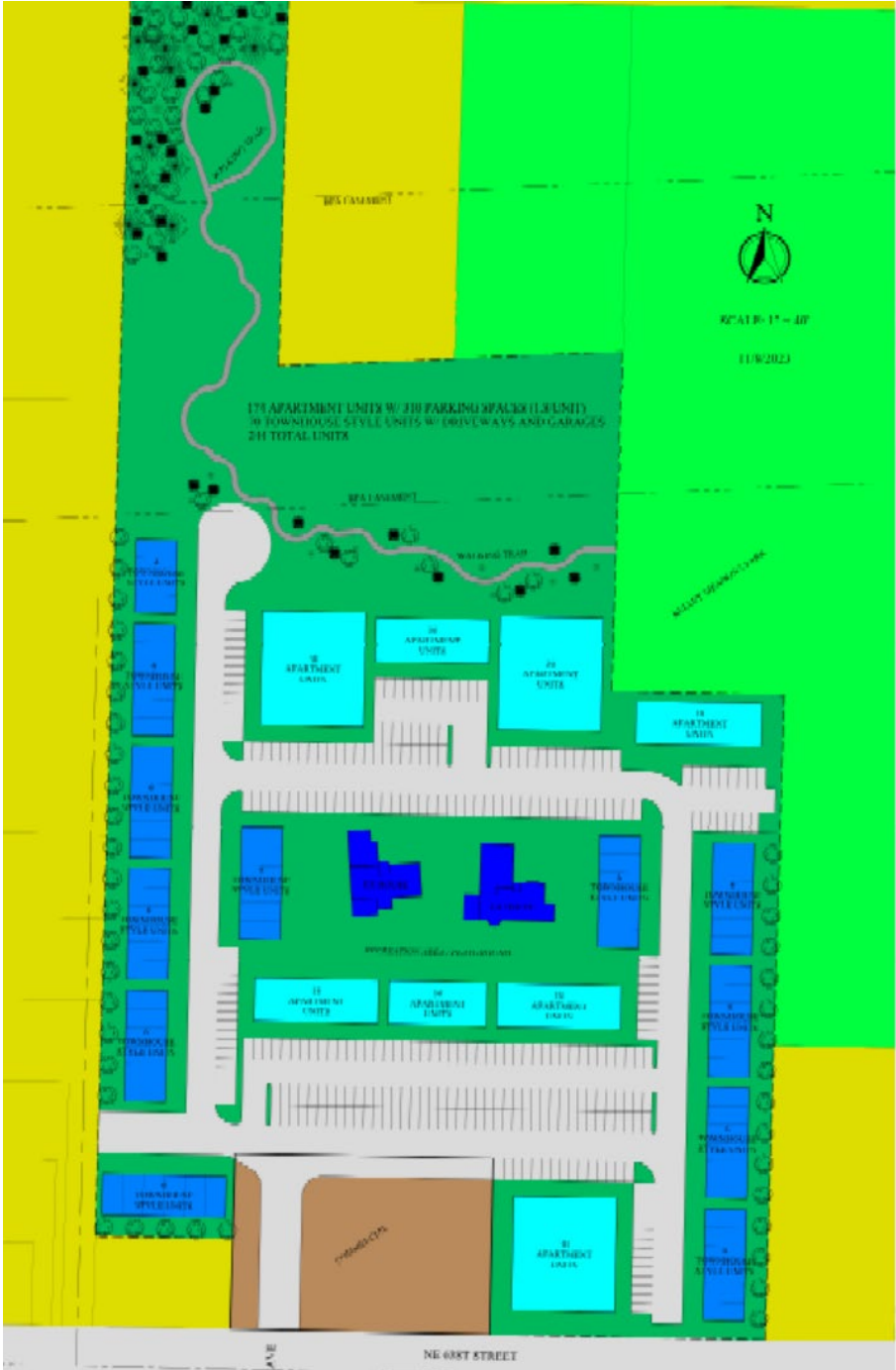
Wood Duck Springs map change - UL/R- 9 to UH/R-22 and Commercial/CC on 63rd Street/82nd Court

PC unanimously recommended approval on November 14, based primarily on need for housing and conceptual site plan. One person testified with concerns about traffic impact on 84th Avenue southeast of site.



Wood Duck Springs
map change - UL/R-
9 to UH/R-22 and
Commercial/CC on
63rd Street/82nd
Court

Applicant's conceptual
site plan envisions future
development of 174
apartment and 70
townhome units, all market
rate



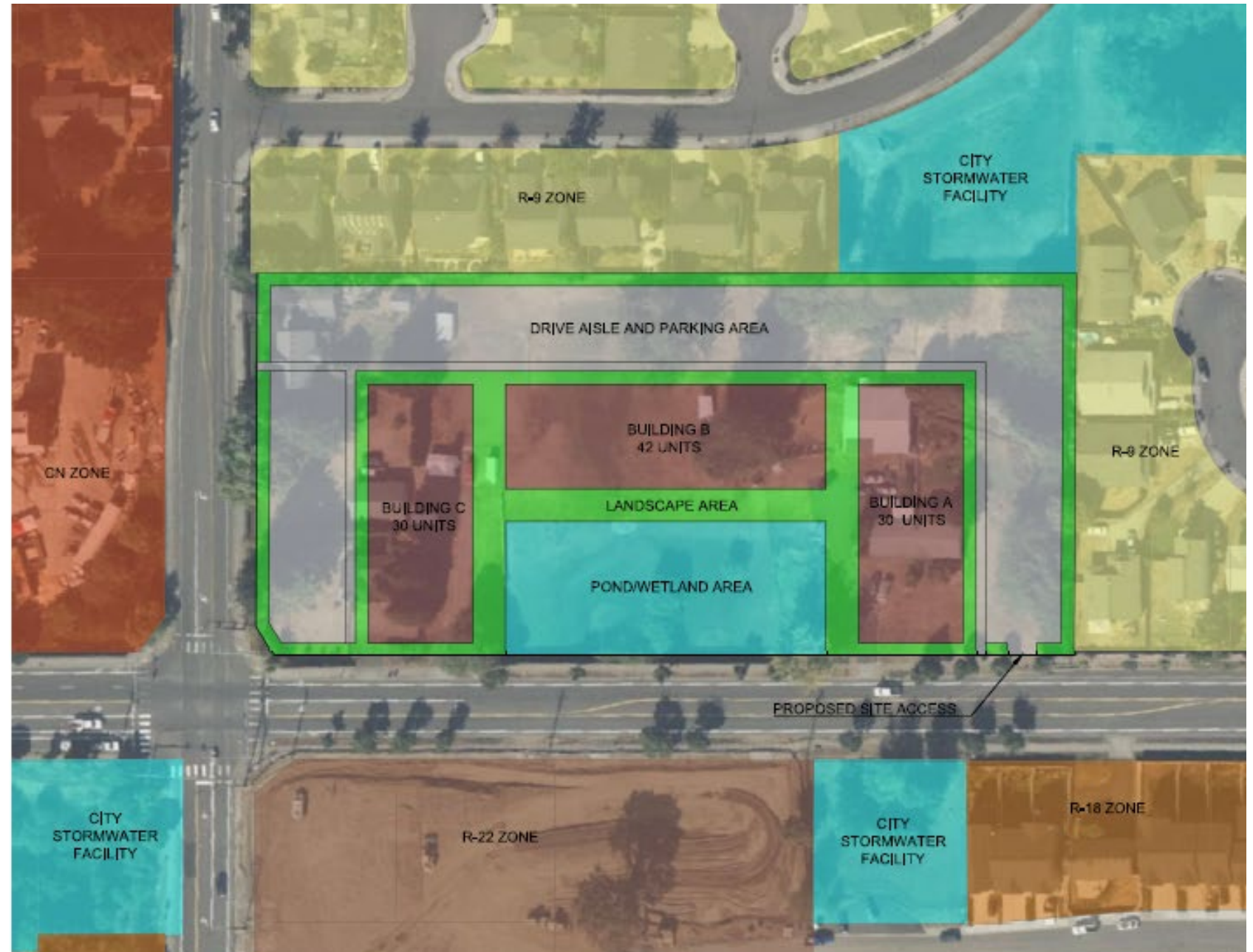
Miller map change - UL/R-9 to UH/R-30 on 4 acres at 63rd Street/72nd Avenue

PC recommended
approval 4-2 on October
24, citing need for
housing, nearby
commercial and public
services, ability to
address stormwater
specifics at site plan
review stage



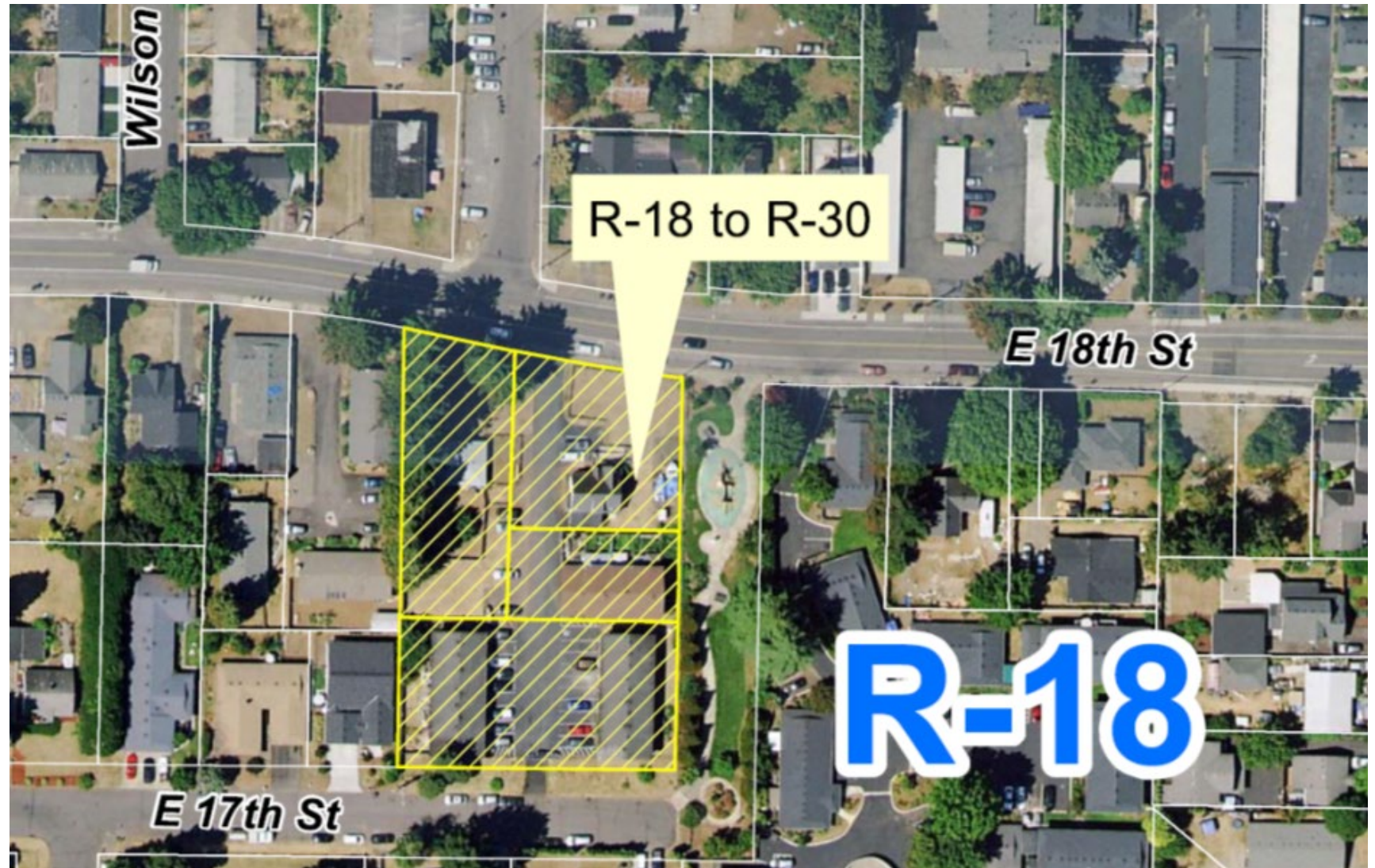
Miller map change – Applicant's Conceptual Future Layout

102 units envisioned in
three apartment
buildings, but viability to
be determined during site
plan review and
compliance with City
stormwater standards



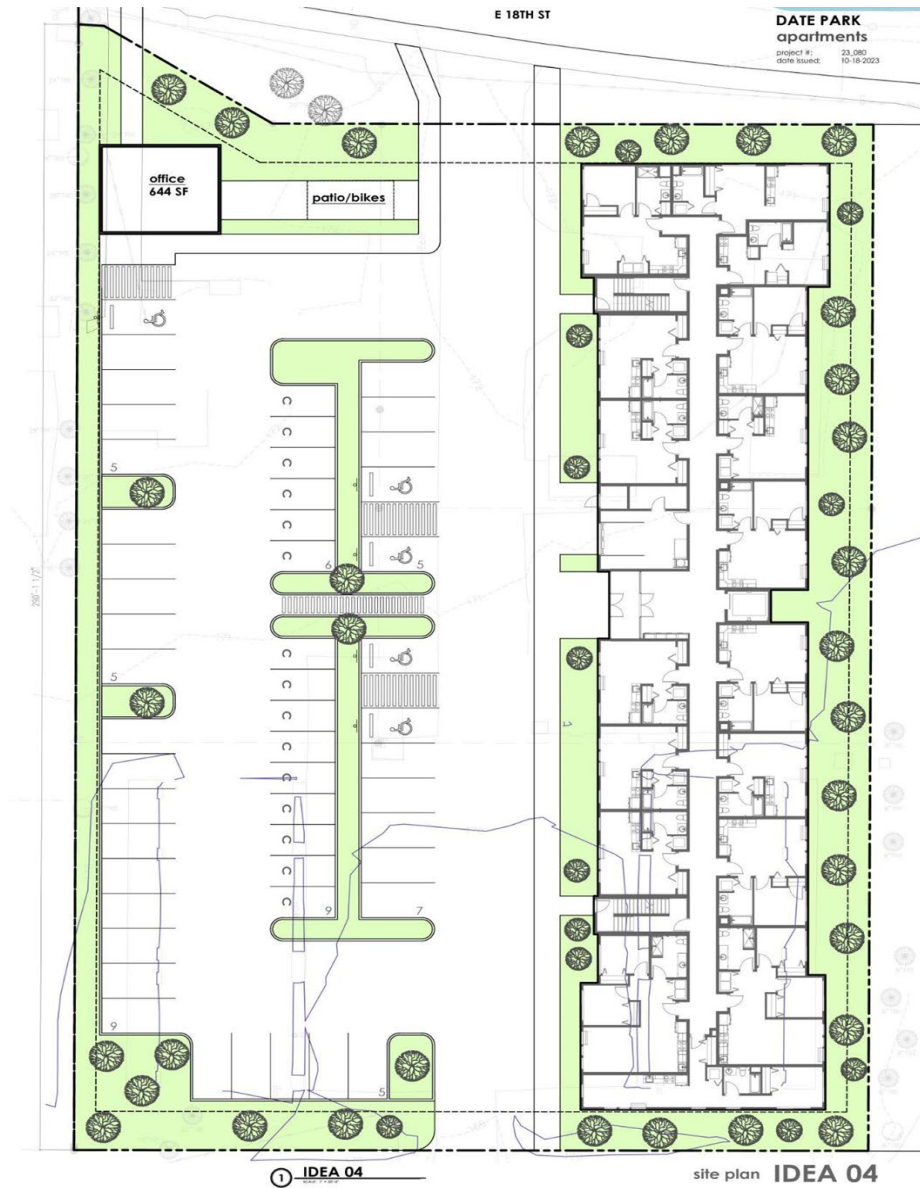
Datepark Map Change – R-18 to R-30 on 18th Street/Todd Road

Planning Commission
unanimously
recommended approval
on October 24, based
primarily on need for
affordable housing



Datepark Map Change – Conceptual Site Plan, 72 units

- D.A. requires future development to be generally consistent with site plan
- Specific D.A. references to affordable housing



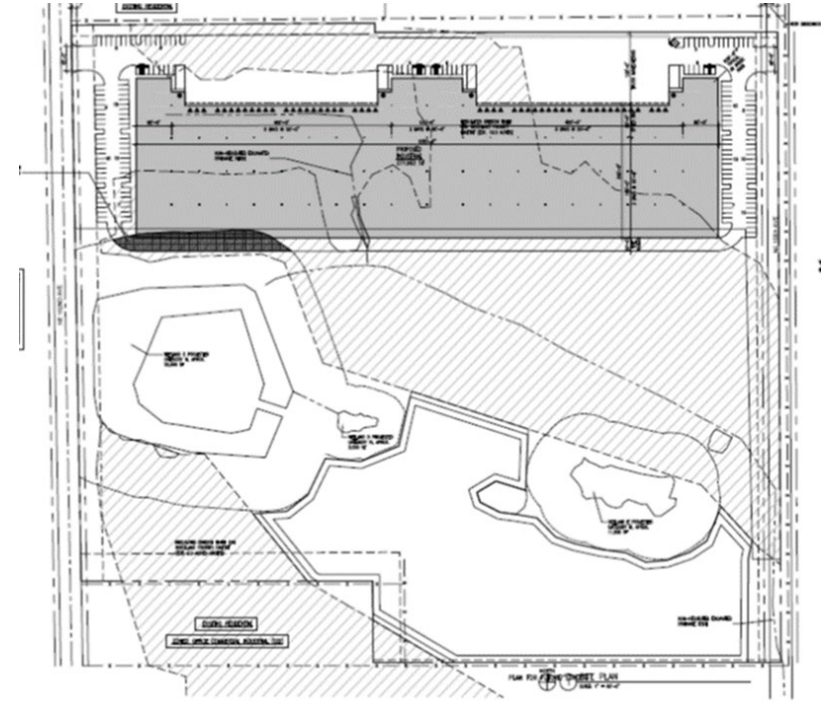
Burnt Bridge Creek West Zoning map change – OCI to IL southwest of Fourth Plain and 162nd Avenue

PC recommended
approval 4-2 on
September 12



Burnt Bridge Creek West Map Change - Background

- Potential future use of 278,000 sf warehouse on northern third of site, which is heavily forested with Oregon White Oaks
- VMC 20.740 Critical Areas Protection requires no net loss of functions and values. Would likely require off-site planting of 12 new acres, and off-site enhancement of 48 acres.
- Future development would be subject to any new warehouse development standards in place at the time of site plan pre-application. Rezone process does not vest anticipated future development.



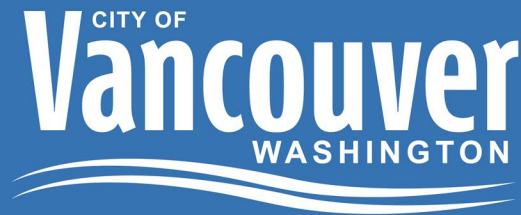
Proposed Comprehensive Plan and Zoning Text Changes (14)

PC unanimously
recommended approval,
except adoption by
reference of UFMP,
which they didn't review
due to timing of Council
adoption

- Comprehensive Plan text changes to add two individual parking projects to capital facilities plan, and update to reference latest parks Comprehensive Plan, and adopt by reference Council adopted Urban Forestry Management Plan (UFMP).
- Zoning code text changes to definitions and use classifications, measurements, outdated references, submittal requirements, effective dates, and pre-existing home allowances in cluster developments.
- Zoning code text change to SEPA thresholds under VMC 20.790 SEPA as allowed by statutory changes intended to facilitate housing
 - MFR projects of 200 units or fewer, SFR of 30 units or fewer exempted from SEPA
 - SEPA still required if critical lands present

Thank You

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



Comcast Cable Franchise Negotiation Update

Jim Demmon

Video Services Manager

November 20, 2023



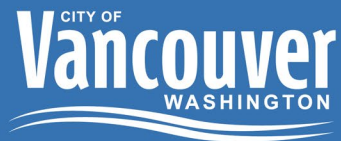
Agenda

1. Franchise Renewal Process Review
2. Update on Priority Issues
3. Next Steps
4. Council Feedback



Cable Franchise Negotiation Update

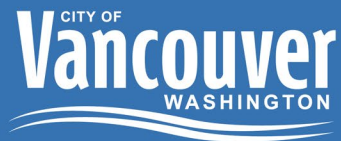
Key dates



Date	Activity
August 2020	Franchise Renewal Process launched
May 2021	Needs Ascertainment conducted
August 2022	Negotiations start with Comcast
Ongoing	Negotiations twice a month

Cable Franchise Negotiation Update

Priority Issues

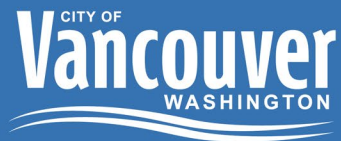


Buildout Requirements

- Moving from 10 residences per quarter-mile to five for aerial
- Eight residences per quarter-mile for underground
- Cost-sharing for extensions over 125 feet outlined

Cable Franchise Negotiation Update

Priority Issues

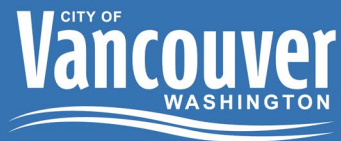


PEG Channels

- Two additional HD channels for TV ETC
- Loss of Video-On-Demand/Fire Training Channel
- Community Access Network to remain on channel 11 Standard Definition as long as available

Cable Franchise Negotiation Update

Priority Issues

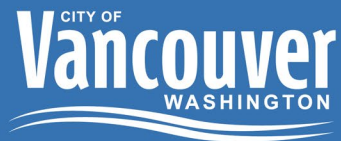


PEG Fee

- Currently \$1/month for residential subscriber
- Proposed \$1.38
- PEG fee lost 15.46% between 2020 – 2022
- Franchise Fee based on percentage of Gross Revenue gained 1.37%

Cable Franchise Negotiation Update

Priority Issues



PEG Fee

- Move PEG Fee to 1% Gross Revenue
- 2022 Comparison
 - \$1/month = \$618,728
 - 1% Gross Revenue = \$802,287
- Limited Basic: \$0.52/month
- Popular TV: \$1.03/month
- Digital Starter: \$1.23/month

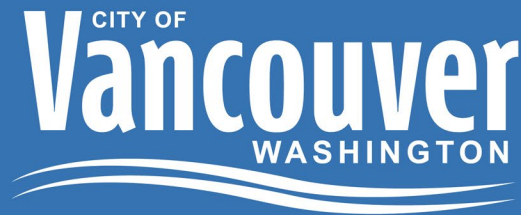
Cable Franchise Negotiation Update

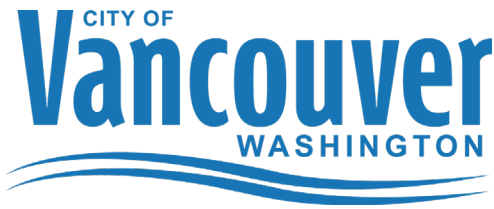
Next Steps

- Gather feedback
- Address remaining issues in negotiations
- March 2024 Telecommunications Commission to consider franchise recommendation
- April-May 2024 City Council Hearings

Questions/Feedback

Jim Demmon – jim.demmon@cityofvancouver.us
360-487-8706





MEMORANDUM

DATE: November 20, 2023

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

CC: Lisa Brandl, Deputy City Manager; Laura Shepard, Communications Director; Jim Demmon, Video Services Manager

RE: **Comcast Cable Franchise Renewal Update**

Introduction

The cable franchise with Comcast expires on June 30, 2024. Comcast and the City/County Telecommunications Commission ("TCC") initiated the cable franchise renewal process in 2020. After receiving extensive feedback from cable subscribers, non-cable subscribers and interested parties as part of a 2021 Cable-Related Needs Ascertainment Study, staff have been negotiating a renewed cable franchise with Comcast.

The workshop today will review the cable franchise negotiation progress and seek the City Council's input on some key issues. After receiving feedback, staff will continue negotiations and bring a finalized cable franchise for the City Council to consider in spring 2024.

Cable Franchise Overview

The TCC is overseeing the franchise renewals of two separate but nearly identical cable franchises for the City of Vancouver and Clark County. The franchises were set to expire on June 30, 2023, but were extended by the Councils for an additional year to give parties more time to negotiate.

In December 2022, Comcast reported 50,405 cable subscribers, roughly split 46% within Vancouver and 54% in unincorporated Clark County. In 2022, the City of Vancouver received \$1,895,933 in cable franchise fees. Clark County received \$2,115,443. Franchise fees are 5% of Comcast gross revenues on cable services. Franchise fees are un-restricted funds and are currently deposited directly into general funds. Comcast collects \$1 per month per residential cable subscriber for Public, Educational, Governmental (PEG) capital funding. In 2022, Vancouver received \$293,906 in PEG funding. Clark County received \$324,823. PEG capital funds are restricted funds to support the capital needs in the creation of cable programming by local PEG providers, currently Clark/Vancouver Television, the governmental access provider, and TV ETC, a consortium of Vancouver, Evergreen

Comcast Cable Franchise Renewal Update

November 20, 2023

Page 2 of 3

and Battle Ground School Districts, the educational access provider. In addition, under the current franchises, public users of Comcast Business Services, can utilize PEG capital funds to offset costs. Currently, the City of Vancouver, Clark County and the Fort Vancouver Regional Library district split a total of \$226,000 annually from the PEG capital fund.

Local Legal Authority

Federal law governs the cable franchise renewal process, specifically, the Cable Act of 1984, and as amended in 1992 and 1996. In addition, the Federal Communications Commission (FCC) also adopted rules that govern how local governments implement the Cable Act. Under the Cable Act and the City and County Charters, cable franchises are non-exclusive, meaning any company could seek a similar cable franchise in Vancouver, such as CenturyLink did in 2015.

Under federal law, local communities are limited on what they can negotiate.

Examples of what can be negotiated by local communities:

- PEG channel capacity
- PEG capital funding
- Customer service standards
- The length of the franchise, we are proposing a 10-year franchise
- Specific terms and definitions within the franchise

Examples of what cannot be negotiated by local communities:

- Rates
- Provided channels on the cable system, except for PEG channels
- How the cable operator provides services, such as technical capacity and operational requirements, except those required by the FCC
- Non-cable services such as broadband and telephone

Cable Needs Ascertainment Study

Federal law requires cable operators to meet the community's cable-related needs. At the start of the franchise renewal window, the City/County Cable TV Office contracted with CBG Communications, Inc. ("CBG") to conduct a cable-needs ascertainment study and assist with negotiations. In May 2021, during the pandemic, CBG sent 4,000 mailed surveys asking questions regarding cable service needs to a mix of both cable and non-cable subscribers. The addresses were randomly selected to ensure the survey was scientifically valid. Spanish and Russian-language versions were also provided upon request. After the survey closed, CBG opened an online survey and received an additional 532 responses. CBG also held focus groups with a variety of interested parties, including youth, seniors, diverse populations, neighborhoods and arts and cultural advocates. CBG visited both PEG provider facilities, CVTV and TV ETC. They also met with subscribers of Comcast Business Services. The needs report was completed in December 2021.

Comcast Cable Franchise Renewal Update

November 20, 2023

Page 3 of 3

Based off the needs report, the TCC oversaw the creation of a red-lined version of the existing cable franchise which included language and revisions to better meet the cable-related needs of the community. This document was the starting point of negotiations in June 2022. Since the kick-off, representatives from the City/County Cable TV Office, the City Attorney's Office, the Clark County Prosecuting Attorney's Office and CBG, have been negotiating with Comcast representatives twice a month.

Council Feedback on Priority Issues

Negotiations are nearly complete with Comcast, so staff wanted to bring some of the major points of the franchise to Council to discuss progress and hear any concerns that need to be addressed in future negotiations. Similar sessions have been held with the TCC and the County Council. Comcast has made it clear that we need to consider the franchise as a whole, so some items discussed during the workshop may change depending on the overall outcome of negotiations.

Based off feedback received during the needs ascertainment study, the customer service section of the franchise has been greatly expanded, covering areas like complaint handling, service response and outage credits. Much time was also spent expanding definitions of terms within the franchise, such as "Gross Revenue" to capture as much cable-related revenue as possible.

We will be discussing the following items during the workshop:

- Cable system buildout requirements within Vancouver.
- PEG channel capacity, including the addition of two high-definition channels and loss of Video-on-Demand for TV ETC.
- The future of cable channel 11, currently home to public access programming from Portland-Metro access facilities.
- Proposal to change PEG Capital Fee from \$1/month for residential subscribers to 1% of gross revenue.

Next Steps

After receiving feedback, staff will continue with negotiations. Staff hopes to bring draft franchises to the TCC in March 2024 for an approval recommendation. We will then bring the finalized franchise for City Council consideration in spring 2024. Please send any questions to Video Services Manager, Jim Demmon, jim.demmon@cityofvancouver.us.



Staff Report: 211-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 11/20/2023

SUBJECT Award project to FFA Architectural & Interiors Inc. per RFQ #43-23 City Hall 2nd Floor Accessibility and Security Project

Key Points

- The City intends to update City Hall Council Chambers, City Manager's Office and conference rooms with a focus on accessibility and security.
- Accessibility improvements focus on improving wider access to public meetings conducted by the City of Vancouver.
- Security improvements focus on reducing vulnerability to security breaches with industry standard physical security measures.

Strategic Plan Alignment

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

Present Situation

On June 6, 2023, RFQ #43-23 City Hall 2nd Floor Accessibility and Security Project was issued for solicitation for statements qualifications from Engineering and Architectural firms to further develop concepts, provide cost estimates, prepare final design, construction drawings and specifications, and provide construction administration services for City Hall Council Chambers, City Manager's Office and Birch Conference Room.

Along with standard advertising, firms from the MRSC list, which included veteran-, minority-, and women-owned firms, were notified of the solicitation and requested their qualification statements.

On June 28, 2023, the City received two (2) qualification statements for the RFQ #43-23 City Hall 2nd Floor Accessibility and Security Project. The qualification statements were evaluated based on project approach and understanding, also capabilities and qualifications.

Review panel met and the consensus of the review panel was to select FFA Architectural for the project and award one (1) contract with the expectation to complete work within schedule. We negotiated the scope of work and fees with FFA Architectural & Interiors. The costs for the scope of work by FFA Architectural & Interiors is \$476,362.

Advantage(s)

- The City intends to update City Hall Council Chambers, City Manager's Office and conference rooms with a focus on accessibility and security.
- Accessibility improvements focus on improving wider access to public meetings conducted by the City of Vancouver.
- Security improvements focused on reducing vulnerability to security breaches with industry standard physical security measures.

Disadvantage(s)

None

Budget Impact

Fiscal year 23-24 allocates \$1.5 million towards this project.

Prior Council Review

None

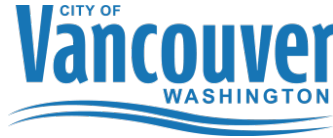
Action Requested

Authorize the City Manager, or designee, to execute the contract with FFA Architectural & Interiors Inc., for the City Hall 2nd Floor Accessibility and Security Project in the amount of \$476,362 and take any and all action necessary to enforce the terms thereof.

Geraldene Moyle, General Services Director, 360-487-8633

ATTACHMENTS:

▣ Contract



**CITY OF VANCOUVER
CITY HALL 2ND FLOOR ACCESSIBILITY AND SECURITY PROJECT
SERVICES AGREEMENT
No. C-101396**

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

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

WHEREAS, the City advertised and issued a Request for Qualifications, numbered 43-23 (hereinafter referred to as the “solicitation”) and after evaluation of the Contractor’s responsive proposal, found the Contractor be capable of performing the required services; and

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

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

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

Contractor will further develop current concepts, provide cost estimates, prepare final design, construction drawings and specifications, and provide construction administration services for City Hall council chambers, City Manager’s Office, and Birch conference room.

Funding for this project will consist of a combination of American Rescue Plan Act (ARPA) for accessibility improvements and local funds for security improvements. The project design, permitting and construction will comply with all the federal requirements and approvals associated with the funding.

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

2. **COMPENSATION:** Payment to the Contractor for the work described in this Agreement shall not exceed \$476,362.00 USD.

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

Compensation is limited to the amount specified for each specific task and/or sub-task, unless amended in writing. The City requires the Contractor to complete the work stated within the number of hours stated for each task, and/or sub-task, or the lump sum amount. If compensation is made on an hourly basis and the work requires fewer hours than those estimated, the Contractor will be paid for the actual worked hours necessary to complete that task and/or sub-task. If the Contractor underestimated the number of hours required to perform the work, the Contractor shall be paid up to the maximum number of hours stated for the task and/or sub-task. Compensation may be amended, at the City's sole discretion, for documentable circumstances not reasonably foreseeable to either party at the time the task and/or subtask is initiated, or for changes to the scope of work or deliverables requested by the City. All deliverables must be acceptable to the City, at the sole discretion of the City.

Travel expenses are limited to airfare, or mileage at the current IRS rate, and lodging at the U.S. General Services Administration rates. The Contractor is solely responsible for its staff's travel time, including travel to and from the City of Vancouver. The City will reimburse only pre-approved miscellaneous Contractor expenses at-cost upon submission of receipts to City.

During the life of this Contract, and in consideration of the City's business needs, the Contractor may make requests for compensation adjustments. In consideration of market conditions, the City may allow an annual adjustment to compensation paid for the actual cost of services. Contractor shall submit the request for consideration, together with supporting documentation, before the anniversary date of this Agreement. The City will review the request and, at its sole discretion, make a decision. If accepted, the adjustment shall become effective on the anniversary date of

the Agreement and will be firm for the remainder of the contracted period. All adjustments will be authorized by written contract amendment.

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

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

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

4. **TERM OF AGREEMENT:** The term of this Agreement shall commence on December 1, 2023 and continue until December 31, 2024. City reserves the right to extend the Agreement, upon mutual agreement, up to four additional years. The total length of the contract, with extensions, shall not exceed five years. Unless directed otherwise by the City, Contractor shall perform the work in accordance with any schedules made a part of this Agreement.
5. **ORDER OF PRECEDENCE:** Where there is a conflict among or between any of these documents, the controlling documents shall be the first listed in the following sequence: Amendments to this Agreement; this Agreement; Contract Purchase Orders; the Contractor’s responsive proposal to the City’s solicitation, and the City’s solicitation.
6. **RELATION OF PARTIES:** The Contractor, and its subcontractors, agents, employees, or other vendors contracted by the Contractor to provide services or other work for the purpose of meeting the Contractor’s obligations under this agreement (collectively referred to as “subcontractors”), are independent contractors performing professional services for the City and are not employees of the City. The Contractor and its subcontractors shall not, as a result of this Agreement, accrue leave, retirement, insurance, bonding or any other rights, privileges, or benefits afforded to City employees. The Contractor and its subcontractors shall not have the authority to bind City in any way except as may be specifically provided herein.
7. **SUBCONTRACTING:** The City does not permit subcontractors for the work performed under this Agreement. The Contractor shall not subcontract for the performance of any work under this Agreement without prior written permission of the City.

- 8. E-VERIFY:** The Contractor shall enter into and register a Memorandum of Understanding with the Department of Homeland Security E-Verify program within sixty (60) days after execution of this Agreement. The Contractor shall ensure all Contractor employees and any subcontractors assigned to perform work under this Agreement are eligible to work in the United States. The Contractor shall provide verification of compliance upon the request of the City. Failure by the Contractor to comply with this subsection shall be considered a material breach.
- 9. DELAYS AND EXTENSIONS OF TIME:** If the Contractor is delayed at any time in the progress of the work covered by this Agreement, by any causes beyond Contractor's control, the time for performance may be extended by such time as shall be mutually agreed upon by the Contractor and the City and shall be incorporated in a written amendment to this Agreement. Any request for an extension of time shall be made in writing to the City.
- 10. OWNERSHIP OF RECORDS AND DOCUMENTS:** Any and all work product prepared by the Contractor in the course of performing this Contract shall immediately become the property of the City. In consideration of the compensation provided for by this Agreement, the Contractor hereby further assigns all copyright interests in such work product to the City. A copy may be retained by the Contractor. Previously owned intellectual property of Contractor, and any know-how, methodologies or processes used by the Contractor to provide the services or project deliverables under this Agreement shall remain property of the Contractor.
- 11. TERMINATION FOR PUBLIC CONVENIENCE:** The City, at its sole discretion, may terminate this contract for convenience at any time for any reason deemed appropriate. Termination is effective immediately upon notice of termination given by the City.

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

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

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

the City in completing the work, and all damage sustained, or which may be sustained by the City by reason of such default.

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

- 13. OPPORTUNITY TO CURE:** The City at its sole discretion may in lieu of a termination allow the Contractor to cure the defect(s), by providing a “Notice to Cure” to Contractor setting forth the remedies sought by City and the deadline to accomplish the remedies. If the Contractor fails to remedy to the City’s satisfaction the breach or default of any of the terms, covenants, or conditions of this Contract within the time stated time, the City shall have the right to terminate the Contract without any further obligation to the Contractor. Any such termination for default shall not in any way operate to preclude the City from also pursuing all available remedies against the Contractor and it’s sureties for said breach or default, including but not limited to termination of this Contract for convenience.
- 14. COMPLIANCE WITH THE LAW:** The Contractor agrees to comply with all relevant, Federal, State, and Municipal laws, rules, policies, regulations or ordinances in the performance of work under this Agreement.
- 15. CITY BUSINESS AND OCCUPATION LICENSE:** The Contractor will be required to obtain a business license when contracting with the City unless allowable exemptions apply. The Contractor shall contact the State of Washington Business License Service (BLS) at: <http://bls.dor.wa.gov/file.aspx>, or by phone at 800-451-7985, or go to www.bls.dor.wa.gov/cities/vancouver.aspx or www.cityofvancouver.us/businesslicense, to determine whether a business license is required pursuant to the Vancouver Municipal Code (VMC) Chapter 5.04.
- 16. LIABILITY AND HOLD HARMLESS:** The Contractor agrees to indemnify, defend, save and hold harmless the City, its officials, employees and agents from any and all liability, demands, claims, causes of action, suits or judgments, including costs, attorney fees and expenses incurred in connection therewith, of whatsoever kind or nature (including patent infringement or copyright claims) to the extent arising out of, or in connection with, or incident to, the negligent performance or willful misconduct pursuant to this Agreement. This indemnity and hold harmless shall include any claim made against the City by an employee of Contractor or subcontractor or agent even if Contractor is thus otherwise immune from liability pursuant to the workers’ compensation statute, Title 51 Revised Code of Washington (RCW), except to the extent that such liability arises from the concurrent negligence of both the City and the Contractor, such costs, fees and expenses shall be shared between the City and the Contractor in proportion to their relative degrees of negligence. The Contractor specifically

acknowledges the provisions contained herein have been mutually negotiated by the parties and it is the intent of the parties that the Contractor provide the broadest scope of indemnity permitted by RCW 4.24.115. The Contractor is an independent contractor and responsible for the safety of its employees.

- 17. INSURANCE:** The Contractor shall obtain and keep in force during the entire term of this agreement, liability insurance against any and all claims for damages to person or property which may arise out of the performance of this Contract whether such work shall be by the Contractor, subcontractor or anyone directly or indirectly employed by either the Contractor or a subcontractor.

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

COVERAGE	LIMITS OF LIABILITY
I. Commercial General Liability:	
Policy shall include Bodily Injury, Property Damage, Personal Injury and Broad Form Contractual Liability	
Each Occurrence	\$1,000,000
General Aggregate Per Occurrence	\$2,000,000
Products & Completed Operations Aggregate	\$2,000,000
Personal and Advertising Injury	\$1,000,000
Blanket Contractual Liability	\$1,000,000
II. Commercial Automobile Liability	
Policy shall include Bodily Injury and Property Damage, for any owned, Hired, and/or Non-owned vehicles used in the operation, installation and maintenance of facilities under this agreement.	
Combined Single Limit	\$1,000,000
III. Workers' Compensation (applicable to the State of Washington)	
Per Occurrence	
Employer's Liability	\$1,000,000
Disease Each Employee	\$1,000,000
Disease Policy Limit	\$1,000,000
Each Claim	\$1,000,000
Annual Aggregate	\$1,000,000
IV. Professional Liability	
Policy shall include coverage against any and all claims for damages to person or property which may arise out of the performance of this Contract whether such work shall be by the Contractor, subcontractor or anyone directly or indirectly employed by either the Contractor or a subcontractor	\$1,000,000

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

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

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

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

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

For the City:

Anna Vogel

City of Vancouver

415 W 6th Street

P O Box 1995

Vancouver WA 98668-1995

Email: anna.vogel@cityofvancouver.us

For the Contractor:

Ian Gelbrich

FFA Architecture and Interiors, Inc

520 SW Yamhill Street, Suite 900

Portland, OR 97204

Email: igelbrich@ffadesign.com

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

- 19. AMENDMENTS:** All changes to this Agreement, including changes to the scope of work and compensation sections, must be made by written amendment and signed by all parties to this Agreement.
- 20. SCOPE OF AGREEMENT:** This Agreement incorporates all the agreements, covenants and understanding between the parties hereto and are merged into this written Agreement. No prior agreement or prior understanding, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless set forth in this Agreement.
- 21. RATIFICATION:** Acts taken pursuant to this Agreement but prior to its effective date are hereby ratified and confirmed.
- 22. GOVERNING LAW/VENUE:** This Agreement shall be deemed to have been executed and delivered within the State of Washington, and the rights and obligations of the parties hereunder shall be construed and enforced in accordance with, and governed by, the laws of the State of Washington without regard to the principles of conflict of laws. Any action or suit brought in connection with this Agreement shall be brought in the Superior Court of Clark County, Washington.
- 23. COOPERATIVE PURCHASING:** The Washington State Inter-local Cooperation Act, Ch. 39.34 RCW, authorizes public agencies to cooperatively purchase goods and services if all parties agree. By having executed this Agreement, the Contractor agrees that other public agencies may purchase goods and services under this solicitation or contract at their own cost and without the City incurring any financial or legal liability for such purchases. The City agrees to allow other public agencies to purchase goods and services under this solicitation or contract, provided that the City is not held financially or legally liable for purchases and that any public agency purchasing under such solicitation or contract file a copy of this invitation and such contract in accordance with RCW 39.34.040.
- 24. PUBLIC DISCLOSURE COMPLIANCE:** The parties acknowledge that the City is an “agency” within the meaning of the Washington Public Records Act, Chapter 42.56 RCW, and that materials submitted by the Contractor to the City become public record. Such records may be subject to public disclosure, in whole or part and may be required to be released by the City in the event of a request for disclosure. In the event the City receives a public record request for any data or deliverable that is provided to the City and that is licensed from the Contractor, the City shall notify the Contractor of such request and withhold disclosure of such information for not less than five (5) business days, to permit the Contractor to seek judicial protection of such information,

provided that the Contractor shall be responsible for attorney fees and costs in such action and shall save and hold harmless the City from any costs, attorney fees or penalty assessment under Chapter 42.17 RCW for withholding or delaying public disclosure of such information.

- 25. DEBARMENT:** The Contractor certifies that that it is not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from covered transactions by any Federal, State or local department or agency.
- 26. CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT:** Supplier must agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401–7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251–1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).
- 27. BYRD ANTI-LOBBYING AMENDMENT:** Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)—Suppliers that apply or bid for an award of \$100,000 or more must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.
- 28. PROCUREMENT OF RECOVERED MATERIALS:** Supplier must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.
- 29. WARRANTIES:** All products shall be warranted against defects or faulty workmanship and materials by the Supplier for one (1) year following inspection and acceptance of the products by the City. Warranty shall include all costs incurred, including shipping, for repair or replacement except that which is damaged by misuse or abuse. This one-(1) year warranty shall in no way affect normal extended or manufacturer’s warranty exceeding this one (1) year period. Supplier warrants that all goods and services furnished under this Contract are new, conform strictly to the specifications herein, are merchantable, good workmanship, free from defect, comply with all applicable safety and health standards established for such products, all goods are properly packaged, and all appropriate instructions or warnings are supplied. If a defect is found, a component failure occurs, or workmanship is found to cause failure, the Vendor shall replace the product at their own expense, including shipping charges. Any replacement product will be

warrantied for one (1) year from the date it is delivered. All implied and expressed warranty provisions of the Uniform Commercial Code are incorporated into this Contract.

30. NONDISCRIMINATION: The City of Vancouver, WA is an equal opportunity employer. In the performance of this Agreement, the Contractor will not discriminate against any employee or applicant for employment on the grounds of race, creed, color, national origin, sex, sexual orientation, marital status, age or the presence of any sensory, mental or physical handicap.

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

CITY OF VANCOUVER

A municipal corporation

CONTRACTOR:

FFA Architecture and Interiors, Inc

Eric Holmes, City Manager

Signature

Date

Printed Name /Title

Attest:

Date

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

October 10th, 2023

Geraldene Moyle
General Services Director
City of Vancouver
415 W. 6th St., Vancouver, WA 98660

Re: Vancouver City Hall 2nd Floor Accessibility and Security Project & Additional Upgrades

Dear Geraldene,

Thank you for the opportunity to continue to work with the City of Vancouver (CoV) to provide design services for the accessibility and security upgrades at **Vancouver City Hall**. This work will specifically address lobby and 2nd floor improvements, along with a few incidental upgrades outside of the building.

Based on our conversations and meetings, we have developed the following scope of work. Our goal is to provide design solutions to alleviate as many of the staff and customer concerns around accessibility and security as possible. A detailed outline of the scope of services is attached for your review. The outline presents the intended number of meetings and deliverables for each phase of work.

The intent of this scope of design and engineering services is to develop, document, and support the construction of the areas of the building outlined in the Project Description below, as directed by the CoV. To aid in the design and documentation of the project, we will include the following consultants as part of our team: Studio Pacifica for Accessibility Consulting, Kramer-Gehlen Structural Engineers for Structural Engineering Consulting, and PAE / LUMA Consulting Engineers for Mechanical, Electrical, Lighting and Technology / Security Engineering Consulting. Should the scope of work for the exterior expand during the course of the project, we also have Landscape, Civil, and Envelope consultants that can be tapped for additional services, if requested or required.

As mentioned above, our fee proposal is based on our discussions and meetings with you, and the assumptions delineated on the following pages. Significant changes to the assumptions may result in revisions to the proposal amount. We ask that you notify us if any of these assumptions are incorrect prior to finalizing the contract for this work.

If you have any questions, please contact us. Thank you for this opportunity to work with you, and the team that will be involved with realizing this important project.

Sincerely,



Troy Ainsworth, AIA, NCARB
Principal



Ian Gelbrich, AIA
Partner in Charge



Téjara Brown, WELL AP
Senior Associate | Project Manager

PROJECT DESCRIPTION

Vancouver City Hall is located at **415 W 6th Street in Vancouver, Washington**. It consists of 6 stories primarily used as office space. The project will include approximately 7,500sf of area on the 1st and 2nd floors of the existing building, along with minor modifications directly outside of the building. Specifically, the scope of work includes:

Council Chambers (2nd floor):

- Upgrades to existing dais (will include ballistic paneling, two (2) new workspaces, and additional electrical and technology).
- Upgrades to existing lighting, new lighting, CVTV, video screens, and mics with a focus on virtual meeting accessibility; add wiring for future needs.
- New casework, furniture, finishes, and *artwork / accessories*.
- New ballistic resistant doors, film at windows, and walls (and in anteroom behind Chambers).
- New door hardware and panic buttons.

Birch Conference Room (2nd Floor):

- *New ballistic film on exterior windows.*
- New door and hardware in existing interior glazing system*.
- New privacy film on interior glazing system*.

City Manager's Office (2nd Floor):

- New ballistic resistant doors, film at windows, and walls.

Lobby (1st floor):

- Reconfigure and relocate existing customer service built-in casework (will include moving electrical, data, and other technology).
- New exit door in existing storefront system.
- *Modify south vestibule to be exit only (may require electrical interface for card readers).*
- New open bike area to showcase electric bike commuting*.
- Relocate existing security desk (furniture solution, but will require adjustments of electrical, data, and other technology).

Exterior:

- *New ballistic film.*
- New bollards in existing landscape*.
- *Clean up landscape – new plantings, weeding, debris removal.*

Note: italicized scope items listed in the above scope of work are to be completed internally by CoV Facilities Staff. If input from FFA or any of the consultants that are a part of this proposal is needed to complete those items, that scope of work will be negotiated separately and will be provided as additional services.

Note: scope items with an asterisk listed in the above scope of work are to be compiled into a separate construction document set and submitted for permit separately (by the end of the SD phase) from the remainder of the scope items in order to expedite progress on this overall design effort.*

Additionally, in keeping with the City's Climate Action Framework goals, the design team will also work to incorporate the following strategies on this project. We will utilize the identified actions in the document as benchmark reference points, as are applicable to the scope of the project:

- Strategy BE-1 Increase use and storage of renewable energy while reducing consumption.

- Action 2: Energy efficiency upgrades for existing commercial buildings (The design team will propose systems that promote energy efficiency)
- Action 7: Green building policy (public sector) (The design team will propose materials and design strategies that promote health and wellness and help to reduce climate impact)
- Strategy TLU-2 Shift Driving trips to clean, active modes of transportation.
 - Action 13: Improved bicycling infrastructure (The design team will develop a design solution to highlight the staff and community use of e-bikes)
- Strategy SW-1 Require recycling and organic material management.
 - Action 3: Recycled materials markets (the design team will propose materials with recycled content when feasible and appropriate)
 - Action 4: Environmentally Preferable Purchasing program (the design team will propose materials with recycled content when feasible and appropriate)
 - Action 5: Construction and Demolition incentives (the design team will include additional language provided by the City into the project specifications to address recycling and waste reduction goals related to the project site)

ASSUMPTIONS

- The scope of work at City Hall is limited to the areas outlined in the Project Description above.
- The construction budget has not been set at this time. The CoV will provide a budget range prior to the start of the design process for the design team to design toward and that the cost estimate can be aligned to after the cost estimating process. The project cost estimates conducted by the Cost Estimating consultant will inform the construction budget.
- Drawings will be based on the CoV provided record drawings and are assumed to be accurate. FFA to spot check during site observation and provide minor updates based on current conditions. Significant discrepancies noted during site observation and deemed necessary to include in the drawings for accurate plans will be considered additional services.
- Owner requirements, project / site constraints, and standards to be provided at project initiation by the CoV.
- Deliverables will include design drawings and specifications for the upgrades to City Hall. Specifications will be developed concurrently with the design and included with the deliverables as a separate Project Manual document.
- The proposed fee outlined in the compensation table below assumes design services are limited to the following disciplines with the specific scopes of work outlined below: Architectural, Electrical, Mechanical, Lighting and Technology / Security, Cost Estimating, Accessibility, and Structural only. Landscape, Civil, and Envelope consultants are excluded but may be added under a separate contract or added to this scope of work in a future additional services request.
- The proposed fee assumes one (1) round of contractor bidding.
- FFA will engage and coordinate with a manufacturer's representative for door hardware to provide door hardware sets and specifications for the project based on the CoV's current building standard brands, Schlage and Von Duprin.
- If the scope of work requires any additional services, FFA will notify the CoV and request approval to proceed based on an hourly, time and materials basis.
- Demolition drawings will be provided in a schematic format only with demolition notes. Detail of all existing conditions will not be recorded beyond applicable interior / exterior elements / spaces and only to the minimum level required to communicate the design intent.
- Meetings will be held via video conference except for the site visits listed below, or as noted otherwise.
- The Contractor will coordinate, schedule, and provide meeting minutes for all construction phase meetings.

- The construction schedule identified below is an estimate and is subject to change. Should the schedule extend beyond FFA's control, additional fees for services carried out after this period will be billed on a time and materials basis.
- Permit, Authority Having Jurisdiction, Agency, or other fees and charges required by the CoV for any of the proposed project scope or project construction are not included.
- Services listed in the attached "Exclusions" document to be excluded unless directly identified in the scope above.
- After receipt of cost estimates from our cost consultant (at the end of SD and end of DD/CD), the design team will review and provide feedback to the cost consultant. They will then provide a revised estimate that FFA will review with the CoV to confirm budget alignment. If the cost estimate is not in alignment with the project budget (within 10%), FFA will provide minor Value Engineering (VE) services to adjust the design (40 hours of FFA's re-design time is included in this scope of work). However, major VE or full re-design to align with the budget (beyond 40 hours of FFA's re-design time) is not included but may be provided as an additional services request on a Time and Materials (T&M) basis. Note that a major / intensive re-design process (beyond 1-week) will adversely impact the project schedule and project deliverables. It will also require additional services from the consultant team. Should this situation arise, fees and deadlines will need to be re-reviewed with the CoV and the consultant team and adjusted and / or negotiated accordingly.
- VE scope after bidding is not included but may be provided as an additional service.
- **Structural Consulting** will consist of the design of structural elements and details:
 - Develop structural calculations, general notes, and drawings.
 - Develop structural details applicable to the architectural scope.
 - Provide mark-ups of structural portions of architectural drawings.
 - Provide mark-ups of structural portions of architectural specifications.
 - Provide design revisions per plan reviewer and provide input and support during the bidding, permitting, and construction phases of the project.
 - Review and respond to plan check comments.
 - Review and respond to structural submittals and shop drawings, RFIs, and change orders.
 - Conduct up to two (2) site visits and provide site visit reports.
 - Structural engineering of any other structures on the property or any temporary shoring or bracing of the existing structure(s) is not included in scope.
- **Mechanical, Electrical, Lighting, and Technology / Security Consulting** scope will consist of the engineering of the new mechanical, electrical, lighting and technology / security systems:
 - Heating and ventilation engineering for rebalancing space airflow.
 - Power and interior lighting distribution, connections, switching, controls, selection, and illumination engineering for new and relocation of existing.
 - Telecommunications system design for building cabling systems, cable / master antenna, and rough-ins, raceways, cable trays, and other pathway systems.
 - Existing communications system modifications (if applicable).
 - Audiovisual system design for multi-media presentations, public address systems, digital signage systems, room scheduling systems, and other support equipment in coordination with power, cooling, structural, and architectural requirements.
 - Electronic safety and security system design for video surveillance systems and physical access control systems.
 - Develop drawings, details, diagrams, narratives, calculations, and system requirements for each project phase.
 - Provide energy code compliance forms for the building envelope, mechanical systems, and lighting.
 - Review design standards and CoV's project requirements; provide project specifications, including Commissioning specifications.
 - Review of the cost estimate provided by cost estimating consultant.

- Provide design revisions per plan reviewer and provide input and support during the bidding, permitting, and construction phases of the project.
 - Review and respond to plan check comments.
 - Review substitution request forms.
 - Review and respond to applicable shop drawings, submittals, RFIs, and change orders.
 - Conduct up to seven (7) site visits (one for mechanical, three for electrical/lighting, and 3 for technology) and provide site visit reports.
 - Review record drawings prepared by the contractor.
 - Review operation and maintenance instructions prepared by the contractor.
- **Cost Estimating** will provide detailed quantity take-offs and cost estimating for architectural, electrical, mechanical, and structural portions of the work:
 - One (1) estimate provided during the Schematic Design phase and one (1) estimate provided during the Design Development / Construction Document phase.
 - One (1) round of reconciliation and minor estimate update per phase is included.
 - Detailed estimates for special equipment items will be incorporated into the overall estimate as / when applicable.
 - Estimates are limited to include no more than (2) alternates.
 - Review of other discipline's scopes of work is not included.
- **Accessibility Consulting** will consist of review and input on the accessibility of the overall design, including materials and furnishings, technology / Audio Visual, and security scopes based on applicable accessibility codes and best practices:
 - Review and redline of design documents and written summary to illustrate findings and suggest best practices for accessibility compliance at 50% and 90% project milestones for each project phase.
 - Attend virtual coordination meetings with CoV's technology, CCTV, security, and AV vendors for design input.
 - Review RFIs, submittals, shop drawings, and design revisions for accessibility compliance and attend virtual construction meetings as applicable.
- **Specifications** will be developed to meet the Schematic and DD/CD phase deliverables and provided in CSI MasterFormat 6-digit as an outline and 3-part format respective to those phases. Specification scope to includes / assumes:
 - Outline specifications will be provided for the Schematic Design phase and full 3-part specifications will be provided for the Design Development / Construction Documents phase; consultant specifications will be included in the deliverables.
 - Division 02-14 will be provided based on the desired section template with review by the design team and the CoV.
 - Division 00 – Procurement and Contracting Requirements will be provided by the CoV directly to prospective Bidders, separate from the Project Manual.
 - Division 01 – General Requirements will be provided and updated accordingly based on requested Design Team / CoV revisions. Sustainability sections and Commissioning sections (as applicable) are to be provided by others.
 - Structural specifications for Divisions 03, 04, 05, and/or 06 will be reviewed by Structural Engineer
 - Door Hardware sets and specifications for Division 08 will be provided by the manufacturer's representative.
 - Security specifications for Divisions 08 and / or 32 will be provided by the Security Consultant.
 - MEP Specifications for Services are to be provided by MEP Engineers.
 - Owner's Design Standards (if applicable) will be incorporated in Division 01 – General Requirements and Divisions 02-14.

DESIGN AND CONSULTANT TEAM

Architectural Consulting
Cost Estimating
Structural Engineering Consulting
Specifications
Accessibility Consulting
Mechanical, Electrical, Lighting, and
Technology/Security Engineering Consulting

FFA Architecture & Interiors, Inc.
ACC Cost Consultants
Kramer-Gehlen Structural Engineers
M. Thrailkill.Architect
Studio Pacifica
PAE Consulting Engineers, Inc. / LUMA

SCOPE OF BASIC SERVICES

The following is a list of services based on the project description and assumptions. All durations are estimates only and will be refined as the project moves forward. Weekly project update conversations and phone calls are considered part of the base services and are not counted against the meeting totals listed below. Whenever possible, meeting topics may be grouped together for efficiency.

TASK 1 – Schematic Design (14 weeks) *Fixed Fee*

The purpose of this phase is to meet with key stakeholders and consultants to finalize the design decisions, review the existing conditions, and to begin the development of the design documents.

Meetings

- Four (4) meetings / site visits total:
 - One (1) site observation to document existing conditions based on the final project scope.
 - One (1) review meeting with the CoV and consultants to review equipment, low voltage, and other mechanical, electrical, lighting, technology / AV, and security needs (50% SD).
 - One (1) page turn meeting with the City to review and confirm design work to date (95% SD).
 - One (1) review meeting to discuss the cost estimate of the final SD set.

Tasks

- Conduct site observation to document applicable existing conditions based on the selected improvements.
- Develop REVIT model from existing CAD drawings provided by the City and update the drawings based on site observation; minor updates included in scope.
- Develop schematic design document drawings (demo and build) and notes to communicate the scope of work.
- Develop preliminary specifications for project products / materials, finishes, furnishings, and systems and coordinate input and review with consultants and their scopes.
- Update documents and specifications per CoV meeting feedback.
- Coordinate with consultants to develop the initial design and documentation of the systems.
- Compile scope identified in the Project Description into a separate permit set and submit for permit.
- Conduct internal sustainability review and QAQC review.
- Review cost estimate with cost consultant and provide feedback to align design intent with the improvement values.
- Review cost estimate with stakeholders / project team and decision makers to determine the updated final project scope and budget.

Deliverables

- Design meeting minutes.
- SD Documents. This includes initial code summaries, schedules, floor plans, enlarged plans, reflected ceiling plans, interior and exterior elevations, interior and exterior details, consultant documents and project specifications.
- SD cost estimate.
- Permit set for separate design scope (as identified in the Project Description above)

TASK 2 – Design Development & Construction Documents (12 weeks) *Fixed Fee*

The purpose of this phase is to further refine the schematic design package with any modifications based on the previous phase's cost estimate in order to create the next level of design detail and final documentation.

Meetings

- Four (4) meetings total:
 - One in person (1) review meeting with the CoV to review the design based on SD feedback and determine what adjustments need to be made for the DD / CD phase based on the SD cost estimate.
 - One (1) review meeting with the CoV and consultants to review equipment, low voltage, and other mechanical, electrical, lighting, technology / AV, and security needs (50% DD/CD).
 - One (1) virtual meeting with the CoV to review the 95% drawings and specifications (Permit / Bid set).
 - One (1) review meeting to discuss the cost estimate of the final drawings and specifications (Permit / Bid set).

Tasks

- Develop design development and construction document drawings (demo and build) and notes to communicate the scope of work, incorporating building standard design direction, details, and specifications.
- Update design and drawings per pricing feedback to provide budget re-alignment (value engineering process) as outlined in the above Project Assumptions.
- Coordinate with design team consultants and CoV's vendors to finalize system design.
- Update documents per meeting feedback.
- Coordinate with CoV stakeholders / project team and decision makers document review and feedback.
- Conduct internal sustainability review and QAQC review.

Deliverables

- Design meeting minutes.
- Construction Documents (Permit / Bid Set). This includes code summaries, schedules, floor plans, enlarged plans, reflected ceiling plans, interior and exterior elevations, interior and exterior details, consultant documents and project specifications.
- Construction Document Cost Estimate.

TASK 3 – Permitting & Bidding (8 weeks) Fixed Fee

The purpose of this phase is to steward the construction documents (Permit / Bid Set) through the permitting process at the City of Vancouver. We will also support the CoV in the bidding process and selection of the project's contractor.

Meetings

- Three (3) meetings total:
 - One (1) Pre-Bid Meeting
 - Up to two (2) Permit / Bidding Progress Meetings

Tasks

- Submit documents for permit (permit fees are not included in compensation schedule).
- Respond to code official and planning official comments.
- Respond to bidding questions.
- Review substitution requests with CoV and draft addenda if applicable (one (1) addendum package included in scope)
- Review final bids.

Deliverables

- Code and planning comment responses.
- One (1) addendum package.
- Bid comments.

TASK 4 – Construction Administration (13-26 weeks) Time & Materials Basis

Once the permit has been awarded, the purpose of this phase is to provide input and guidance on the construction process and support the selected contractor in executing the design intent and decisions made in the previous design phases.

Meetings

- Thirty (30) meetings total:
 - One (1) Pre-Construction Meeting
 - Up to twenty-six (26) OAC meetings and site visits to review construction progress.
 - One (1) Substantial Completion Review
 - One (1) Final Completion Review
 - One (1) One Year Warranty Review

Tasks

- Conduct Pre-construction meeting.
- Review submittals and shop drawings.
 - Up to two (2) reviews per submittal or shop drawing.
- Respond to RFIs.
- Provide site observation reports.
- Review applications for payment.
- Coordinate with contractor development and documentation of punch list.
- Facilitate, document review, and make recommendations for all change orders.
- Complete project closeout.

Deliverables

- Site observation reports.

- Review of contractor's punch list.
- Punch list from substantial completion walk.
- One-Year Warranty punch list.

SCHEDULE

The anticipated receipt of Notice to Proceed (start date) has been estimated at no more than two weeks after this proposal has been submitted. The durations shown below establish time limits for each phase of the project and are based on the proposed fees. Should these durations be extended beyond the control of FFA, additional fees for services carried out after this period will be billed on a time and materials basis.

Project Phase	Approx. Duration
Notice to Proceed	TBD
Task 1 – Schematic Design	14 Weeks
Task 2 – Design Development & Construction Documents	12 Weeks
Task 3 – Permitting & Bidding	8 Weeks
Task 4 – Construction Administration	13-26 Weeks

COMPENSATION

Note: Fees are to be Fixed Fees unless noted otherwise. Where indicated, services to be performed as T&M will be provided as Time and Materials, Not to Exceed the fee indicated in the table below.

Scope of Services Fees	
Phase II, Task 1 – Schematic Design	\$129,238
Reimbursable Expenses Budget	\$3,902
TOTAL	\$133,140
Phase II, Task 2 – Design Development & Construction Documents	\$176,022
Reimbursable Expenses Budget	\$5,306
TOTAL	\$181,328
Phase II, Task 3 – Permitting & Bidding	\$35,210
Reimbursable Expenses Budget	\$1,056
TOTAL	\$36,266
Phase II, Task 4 – Construction Administration (<i>T&M, N.T.E.</i>)	\$121,920
Reimbursable Expenses Budget	\$3,708
TOTAL	\$125,628
TOTAL FEES	\$462,390
TOTAL EXPENSES FEES	\$13,972
GRAND TOTAL	\$476,362

Reimbursable expenses such as reproductions, postage/delivery, photographs, prints and plots, etc. are billed at 1.0 times the direct cost.

Fees for services will be billed monthly and are due and payable upon receipt. Amounts outstanding after 30 days will incur service charges of one and one-half percent per month.

As reflected in the grand total in the above compensation table, compensation for the project assumes it is allowable to transfer left over reimbursable/expenses fees into FFA labor and be billed as such, if necessary to cover the scope of work needed to complete the project.

PROPOSAL DURATION

This Proposal is valid for (60) days from date of issuance. Additional costs may be incurred if the proposal is accepted after this time period, after the date indicated above for CoV's Notice to Proceed, or if the project is not completed within the (26) week total build-out estimate noted above.

Sincerely,
FFA Architecture and Interiors, Inc.



Troy Ainsworth, AIA, NCARB
Principal



Ian Gelbrich, AIA
Partner in Charge



Téjara Brown, WELL AP
Senior Associate | Project Manager

Please confirm your approval by signing in the space provided below and returning a signed copy of this letter.

Geraldene Moyle
General Services Director
City of Vancouver, Washington

Date

CC:
Patricia Pierce, FFA

ATTACHMENTS:

Attachment "A": Exclusions

Attachment "B": Hourly rates

ATTACHMENT "A.1"

EXCLUSIONS

The following items are excluded from the FFA scope of work for base services. If FFA and CoV determine that the following items or other additional services are required by the conditions of the project, those items will be added to the FFA's services and compensation.

- As-Built Documentation Services to measure and record existing or as-constructed building conditions.
- Environmental services. Asbestos and other hazardous materials surveys, assessments and abatement drawings and specifications for the building will be performed by a consultant hired by CoV.
- LEED certification or LEED equivalent documentation.
- Multiple document packages beyond the packages outlined in this proposal's Scope of Services.
- Multiple design options beyond what is outlined in this proposal's Scope of Services, alternates, or revisions after acceptance.
- Furniture, Fixtures, and Equipment (FF&E) design, selection, or procurement beyond what is outlined in this proposal's Scope of Services.
- 1% for Art selection assistance, coordination, and documentation.
- Coordination with and review of third-party value engineering studies.
- Commissioning Consultant
- Building envelope code compliance submittals.
- Custom light fixtures design and/or exterior lighting design/specification.
- Technology, Data / Telecommunications, Audio / Video, Low Voltage, and Security system design beyond what is outlined in this proposal's Scope of Services.
- Meetings with public agencies and community meetings other than those listed in the proposal (Design Review, Land Use Review, and Historic Landmarks).
- Exterior scope that will trigger Design Review including site, landscape, and civil work.
- Structural engineering beyond the incidental interior scope outlined in this proposal's Scope of Services.
- Coordination of Owner's Consultants or Contractors.
- Acoustic Engineering and design services, calculations, and/or testing.
- Building Signage beyond code compliance.
- Energy or Daylighting Modeling
- Artwork, Accessories, and Interior Plantscape
- Disabled access compliance design beyond Washington State Building Code and Americans with Disabilities Act current at the time of project permitting and beyond what is outlined in this proposal's Scope of Services.
- BOMA Calculations
- Value Analysis
- Project phasing
- Energy Incentive Program Assistance
- Photorealistic and presentation quality 3-D Renderings, fly-throughs, or models
- Envelop Consulting
- Civil Engineering
- Landscape Architecture

RATE INFORMATION

Vancouver City Hall
2nd Floor Accessibility & Security Project
City of Vancouver
August 15th, 2023

Vancouver City Hall
2nd Floor Accessibility & Security Project. | Architectural & Engineering Team

FFA Architecture and Interiors, Inc.
Architecture and Interiors

Kramer Gehlen
Structural Engineering

PAE / LUMA
M/E/P, Lighting, and Technology / Security Engineering

Studio Pacifica
Accessibility Consulting

M. Thrailkill.Architect
Specifications Writing

ACC Cost Consultants, LLC
Cost Estimating

As Needed:

KPFF
Civil Engineering

Lango Hansen
Landscape Architecture

Morrison-Hershfield
Envelope Consulting



FFA Architecture and Interiors, Inc.

Standard Billing Rates - 2023

Principal	\$255.00 per hour
Partner	\$225.00 per hour
Architectural Staff VI	\$200.00 per hour
Architectural Staff V	\$190.00 per hour
Architectural Staff IV	\$160.00 per hour
Architectural Staff III	\$140.00 per hour
Architectural Staff II	\$125.00 per hour
Architectural Staff I	\$105.00 per hour
HP Specialist I	\$105.00 per hour
Interior Designer V	\$170.00 per hour
Interior Designer IV	\$160.00 per hour
Interior Designer III	\$140.00 per hour
Interior Designer II	\$125.00 per hour
Interior Designer I	\$105.00 per hour
Marketing/Administrative	\$105.00 per hour

Reimbursable expenses such as reproductions, postage/delivery, photographs, prints and plots, etc. are billed at direct cost. Any reimbursable expenses not listed, does not exclude them from being billed as a reimbursable project expense. Project mileage is billed at the current IRS rate. Consultant billings will be billed at direct cost.

Fees for services will be billed monthly and are due and payable upon receipt. Amounts outstanding after 30 days will incur service charges of one and one-half percent per month.

Hourly rates are subject to change annually.

Effective June 1, 2023

The fees for our services will be based upon the rates listed below. All fee quotations are applicable for a period of one hundred eighty (180) days from the date of the proposal to which this schedule is attached.

Senior Principal	\$200.00 per hour
Principal	\$190.00 per hour
Associate Principal	\$170.00 per hour
Senior Project Engineer	\$145.00 to \$150.00 per hour
Project Engineer	\$120.00 to \$140.00 per hour
Staff Engineer	\$110.00 to \$115.00 per hour
Designer	\$ 95.00 to \$105.00 per hour
Technician	\$120.00 per hour
Administrative	\$ 95.00 per hour

These rates apply to regular time and travel in the United States. A maximum travel time of eight (8) hours will be charged in any day. Overtime, if required, will be charged at 1.5 times the above rates. Overtime will apply to time in excess of eight (8) hours per day, and all time on Saturdays, Sundays and holidays.

For multiple year agreements, a two percent (2%) to three percent (3%) increase shall be anticipated.

Reimbursable Items

Outside services performed by others and direct expenses incurred on the client's behalf are charged at 1.1 times our cost. Such items include, but are not limited to: Delivery services, plotting for non-scheduled review sets or if we must print our own review sets of other team members' drawings, printing outside of normal expected prints, printing of large shop drawing files, outside consultants and testing laboratories, special permits and inspection fees, photographs, providing electronic files for non-design team use and, if required, travel-related costs, including lodging, auto rentals and meals. These expenses, excluding travel-related costs, will be billed at 1.1 times our cost.

Please note: These rates are subject to adjustment in the future.



Hourly Billing Rates

Oregon & SW Washington

Effective: January 1, 2023

Staff Category	Rate/Hour
General Administrative	\$120
Project Coordinator Level 1-2	\$125
Senior Project Coordinator Level 3-4	\$140
Senior Project Coordinator Level 5-6	\$180
Graphic Designer	\$150
BIM Technician Level 1 or 2	\$140
BIM Technician Level 3	\$150
BIM Technician Level 4	\$200
BIM Director	\$250
Engineer/Designer Level 1	\$150
Engineer/Designer Level 2	\$160
Engineer/Designer Level 3	\$180
Senior Engineer/Designer Level 4	\$210
Senior Engineer/Designer Level 5	\$260
Associate	\$235
Senior Associate	\$260
Associate Principal	\$275
Principal	\$335

Reimbursable Expenses

Staff Category	Rate/Hour
Consultants	Billed at 110% of actual cost
Miscellaneous project related expenses	Per Proposal

Rates subject to revision annually on January 1st.

Hourly Billing Rates

Effective: January 1, 2023

Staff Category	Rate/Hour
General Administrative	\$120
Project Coordinator Level 1-2	\$125
Senior Project Coordinator Level 3-4	\$140
Senior Project Coordinator Level 5-6	\$180
Graphic Designer	\$150
BIM Technician Level 1 or 2	\$140
BIM Technician Level 3	\$150
BIM Technician Level 4	\$200
BIM Director	\$250
Lighting Designer Level 1	\$150
Lighting Designer Level 2	\$155
Lighting Designer Level 3	\$170
Senior Lighting Designer Level 4	\$195
Associate - Lighting	\$235
Senior Associate – Lighting	\$260
Associate Principal – Lighting	\$275
Principal - Lighting	\$335

Reimbursable Expenses

Staff Category	Rate/Hour
Consultants	Billed at 110% of actual cost
Miscellaneous project related expenses	Per Proposal

Rates subject to revision annually on January 1st.

The following are Studio Pacifica's hourly rates for 2023:

Rate Table:

Category/ Level of Service	Hourly Rate
Principal – Accessibility Specialist	\$300
Accessibility Specialist	\$200
Project Administrator	\$150
Administrative Support	\$100

The above rates are subject to change. Travel time is billed at 100% of the hourly rate of pertinent staff level. Invoices will be monthly progress billings and are due upon receipt.

Reimbursable expenses include travel beyond the Seattle metropolitan area, large scale printing, delivery services. These reimbursable expenses will be billed at 110% of cost incurred.

BILLING RATES 2023

M.Thrailkill.Architect LLC

Employee	Labor Category	Position	Billing Rate
Michael Thrailkill	Principal	Registered Architect, Specifications Leader	\$ 240 / hr
David "Skip" Brown	Architect VII	Registered Architect, Specifications Leader	\$ 180 / hr
[open]	Architect VI	Registered Architect, Specifications Leader	\$ 165 / hr
Sophia Suhu	Architect V	Registered Architect, Specifications Leader	\$ 150 / hr
[open]	Architect IV	Registered Architect, Specifications Manager	\$ 135 / hr
Adam Snow	Architect III	Intern Architect, Specifications Manager	\$ 125 / hr
Ben Stickney	Architect III	Intern Architect, Specifications Manager	\$ 125 / hr
Yanet Orozco Gomez	Architect III	Intern Architect, Specifications Manager	\$ 125 / hr
Azaria Obed Eriza	Architect II	Intern Architect, Specifications Coordinator	\$ 115 / hr
Chris Molinar	Architect II	Intern Architect, Specifications Coordinator	\$ 115 / hr
Tony Pham	Architect II	Intern Architect, Specifications Coordinator	\$ 115 / hr
Ayla Prusko	Architect I	Intern Architect, Specifications Coordinator	\$ 105 / hr
[open]	Student Intern	Specifications Assistant	\$ 60 / hr
Bertha Madrigal	Administrator	Controller & Human Resources	\$ 95 / hr
Barbara Alexander	Administrator	Receptionist & Learning Administrator	\$ 80 / hr
Service Provider	Role		Billing Rate
Aldrich CPAs + Advisors	Accounting		\$ 265 / hr
Contabilidad Bluesun	Bookkeeping		\$ 120 / hr

M.Thrailkill.Architect is an Oregon-registered Limited Liability Company, registry number 1089882-96.

The company's Federal Employer Identification Number (EIN) is 81-1420911, filing as an S-Corporation.

The company is an Oregon COBID Certified Tier 1 Emerging Small Business (ESB), certification no. 9859, and we meet the U.S. Small Business Administration's eligibility requirements for government contracting as a small business.

The company is an Equal Opportunity Employer, committed to equal treatment of all employees without regard to race, national origin, religion, gender, age, sexual orientation, veteran status, physical or mental disability, or other basis protected by law and guided by equitable practices. Our wages and salaries are transparent and updated annually based on the latest AIA Small Firm Compensation Report.

M.THRAILKILL.ARCHITECT LLC
511 SW 10th Avenue #1004
Portland, Oregon 97205
+1 503-719-4909
www.mthrailkillarchitect.com

Billing Rates:

	<u>2023</u>	<u>2024</u>
Principal:	\$196.00 / hr.	\$204.00 / hr.
Senior Estimator:	\$155.00 / hr.	\$161.00 / hr.
Estimator:	\$106.00 / hr.	\$110.00 / hr.
Mechanical Estimator:	\$172.00 / hr.	\$178.00 / hr.
Electrical Estimator:	\$155.00 / hr.	\$161.00 / hr.

Additional reimbursable expenses such as travel & lodging outside the Portland metropolitan area will be based on the current IRS standard mileage rate plus hourly rate for person(s) traveling.

- ACC Cost Consultants, LLC (ACC) is certified as an Equal Employment Opportunity employer with The City of Portland
- ACC is registered with the Secretary of State of Oregon, Corporation Division, registration # 610780-86
- Federal Tax ID Number, EIN: 61-1713208

***KPFF Consulting Engineers
Civil Engineering + Land Surveying***

January 1, 2023 through December 31, 2023

CIVIL	RATES
Principal	\$260
Senior Project Manager	\$215
Project Manager	\$205
Project Engineer	\$175
Design Engineer/Designer	\$155
Draftsperson/Technician	\$135
Project Administrator	\$115

SURVEY	RATES
Principal	\$260
Survey Manager	\$195
Project Surveyor	\$150
Survey Technician	\$130
Two-Person Survey Crew	\$210
Project Administrator	\$115

ENVIRONMENTAL	RATES
Sr. Natural Resource Specialist	\$195

EXPENSES	RATES
Mileage	current IRS rate

Lango Hansen Landscape Architects

Calendar Year 2023 Billing Rate Sheet

Billing Rates:

Principal	\$155/hr
Associate	\$115/hr
Staff	\$85/hr

Western US Project Hourly Rates Building Science 2023

Employee Technical Level	Hourly Rate
Technical Support	\$100.00
Technical I	\$125.00
Technical II	\$145.00
Technical III	\$165.00
Technical IV	\$190.00
Technical V	\$210.00
Senior Specialist	\$230.00
Senior Principal	\$280.00



Staff Report: 213-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 11/20/2023

SUBJECT Leichner landfill interlocal agreement with Clark County

Key Points

- The City is planning on construction of a new operations center adjacent to the Leichner landfill property.
- Due to the proximity of the new operations center to the landfill, there may need to be coordination with Clark County and County's consultant for the landfill (SCS Engineering) in order to mitigate impacts to the landfill.
- This interlocal agreement allows the City to reimburse Clark County for the consultant's work, if necessary up to a maximum of \$60,000.

Strategic Plan Alignment

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

Present Situation

The City of Vancouver Public Works Department acquired a new site from Clark County in December 2020 to build a new operations center. The parcel is located in the 7700 block of NE 94th Avenue. Design plans are underway, and construction will begin in 2024 or 2025.

The new operations center parcel is adjacent to the decommissioned Leichner Landfill and will require site-specific analysis and development to ensure post-closure landfill maintenance and monitoring are uninterrupted during site preparation and construction. Clark County contracts with Stearns, Conrad and Schmidt Consulting Engineers, Inc. dba SCS Engineers (SCS) for post-closure maintenance and monitoring at Leichner Landfill.

The purpose of this agreement is to establish a payment process for the City to reimburse the County's consultant for landfill maintenance and monitoring tasks related to the new City of Vancouver Operations Center up to a maximum of \$60,000.

Advantage(s)

- Allows the new operations center to proceed.
- Helps to mitigate impacts to the adjacent landfill.
- SCS Engineering has expertise mitigating impacts to landfills and in particular the Leichner landfill.

Disadvantage(s)

May require \$60,000 from the new operations center project budget, if SCS' services are utilized.

Budget Impact

May require \$60,000 from the new operations center project budget, if SCS' services are utilized.

Prior Council Review

Multiple workshops discussing planning and design for the new operations center.

Action Requested

On November 20th, 2023, authorize the City Manager, or designee, to enter into an interlocal agreement with Clark County.

Chris Malone, Public Works Finance & Asset Manager, 360-487-7711

ATTACHMENTS:

- ▢ Leichner landfill county-city interlocal agreement

Project:	City of Vancouver Leichner Landfill
Service Description:	City of Vancouver to reimburse costs related to Leichner Landfill
Supplier Contract Number:	N/A
Contract Name:	CCPH City of Vancouver Leichner Costs HDC.2131
Contract Period:	December 1, 2023-November 30, 2028
Total Contract Amount:	Approximately \$60,000.00; see Exhibit C

City Contacts		
Program	Fiscal	Contract
Jean Singer 360.487.6740 jean.singer@cityofvancouver.us	Shannon Turk 360.487.7132 shannon.turk@cityofvancouver.us	Cary Driskell 360.946.3065 cary.driskell@cityofvancouver.us

TERMS AND CONDITIONS

1. Services. Shall perform services as set forth in Exhibit A.
2. Time. The contract shall be effective beginning December 1, 2023 and ending November 30, 2028. Clark County reserves the right to extend the contract for a period of five (5) additional years, in one (1) year increments, with the same terms and conditions, by service of a written notice of its intention to do so prior to the contract termination date.
3. Compensation. City shall pay County for performing said services upon receipt of a written invoice according to the schedule set forth in Exhibit A, which is attached hereto and incorporated herein by this reference. The parties mutually agree that in no event may the total amount billed exceed \$60,000.00 without prior written approval.
4. Termination. Either party may terminate this Contract immediately upon any breach by either party in the duties as set forth in Contract. The waiver by either party of one or more breaches shall not be construed as a waiver of any subsequent breach or breaches. Either party may terminate this Contract without cause with ninety (90) days prior written notice.
5. Independent Contractor. The Parties to this Agreement are independent contractors. Neither Party is an agent, representative, or partner of the other Party. Neither Party shall have any right, power, or authority to enter into any agreement for, or on behalf of, or incur any obligation or liability of, or to otherwise bind, the other Party. This Agreement shall not be interpreted or construed to create an association, agency, joint venture, or partnership between the Parties or to impose any liability attributable to such a relationship upon either Party.
6. Indemnification / Hold Harmless. City shall defend, indemnify and hold County, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the negligent acts, errors or omissions of City in performance of this Contract, except for injuries and damages caused by the sole negligence of County. Should a court of competent jurisdiction determine that this Contract is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of City, its officers, officials, employees, and volunteers, City's liability, including the duty and cost to defend, hereunder shall be only to the extent of the City's negligence. It is further specifically

and expressly understood that the indemnification provided herein constitutes the City's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this Contract.

7. Wage and hour compliance. Both parties shall comply with all applicable provisions of the Fair Labor Standards Act and any other legislation affecting its employees and the rules and regulations issued thereunder insofar as applicable to its employees and shall always save City free, clear and harmless from all actions, claims, demands and expenses arising out of said act and the rules and regulations that are or may be promulgated in connection therewith. No party or its employees is entitled to participate in a pension plan, insurance, bonus, or similar benefits provided by any other party.
8. Contract Documents: Other documents included in this contract include Exhibit A – Scope of Work, Exhibit B – Process of Approvals and Payment, Exhibit C – Budget Summary. If there is a conflict between the provisions of these documents, the provisions of this Contract shall control.
9. Equal Employment Opportunity: City and County will not discriminate against any employee or applicant for employment because of race, color, religion, gender, gender identity, sexual orientation, age, disability, marital status or national origin.
10. Changes: Either party may, from time to time, require changes in the scope of the services to be performed hereunder. Such changes including any increase or decrease in the amount of the City's compensation which are mutually agreed upon by and between County and the City, shall be in writing, signed by both parties and incorporated in the written amendments to the Contract.
11. Public Records Act: Notwithstanding the provisions of this contract to the contrary, to the extent any record, including any electronic, audio, paper or other media, is required to be kept or indexed as a public record in accordance with the Washington Public Records Act, RCW Chapter 42.56, as may hereafter be amended, each party agrees to maintain all records constituting public records and to produce or assist both parties in producing such records, within the time frames and parameters set forth in state law. Each party further agrees that upon receipt of any written public record request from the public, shall, within two business

days, notify the other party of receipt of the request by providing a copy of the request to the other party's Public Records Officer.

12. Governing Law. This contract shall be governed by the laws of the State of Washington. Venue for any litigation shall be in Superior Court for the State of Washington in Clark County, Washington.
13. Confidentiality. With respect to all information relating to each party that is confidential and clearly so designated, each party agrees to keep such information confidential, except as may otherwise be required by the Public Record Act, chapter 42.56 RCW. Each party shall comply with all applicable provisions of RCW 70.24, 70.28, and any other state law applicable to confidentiality of information.
14. Conflict of Interest. Both parties' covenants that it has had no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services hereunder. Both parties' further covenants that no person having such interest shall be employed by or shall perform services as an independent contractor with it, in the performance of this contract.
15. Consent and Understanding. This contract contains a complete and integrated understanding of the Contract between the parties and supersedes any understandings, contract, or negotiations, whether oral or written, not set forth herein or in written amendments hereto duly executed by both parties.
16. Force Majeure. Neither party will be liable for failure or delay to perform obligations under this Contract, which have become practicably impossible because of circumstances beyond the reasonable control of the applicable party. Such circumstances include without limitation natural disasters or acts of God; acts of terrorism; labor disputes or stoppages; war; government acts or orders; epidemics, pandemics or outbreak of communicable disease; quarantines; national or regional emergencies; or any other cause, whether similar in kind to the foregoing or otherwise, beyond the party's reasonable control. Written notice of a party's failure or delay in performance due to force majeure must be given to the other party no later than five (5) business days following the force majeure event commencing, which notice shall describe the force majeure event and the actions taken to minimize the impact thereof. All delivery dates under this Contract affected by force majeure shall be tolled for the duration of such force majeure. The

parties hereby agree, when feasible, not to cancel but reschedule the pertinent obligations and deliverables for mutually agreed dates as soon as practicable after the force majeure condition ceases to exist.

17. Access to Records. Each party shall have reasonable access to the books, documents and other records of the other which are related to this agreement for the purpose of examination, copying and audit, unless otherwise limited by law.
18. Severability. If any provision of this contract is held invalid, the remainder would then continue to conform to the terms and requirements of applicable law.

EXHIBIT A
STATEMENT OF WORK
CONTRACT HDC.2131

1. Background

Located in south-central Clark County, Leichner Landfill is the last municipal solid waste landfill that operated 1937 through 1991. Owned by Leichner Brothers Land Reclamation Company (LBLRC), it was permitted to operate as a sanitary landfill, accepting municipal solid waste and some construction, demolition and land clearing wastes. Under an order from the Washington Department of Ecology, Leichner Landfill ceased operations on December 31, 1991.

Between 1988 and 1996, Leichner Brothers Landfill Reclamation Corporation, (LBLRC), Clark County, City of Vancouver, Washington Utilities and Transportation Commission, and the Washington State Department of Ecology entered into a series of agreements regarding the closure and post-closure maintenance and monitoring of the landfill.

These agreements established the Leichner Landfill Financial Assurance Reserve Fund 6310 (FARF), which was funded through a surcharge on tip fees at the landfill from the late 1980s until its closure; funds collected by the City of Vancouver; and an insurance settlement. The FARF is held in trust by the County specifically for the purpose of funding post-closure maintenance and monitoring activities at the site. The annual budget is established by the Leichner Landfill Oversight Committee (LLOC), with representatives from Clark County and the City of Vancouver.

The City of Vancouver Public Works Department acquired a new site from Clark County in December 2020 to build a new Operations Campus. Design plans are underway, and construction will begin in 2024 on a 35-acre parcel located in the 7700 block of NE 94th Ave.

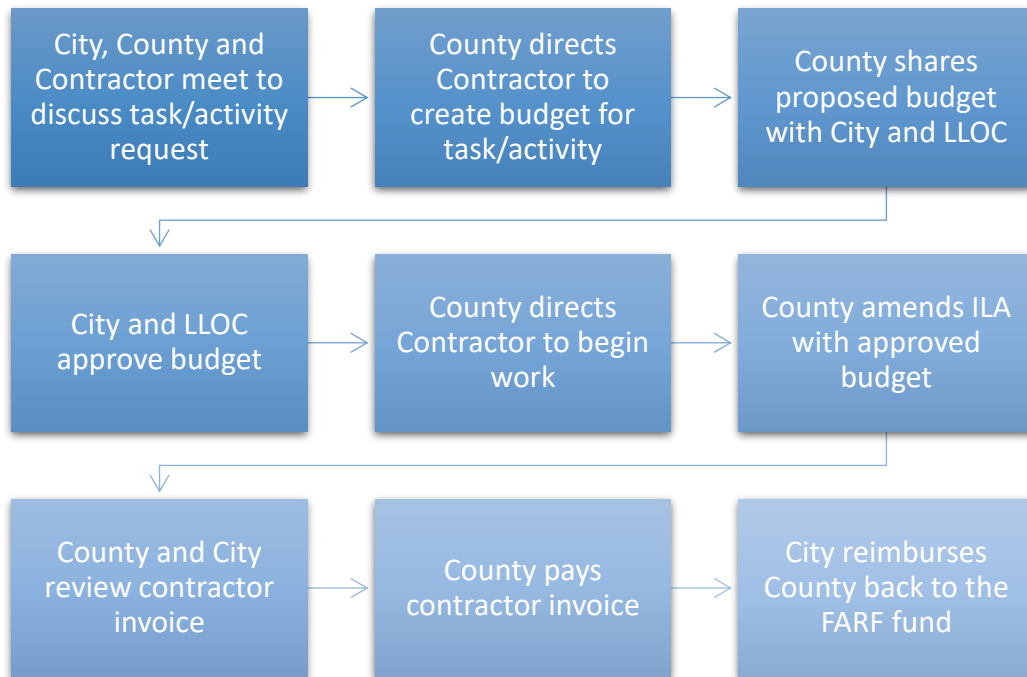
The parcel is adjacent to the decommissioned Leichner Landfill and will require site-specific analysis and development to ensure post-closure landfill maintenance and monitoring are uninterrupted during site preparation and construction. Clark County contracts with Stearns, Conrad and Schmidt Consulting Engineers, Inc. dba SCS Engineers (SCS) for post-closure maintenance and monitoring at Leichner Landfill.

1.1. The purpose of this agreement is for

- 1.1.1. Establishing a payment process for the City to reimburse the County for landfill maintenance and monitoring tasks related to the new City of Vancouver Operations Center.

2. County, shall provide the following services and activities:
 - 2.1. County solid waste manager; County project manager; County assistant project manager; and/or SCS, Contractor, to meet with City as necessary.
 - 2.2. County to direct SCS to provide design review, geotechnical assistance, on-site construction observation, additional support and project close-out, and pay prevailing wages.
 - 2.3. Decommission identified three groundwater monitoring wells.
 - 2.4. Relocate wells using a licensed well driller.
 - 2.5. Install two new landfill gas probe monitoring devices and determine whether they will be raised or lowered.
 - 2.6. Coordinate all landfill related permitting, approvals and notification documentation with Department of Ecology and other oversight committees and agencies for modifications.
 - 2.7. Provide a final report of completed engineering services including where new infrastructure is located.
 - 2.8. County to coordinate with the City on the reimbursement process for them to compensate for the above services and activities.
3. City, shall provide the following services and activities:
 - 3.1. City project manager, to meet with County staff as necessary.
 - 3.2. Review plan sets to ensure that existing pipes and associated monitoring activities are not disrupted or impacted.
 - 3.3. Provide to County staff 30/60/90 design review plans when made available.
 - 3.4. Confirm that SCS engineering services align with design review, geotechnical work and on-site construction observations.
 - 3.5. Coordinate planting in buffers and around the building footprint. Staging to be within the City property footprint.
 - 3.6. Construct necessary protective enclosures for ground water monitoring devices that are left in place within the active Operations Campus with specifications and direction provided by SCS.
 - 3.7. Additional design and construction support as identified and discussed with County project manager and staff such as extending electrical power to the flare station.
 - 3.8. To reimburse County Special Purpose Fund 6310, Solid Waste Closure Fund, for engineering services provided by SCS on behalf of County.
 - 3.9. Project Milestones
 - 2023: 30% complete
 - 2024: 60%, 90% complete
 - 2024/2025: Final design, bidding and construction start
 - 2025/2026: Construction ongoing
 - 2027: Construction completion

EXHIBIT B
PROCESS OF APPROVALS AND PAYMENTS
CONTRACT HDC.2131



**EXHIBIT C
BUDGET SUMMARY
CONTRACT HDC.2131**

**Exhibit B
SCS Engineers 2024 Project Budget (Draft)
Environmental, Engineering, and Operations/Maintenance Services
Closed Leichter Landfill
(Prepared by SCS Engineers on August 21, 2023)**

2024 Task Assignment No. ^a	2024 Project/Task Description	Approved 2023 Project Budget ^b	Proposed 2024 Project Budget	Percent Change from Approved 2023 Budget
Post-Closure (MFS) Activities				
1	Surface Water Monitoring ^c	\$0	\$0	0.0%
2	LFG Flare Emission Permitting and Reporting	\$5,000	\$10,000	100.0%
3	LFG Probe Monitoring and GCCS Adjustments	\$79,000	\$81,000	2.5%
4	Maintenance and Repair Activities	\$168,000	\$172,000	2.4%
5	Monitoring Plan Reduction	\$5,000	\$5,000	0.0%
6	Monitoring Well Decommissioning	\$5,000	\$5,000	0.0%
7	Monitoring Well Replacement	\$10,000	\$10,000	0.0%
8	End Use Planning	\$0	\$0	0.0%
9	Replacement/Renovation Fund	\$50,000	\$60,000	20.0%
10	Storm Water Management Review and Support	\$30,000	\$10,000	-66.7%
11	Environmental Regulatory Support	\$15,000	\$15,000	0.0%
12	Unanticipated Additional Work	\$40,000	\$40,000	0.0%
Combined Post-Closure (MFS) and Cleanup Action Plan (CAP) Activities				
13	MFS/CAP Groundwater Monitoring	\$30,000	\$30,800	2.7%
14	MFS/CAP Reporting	\$26,000	\$26,700	2.7%
15	MFS/CAP Project Management	\$42,000	\$43,000	2.4%
Special Projects: Environmental/Engineering Services				
16	South Pond Force Main Realignment Project	\$20,000	\$20,000	0.0%
17	Evaluate Options for Redesigning GCCS	\$10,000	\$10,000	0.0%
18	Install Two New LFG Probes and Three Replacement Monitoring Wells	\$25,000	\$25,000	N/A
19	Engineering/Construction Support for 99th Street Project	\$75,000	\$10,000	-86.7%
20	Technical Support to County for City's Operation Center Development Project	\$10,000	\$10,000	0.0%
21	Engineering/Environmental Support for City's Operation Center Development Project (Cost Recovery)	\$0	\$25,000	N/A
		\$645,000	\$608,500	-5.7%
Notes: N/A = not applicable since the scope of work for this task is either undefined and based largely on unanticipated conditions or activities not included in 2024 scope of work.				
^a Task Assignment numbers correspond to the numbers noted on the Task Assignment forms included with the 2024 budget package.				
^b Based on the 2023 budget as approved by the County as part the Local Agency Standard Consultant Agreement (Agreement) between Clark County and SCS (Contractor) originally executed in December 2010.				
^c The surface water monitoring is no longer required because the County received approval from Ecology to terminate the facility's NPDES permit and all associated monitoring and reporting requirements.				



Staff Report: 214-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 11/20/2023

SUBJECT Successor Lease with the Historic Trust for Management of City Owned Properties

Key Points

- The City has an existing lease with the Historic Trust that was established in 2018 and expires at the end of 2023.
- The new lease agreement includes updated lease payment for the City and adds language reflecting the City's core policy themes of Equity and Climate.
- The term of the lease is set at 5 years.

Strategic Plan Alignment

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

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

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

Present Situation

The City has an existing lease agreement with the Historic Trust (Trust) to manage the City-owned assets adjacent to the Fort Vancouver National Historic Site. This includes Officer's Row, the Artillery Barracks, Marshall House, and Red Cross Building and others. Properties were preserved and renovated for a variety of uses, including residential, commercial, and event spaces.

The current lease was adopted in 2018 and expires at the end of 2023. Staff has been actively working with the Trust to negotiate a successor agreement that reflects the core policy themes established by the City Council and ensures that the properties are able to be preserved and enhanced for future generations. Included with the staff report are the existing lease agreement and the new agreement with the changes and additions highlighted. However, internal consistency and reference changes (like additions to the table of contents) have not been highlighted.

This lease would cover the period from January 1, 2024, to December 31, 2028. General updates

include: 1) Replacement the word “master” with “primary” throughout the lease; 2) Addition of a new Section 8 regarding equity; 3) Addition of a new Section 9 concerning climate; 4) Consolidation of reporting requirements that were distributed throughout the agreement into a new Section 12 titled Reporting; and 5) Updating of signature pages. The new lease also separates out the current Police Headquarters as a separate issue, providing that an addendum to this lease may be negotiated separately if and when Vancouver stops using that building rather than attempting to address it in this lease.

Therefore, City staff recommends approval of the new Primary Lease Agreement as set forth above.

Advantage(s)

1. Provides for continuity of operations and maintenance of the City’s most historic owned properties with an organization that has the specialized expertise in preservation needed.
2. Adds objectives and language to reflect the Council established universal policy themes of Equity and Climate.
3. Provides for flexibility as the site re-use plan is reexamined and updated and other facilities may become available (such as the current police headquarters).

Disadvantage(s)

Ending the year without a new contract in place would jeopardize continuity of services. Additionally, the City does have the internal expertise or resources to manage the properties effectively.

Budget Impact

The annual rent paid to the City will increase under the new contract. Vancouver will also assume direct maintenance of the landscaping on the land bridge between the Fort Vancouver Historic site and the Renaissance Trail.

Prior Council Review

None

Action Requested

Authorize the City Manager, or designee, to execute the lease with the Historic Trust.

Lon Pluckhahn, Deputy City Manager, 360-487-8623

ATTACHMENTS:

- ▣ Primary Historic Trust Lease 2024-2028 Highlighted
- ▣ 2024 Capital Facilities Improvement Summary
- ▣ 2024 Primary Lease Staff List
- ▣ Signed Amendment to Master Lease

HISTORIC RESERVE PROPERTIES PRIMARY LEASE

BETWEEN

CITY OF VANCOUVER

AND

**THE VANCOUVER NATIONAL HISTORIC RESERVE
TRUST**

dba THE HISTORIC TRUST

JANUARY 1, 2024 THROUGH DECEMBER 31, 2028

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HISTORIC RESERVE PROPERTIES PRIMARY LEASE

EFFECTIVE DATE: January 1, 2024

THE CITY: CITY OF VANCOUVER,
a Washington Municipal Corporation
Referred to as the “City”

THE TRUST: VANCOUVER NATIONAL HISTORIC RESERVE TRUST,
a Washington non-profit Corporation dba “The Historic Trust”
Referred to as the “Trust”

RECITALS:

A. The City is the Owner or Lessee of mixed-use real property (“Premises”) within the Vancouver National Historic Reserve (“Reserve”) located within the City of Vancouver, Washington. The City has a longstanding commitment to enhancing and developing the Reserve as a community resource.

B. The Trust is a non-profit corporation formed for the purpose of furthering and advancing the historic and cultural heritage of the Reserve. With its record of success in managing and hosting a variety of events and programs within the Reserve, the Trust is uniquely qualified to work cooperatively with the City in fulfilling the vision for the Reserve and the Premises.

C. Historic districts like Officers Row and the West Barracks embody regional heritage and enhance local economic vitality and variety. By extension, they provide a sense of “place” for residents and an enjoyable and educational experience for visitors.

D. Historic districts require more oversight than standard real property and therefore require a uniquely qualified tenant and sublessor. The Trust provides value-added care and stewardship for this complex and important community resource. In addition to providing technical expertise on historic preservation and maintenance, the Trust coordinates permits and approvals; facilitates meetings with City and stakeholders; liaises with National Park Service, state agencies and Tribal representatives; conducts historical research; engages the public; and seeks and writes grants to secure additional funding to support site development and preservation.

E. On September 17, 2001, the City and the Trust (the “Parties”) entered into a Memorandum of Understanding outlining a commercial framework for the development,

management and operation of City-owned facilities located within the Reserve. The Lease implements a foundational component of that framework.

F. The Trust and the City acknowledge their mutual commitment to further and advance the collective vision for the Reserve with the understanding that the development, redevelopment, sublease, and/or use of the Premises shall be conducted in a manner that contributes to and enhances public access to the Premises, provides for education and interpretation of the historical uses of the Premises, recognizes the City's governing policy themes of climate, equity, and safety, and which will rehabilitate and preserve the Premises subject to the terms and provisions contained herein.

G. The Trust and the City have had a commercial agreement covering the Trust's leasing and subleasing of the mixed-use Premises in the form Primary Lease (formerly titled a "Master Lease") in place since January 1, 2006. As of April 20, 2015, the Primary Lease has been amended four times. In 2015, the Trust and the City entered into a new Primary Lease to clearly state their current obligations rather than having those obligations stated in multiple documents.

H. In 2018, the City completed a review of the Primary Lease in preparation for approving the final five (5) year extension in the lease. A number of changes and additions were made based on that review so the Parties agreed to approve a new Primary Lease as part of the 2019-2023 extension.

I. In 2023, the Parties reviewed and updated the existing Primary Lease in preparation to develop a new five (5) year Primary Lease with a renewed focus on equity and climate considerations for use of the Premises. This Primary Lease incorporates all the Parties' agreements and understandings.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. RECITAL PROVISIONS DEEMED OPERATIVE LANGUAGE.

The Parties agree that the aforementioned recitals shall be deemed operative and enforceable language of this Historic Reserve Properties Primary Lease (the "Lease" or "Primary Lease").

2. PREMISES.

The Premises is generally described as including those buildings, grounds, and common areas owned by the City with a boundary consisting of Interstate 5 on the west, East Reserve

Street on the east, East Fifth Street on the south, and the northern boundary of Officers Row on the north, as described on attached Exhibits A and B.

2.1 Exclusions:

a) Vancouver Police Headquarters Building.

The current Vancouver Police Headquarters building, located at 605 E. Evergreen Blvd., Vancouver, WA (“VPD Building”), and its associated grounds and parking lots are included in the Primary Lease. The Trust shall maintain the grounds of the VPD Building to the same standard as the Premises. The City shall retain responsibilities for maintenance of the VPD Building and associated parking lots. In the event that the City determines it no longer has a city-related use for the VPD Building and parking lots, the Parties may develop an addendum to this Lease to address re-use and management of the VPD Building and its associated parking lots.

b) Streets, Utilities, etc.

All streets, parking lots, sidewalks, streetlights water lines, sewer and other utilities are excluded from the Premises, however all landscaping is included. If visible elements need to be replaced or updated, the City will consult with the Trust and ensure that improvements are in proper historic context and meet the requirements of Section 106 standards. Visible elements that impact public safety will be addressed in a timely manner and basic upkeep will not be delayed by negotiations and process.

c) Parking

Maintenance and repair of parking lots, other than routine sweeping and litter pickup, shall be the responsibility of the City. The Trust shall have the authority to issue parking permits and warnings notices for illegal parking for parking lots throughout the Premises, for the alley behind Officers Row and for on-street parking spaces in the West Barracks. If there is a need for citations for illegal or overtime parking, the Trust shall contact the City’s Parking Enforcement Services. The Trust shall also have the authority to charge for parking permits for parking lots in the West Barracks, for the alley behind Officers Row and for on-street parking spaces in the West Barracks.

d) Land Bridge

The City, through an agreement with the Washington State Department of Transportation (WSDOT), is responsible for the maintenance of the landscaping, drainage, hard surfaces, irrigation, lighting, graffiti and litter control of the Land Bridge with the exception of the art and interpretive elements which are maintained by the non-profit Confluence Project and the superstructure which is owned and maintained by WSDOT. WSDOT is also responsible for removal of graffiti from wall surfaces accessed from State Route 14 and on the chain link right-of-way fence.

2.2 The Trust's Right to Sublease Portions of the Premises.

The Trust may sublet any or all portions of the Premises for commercial or residential purposes, as appropriate; provided, however, that the Trust shall be solely liable as landlord on any sublease and shall remain liable for each and every obligation under this Lease. For any residential sublease of the Premises, the Trust shall comply with the Washington Residential Landlord-Tenant Act, Chapter 59.18 RCW, as may be amended from time to time, and the Trust shall be solely responsible for fulfilling the landlord duties specifically prescribed by RCW 59.18.060. The City retains the right to review and approve any sublease by the Trust, prior to the Trust entering into such sublease, which exceeds any of the following threshold criteria:

- A. A term of sublease (including any rights for successive terms) exceeding five (5) years or the expiration of this Lease, whichever occurs first;
- B. Sublease of any space totaling more than fifty percent (50%) of the rentable square footage in the Red Cross Convalescent House, Post Hospital, or Artillery Barracks.
- C. Excepting subleases created under the provisions of Section 8. Equity, =sublease rent amount which is substantially "Below-Market" and/or the sublease provides for significant rent credits. "Below Market" is defined as being less than what a ready, willing and able lessor and ready, willing, and able lessee would accept as reasonable rent in the City of Vancouver, Washington real estate market for similar rental space.
- D. Sublease involves major renovation of a building or structure (other than customary tenant improvements as defined in Section 7.1).

The City agrees that it will not unreasonably withhold approval of a sublease which exceeds any of the foregoing threshold criteria. All subleases shall identify the City of Vancouver as the property owner.

3. **CONDITION OF PREMISES/MAINTENANCE.**

The Trust is responsible for the repair and maintenance obligations for the Premises, subject to the following conditions:

3.1 Maintenance and Repair.

In general, the Trust shall provide for the costs of repair and maintenance, including but not limited to cleaning, interior and exterior painting, landscape maintenance,

plumbing, electrical and HVAC repairs, pest control and minor repairs of porches, walls and roofs, as part of its annual budget for the Premises. The Trust shall cause the Premises to be maintained in good working order and condition in keeping with the historic nature and public uses of the Reserve. The Trust has established a preventive maintenance program sufficient to avoid significant deterioration of the Premises. Maintenance and/or repair projects estimated at more than \$25,000 shall be considered capital projects and will be managed by the City per Section 3.3 of this Agreement. If/as needed for expediency or expertise, the City may coordinate with the Trust to manage some capital projects exceeding \$25,000.

3.2 Capital Improvements.

In order to plan and provide for such capital improvement, the Trust will prepare a Capital Facilities Plan 'per section 12.1. The Capital Facilities Plan shall identify and provide a projected cost for capital improvements to the buildings, structures, and/or grounds for the following year. Funding for such projects shall be from the Historic Reserve Capital Fund ("Capital Fund") maintained by the City, from the Development Fund (per Article 11) or from other financial sources as may be determined by the City in its sole discretion. The Trust shall have no liability for payment of capital improvements.

3.3 City Retained Responsibility.

The City confirms that the City retains the financial obligation within the Premises for repair and/or replacement of parking areas; replacement of major structural components; and at its discretion, restoration or replacement of significantly damaged or destroyed structures. By way of illustration, City will be responsible for the entire cost of foundations, roofing, electrical systems, plumbing systems, heating systems, ventilation systems, elevators, walls, fire sprinklers, communications systems, walkways and paving when it is necessary to replace any such major structural component. The City shall be responsible for the procurement and administration of all work performed under sections 3.2 and 3.3, and shall make every reasonable effort to coordinate with Trust on project management and timelines.

3.4 Access for Inspection, Repair or Improvement.

The City shall have all reasonable and necessary access to make any inspection, repair or improvement for which it is obligated under the terms of the Lease. The City will have no liability for interfering with the use of any portion of the Premises because of such repairs, maintenance, or improvements. The Trust will have no claim against the City for any interruption or reduction of services or interference with the Trust's management or use of the Premises.

4. TERM.

The term of the lease is for five years commencing on January 1, 2024 and ending on December 31, 2028 (the “Term”).

5. RENT.

5.1 Rent

The Trust shall pay the City as annual rent, the sum of Two Hundred Thirty-Two Thousand, Five Hundred Thirty and No/100 Dollars (\$232,530.00) (“Annual Rent”) for the first year of the Lease to be paid on a monthly basis. On January 1, 2025 and on the first day of each year of the Term thereafter, the Annual Rent shall be increased by the lesser of three percent (3.0%) or the percentage increase, if any, in the Consumer Price Index of the U.S. Bureau of Labor for such corresponding year, based on the Seattle-Tacoma- Bellevue CPI-U.

5.2 Rental Due Date

One-twelfth of the Annual Rent is due in advance on the first day of each month.

6. DEVELOPMENT OF PREMISES.

The Trust’s activities with regard to the Premises shall be in furtherance of achieving the collective vision for the Reserve. In general, the Properties Committee established in the Trust’s by-laws shall provide guidance for the development and management of the Premises. The Properties Committee shall be comprised of three members appointed by the City and five members appointed by the Trust, with both the City and the Trust making good faith efforts to equitably recruit and appoint demographically diverse representatives of the community. All members will be voting members of the Properties Committee. Additional representatives of City and Trust may attend meetings of the Properties Committee, in a non-voting capacity. The Trust will coordinate and manage the development of the Premises with the City retaining construction management oversight as appropriate. Development, redevelopment, sublease, and/or use of the Premises shall conform to the principles and values set forth in the Recitals and various agreements, documents or regulations including, but not limited to the following:

- A. Vision and Guiding Principles for the Reserve developed by the Long Range Planning Committee of the Trust and adopted by the Trust, the City and the NPS;
- B. West Barracks Adaptive Reuse Plan;
- C. The Vancouver National Historic Reserve Cooperative Management Plan; and

- D. The Officers Row and Historic Reserve Conservation District sections of the City of Vancouver's Central Park Plan District.
- E. Future updates to the re-use plan(s), with an initial update to be pursued in early 2024. The City and Trust will partner on a study to update market needs and possible uses of the site, with the goal of maximizing public use and benefit while retaining and preserving the historic character and fabric of the Premises.

7. PERMITTED ALTERATIONS, IMPROVEMENTS AND ADDITIONS

7.1 City's Consent.

Except for customary tenant improvements, such as painting, window coverings and carpet or appliance replacement, to the Premises as related to occupancy under a sublease for a portion of the Premises, the Trust will make no alterations, improvements or additions to the Premises without the City's prior written consent. In advance of any work being performed, the Trust shall post notices of non-responsibility for the City, and provide assurances satisfactory to City that contractors will be timely paid and that no liens will arise against the Premises, which assurances may include, without limitation, the posting of bonds, insurance coverage, coverage for workers' compensation and other financial assurances. Before City will consider consenting to any alteration, the Trust must first supply preliminary plans and specifications for its intended changes.

7.2 Restrictions.

Due to the historic nature of the Premises, plans for alterations or improvements to the Premises are subject to various agreements, documents, regulations and laws including the following, and others mutually agreed upon by the City and the Trust:

- A. Secretary of the Interior Standards for Historic Preservation through oversight of the Washington State Department of Archeology and Historic Preservation;
- B. The Native American Graves Protection and Repatriation Act (NAGPRA);
- C. The federal Archeological Resources Protection Act; and
- D. The Officers Row and Historic Reserve Conservation District sections of the City of Vancouver's Central Park Plan District.
- E. Chapter 17.39, Historic Preservation, of the Vancouver Municipal Code.

7.3 Liens.

The Trust will pay when due all claims for labor and materials furnished to or for the Trust. The Trust will not permit any mechanics or materialman's liens against the Premises for labor or material furnished to the Trust or claimed to have been furnished to the Trust or to the Trust's agents or contractors in connection with the work of any character performed or claimed to have been performed on the Premises by or at the direction of the Trust. The City may cause any lien to be discharged by payment, bonding or otherwise without investigation or any offsets as to the validity, offsets or defenses of the lien, and the Trust will pay, immediately, as additional rent, any amounts so paid or incurred, including reasonable attorneys' fees and disbursements.

8. **EQUITY**

The Trust recognizes that among the Premises it is leasing are the only City-owned housing units in Vancouver. To promote housing equity, the Trust will develop a residential subleasing model that tracks with projected countywide housing needs for "new-build" housing for medium population growth according to the Growth Management Act, and target related percentages for affordability for 50-80% Median Family Income (MFI) and 80-100% MFI ("Affordability Targets"). In 2024, these targets are 15% of units at 50% and 8.4% of units at 80%. To ensure that no current residential tenants are displaced, as units become available the equity mix will be reviewed, and adjustments made as needed, to ensure progress toward the Affordability Targets. The Trust will update the City annually on residential unit status and equity mix relating to the Affordability Targets. The units meeting the Affordability Targets may be distributed anywhere among the existing housing stock, with the same percentages applied if additional residential units are added in the future.

To promote equity in commercial leasing, the Trust will work in partnership with demographically diverse community partners to target 10% of available commercial units to be dedicated to businesses owned by underserved/underbanked members of the community. Should additional commercial space be added in the future, the same percentages will apply.

9. **CLIMATE**

The Trust supports and encourages the City's strategic climate action goals. The historic nature of the Premises presents a unique opportunity to continue climate-friendly work the Trust has already been engaged in, beginning with historic preservation itself: the "greenest" building is one that has already been built. Across the Premises, the Trust will continue its planning and implementation of climate-action projects, including planning for community solar projects, installing electric vehicle charging stations, and increasing, maintaining and improving tree canopy. Additionally, the Trust will, as part of its facilities management planning, conduct energy audits of the Premises. Using this data and with consideration to the primacy of retaining historic fabric, character and qualities, the Trust will, as improvements are made to related buildings systems, aim to make improvements to the efficiency of the Premises consistent with the City of

Vancouver Climate Action Framework. Examples include but are not limited to participation in the Clark Public Utilities Green Lights Program, replacement of gas appliances with electric equivalents, or replacement of non-electric building heating and cooling systems with electric equivalents or heat pumps. All improvements must be compatible with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

10. SIGNS

All signage within the Premises shall comply with the use and development provisions of Section 7.2 of the Lease, and the Design Standards established for the Historic Reserve in October 2007 and such standards as may be subsequently revised.

11. FINANCIAL REQUIREMENTS

11.1 Costs of Operation.

The Trust is responsible for all operating expenses of the Premises, except as otherwise specifically provided in this Lease. Operating expenses include property maintenance and repairs as defined in Section 3.1; commercial and residential subleasing including, compliance with laws, marketing; bookkeeping and other financial activities associated with managing the property; administration including staffing of the Historic Reserve Properties Committee, historical research and interpretation, and grant writing or legislative activities associate with securing funding for property maintenance and development.

A list of Trust staff positions supporting the operation and maintenance of the Premises will be annually provided to the City, per Section 12.1. The addition of new staff positions to support the operation and maintenance of the Premises must be reviewed and approved by the Historic Reserve Properties Committee.

11.2 Funds and Priority of Use.

The Trust shall receive all rents, payments, and revenues generated from subleases and other activities within the Premises. The Trust shall apply all revenues derived from subleasing the Premises (which includes residential and commercial rents, rental fees, miscellaneous income and interest earned on revenues so derived) according to the following priorities:

- A. First: Payment of the operating expenses of the Premises.
- B. Second: Payment of the principal of and interest on the City of Vancouver bonds issued on the Premises to fund, in part, the renovation of the West Barracks buildings, specifically, the Artillery Barracks, the Infantry

Barracks, the Quartermaster Storehouse, and the Dental Surgeon's Building. Payments will be made at the times and in the amounts necessary to ensure timely and full payment of the bonds when due, as further agreed between the City and Trust upon the issuance of the bonds. If operating revenues after the payment of operating expenses are not sufficient to pay debt service on the bonds when due and payable, balances in the Capital Fund and in the Development Fund, defined herein, will be utilized to make such payment, preferably on a pro-rata basis if balances exist in both funds;

- C. Third: Payment of Annual Rent to City pursuant to Section 5 of the Lease;
- D. Fourth: Retained income by the Trust in the amount of Two Hundred Fifty Thousand and No/100 Dollars (\$250,000.00) as retained income for the year commencing on January 1, 2024 ("Retained Income"). On January 1, 2025 and on the first day of each year thereafter, the Retained Income shall be increased by the lesser of three percent (3.0%) or the percentage increase, if any, in the CPI. Notwithstanding the foregoing, the payment amount of the Trust's retained income amount shall be reviewed at least annually and adjusted as appropriate.
- E. Fifth: If there is revenue remaining after the application of funds in accordance with A, B, C, and D at the end of any fiscal year, then sixty percent (60%) of the amount remaining shall be paid into the Capital Fund held by the City and forty-percent (40%) shall be deposited in a Historic Reserve Development Fund ("Development Fund") to be held by the Trust.

11.3 Purpose and Allowed Uses of Historic Reserve Development Fund.

The purpose of the Development Fund is to make resources available to fund activities necessary to the continued development of the Reserve, with priority given to debt service on the bonds in the event revenue from property operations is not sufficient to cover it. Allowed uses of the Development Fund include but are not limited to:

- A. Contracts for planning, architectural, engineering, legal or similar services in support of development alternatives or proposals for the Reserve;
- B. Expenses necessary to solicit and evaluate potential development proposals for the Reserve;
- C. Matching funds for grants relating to development for the Reserve; or
- D. Augmenting the Capital Fund

- E. Paying the principal of and interest on the bonds referred to in Section 9.2 (B).

11.4 Fund Raising for Reserve Development.

The Trust recognizes its distinct status as the official non-profit partner for the Historic Reserve. Accordingly, the Trust reaffirms its responsibility for and commitment to the City to raise monies for fund development in general and for capital improvement projects within the Reserve in particular.

11.5 Records, Financial Reports, Audit.

The Trust shall establish and maintain a system of accounts and records that is specifically related to activities associated with the Lease. Such accounts and records shall be open to review by the City's representative on a reasonable basis. A budget comparison report will be provided to the City on a monthly basis. By June 1st of each year the Trust shall provide the City a copy of the Independent Auditor's Report and Financial Statements prepared annually by a public accounting firm acceptable to the City.

12. **REPORTING**

12.1 Reporting Dates, Trust

By January 15th of each year, the Trust will provide the City with:

- A. A list of current subleases including tenant name, address, type of lease (i.e., residential, commercial, etc.) and sublease term (Exhibit B).
- B. Capital and Development plans and budgets for following year (Exhibit C).
- C. A list of Trust staff positions supporting the operations, administration and maintenance of the Premises (Exhibit D).
- D. Proof of insurance renewal as described in Section 13.
- E. The year-end balance and transactions from the Development Fund for the preceding year.
- F. A copy of the letter from the Department of Revenue confirming the exempt status from payment of the leasehold excise tax.

12.2 Reporting Dates, City

By January 15th of each year, the City will provide the Trust with:

A. Balance and transactions in/out of Capital Fund for preceding year.

B. Report of City spending on Reserve that came from sources other than Capital Fund

12.3 Submissions

Submissions shall be made via e-mail to the Chief Financial Officer at the City and President/CEO at the Trust, unless the Parties agree on a different process.

13. INSURANCE

13.1 General Requirements

A. The Trust shall obtain the insurance described in this section from insurers approved by the State Insurance Commissioner pursuant to RCW Title 48. The insurance must be provided by an insurer with a rating of A-:VII or higher in the A.M. Best's Key Rating Guide, which is licensed to do business in the state of Washington (or issued as a surplus line by a Washington Surplus lines broker). The Trust reserves the right to approve or reject the insurance provided, based on the insurer (including financial condition), terms and coverage, the Certificate of Insurance, and/or endorsements.

B. The Trust shall keep this insurance in force during the Term of the Lease and for thirty (30) days after the Physical Completion date, unless otherwise indicated (see C. below).

C. All policies shall be written on an occurrence form, with the exception of any Cyber Liability/Errors & Omissions policy(ies). If any insurance policy is written on a claims-made form, its retroactive date, and that of all subsequent renewals, shall be no later than the effective date of this Lease. This policy shall state that coverage is claims made, and state the retroactive date. Claims-made form coverage shall be maintained by the Trust for a minimum of thirty-six (36) months following the Final Completion or earlier termination of this Lease, and the Trust shall annually provide the City with proof of renewal. If renewal of the claims-made form of coverage becomes unavailable, or economically prohibitive, the Trust shall purchase an extended reporting period ("tail") or execute another form of guarantee acceptable to the City, to assure financial responsibility for liability for services performed.

D. The insurance policies shall contain a "cross liability" provision.

- E. The Trust's and all subcontractors' insurance coverage shall be primary and non-contributory insurance as respects the City's insurance, self-insurance, or insurance pool coverage.
- F. The Trust shall provide the City and all Additional Insureds with written notice of any policy cancellation, within two business days of their receipt of such notice.
- G. Upon request, the Trust shall forward to the City a full and certified copy of the insurance policy(s).
- H. The Trust shall not begin work under the Lease until the required insurance has been obtained and approved by the City.
- I. Failure on the part of the Trust to maintain the insurance as required shall constitute a material breach of Lease, upon which the City may, after giving five (5) business days' notice to the Trust to correct the breach, immediately terminate the Lease or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Trust from the City.
- J. All costs for insurance shall be incidental to and included in the unit or lump sum prices of the Lease and no additional payment will be made. The cost of such insurance, including any deductibles or retentions, shall be paid by the Trust.

13.2 Additional Insured

All insurance policies, with the exception of Professional Liability and Workers Compensation, shall name the following listed entities as additional insured(s), and as certificate holder:

City of Vancouver, and its officers, elected officials, employers, agents, and volunteers

The above-listed entities shall be additional insured(s) and certificate holder for the full available limits of liability maintained by the Trust, whether primary, excess, contingent or otherwise, irrespective of whether such limits maintained by the Trust are greater than those required by this Lease, and irrespective of whether the Certificate of Insurance provided by the Trust pursuant to 13.1 describes limits lower than those maintained by the Trust.

13.3 Subcontractors

The Trust shall ensure that each subcontractor of every tier obtains and maintains at a minimum the insurance coverages listed in 13.5. Upon request of the City, the Trust shall provide evidence of such insurance.

13.4 Evidence of Insurance

The Trust shall deliver to the City a Certificate(s) of Insurance and endorsements for each policy of insurance meeting the requirements set forth herein when the Trust delivers the signed Lease for the work. Failure of the City to obtain a Certificate(s) of Insurance shall not relieve the Trust from the obligation to purchase such coverage. The certificate and endorsements must conform to the following requirements.

1. An ACORD certificate or a form determined by the City to be equivalent.
2. Copies of all endorsements naming City and all other entities listed in 13.2 as Additional Insured(s), showing the policy number. The Trust may submit a copy of any blanket additional insured clause from its policies instead of a separate endorsement. A statement of additional insured status on an ACORD Certificate of Insurance shall not satisfy this requirement.
3. Any other amendatory endorsements to show the coverage required herein.

13.5 Coverages and Limits

The insurance shall provide the minimum coverages and limits set forth below. Providing coverage in these stated minimum limits shall not be construed to relieve the Trust from liability in excess of such limits. All deductibles and self-insured retentions must be disclosed and are subject to approval by the City. The cost of any claim payments falling within the deductible shall be the responsibility of the Trust.

A. Commercial General Liability

A policy of Commercial General Liability Insurance, including:

- Per project aggregate
- Premises/Operations Liability
- Products/Completed Operations – for a period of one year following final acceptance of the work.
- Personal/Advertising Injury
- Contractual Liability
- Independent Trusts Liability
- Stop Gap / Employers' Liability

- Explosion, Collapse, or Underground Property Damage (XCU)
- Blasting (only required when the Trust's work under this Lease includes exposures to which this specific coverage responds)

Such policy must provide the following minimum limits:

\$1,000,000	Each Occurrence
\$1,000,000	General Aggregate
\$1,000,000	Products & Completed Operations Aggregate
\$1,000,000	Personal & Advertising Injury, each offence

Stop Gap / Employers' Liability

\$1,000,000	Each Accident
\$1,000,000	Disease – Policy Limit
\$1,000,000	Disease – Each Employee

B. Automobile Liability

Automobile Liability for owned, non-owned, hired and leased vehicles, with an MCS 90 endorsement and a CA 9948 endorsement attached if “pollutants” are to be transported. Such policy(ies) must provide the following minimum limit:

\$1,000,000	Combined Single Limit
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C. Professional Liability

The Trust shall provide evidence of Professional Liability insurance covering professional errors and omissions. Such policy must provide the following minimum limits:

\$1,000,000	Per claim and annual aggregate
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D. Workers' Compensation

The Trust shall comply with Workers' Compensation coverage as required by the industrial Insurance laws of the state of Washington.

E. Excess or Umbrella Liability

The Trust shall provide Excess or Umbrella Liability coverage at limits of Five Million (\$5,000,000) per occurrence and annual aggregate. This Excess or Umbrella Liability coverage shall apply, at a minimum, to both the Commercial General and Auto Liability insurance policy coverage. This requirement may be satisfied instead through the Trust's primary Commercial General and Automobile Liability coverage, or any combination thereof.

F. Commercial Crime Insurance

The Trust shall maintain crime insurance coverage insuring against employee dishonesty in the amount of \$500,000.

14. INDEMNIFICATION AND HAZARDOUS SUBSTANCES

14.1 Trust Indemnification

The Trust will indemnify, defend and hold harmless the City and any agents and employees of the City, from any claim, liability, damage or loss occurring on or about the Premises and (i) arising out of any activity by any guest, prospective clientele or invitee of the Trust, while on the Premises, (ii) arising out of any activity by the Trust, its agents or employees, (iii) arising out of any sublease, (iv) arising under Chapter 59.18 RCW, or (v) resulting from the Trust's failure to comply with any terms of the Lease. The Trust's indemnity shall extend to all costs of defense, including without limitation the attorneys' fees of the City or its respective agents or employees.

14.2 City Indemnification

The City will indemnify, defend and hold harmless the Trust and any agents and employees of the Trust, from any claim, liability, damage or loss occurring on or about the Premises and (i) arising out of any activity by the City, its agents or employees, or (ii) resulting from the City's failure to comply with any terms of the Lease. The City's indemnity shall extend to all costs of defense, including without limitation the attorneys' fees of Trust or its respective agents or employees.

14.3 Hazardous Substances

- A. The term Environmental Law shall mean any federal, state, or local statute, regulation, or ordinance or any judicial or other governmental order pertaining to the protection of health, safety, or the environment. The term Hazardous Substance shall mean hazardous, toxic, infectious or radioactive substance, waste, and material as defined or listed in any Environmental Law and shall include, without limitation, petroleum oil and its fractions.
- B. The Trust shall not cause or permit any Hazardous Substances to be spilled, leaked, disposed of, or otherwise released in or under the buildings which the Trust occupies. With respect to any Hazardous Substances under the Trust's control, the Trust shall ensure compliance with all Environmental Laws and exercise the highest degree of care in the use, handling, and storage of Hazardous Substances and shall take all practicable measures to minimize the quantity and toxicity of Hazardous Substances used, handled, or stored in or under the buildings which the Trust occupies. Upon the expiration or termination of this Lease, the Trust shall

prepare a plan satisfactory to the City to deal with any remaining Hazardous Substances which were used, handled, or stored by the Trust during the Term of the Lease. The Trust will indemnify, defend, and hold harmless the City and any of its agents and employees from any claim, liability, damage, or loss arising from any contamination occurring during the Trust's occupancy in or under the buildings which the Trust occupies except contamination caused by the City or any of its agents and employees.

- C. The Trust shall include a provision in all sub-leases which require the same obligations for sub-lessees as is required by the Trust for the buildings the Trust occupies.
- D. The City shall be responsible for any Hazardous Substances spilled, leaked, disposed of, or otherwise released in, on or under the areas of the Premises other than (1) in or under buildings occupied by the Trust, or (2) where such spill, leak, disposal or release is the responsibility of a sub-lessee.

15. TAXES

15.1 Real Property Taxes

The Premises is exempt from real property taxation.

15.2 Personal Property Taxes

The Trust will pay all personal property taxes, prior to delinquency, assessed against and levied upon leasehold improvements, fixtures, furnishings and equipment and all other personal property of the Trust contained on the Premises.

15.3 Leasehold Excise Tax

Pursuant to RCW 82.29A.130(17)(b), the Premises are exempt from leasehold excise taxation because the leasehold interests are in property that is listed on the National Register of Historic Places.

16. DEFAULT

16.1 Events of Default

Any of the following will constitute a default by the Trust under the Lease, after the City has given the Trust, thirty (30) calendar days' notice of default sent to the Trust in accordance with the provisions of Section 21 and the Trust has failed to cure the default prior to the end of the thirty (30) calendar days:

- A. The Trust fails to pay **Annual Rent** or other charges payable by the Trust within ten (10) business days of the due date; or
- B. The Trust fails to comply with any other term or condition of the Lease; or
- C. The Trust vacates or abandons the Premises; or
- D. The Trust assigns, sublets or otherwise transfers this Lease in violation of Section 2.6 or Section 19 of the Lease; or
- E. The Trust's insolvency, business failure or assignment for the benefit of its creditors, the Trust's commencement of proceedings under any provision of any bankruptcy or insolvency law or failure to obtain dismissal of any petition filed against it under such laws within the time required to answer; or the appointment of a receiver for the Trust's properties.

16.2 Rights and Remedies

Upon the occurrence of a default, the City shall have the following rights and remedies, which shall be cumulative and in addition and supplemental to any and all other rights and/or remedies provided under applicable law:

- A. The City may declare the Lease Term ended and retake possession of the Premises, and remove all persons from the Premises, and the Trust will have no further claim upon the Premises or under the Lease; or
- B. The City, without declaring the Lease terminated, may reenter the Premises and occupy the whole or any part thereof for and on account of the Trust and collect any unpaid rentals and other charges, which have become payable, or which may thereafter become payable during the Lease Term; or
- C. The City, even though it may have reentered the Premises, may thereafter elect to terminate the Lease and all of the rights of the Trust in or to the Premises.

16.3 Reentry

If City reenters the Premises, the City will not be deemed to have terminated the Lease, or the liability of the Trust to pay any rental or other charges thereafter accruing, or to have terminated the Trust's liability for damages under any of the Lease provisions by any such reentry or by any action, in unlawful detainer or otherwise, to obtain possession of the Premises, unless City notifies the Trust in writing that it has elected to terminate the Lease.

16.4 Termination

The City and the Trust agree that the service by the City of any notice pursuant to Chapter 59.12 RCW and the surrender of possession pursuant to such notice shall not be deemed to be a termination of the Lease, unless the City elects to the contrary at the time of, or at any time subsequent to, the serving of such notices, and such election is made by written notice to the Trust.

16.5 Damages

If City elects to terminate this Lease pursuant to the provisions of Sections 16.2(A) or 16.2(C), the City may recover from the Trust as damages, the following:

- A. Unpaid Annual Rent which has been earned prior to termination, plus interest at the Default Rate (described in Section 20.4) from the date when those amounts became due and owing; plus
- B. Any other amount necessary to compensate the City for all the detriment proximately caused by the Trust's failure to perform its obligations under the Lease or which in the ordinary course of things would be likely to result in default, including, but not limited to, any costs or expenses incurred by the City in retaking possession of the Premises, including reasonable attorneys' fees, maintaining or preserving the Premises after such default, including repairs to the Premises, and such other amounts as may be permitted by the laws of the State of Washington.

16.6 Abandoned Property

In the event of any entry or taking possession of the Premises, the City shall have the right, but not the obligation, to remove all or any part of the personal property. City will store property it removes from the Premises for a period of sixty (60) days, after which the City may sell any property not claimed by the Trust, by any means it may choose and apply the proceeds to costs of sale, repair or cleaning of Premises and shall remit to Trust any remaining proceeds of such sale.

16.7 Disposition of Assets

In the event that the Lease is terminated as outlined in Section 16.4, the assets associated with the Lease will be disposed of as follows:

- A. Real Property: The Premises, as described in Section 2 and Exhibit A of the Lease are the property of the City. In the event the Lease is terminated or not renewed, the ownership of the Premises shall remain vested in the City and the Trust shall have no claim upon the Premises.

- B. Capital Fund: The Capital Fund, as described in Section 11.2 (E) of the Lease, is held and managed by the City and used to make capital improvements to the Premises. In the event the Lease is terminated or not renewed, the City will retain all funds in the Capital Fund and the Trust shall have no claim upon those funds.
- C. Development Fund: The Historic Reserve Development Fund, as described in Section 11.2 (E) of the Lease, is held and managed by the Trust under the direction of the Properties Committee and used for the purposes outlined in Section 11.3 of the Lease. In the event the Lease is terminated or not renewed, the Trust shall pay any outstanding invoices for authorized services or goods purchased with Development Fund monies and remit the balance of the fund to the City within sixty (60) days.
- D. Personal Property: All personal property that was owned by the City prior to the effective date of the Primary Lease or was purchased with revenue generated from the Premises is and shall remain property of the City. In the event the Lease is terminated or not extended for additional terms, the Trust shall turn over possession of the personal property to the City on the final day of the Term of the Primary Lease.

17. QUIET ENJOYMENT

The City warrants that so long as the Trust complies with the Lease, the Trust will be entitled to peaceful and undisturbed possession of the Premises, free from any eviction or disturbance by the City.

18. SUBORDINATION

The Lease will be subject and subordinate to any mortgages, deeds of trust or land sale contracts the “Encumbrance”) now existing or hereafter arising against the Premises and any modifications or extensions thereof. This subordination will be automatic without the necessity for execution or delivery of any further instruments. Upon request of the City, the Trust will execute those documents reasonably requested by the City or the holder of the Encumbrance to reconfirm or evidence this subordination. If any mortgagee or trustee so elects, the Lease may be made prior to the lien of a mortgage or deed of trust; this change in priority will occur upon written notice by the holder of the mortgage or deed of trust to the Trust regardless of the dates of the Lease or Encumbrance or their respective recording.

19. ASSIGNMENT

The Lease will bind and inure to the benefit of the Parties, their respective heirs, successors, and assigns, provided the Trust shall not assign its interest under the Lease without the written consent of the City.

20. GENERAL PROVISIONS

20.1 Attornment

If the Premises is sold or otherwise transferred by the City or any successor, the Trust will attorn to the purchaser or transferee and recognize it as the owner under the Lease. Provided the purchaser or transferee assumes all obligations under the Lease arising after the date of transfer, the transferor will have no further liability under the Lease.

20.2 Estoppel

Within twenty (20) days after written notice from the City, the Trust will execute, acknowledge and deliver to the City a certificate certifying whether the Lease has been modified and is in full force and effect, whether there are any modifications or alleged breaches by the City, the dates to which Annual Rent has been paid in advance, and the amount of any security deposit or prepaid rent, and any other facts that may reasonably be requested. Failure to deliver the certificate within the specified time will be conclusive upon the Trust that the Lease is in full force and effect and has not been modified except as may be represented by the City and that no more than one (1) month's rent has been prepaid in advance. If requested by the holder of any encumbrance upon the Premises or any ground lessor, the Trust will agree to give that holder or lessor notice of and opportunity to cure any default by the City under the Lease.

20.3 Severability

The invalidity of any provision of the Lease, as determined by a court of competent jurisdiction, will in no way affect the validity of any other provision of the Lease.

20.4 Interest

Any amount due to the City not paid when due will bear interest at the Default Rate, which is the highest lawful rate of interest, or if no limit applies then the greater of twelve percent (12%) per annum or the discount rate of the U.S. Federal Reserve Bank from time to time plus three percent (3%), in which case the Default Rate will be determined for each month as of the first business day thereof. Payment of interest will not excuse or cure any default by the Trust under the Lease.

20.5 Time

Time is of the essence for the Lease and each and all of its provisions for which performance is a factor.

20.6 Captions

Section and paragraph captions are not a part of the Lease.

20.7 Incorporation of Prior Leases; Amendments

The Lease constitutes the entire agreement of the Parties and supersedes all prior written and oral agreements and representations. Neither the City nor the Trust is relying on any representations other than those expressly set forth in the Lease. The Lease may be modified in writing only, signed by the Parties in interest at the time of the modification.

20.8 Waivers

No waiver by the City of any provision of the Lease will be deemed a waiver of any other provision of the Lease or of any subsequent breach by the Trust of the same or any other provision. The City's consent to or approval of any act will not obviate the requirement to obtain the City's consent to or approval of any subsequent act by the Trust. The acceptance of rent by the City will not be a waiver of any preceding breach by the Trust, other than the failure of the Trust to pay the particular rent so accepted, regardless of the City's knowledge of the preceding breach at the time of acceptance of the rent.

20.9 Recording

The Trust will not record the Lease.

20.10 Surrender

On expiration or early termination of the Lease, the Trust and the City will agree on all reasonable steps and processes for effecting the transition to the City regarding the Premises. If the Trust fails to vacate the Premises when required, including failure to remove all its personal property, the City may eject the Trust from the Premises and recover damages caused by wrongful holdover.

20.11 Binding Effect; Choice of Law

This Lease will bind the Parties, their personal representatives, successors and assigns. The Lease will be governed by the laws of the State of Washington.

20.12 Attorneys' Fees.

If either party to the Lease brings an action, suit or claim to enforce the terms of the Lease or declare rights under the Lease, the prevailing party in any such action, on trial or

appeal, shall be entitled to its reasonable attorney's fees to be paid by the losing party as fixed by the judge of the court.

20.13 Merger.

The voluntary or other surrender of the Lease by the Trust, or a mutual cancellation of the Lease, will not work a merger, and will, at the option of the City, terminate all or any existing sub-tenancies or may, at the option of the City, operate as an assignment to the City of any or all of such sub-tenancies.

20.14 Venue

The parties agree that, except to the extent prohibited by federal statute, the Superior Court of the County of Clark, State of Washington shall have sole jurisdiction over the parties for all claims, suits or actions arising under the Lease. Clark County Superior Court will be the sole venue to hear and decide all claims, suits and actions arising under the Lease, notwithstanding any claim of "forum nonconveniens" and after considering potential burdens of this forum.

20.15 Construction

The City and the Trust have been represented by counsel or are accustomed to negotiating leases. Accordingly, the Lease will not be construed more strictly against one party than another, even though the Lease may have been prepared by counsel to the Trust.

20.16 City's Right to Cure Defaults.

If the Trust fails to perform any obligation under the Lease, including without limitation payments to third parties, then in addition to any other remedy, the City shall have the option to perform the obligations after thirty (30) days written notice to the Trust, except in the event of emergency, in which event no notice will be required. All of the City's expenditures to correct the default shall be reimbursed by the Trust on demand with interest at the Default Rate.

21. NOTICES

Notices between the Parties relating to the Lease shall be in writing, effective when delivered, or if mailed, effective on the second day following mailing, postage prepaid, to the address for the party stated below or to such other address as either party may specify by notice to the other and may be sent electronically to an email address, if so designated by the party. Annual Rent shall be payable to the City at the same address and in the same manner, but shall be considered paid only when received.

To the City at: City of Vancouver
Attention: City Manager
P.O. Box 1995, 415 W. 6th Street
Vancouver, WA 98668

To the Trust at: The Historic Trust
Attention: President
General O.O. Howard House
750 Anderson Street
Vancouver, WA 98661

IN WITNESS WHEREOF, the parties hereto have executed the Lease as of the Effective Date.

[NOTARIZED SIGNATURE PAGES FOLLOW]

THE TRUST:

Vancouver National Historic Reserve Trust

By: _____

By: Temple Lentz, President & CEO

STATE OF WASHINGTON)
 ss:
County of Clark)

On this day personally appeared before me Temple Lentz, to me known to be the individual, or individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purpose therein mentioned. Given under my hand and official seal this _____ day of _____, 2023.

NOTARY PUBLIC in and for the state
of Washington residing at _____
My Commission expires: _____

THE CITY:

City of Vancouver, Washington

By: _____
Eric Holmes, City Manager

Attest:

Approved as to form:

By: _____
By. Natasha Ramras, Chief Financial Officer
(or Designee)

By: _____
By: Jonathan Young, City Attorney
(or Designee)

STATE OF WASHINGTON)
 ss:
County of Clark)

On this day personally appeared before me Eric J. Holmes, City Manager, to me known to be the individual, or individuals described in and who executed the within and foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purpose therein mentioned. Given under my hand and official seal this _____ day of _____, 2023.

NOTARY PUBLIC in and for the state
of Washington residing at _____
My Commission expires: _____

EXHIBIT A – Legal Descriptions

A-1 Officers Row

A tract of land situated in Section 27, Township 2 North, Range 1 East of the Willamette Meridian in Clark County, Washington, being a portion of the Vancouver Military Reservation, more particularly described as follows:

Beginning at a point on the west line of Fort Vancouver Way, said point being the southeast corner of that tract conveyed by the United States of America to the City of Vancouver by quit claim deed recorded under auditor's file no. G 45162 records of Clark County, Washington, and running thence North $71^{\circ} 22' 46''$ West, along the south line of said tract, 254.60 feet, thence continuing a long said south line, North $71^{\circ} 22' 15''$ West, 299.79 feet, to a point on the east line of S.R. 5; thence following along said east right-of-way line, South $73^{\circ} 10' 07''$, 51.93 feet; thence South $48^{\circ} 34' 58''$ West, 55.46 feet; thence South $26^{\circ} 22' 31''$ West, 50.09 feet thence South $24^{\circ} 31' 11''$ West, 200.08 feet, thence South $22^{\circ} 37' 45''$ West, 122.87 feet, to the north line of Evergreen Boulevard; thence South $85^{\circ} 43' 00''$ East, along said north line, 8.79 feet; thence along the arc of a curve to the left, having a central angle of $3^{\circ} 48' 56''$ and a radius of 2845.00 feet an arc distance of 189.46 feet, thence North $84^{\circ} 47' 24''$ East, 211.75 feet to the east line of that tract conveyed to the United States of American by deed recorded under auditor's file no G 128270 records of Clark County, Washington; thence North $22^{\circ} 37' 45''$ East, along said east line 35.56 feet to the north line of Evergreen Boulevard; thence South $89^{\circ} 13' 05''$ East, along said north line, 62.71 feet; thence along the arc of a curve to the right, having a central angle of $17^{\circ} 55' 45''$ and a radius of 693.49 feet, an arc length of 217.01 feet, to the west line of Fort Vancouver Way, thence North $18^{\circ} 45' 09''$ East 220.60 feet to the point of beginning.

AND

A tract of land situated in Sections 26 and 27, Township 2 North, Range 1 East of the Willamette Meridian, in Clark County, Washington, being a portion of the Vancouver Barracks Military Reservation, more particularly described as follows:

Beginning at a stone monument marking the northeasterly corner of the United States Military Reservation in Vancouver, Washington, said monument being in Section 23, Township 2 North, Range 1 East of the Willamette Meridian, and running thence South $22^{\circ} 37' 00''$ West, along the east line of said military reservation, 4224.73 feet thence North $72^{\circ} 46' 14''$ West 56.78 feet, to the true point of beginning, which is South $72^{\circ} 46' 14''$ East, 43.66 feet from the southeast corner of that tract referred to as parcel #3 in quit claim deed between the United States of America and the Vancouver School District No. 37, recorded under auditor's file no. G 12547, records of Clark County, Washington, thence South $22^{\circ} 56' 43''$ West, 252.94 feet; thence North $71^{\circ} 17' 20''$ West, 42.12 feet; thence South $22^{\circ} 37' 00''$ West, 158.07 feet to the northerly line of Evergreen Boulevard; thence along said northerly line, along the arc of a curve to the right, having a central angle of $29^{\circ} 00' 07''$ and a radius of 345.14 feet, an arc distance of 174.70 feet; thence North $45^{\circ} 16' 56''$ West, 137.18 feet; thence along the arc of a curve to the left, having a central angle of $26^{\circ} 00' 24''$ and a radius of 622.96 feet, an arc distance of 282.76 feet; thence North $71^{\circ} 17' 20''$ West, 1847 feet to the east line, of Fort Vancouver Way; thence North $180^{\circ} 45'$

09" East, along said east line, 220.70 feet to the southwest corner of aforementioned parcel #3, recorded under auditor's file no. G 12547; thence South 71° 11' 16" East, along the south line of said parcel #3, 1183.92 feet; thence continuing along said south line, and its easterly extension, South 72° 46' 14" East, 1300.73 feet to the true point of beginning.

EXCEPT those parcels conveyed by the United States of America to Vancouver School District No. 37 by quit claim deeds recorded under auditor's file numbers G 12547 and G 36247, records of Clark County, Washington.

RESERVING TO the United States and its assigns the right to use the service road now existing along the west and northerly boundary of the above described property for the purpose of accessing the following described tract of land.

A parcel of land in Section 27, Township 2 North, Range 1 East, Willamette Meridian, Clark County, Washington, described as follows:

Beginning at the northeast corner of Section 27, Township 2 North, Range 1 East, W.M.; thence South 23° 23' 46" West 2, 172.39 feet to the true point of beginning; thence South 69° 48' 00" East 99.45 feet; thence North 24° 12' 00" East 220.99 feet to the southeasterly right-of-way line of State Highway Route No. 5; thence South 47° 43' 17" West, along said right-of-way line, 248.58 feet to the true point of beginning.

RESERVING TO the Grantor all coal, oil, gas, geothermal steam and associated geothermal resources, and other minerals on said Property, together with the right to prospect for and remove the same under applicable laws, rules, and regulations prescribed by the Secretary of the Interior.

TOGETHER WITH all improvements located thereon.

SUBJECT TO easement dated May 16, 1957 to Clark County Public Utility District for installation, maintenance, repair and replacement of an electric power line along the north 20 feet of "Officers Row", a copy of which is identified as Exhibit "A" and attached hereto and made a part hereof.

SUBJECT TO easement dated March 9, 1981 to the city of Vancouver for street construction, a copy of which is identified as Exhibit "B" and attached hereto and made a part hereof.

SUBJECT TO agreement for use of sewer line by the city of Vancouver, dated January 11, 1978, a copy of which is identified as Exhibit "C" and attached hereto and made a part hereof.

SUBJECT TO License for gas main to Portland Gas and Coke Company, dated May 20, 1925, a copy of which is identified as Exhibit "D" and attached hereto and made a part hereof.

SUBJECT TO easement dated January 9, 1979, granted to the Public Utility District of Clark County to erect, install, operate and maintain electrical pole lines and necessary appurtenances, a copy of which is identified as Exhibit "E" and attached hereto and made a part hereof.

SUBJECT TO existing easements for public roads and highways, public utilities, railroads, and pipelines and to other easements and encumbrances of record.

A-3 O. O. Howard Tract

A tract of land situated in the City of Vancouver and the County of Clark, State of Washington, more particularly described as follows:

A parcel of land situated in the southeast quarter of the northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) and the northeast quarter of the southeast quarter (NE $\frac{1}{4}$, SE $\frac{1}{4}$) in Section 27, Township 2 North, Range 1 East, Willamette Meridian, Clark County, Washington. Said parcel being all that portion (except the cemetery) of Vancouver Barracks Military Reservation lying westerly of Cabell Road (McLaughlin Road) and northerly of the north right-of-way line of Anderson Street (FHWA access road) and more particularly described as follows:

Commencing at a point on the northerly right-of-way of East Fifth Street (Evergreen Highway, SH No. 8), from which point the City of Vancouver's Bench Mark No. 2 bears south $87^{\circ} 54'$ east 1,875 feet, said Bench Mark being located at the point of intersection of said northerly right-of-way with the westerly line of East Reserve Street; thence north $87^{\circ} 54'$ west, along said northerly right-of-way 960 feet, more or less, to intersection with the west line of McLoughlin Road; thence north $22^{\circ} 26'$ east, along said west line 285.00 feet; thence north $81^{\circ} 35' 21''$ west, 735 feet, more or less, to a point which is 75.00 feet southeasterly, when measured at right angles, from the centerline of proposed State Highway No. 1; thence north $30^{\circ} 19' 00''$ east, 771.30 feet; thence north $18^{\circ} 49' 30''$ east, 60.00 feet; thence north $65^{\circ} 19' 30''$ east, 45.70 feet; thence north $20^{\circ} 19' 30''$ east, 41.00 feet; thence south $69^{\circ} 40' 30''$ east, 388.50 feet; thence north $18^{\circ} 29' 35''$ east, 113.02 feet to the POINT OF BEGINNING on the north right-of-way of Anderson Street, said point being on the Vancouver Barracks Military Reservation boundary; thence continuing north $18^{\circ} 29' 35''$ east, 257.27 feet along said boundary the following courses; thence north $32^{\circ} 18' 55''$ east, 38.40 feet; thence north $89^{\circ} 36' 15''$ east, 52.40 feet; thence north $24^{\circ} 12' 15''$ east, 17 feet, more or less, to a point on the southerly line of East Tenth Street; thence along said southerly line south $87^{\circ} 38' 19''$ east, 101.87 feet to the beginning of a curve concave southerly; thence easterly along said curve having a radius of 593.49 feet and a central angle of $17^{\circ} 55' 45''$ for an arc distance of 185.84 feet to intersection with the westerly right-of-way line of Cabell Road; thence leaving the Vancouver Barracks boundary, southwesterly along said westerly line on a curve concave northwesterly and having a radius of 420 feet and a central angle of $28^{\circ} 08' 45''$ for an arc distance of 206.32 feet; thence south $48^{\circ} 28' 45''$ west, 152.23 feet, to the north right-of-way line of Anderson Street; thence north $73^{\circ} 45' 01''$ west along said north line, 99.54 feet to the beginning of a curve concave southerly; thence westerly along said curve having a radius of 167.00 feet and a central angle of $42^{\circ} 04' 52''$ for an arc distance of 122.99 feet to the POINT OF BEGINNING.

Contains 2.03 acres (0.82 hectares), more or less.

The preceding description was not obtained from a single source and is not intended to depict an actual survey.

EXHIBIT B – PROPERTY INVENTORY

[Insert list of buildings/addresses]

2024	Capital improvement plan			
	THT managed Projects < 25k			
	Painting exteriors 5,6,7, +16	\$	25,000	Lift Rental and materials
	Porch repairs	\$	20,000	Various on OR houses added rotten beam on building 18
	Key system changes	\$	25,000	Multi year to execute, materials purchase can happen in 2024
	Refinish Red Cross floor	\$	15,000	Strip sand and refinish
	Lath replacement on all buildings as needed	\$	8,000	Continued from 2023
	Radon testing of buildings	\$	5,000	Selected buildings
	Side comb repairs bldg 14, 16, 18,19	\$	15,000	Some skirting will also be repaired on various buildings
	Safety cabinets for flammable materials	\$	7,000	For proper storage of paint and fuel
	Red Cross Window refurbishment	\$	10,000	Re-building window and reinstall
	Red Cross Porch Tile replacement	\$	25,000	Largely cosmetic, but highly visible area
	Building 18 beam repair	\$	5,000	Rotten beam section to be replaced
	ADA Accessibility	\$	10,000	Place holder for emerging needs
	Duplex Kitchen and Bath upgrade	\$	25,000	Con't Approved 2021 multi year plan 9 remaining
	Officers Row kitchen upgrade	\$	25,000	Place holder for availability
	Gazebo roof repair	\$	10,000	Place holder for additional funds over and above community foundation funds
	Dryer and bath fan ducting repairs to OR	\$	5,000	In-house repairs to be stretched out over time. Starting October 2021
	Duplex A/C unit install	\$	15,000	Con't Multi year plan 10 remaining (reduced plan for 2024 to 1 from 4)
	Sidewalk repairs interior	\$	10,000	Interior sidewalks- leveling/grinding/replacing
		\$	260,000	
	COV Managed > 25K Historic Site Needs			
	Roof and Siding Repairs - OOH		\$	308,600
*	Chimney repairs	\$	75,000	COV project Grant funded \$149,396
	A/C installations	\$	-	Con't repairs based on inspections and needs
		\$	75,000	McClellan houses Bedrooms only -- 106 approval only for 2024
	Development fund project			
D	EV charging station	\$	120,000	4 banks of level 2 charging stations COV project Marshall house parking lot
D	America 250 needs	\$	25,000	Placeholder for education and interpretive activities planning
D	Seismic planning	\$	50,000	Engineering
D	Whole site reuse study	\$	150,000	Consulting, high estimate before tightening focus
D	Officers Row Oral History Project	\$	7,500	Historic Promotions grant funding/HRA consultant
D	Energy Audit	\$	10,000	Place holder in case a consultant is needed
		\$	362,500	

Primary Lease - 2019 to 2023
Exhibit D updated for 2024

Staffing used for property management

	Number of Staff	Salary Range	Time allocated to primary lease properties
Preservation Team	6	50K to 60K	100%
Preservation Team Manager	1	60K to 80K	95%
Leasing & Property Manager	1	60K to 80K	60%
Property Management Assistant	1	45K to 55K	60%
Director of Facilities & Maintenance	1	85K to 100K	70%
CEO	1	120K to 170K	40%
Controller	1	85K to 100K	60%
Event Facilities Manager	1	60K to 80K	90%
Director of Historic Preservation	1	80K to 90K	50%
Event Facilities Coordinator	1	45K to 55K	75%
Venue Coordinator	1	40K to 50K	75%
Accounting Coordinator	1	45K to 60K	40%

HISTORIC RESERVE PROPERTIES MASTER LEASE

BETWEEN

CITY OF VANCOUVER

AND

**THE VANCOUVER NATIONAL HISTORIC RESERVE
TRUST**

January 1, 2019 THROUGH DECEMBER 31, 2023

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EXHIBIT A- Legal Description of Property
EXHIBIT B- Property Inventory
EXHIBIT C- Schedule of Current Leases
EXHIBIT D- Schedule of Approved Staff Positions

HISTORIC RESERVE PROPERTIES MASTER LEASE

DATED: December 10, 2018

THE CITY: CITY OF VANCOUVER,
a Washington Municipal Corporation
Referred to as the "City"

THE TRUST: VANCOUVER NATIONAL HISTORIC RESERVE TRUST,
a Washington non-profit Corporation dba "The Historic Trust"
Referred to as the "Trust"

RECITALS:

A. The City is the Owner or Lessee of real property ("Premises") within the Vancouver National Historic Reserve ("Reserve") located within the City of Vancouver, Washington. The City has a longstanding commitment to enhancing and developing the Reserve as a community resource.

B. The Trust is a non-profit corporation formed for the purpose of furthering and advancing the historic and cultural heritage of the Reserve. With its record of success in managing and hosting a variety of events and programs within the Reserve, the Trust is uniquely qualified to work cooperatively with the City in fulfilling the vision for the Reserve and the Premises.

C. On September 17, 2001, the City and the Trust (the "Parties") entered into a Memorandum of Understanding outlining a framework for the development, management and operation of City-owned facilities located within the Reserve. The Lease is a foundational component of that framework.

D. The Trust and the City acknowledge their mutual commitment to further and advance the collective vision for the Reserve with the understanding that the development, redevelopment, sublease, and/or use of the Premises shall be conducted in a manner that contributes to and enhances public access to the Premises, provides for education and interpretation of the historical uses of the Premises, and which will rehabilitate and preserve the Premises subject to the terms and provisions contained herein.

E. The Trust and the City have had a Master Lease in place since January 1, 2006. As of April 20, 2015, the Master Lease had been amended four times. In 2015, the Trust and the City entered into a new Master Lease to clearly state their current obligations rather than having those obligations stated in multiple documents.

F. In 2018, the City completed a review of the Master Lease in preparation for approving the final five (5) year extension in the lease. A number of changes and additions were made based on that review so the Parties agreed to approve a new Master Lease as part of the 2019-2023 extension. This Master Lease incorporates all of the Parties' agreements and understandings.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS CONTAINED HEREIN, THE PARTIES AGREE AS FOLLOWS:

1. RECITAL PROVISIONS DEEMED OPERATIVE LANGUAGE.

The Parties agree that the aforementioned recitals shall be deemed operative and enforceable language of this Historic Reserve Properties Master Lease (the "Lease").

2. PREMISES.

The Premises is generally described as including those buildings, grounds and common areas owned by the City with a boundary consisting of Interstate 5 on the west, East Reserve Street on the east, East Fifth Street on the south, and the northern boundary of Officers Row on the north, as described on attached Exhibits A and B.

2.1 Exclusions:

a) Vancouver Police Administration Building.

The Vancouver Police Administration building and its associated grounds and parking lots are included in the Master Lease. The Trust shall maintain the grounds of the building to the same standard as the remainder of the city-owned West Barracks. The City shall retain responsibilities for maintenance of the building and associated parking lots. In the event that the City determines it no longer has a city-related use for the building and parking lots, the Trust shall assume management responsibility for the building and parking lots and may sublet any or all of the portions of the property subject to the terms and conditions of Section 2.4 (amended 7/9/2012).

b) Streets, Utilities, etc.

All streets, parking lots, sidewalks, streetlights water lines, sewer and other utilities are excluded from the Premises, however all landscaping is included.

c) Parking

Maintenance and repair of parking lots, other than routine sweeping and litter pickup, shall be the responsibility of the City. The Trust shall have the authority to issue parking permits and warnings notices for illegal parking for parking lots throughout the Premises, for the alley behind Officers Row and for on-street parking spaces in the West Barracks. If there is a need for citations for illegal or overtime parking, the Trust shall

contact the City's Parking Enforcement Services. The Trust shall also have the authority to charge for parking permits for parking lots in the West Barracks, for the alley behind Officers Row and for on-street parking spaces in the West Barracks.

d) Land Bridge

The City, through an agreement with the Washington State Department of Transportation (WSDOT), is responsible for the maintenance of the landscaping, drainage, hard surfaces, irrigation, lighting, graffiti and litter control of the Land Bridge with the exception of the art and interpretive elements which are maintained by the non-profit Confluence Project and the superstructure which is owned and maintained by WSDOT. WSDOT is also responsible for removal of graffiti from wall surfaces accessed from State Route 14 and on the chain link right-of-way fence.

2.2 Trust's right to Sublease Portions of the Premises.

The Trust may sublet any or all portions of the Premises; provided, however, that the City retains the right to review and approve any sublease by the Trust, prior to the Trust entering into such sublease, which exceeds any of the following threshold criteria:

- A. A term of sublease (including any rights for successive terms) exceeding five (5) years;
- B. Lease of any space totaling more than fifty-percent (50%) of the rentable square footage in the Red Cross Convalescent House, Post Hospital, Artillery Barracks or Vancouver Police Administration building (once the Trust has assumed management responsibility).
- C. Lease rent amount which is substantially "Below-Market" and/or the lease provides for significant rent credits. "Below Market" is defined as being less than what a ready, willing and able lessor and ready, willing, and able lessee would accept as reasonable rent in the City of Vancouver real estate market for similar rental space.
- D. Lease involves major renovation of a building or structure (other than customary tenant improvements as defined in Section 7.1).

The City agrees that it will not unreasonably withhold approval of a lease which exceeds any of the foregoing threshold criteria. All subleases shall identify the City of Vancouver as the property owner.

The Trust will provide the City with a list of current leases including tenant name, address, type of lease (residential, commercial, etc.) and lease term (Exhibit B) by November 1st of each year, concurrent with providing the Capital Facilities Plan required in Section 3.2.

3. **CONDITION OF PREMISES/MAINTENANCE.**

The Trust is responsible for the repair and maintenance obligations as set forth in the Lease subject to the following conditions:

3.1 Maintenance and Repair.

In general, the Trust shall provide for the costs of repair and maintenance, including but not limited to cleaning, interior and exterior painting, landscape maintenance, plumbing, electrical and HVAC repairs, pest control and minor repairs of porches, walls, and roofs, as part of its annual budget for the Premises. The Trust shall cause the Premises to be maintained in good working order and condition in keeping with the historic nature and public uses of the Reserve. The Trust has established a preventive maintenance program sufficient to avoid significant deterioration of the Premises. The Trust has been maintaining the landscaping and providing minor repairs to the trail since the Land Bridge was constructed and will continue to do so as part of the Master Lease. Maintenance and/or repair projects estimated at more than \$15,000 shall be considered capital projects and will be managed by the City per Section 3.3 of this Agreement.

3.2 Capital Improvements.

In order to plan and provide for such capital improvement, the Trust will prepare by November 1st of each year, a Capital Facilities Plan for the Premises for the City's review and approval. The Capital Facilities Plan shall identify and provide a projected cost for capital improvements to the buildings, structures, and/or grounds for the following year. Funding for such projects shall be from the Historic Reserve Capital Fund ("Capital Fund") maintained by the City, from the Development Fund (per Section 9.3) or from other financial sources as may be determined by the City in its sole discretion. The Trust shall have no liability for payment of capital improvements.

3.3 City Retained Responsibility.

The City confirms that the City retains the financial obligation within the Premises for repair and/or replacement of parking areas; replacement of major structural components; and at its discretion, restoration or replacement of significantly damaged or destroyed structures. By way of illustration, City will be responsible for the entire cost of foundations, roofing, electrical systems, plumbing systems, heating systems, ventilation systems, elevators, walls, fire sprinklers, communications systems, walkways and paving when it is necessary to replace any such major structural component. The City shall be responsible for the procurement and administration of all work performed under sections 3.2 and 3.3.

3.4 Access for Inspection, Repair or Improvement.

The City shall have all reasonable and necessary access to make any inspection, repair or improvement for which it is obligated under the terms of the Lease. The City will have no liability for interfering with the use of any portion of the Premises because of such repairs, maintenance, or improvements. The Trust will have no claim against the City for any interruption or reduction of services or interference with the Trust's management or use of the Premises.

4. TERM.

The term of the lease is for five years commencing on January 1, 2019 and ending on December 31, 2023.

5. RENT.

5.1 Rent

The Trust shall pay the City as annual rent, the sum of Two Hundred Four Thousand, Sixty-Seven and No/100 Dollars (\$204,067) for the first year of the Lease to be paid on a monthly basis. On January 1, 2020 and on the first day of each year thereafter, the annual rent shall be increased by the lesser of three percent (3.0%) or the percentage increase, if any, in the Consumer Price Index of the U.S. Bureau of Labor for such corresponding year, based on the Seattle- Tacoma- Bremerton CPI-U".

5.2 Rental Due Date

One-twelfth of the rent shall be due in advance on the first day of each month.

6. DEVELOPMENT OF PREMISES.

The Trust's activities with regard to the Premises shall be in furtherance of achieving the collective vision for the Reserve. In general, the Properties Committee established in the Trust's by-laws shall provide guidance for the development and management of the Premises. The Properties Committee shall be comprised of three members appointed by the City and five members appointed by the Trust. All members will be voting members of the Properties Committee. The Trust will coordinate and manage the development of the Premises with the City retaining construction management oversight as appropriate. Development, redevelopment, sublease, and/or use of the Premises shall conform to the principles and values set forth in the Recitals and various agreements, documents or regulations including, but not limited to the following:

- A. Vision and Guiding Principles for the Reserve developed by the Long Range Planning Committee of the Trust and adopted by the Trust, the City and the NPS;
- B. West Barracks Adaptive Reuse Plan;
- C. The Vancouver National Historic Reserve Cooperative Management Plan; and
- D. The Officers Row and Historic Reserve Conversation District sections of the City of Vancouver's Central Park Plan District.

7. PERMITTED ALTERATIONS, IMPROVEMENTS AND ADDITIONS

7.1 City's Consent.

Except for customary tenant improvements, such as painting, window coverings and carpet or appliance replacement, to the Premises as related to occupancy under a sub-tenancy for a portion of the Premises, the Trust will make no alterations, improvements or additions to the Premises without the City's prior written consent. The City may require in advance of any work being performed that the Trust post notices of non-responsibility for the City, and provide assurances satisfactory to City that contractors will be timely paid and that no liens will arise against the Premises, which assurances may include, without limitation, the posting of bonds, insurance coverage, coverage for workers' compensation and other financial assurances. Before City will consider consenting to any alteration, the Trust must first supply preliminary plans and specifications for its intended changes.

7.2 Restrictions.

Due to the historic nature of the Premises, plans for alterations or improvements to the Premises are subject to various agreements, documents, regulations and laws including the following, and others mutually agreed upon by the City and the Trust:

- A. Secretary of the Interior Standards for Historic Preservation through oversight of the Washington State Department of Archeology and Historic Preservation;
- B. The Native American Graves Protection and Repatriation Act (NAGPRA);
- C. The federal Archeological Resources Protection Act; and
- D. The Officers Row and Historic Reserve Conversation District sections of the City of Vancouver's Central Park Plan District.

7.3 Liens.

The Trust will pay when due all claims for labor and materials furnished to or for the Trust. The Trust will not permit any mechanics or materialman's liens against the Premises for labor or material furnished to the Trust or claimed to have been furnished to the Trust or to the Trust's agents or contractors in connection with the work of any character performed or claimed to have been performed on the Premises by or at the direction of the Trust. The City may cause any lien to be discharged by payment, bonding or otherwise without investigation or any offsets as to the validity, offsets or defenses of the lien, and the Trust will pay, immediately, as additional rent, any amounts so paid or incurred, including reasonable attorneys' fees and disbursements.

8. **SIGNS**

All signage within the Premises shall comply with the use and development provisions of Section 7.2 of the Lease, and the Design Standards established for the Historic Reserve in October 2007 and such standards as may be subsequently revised.

9. **FINANCIAL REQUIREMENTS**

9.1 Costs of Operation.

The Trust is responsible for all operating expenses of the Premises, except as otherwise specifically provided in this Lease. Operating expenses include property maintenance and repairs as defined in Section 3.1; commercial and residential leasing including marketing; bookkeeping and other financial activities associated with managing the property; administration including staffing of the Historic Reserve Properties Committee and grant writing or legislative activities associate with securing funding for property maintenance and development.

A list of Trust staff positions, supporting the operation and maintenance of the Premises, is included as Exhibit D. On an annual basis, concurrent with the Capital Plan required in Section 3.2, the Trust shall provide the City with an update staffing list. The addition of new staff positions to support the operation and maintenance of the Premises must be reviewed and approved by the Historic Reserve Properties Committee.

9.2 Funds and Priority of Use.

The Trust shall receive all rents, payments, and revenues generated from subleases and other activities within the Premises. The Trust shall apply all revenues derived from subleasing the Premises (which includes residential and commercial rents, rental fees, miscellaneous income and interest earned on revenues so derived) according to the following priorities:

- A. First: Payment of the operating expenses of the Premises.
- B. Second: Payment of the principal of and interest on the City of Vancouver bonds issued to fund, in part, the renovation of the West Barracks buildings, specifically, the Artillery Barracks, the Infantry Barracks, the Quartermaster Storehouse, and the Dental Surgeon's Building. Payments will be made at the times and in the amounts necessary to ensure timely and full payment of the bonds when due, as further agreed between the City and Trust upon the issuance of the bonds. If operating revenues after the payment of operating expenses are not sufficient to pay debt service on the bonds when due and payable, balances in the Capital Fund and in the Development Fund will be utilized to make such payment, preferably on a pro-rata basis if balances exist in both funds;
- C. Third: Payment of rent to City pursuant to Section 5 of the Lease;
- D. Fourth: Retained income by the Trust in the amount of One Hundred Ninety-Two Thousand and No/100 Dollars (\$192,000.00) as retained income for the year commencing on January 1, 2019 ("Retained Income"). On January 1, 2020 and on the first day of each year thereafter, the Retained Income shall be increased by the lesser of three percent (3.0%) or the percentage increase, if any, in the CPI. Notwithstanding the foregoing, the payment amount of the Trust's retained income amount shall be reviewed at least annually and adjusted as appropriate.
- E. Fifth: If there is revenue remaining after the application of funds in accordance with A, B, C, and D at the end of any fiscal year, then sixty percent (60%) of the amount remaining shall be paid into the Capital Fund held by the City and forty-percent (40%) shall be deposited in a Historic Reserve Development Fund ("Development Fund") to be held by the Trust.

9.3 Purpose and Allowed Uses of Historic Reserve Development Fund.

The purpose of the Development Fund is to make resources available to fund activities necessary to the continued development of the Reserve, with priority given to debt service on the bonds in the event revenue from property operations is not sufficient to cover it. Allowed uses of the Development Fund include but are not limited to:

- A. Contracts for planning, architectural, engineering, legal or similar services in support of development alternatives or proposals for the Reserve;
- B. Expenses necessary to solicit and evaluate potential development proposals for the Reserve;

- C. Matching funds for grants relating to development for the Reserve; or
- D. Augmenting the Capital Fund
- E. Paying the principal of and interest on the bonds referred to in Section 9.2 (B).

9.4 Fund Raising for Reserve Development.

The Trust recognizes its distinct status as the official non-profit partner for the Historic Reserve. Accordingly, the Trust reaffirms its responsibility for and commitment to the City to raise monies for fund development in general and for capital improvement projects within the Reserve in particular.

9.5 Records, Reports, Audit.

The Trust shall establish and maintain a system of accounts and records that is specifically related to activities associated with the Lease. Such accounts and records shall be open to review by the City's representative on a reasonable basis. A budget comparison report will be provided to the City on a monthly basis. The Trust shall provide the City a copy of the Independent Auditor's Report and Financial Statements prepared annually by a public accounting firm acceptable to the City.

10. **INSURANCE**

10.1 General Requirements

- A. The Trust shall obtain the insurance described in this section from insurers approved by the State Insurance Commissioner pursuant to RCW Title 48. The insurance must be provided by an insurer with a rating of A-: VII or higher in the A.M. Best's Key Rating Guide, which is licensed to do business in the state of Washington (or issued as a surplus line by a Washington Surplus lines broker). The Trust reserves the right to approve or reject the insurance provided, based on the insurer (including financial condition), terms and coverage, the Certificate of Insurance, and/or endorsements.
- B. The Trust shall keep this insurance in force during the term of the Lease and for thirty (30) days after the Physical Completion date, unless otherwise indicated (see C. below).
- C. All policies shall be written on an occurrence form, with the exception of any Cyber Liability / Errors & Omissions policy(ies). If any insurance policy is written on a claims-made form, its retroactive date, and that of all subsequent renewals, shall be no later than the effective date of this Lease. The policy shall

state that coverage is claims made, and state the retroactive date. Claims-made form coverage shall be maintained by the Trust for a minimum of thirty-six (36) months following the Final Completion or earlier termination of this Lease, and the Trust shall annually provide the City with proof of renewal. If renewal of the claims-made form of coverage becomes unavailable, or economically prohibitive, the Trust shall purchase an extended reporting period ("tail") or execute another form of guarantee acceptable to the City, to assure financial responsibility for liability for services performed.

- D. The insurance policies shall contain a "cross liability" provision.
- E. The Trust's and all subcontractors' insurance coverage shall be primary and non-contributory insurance as respects the City's insurance, self-insurance, or insurance pool coverage.
- F. The Trust shall provide the City and all Additional Insureds with written notice of any policy cancellation, within two business days of their receipt of such notice.
- G. Upon request, the Trust shall forward to the City a full and certified copy of the insurance policy(s).
- H. The Trust shall not begin work under the Lease until the required insurance has been obtained and approved by the City.
- I. Failure on the part of the Trust to maintain the insurance as required shall constitute a material breach of Lease, upon which the City may, after giving five (5) business days' notice to the Trust to correct the breach, immediately terminate the Lease or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due the Trust from the City.
- J. All costs for insurance shall be incidental to and included in the unit or lump sum prices of the Lease and no additional payment will be made. The cost of such insurance, including any deductibles or retentions, shall be paid by the Trust.

10.2 Additional Insured

All insurance policies, with the exception of Professional Liability and Workers Compensation, shall name the following listed entities as additional insured(s), and as certificate holder:

City of Vancouver, and its officers, elected officials, employees, agents, and volunteers

The above-listed entities shall be additional insured(s) and certificate holder for the full available limits of liability maintained by the Trust, whether primary, excess, contingent or otherwise, irrespective of whether such limits maintained by the Trust are greater than those required by this Lease, and irrespective of whether the Certificate of Insurance provided by the Trust pursuant to 10.1 describes limits lower than those maintained by the Trust.

10.3 Subcontractors

The Trust shall ensure that each subcontractor of every tier obtains and maintains at a minimum the insurance coverages listed in 10.5. Upon request of the City, the Trust shall provide evidence of such insurance.

10.4 Evidence of Insurance

The Trust shall deliver to the City a Certificate(s) of Insurance and endorsements for each policy of insurance meeting the requirements set forth herein when the Trust delivers the signed Lease for the work. Failure of the City to obtain a Certificate(s) of Insurance shall not relieve the Trust from the obligation to purchase such coverage. The certificate and endorsements must conform to the following requirements:

1. An ACORD certificate or a form determined by the City to be equivalent.
2. Copies of all endorsements naming City and all other entities listed in 10.2 as Additional Insured(s), showing the policy number. The Trust may submit a copy of any blanket additional insured clause from its policies instead of a separate endorsement. A statement of additional insured status on an ACORD Certificate of Insurance shall not satisfy this requirement.
3. Any other amendatory endorsements to show the coverage required herein.

10.5 Coverages and Limits

The insurance shall provide the minimum coverages and limits set forth below. Providing coverage in these stated minimum limits shall not be construed to relieve the Trust from liability in excess of such limits. All deductibles and self-insured retentions must be disclosed and are subject to approval by the City. The cost of any claim payments falling within the deductible shall be the responsibility of the Trust.

A. Commercial General Liability

A policy of Commercial General Liability Insurance, including:

- Per project aggregate
- Premises/Operations Liability

- Products/Completed Operations – for a period of one year following final acceptance of the work.
- Personal/Advertising Injury
- Contractual Liability
- Independent Trusts Liability
- Stop Gap / Employers' Liability
- Explosion, Collapse, or Underground Property Damage (XCU)
- Blasting (only required when the Trust's work under this Lease includes exposures to which this specified coverage responds)

Such policy must provide the following minimum limits:

\$1,000,000	Each Occurrence
\$1,000,000	General Aggregate
\$2,000,000	Products & Completed Operations Aggregate
\$1,000,000	Personal & Advertising Injury, each offence

Stop Gap / Employers' Liability

\$1,000,000	Each Accident
\$1,000,000	Disease - Policy Limit
\$1,000,000	Disease - Each Employee

B. Automobile Liability

Automobile Liability for owned, non-owned, hired, and leased vehicles, with an MCS 90 endorsement and a CA 9948 endorsement attached if "pollutants" are to be transported. Such policy(ies) must provide the following minimum limit:

\$1,000,000	Combined Single Limit
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C. Professional Liability

The Trust shall provide evidence of Professional Liability insurance covering professional errors and omissions. Such policy must provide the following minimum limits:

\$1,000,000	Per claim and annual aggregate
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D. Workers' Compensation

The Trust shall comply with Workers' Compensation coverage as required by the industrial Insurance laws of the state of Washington.

E. Excess or Umbrella Liability

The Trust shall provide Excess or Umbrella Liability coverage at limits of Five Million (\$5,000,000) per occurrence and annual aggregate. This Excess or Umbrella Liability coverage shall apply, at a minimum, to both the Commercial General and Auto Liability insurance policy coverage. This requirement may be satisfied instead through the Trust's primary Commercial General and Automobile Liability coverage, or any combination thereof.

F. Commercial Crime Insurance

The Trust shall maintain crime insurance coverage insuring against employee dishonesty in the amount of \$500,000.

11. INDEMNIFICATION AND HAZARDOUS SUBSTANCES

11.1 Trust Indemnification

The Trust will indemnify, defend and hold harmless the City and any agents and employees of the City, from any claim, liability, damage or loss occurring on or about the Premises and (i) arising out of any activity by any guest, prospective clientele or invitee of the Trust, while on the Premises, (ii) arising out of any activity by the Trust, its agents or employees, or (iii) resulting from the Trust's failure to comply with any terms of the Lease. The Trust's indemnity shall extend to all costs of defense, including without limitation the attorneys' fees of the City or its respective agents or employees.

11.2 City Indemnification

The City will indemnify, defend and hold harmless the Trust and any agents and employees of the Trust, from any claim, liability, damage or loss occurring on or about the Premises and (i) arising out of any activity by the City, its agents or employees, or (ii) resulting from the City's failure to comply with any terms of the Lease. The City's indemnity shall extend to all costs of defense, including without limitation the attorneys' fees of Trust or its respective agents or employees.

11.3 Hazardous Substances

- A. The term Environmental Law shall mean any federal, state, or local statute, regulation, or ordinance or any judicial or other governmental order pertaining to the protection of health, safety, or the environment. The term Hazardous Substance shall mean hazardous, toxic, infectious or radioactive substance, waste, and material as defined or listed in any Environmental Law and shall include, without limitation, petroleum oil and its fractions.

- B. The Trust shall not cause or permit any Hazardous Substances to be spilled, leaked, disposed of, or otherwise released in or under the buildings which the Trust occupies. With respect to any Hazardous Substances under the Trust's control, the Trust shall ensure compliance with all Environmental Laws and exercise the highest degree of care in the use, handling, and storage of Hazardous Substances and shall take all practicable measures to minimize the quantity and toxicity of Hazardous Substances used, handled, or stored in or under the buildings which the Trust occupies.. Upon the expiration or termination of this Lease, the Trust shall prepare a plan satisfactory to the City to deal with any remaining Hazardous Substances which were used, handled, or stored by the Trust during the term of the Lease. The Trust will indemnify, defend, and hold harmless the City and any of its agents and employees from any claim, liability, damage, or loss arising from any contamination occurring during the Trust's occupancy in or under the buildings which the Trust occupies except contamination caused by the City or any of its agents and employees.
- C. The Trust shall include a provision in all sub-leases which require the same obligations for sub-lessees as is required by the Trust for the buildings the Trust occupies.
- D. The City shall be responsible for any Hazardous Substances spilled, leaked, disposed of, or otherwise released in, on or under the areas of the Premises other than (1) in or under buildings occupied by the Trust, or (2) where such spill, leak, disposal or release is the responsibility of a sub-lessee.

12. TAXES

12.1 Real Property Taxes

The Premises is exempt from real property taxation.

12.2 Personal Property Taxes

The Trust will pay all personal property taxes, prior to delinquency, assessed against and levied upon leasehold improvements, fixtures, furnishings and equipment and all other personal property of the Trust contained on the Premises.

12.3 Leasehold Excise Tax

The Premises are exempt from leasehold excise taxation.

13. DEFAULT

13.1 Events of Default

Any of the following will constitute a default by the Trust under the Lease, after the City has given the Trust, thirty (30) calendar days' notice of default sent to the Trust in accordance with the provisions of Section 18 and the Trust has failed to cure the default prior to the end of the thirty (30) calendar days:

- A. The Trust fails to pay rent or other charges payable by the Trust within ten (10) business days of the due date; or
- B. The Trust fails to comply with any other term or condition of the Lease; or
- C. The Trust vacates or abandons the Premises; or
- D. The Trust assigns, sublets or otherwise transfers this Lease in violation of Section 2.2 or Section 16 of the Lease; or
- E. The Trust's insolvency, business failure or assignment for the benefit of its creditors, the Trust's commencement of proceedings under any provision of any bankruptcy or insolvency law or failure to obtain dismissal of any petition filed against it under such laws within the time required to answer; or the appointment of a receiver for the Trust's properties.

13.2 Rights and Remedies

Upon the occurrence of a default, the City shall have the following rights and remedies, which shall be cumulative and in addition and supplemental to any and all other rights and/or remedies provided under applicable law:

- A. The City may declare the Lease term ended and retake possession of the Premises, and remove all persons from the Premises, and the Trust will have no further claim upon the Premises or under the Lease; or
- B. The City, without declaring the Lease terminated, may reenter the Premises and occupy the whole or any part thereof for and on account of the Trust and collect any unpaid rentals and other charges, which have become payable, or which may thereafter become payable during the Lease Term; or
- C. The City, even though it may have reentered the Premises, may thereafter elect to terminate the Lease and all of the rights of the Trust in or to the Premises.

13.3 Reentry

If City reenters the Premises, the City will not be deemed to have terminated the Lease, or the liability of the Trust to pay any rental or other charges thereafter accruing, or to have terminated the Trust's liability for damages under any of the Lease provisions by any such reentry or by any action, in unlawful detainer or otherwise, to obtain possession of the Premises, unless City notifies the Trust in writing that it has elected to terminate the Lease.

13.4 Termination

The City and the Trust agree that the service by the City of any notice pursuant to the unlawful detainer statutes of the State of Washington and the surrender of possession pursuant to such notice shall not be deemed to be a termination of the Lease, unless the City elects to the contrary at the time of, or at any time subsequent to, the serving of such notices, and such election is made by written notice to the Trust.

13.5 Damages

If City elects to terminate this Lease pursuant to the provisions of Sections 13.2(A) or 13.2(C), the City may recover from the Trust as damages, the following:

- A. Unpaid rental which has been earned prior to termination, plus interest at the Default Rate (described in Section 17.4) from the date when those amounts became due and owing; plus
- B. Any other amount necessary to compensate the City for all the detriment proximately caused by the Trust's failure to perform its obligations under the Lease or which in the ordinary course of things would be likely to result in default, including, but not limited to, any costs or expenses incurred by the City in retaking possession of the Premises, including reasonable attorneys' fees, maintaining or preserving the Premises after such default, including repairs to the Premises, and such other amounts as may be permitted by the laws of the State of Washington.

13.6 Abandoned Property

In the event of any entry or taking possession of the Premises, the City shall have the right, but not the obligation, to remove all or any part of the personal property. City will store property it removes from the premises for a period of sixty (60) days, after which the City may sell any property not claimed by the Trust, by any means it may choose and apply the proceeds to costs of sale, repair or cleaning of premises and shall remit to Trust any remaining proceeds of such sale.

13.7 Disposition of Assets

In the event that the Lease is terminated as outlined in Section 13.4., the assets associated with the Lease will be disposed of as follows:

- A. Real Property: The Premises, as described in Section 2 and Exhibit A of the Lease are the property of the City. In the event the Lease is terminated or not renewed, the ownership of the Premises shall remain vested in the City and the Trust shall have no claim upon the Premises.
- B. Capital Fund: The capital fund, as described in Section 9.2 (E) of the Lease, is held and managed by the City and used to make capital improvements to the property. In the event the Lease is terminated or not renewed, the City will retain all funds in the capital fund and the Trust shall have no claim upon those funds.
- C. Development Fund: The Historic Reserve Development Fund ("Development Fund"), as described in Section 9.2 (E) of the Lease, is held and managed by the Trust under the direction of the Properties Committee and used for the purposes outlined in Section 9.3 of the Lease. In the event the Lease is terminated or not renewed, the Trust shall pay any outstanding invoices for authorized services or goods purchased with Development Fund monies and remit the balance of the fund to the City within 60 days.
- D. Personal Property: All personal property that was owned by the City prior to the effective date of the Master Lease or was purchased with revenue generated from the Premises is property of the City. In the event the Lease is terminated or not extended for additional terms, the Trust shall turn over possession of the personal property to the City on the final day of the term of the Master Lease.

14. **QUIET ENJOYMENT**

The City warrants that so long as the Trust complies with all the terms of the Lease, the Trust will be entitled to peaceful and undisturbed possession of the Premises, free from any eviction or disturbance by the City.

15. **SUBORDINATION**

The Lease will be subject and subordinate to any mortgages, deeds of trust or land sale contracts (hereafter the "Encumbrances") now existing or hereafter arising against the Premises and any modifications or extensions thereof. This subordination will be automatic without the necessity for execution or delivery of any further instruments. Upon request of the City, the Trust will execute those documents reasonably requested by the City or the holder of the Encumbrance to reconfirm or evidence this subordination. If any mortgagee or trustee so elects, the Lease may be made prior to the lien of a mortgage or deed of trust; this change in priority

will occur upon written notice by the holder of the mortgage or deed of trust to the Trust regardless of the dates of the Lease or Encumbrance or their respective recording.

16. ASSIGNMENT

The Lease will bind and inure to the benefit of the Parties, their respective heirs, successors, and assigns, provided the Trust shall not assign its interest under the Lease without the written consent of the City.

17. GENERAL PROVISIONS

17.1 Attornment

If the Premises is sold or otherwise transferred by the City or any successor, the Trust will attorn to the purchaser or transferee and recognize it as the owner under the Lease. Provided the purchaser or transferee assumes all obligations under the Lease arising after the date of transfer, the transferor will have no further liability under the Lease.

17.2 Estoppel

Within twenty (20) days after written notice from the City, the Trust will execute, acknowledge and deliver to the City a certificate certifying whether the Lease has been modified and is in full force and effect, whether there are any modifications or alleged breaches by the City, the dates to which rent has been paid in advance, and the amount of any security deposit or prepaid rent, and any other facts that may reasonably be requested. Failure to deliver the certificate within the specified time will be conclusive upon the Trust that the Lease is in full force and effect and has not been modified except as may be represented by the City and that no more than one (1) month's rent has been prepaid in advance. If requested by the holder of any encumbrance upon the Premises or any ground lessor, the Trust will agree to give that holder or lessor notice of and opportunity to cure any default by the City under the Lease.

17.3 Severability

The invalidity of any provision of the Lease, as determined by a court of competent jurisdiction, will in no way affect the validity of any other provision of the Lease.

17.4 Interest

Any amount due to the City not paid when due will bear interest at the Default Rate, which is the highest lawful rate of interest, or if no limit applies then the greater of twelve percent (12%) per annum or the discount rate of the U.S. Federal Reserve Bank

from time to time plus three percent (3%), in which case the Default Rate will be determined for each month as of the first business day thereof. Payment of interest will not excuse or cure any default by the Trust under the Lease.

17.5 Time

Time is of the essence of the Lease and each and all of its provisions in which performance is a factor.

17.6 Captions

Section and paragraph captions are not a part of the Lease.

17.7 Incorporation of Prior Leases; Amendments

The Lease constitutes the entire agreement of the Parties and supersedes all prior written and oral agreements and representations. Neither the City nor the Trust is relying on any representations other than those expressly set forth in the Lease. The Lease may be modified in writing only, signed by the Parties in interest at the time of the modification.

17.8 Waivers

No waiver by the City of any provision of the Lease will be deemed a waiver of any other provision of the Lease or of any subsequent breach by the Trust of the same or any other provision. The City's consent to or approval of any act will not obviate the requirement to obtain the City's consent to or approval of any subsequent act by the Trust. The acceptance of rent by the City will not be a waiver of any preceding breach by the Trust, other than the failure of the Trust to pay the particular rent so accepted, regardless of the City's knowledge of the preceding breach at the time of acceptance of the rent.

17.9 Recording

The Trust will not record the Lease.

17.10 Surrender

On expiration or early termination of the Lease, the Trust and the City will agree on all reasonable steps and processes for effecting the transition to the City regarding the Premises. If the Trust fails to vacate the Premises when required, including failure to remove all its personal property, the City may eject the Trust from the Premises and recover damages caused by wrongful holdover.

17.11 Binding Effect; Choice of Law

This Lease will bind the Parties, their personal representatives, successors and assigns. The Lease will be governed by the laws of the State of Washington.

17.12 Attorneys' Fees.

If either party to the Lease brings an action, suit or claim to enforce the terms of the Lease or declare rights under the Lease, the prevailing party in any such action, on trial or appeal, shall be entitled to its reasonable attorney's fees to be paid by the losing party as fixed by the judge of the court.

17.13 Merger.

The voluntary or other surrender of the Lease by the Trust, or a mutual cancellation of the Lease, will not work a merger, and will, at the option of the City, terminate all or any existing sub-tenancies or may, at the option of the City, operate as an assignment to the City of any or all of such sub-tenancies.

17.14 Venue

The parties agree that, except to the extent prohibited by federal statute, the Superior Court of the County of Clark, State of Washington shall have sole jurisdiction over the parties for all claims, suits or actions arising under the Lease. Clark County Superior Court will be the sole venue to hear and decide all claims, suits and actions arising under the Lease, notwithstanding any claim of "forum nonconveniens" and after considering potential burdens of this forum.

17.15 Construction

The City and the Trust have been represented by counsel or are accustomed to negotiating leases. Accordingly, the Lease will not be construed more strictly against one party than another, even though the Lease may have been prepared by counsel to the Trust.

17.16 City's Right to Cure Defaults,

If the Trust fails to perform any obligation under the Lease, including without limitation payments to third parties, then in addition to any other remedy, the City shall have the option to perform the obligations after thirty (30) days written notice to the Trust, except in the event of emergency, in which event no notice will be required. All of the City's expenditures to correct the default shall be reimbursed by the Trust on demand with interest at the Default Rate.

18. NOTICES

Notices between the Parties relating to the Lease shall be in writing, effective when delivered, or if mailed, effective on the second day following mailing, postage prepaid, to the address for the party stated below or to such other address as either party may specify by notice to the other. Rent shall be payable to the City at the same address and in the same manner, but shall be considered paid only when received.

To the City at: City of Vancouver
Attention: City Manager
P.O. Box 1995, 415 W. 6th Street
Vancouver, WA 98668

To the Trust at: The Historic Trust
Attention: President
General O.O. Howard House
750 Anderson Street
Vancouver, WA 98661

19. SIGNATURES

THE PARTIES HERETO have executed the Lease on the dates specified immediately below their respective signatures.

THE TRUST:

Vancouver National Historic Reserve Trust



Gregory J. Goode, President & CEO

Dated: 1/4/19

The CITY:

City of Vancouver



Eric J. Holmes, City Manager

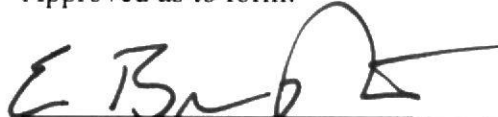
Dated: 1.2.19

Attest:



R. Natasha Ramras, City Clerk
By: ~~Carrie Lewellen, Deputy City Clerk~~

Approved as to form:



E. Bronson Potter, City Attorney

EXHIBIT A – Legal Descriptions

A-1 Officers Row

A tract of land situated in Section 27, Township 2 North, Range 1 East of the Willamette Meridian in Clark County, Washington, being a portion of the Vancouver Military Reservation, more particularly described as follows:

Beginning at a point on the west line of Fort Vancouver Way, said point being the southeast corner of that tract conveyed by the United States of America to the City of Vancouver by quit claim deed recorded under auditor's file no. G 45162 records of Clark County, Washington, and running thence North 71° 22' 46" West, along the south line of said tract, 254.60 feet, thence continuing a long said south line, North 71° 22' 15" West, 299.79 feet, to a point on the east line of S.R. 5; thence following along said east right-of-way line, South 73° 10' 07", 51.93 feet; thence South 48° 34' 58" West, 55.46 feet; thence South 26° 22' 31" West, 50.09 feet thence South 24° 31' 11" West, 200.08 feet, thence South 22° 37' 45" West, 122.87 feet, to the north line of Evergreen Boulevard; thence South 85° 43' 00" East, along said north line, 8.79 feet; thence along the arc of a curve to the left, having a central angle of 3° 48' 56" and a radius of 2845.00 feet an arc distance of 189.46 feet, thence North 84° 47' 24" East, 211.75 feet to the east line of that tract conveyed to the United States of American by deed recorded under auditor's file no G 128270 records of Clark County, Washington; thence North 22° 37' 45" East, along said east line 35.56 feet to the north line of Evergreen Boulevard; thence South 89° 13' 05" East, along said north line, 62.71 feet; thence along the arc of a curve to the right, having a central angle of 17° 55' 45" and a radius of 693.49 feet, an arc length of 217.01 feet, to the west line of Fort Vancouver Way, thence North 18° 45' 09" East 220.60 feet to the point of beginning.

AND

A tract of land situated in Sections 26 and 27, Township 2 North, Range 1 East of the Willamette Meridian, in Clark County, Washington, being a portion of the Vancouver Barracks Military Reservation, more particularly described as follows:

Beginning at a stone monument marking the northeasterly corner of the United States Military Reservation in Vancouver, Washington, said monument being in Section 23, Township 2 North, Range 1 East of the Willamette Meridian, and running thence South 22° 37' 00" West, along the east line of said military reservation, 4224.73 feet thence North 72° 46' 14" West 56.78 feet, to the true point of beginning, which is South 72° 46' 14" East, 43.66 feet from the southeast corner of that tract referred to as parcel #3 in quit claim deed between the United States of America and the Vancouver School District No. 37, recorded under auditor's file no. G 12547, records of Clark County, Washington, thence South 22° 56' 43" West, 252.94 feet; thence North 71° 17' 20" West, 42.12 feet; thence South 22° 37' 00" West, 158.07 feet to the northerly line of Evergreen Boulevard; thence along said northerly line, along the arc of a curve to the right, having a central angle of 29° 00' 07" and a radius of 345.14 feet, an arc distance of 174.70 feet; thence North 45° 16' 56" West, 137.18 feet; thence along the arc of a curve to the left, having a central angle of 26° 00' 24" and a radius of 622.96 feet, an arc distance of 282.76 feet;

thence North 71° 17' 20" West, 1847 feet to the east line, of Fort Vancouver Way; thence North 180° 45' 09" East, along said east line, 220.70 feet to the southwest corner of aforementioned parcel #3, recorded under auditor's file no. G 12547; thence South 71° 11' 16" East, along the south line of said parcel #3, 1183.92 feet; thence continuing along said south line, and its easterly extension, South 72° 46' 14" East, 1300.73 feet to the true point of beginning.

EXCEPT those parcels conveyed by the United States of America to Vancouver School District No. 37 by quit claim deeds recorded under auditor's file numbers G 12547 and G 36247, records of Clark County, Washington.

RESERVING TO the United States and its assigns the right to use the service road now existing along the west and northerly boundary of the above described property for the purpose of accessing the following described tract of land.

A parcel of land in Section 27, Township 2 North, Range 1 East, Willamette Meridian, Clark County, Washington, described as follows:

Beginning at the northeast corner of Section 27, Township 2 North, Range 1 East, W.M.; thence South 23° 23' 46" West 2, 172.39 feet to the true point of beginning; thence South 69° 48' 00" East 99.45 feet; thence North 24° 12' 00" East 220.99 feet to the southeasterly right-of-way line of State Highway Route No. 5; thence South 47° 43' 17" West, along said right-of-way line, 248.58 feet to the true point of beginning.

RESERVING TO the Grantor all coal, oil, gas, geothermal steam and associated geothermal resources, and other minerals on said Property, together with the right to prospect for and remove the same under applicable laws, rules, and regulations prescribed by the Secretary of the Interior.

TOGETHER WITH all improvements located thereon.

SUBJECT TO easement dated May 16, 1957 to Clark County Public Utility District for installation, maintenance, repair and replacement of an electric power line along the north 20 feet of "Officers Row", a copy of which is identified as Exhibit "A" and attached hereto and made a part hereof.

SUBJECT TO easement dated March 9, 1981 to the city of Vancouver for street construction, a copy of which is identified as Exhibit "B" and attached hereto and made a part hereof.

SUBJECT TO agreement for use of sewer line by the city of Vancouver, dated January 11, 1978, a copy of which is identified as Exhibit "C" and attached hereto and made a part hereof.

SUBJECT TO License for gas main to Portland Gas and Coke Company, dated May 20, 1925, a copy of which is identified as Exhibit "D" and attached hereto and made a part hereof.

SUBJECT TO easement dated January 9, 1979, granted to the Public Utility District of Clark County to erect, install, operate and maintain electrical pole lines and necessary appurtenances, a copy of which is identified as Exhibit "E" and attached hereto and made a part hereof.

SUBJECT TO existing easements for public roads and highways, public utilities, railroads, and pipelines and to other easements and encumbrances of record.

A-3 O. O. Howard Tract

A tract of land situated in the City of Vancouver and the County of Clark, State of Washington, more particularly described as follows:

A parcel of land situated in the southeast quarter of the northeast quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$) and the northeast quarter of the southeast quarter (NE $\frac{1}{4}$, SE $\frac{1}{4}$) in Section 27, Township 2 North, Range 1 East, Willamette Meridian, Clark County, Washington. Said parcel being all that portion (except the cemetery) of Vancouver Barracks Military Reservation lying westerly of Cabell Road (McLaughlin Road) and northerly of the north right-of-way line of Anderson Street (FHWA access road) and more particularly described as follows:

Commencing at a point on the northerly right-of-way of East Fifth Street (Evergreen Highway, SH No. 8), from which point the City of Vancouver's Bench Mark No. 2 bears south $87^{\circ} 54'$ east 1,875 feet, said Bench Mark being located at the point of intersection of said northerly right-of-way with the westerly line of East Reserve Street; thence north $87^{\circ} 54'$ west, along said northerly right-of-way 960 feet, more or less, to intersection with the west line of McLoughlin Road; thence north $22^{\circ} 26'$ east, along said west line 285.00 feet; thence north $81^{\circ} 35' 21''$ west, 735 feet, more or less, to a point which is 75.00 feet southeasterly, when measured at right angles, from the centerline of proposed State Highway No. 1; thence north $30^{\circ} 19' 00''$ east, 771.30 feet; thence north $18^{\circ} 49' 30''$ east, 60.00 feet; thence north $65^{\circ} 19' 30''$ east, 45.70 feet; thence north $20^{\circ} 19' 30''$ east, 41.00 feet; thence south $69^{\circ} 40' 30''$ east, 388.50 feet; thence north $18^{\circ} 29' 35''$ east, 113.02 feet to the POINT OF BEGINNING on the north right-of-way of Anderson Street, said point being on the Vancouver Barracks Military Reservation boundary; thence continuing north $18^{\circ} 29' 35''$ east, 257.27 feet along said boundary the following courses; thence north $32^{\circ} 18' 55''$ east, 38.40 feet; thence north $89^{\circ} 36' 15''$ east, 52.40 feet; thence north $24^{\circ} 12' 15''$ east, 17 feet, more or less, to a point on the southerly line of East Tenth Street; thence along said southerly line south $87^{\circ} 38' 19''$ east, 101.87 feet to the beginning of a curve concave southerly; thence easterly along said curve having a radius of 593.49 feet and a central angle of $17^{\circ} 55' 45''$ for an arc distance of 185.84 feet to intersection with the westerly right-of-way line of Cabell Road; thence leaving the Vancouver Barracks boundary, southwestwardly along said westerly line on a curve concave northwestwardly and having a radius of 420 feet and a central angle of $28^{\circ} 08' 45''$ for an arc distance of 206.32 feet; thence south $48^{\circ} 28' 45''$ west, 152.23 feet, to the north right-of-way line of Anderson Street; thence north $73^{\circ} 45' 01''$ west along said north line, 99.54 feet to the beginning of a curve concave southerly; thence westerly along said curve having a radius of 167.00 feet and a central angle of $42^{\circ} 04' 52''$ for an arc distance of 122.99 feet to the POINT OF BEGINNING.

Contains 2.03 acres (0.82 hectares), more or less.

The preceding description was not obtained from a single source and is not intended to depict an actual survey.

Master Lease - 2019-2023**EXHIBIT B- INVENTORY OF PROPERTY****B-1 Officers Row**

Bldg	Unit	Type of Use
2	601 Officers Row	Commercial
2	603 Officers Row	Commercial
3	650 Officers Row	Commercial
3	652 Officers Row	Commercial
3	654 Officers Row	Commercial
3	656 Officers Row	Commercial
1	701 Officers Row	Commercial
4	750 Officers Row	Commercial
4	752 Officers Row	Commercial
6	850 Officers Row	Commercial
4	754 Officers Row	Commercial
5	756 Officers Row	Commercial
5	800-A Officers Row	Commercial
8	800-B Officers Row	Commercial
5	800-C Officers Row	Commercial
5	800-D Officers Row	Commercial
5	802A Officers Row	Commercial
5	802B Officers Row	Commercial
5	802C Officers Row	Commercial
5	802D Officers Row	Commercial
5	804 Officers Row	Commercial
5	806 Officers Row	Commercial
7	901 Officers Row	Commercial
7	903 Officers Row	Commercial
7	905 Officers Row	Commercial
8	951 Officers Row	Commercial
8	953 Officers Row	Commercial
8	955 Officers Row	Commercial
9	1001 Officers Row	Commercial
9	1003 Officers Row	Commercial
9	1005 Officers Row	Commercial
9	1007 Officers Row	Commercial
9	1009 Officers Row	Commercial
10	1051 Officers Row	Commercial
10	1053 Officers Row	Commercial
10	1055 Officers Row	Commercial
10	1057 Officers Row	Commercial
11	1101 Officers Row	Commercial
14	1251/1253 Officers Row	Commercial

15	1301 Officers Row	Commercial
15	1313 Officers Row	Commercial
15	1321 Officers Row	Commercial
15	1321B Officers Row	Commercial
15	1321C Officers Row	Commercial
15	1325A Officers Row	Commercial
15	1325B Officers Row	Commercial
16	1351 Officers Row	Commercial
16	1353 Officers Row	Commercial
18	1453 Officers Row	Commercial
21	1601 Officers Row	Commercial
21	1603 Officers Row	Commercial
21	1605 Officers Row	Commercial
21	1607 Officers Row	Commercial
12	1151 Officers Row	Residential
12	1153 Officers Row	Residential
12	1155 Officers Row	Residential
12	1157 Officers Row	Residential
12	1161 Officers Row	Residential
12	1163 Officers Row	Residential
12	1165 Officers Row	Residential
12	1167 Officers Row	Residential
12	1201 Officers Row	Residential
13	1203 Officers Row	Residential
13	1205 Officers Row	Residential
13	1207 Officers Row	Residential
13	1209 Officers Row	Residential
14	1255 Officers Row	Residential
17	1401 Officers Row	Residential
17	1403 Officers Row	Residential
17	1405 Officers Row	Residential
17	1407 Officers Row	Residential
18	1451 Officers Row	Residential
18	1455 Officers Row	Residential
18	1457 Officers Row	Residential
19	1501 Officers Row	Residential
19	1503 Officers Row	Residential
19	1505 Officers Row	Residential
20	1507 Officers Row	Residential
20	1551 Officers Row	Residential
20	1553 Officers Row	Residential
20	1555 Officers Row	Residential
20	1557 Officers Row	Residential
20	1561 Officers Row	Residential
20	1563 Officers Row	Residential
20	1565 Officers Row	Residential
20	1567 Officers Row	Residential

Howard House	750 Anderson Street, Suite A	Commercial
	750 Anderson Street, Suite B	Commercial
Police Admin Building	605 E Evergreen Blvd	Commercial
Evergreen Arboretum	East end of Officers Row	Public Space

B-2 West Barracks

Mess Hall	621 Barnes St	Commercial
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Red Cross Bldg	605 Barnes St Suite L1	Commercial
	605 Barnes St Suite 206	Commercial
	605 Barnes St Suite 205	Commercial
	605 Barnes St Suite 204	Commercial
	605 Barnes St Suite 203	Commercial
	605 Barnes St Suite 202	Commercial
	605 Barnes St Suite 200	Commercial
	605 Barnes St, 1st Floor	Public Use

Artillery Barracks	600 Hathaway Road Suite 103	Commercial
	600 Hathaway Road Suite 105	Commercial
	600 Hathaway Road Suite 106	Commercial
	600 Hathaway Road Suite 201	Commercial
	600 Hathaway Road Suite 203	Commercial
	600 Hathaway Road Suite 204	Commercial
	600 Hathaway Road Suite 207	Commercial
	600 Hathaway Road Suite 208	Commercial
	600 Hathaway Road Suite LL	Commercial
	600 Hathaway Road Suite Board Room	Public Use
	600 Hathaway Road 1st Floor East	Public Use

Dental Surgery	619 Barnes Road	Commercial
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Spruce Division, RSB	630 Fort Vancouver Way	Commercial
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Duplexes	602 Barnes St	Residential
	604 Barnes St	Residential
	500 Martin Ct	Residential
	502 Martin Ct	Residential
	510 Martin Ct	Residential

512 Martin Ct	Residential
400 Hathaway Rd	Residential
402 Hathaway Rd	Residential
409 Hathaway Rd	Residential
411 Hathaway Rd	Residential
509 Hathaway Rd	Residential
511 Hathaway Rd	Residential
521 Hathaway Rd	Residential
523 Hathaway Rd	Residential

Infantry Barracks

705 Barnes St Unit 101	Residential
705 Barnes St Unit 102	Residential
705 Barnes St Unit 103	Residential
705 Barnes St Unit 104	Residential
705 Barnes St Unit 105	Residential
705 Barnes St Unit 106	Residential
705 Barnes St Unit 201	Residential
705 Barnes St Unit 202	Residential
705 Barnes St Unit 203	Residential
705 Barnes St Unit 204	Residential
705 Barnes St Unit 205	Residential
705 Barnes St Unit 206	Residential

Single Family Residence

701 McClellan Road	Residential
611 McClellan Road	Residential

Post Hospital

610 Barnes Street?	Commercial
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Garages

1	Other
1	Other
2	Other
2	Other
3	Other
3	Other
4	Other
4	Other
5	Other
5	Other
6	Other
6	Other
7	Other
8	Other
9	Other
10	Other

11	Other
12	Other
13	Other
14	Other

B-3 Land Bridge

40-ft.-wide earth-covered pedestrian bridge with 2 overlooks, interpretive panels & native plants, located over Hwy 14 south of the reconstructed Fort Vancouver

Public Use

EXHIBIT C – Schedule of Current Leases

SCHEDULE OF COMMERCIAL LEASES

Bldg	Unit	Lease Term		Tenant
		From	To	
2	601 Officers Row	7/1/2016	30-Jun-2019	Archaeological Services
2	603 Officers Row	3/1/2017	28-Feb-2020	Visiting Angels
3	650 Officers Row	3/12/2016	31-Mar-2021	Hargrove Insurance Agency
3	652 Officers Row	9/22/2018	30-Sep-2020	Maranatha Music
3	654 Officers Row	9/15/2017	30-Sep-2020	Island Family Limited Patnership
3	656 Officers Row	10/1/2018	30-Sep-2020	CloudEngage
1	701 Officers Row	1/1/2017	31-Dec-2021	Bergman, D.D.S., P.S
4	750 Officers Row	2/1/2016	31-Jan-2019	Retsina, Marshack, McGinley
4	752 Officers Row	2/1/2016	31-Jan-2019	Retsina, Marshack, McGinley
6	850 Officers Row	2/1/2016	31-Dec-2023	Columbia Land Trust
4	754 Officers Row	12/1/2018	31-Jan-2020	Charles Wesser/Anne Tucker
5	756 Officers Row	12/15/2018	31-Dec-2021	Tara May, Phd
5	800-A Officers Row	1/1/2018	31-Dec-2018	Edie Dietzen
8	800-B Officers Row	6/15/2018	30-Jun-2019	Jennifer Sites
5	800-C Officers Row	11/1/2016	31-Oct-2019	Miriam Erickson, PhD. PS
5	800-D Officers Row			Vacant
5	802A Officers Row	11/1/2017	31-Oct-2020	WSU Small Business
5	802B Officers Row	2/1/2018	31-Jan-2019	Columbia Symphony Orchestra
5	802C Officers Row	7/1/2018	30-Jun-2019	Deborah Towner LLC
5	802D Officers Row	11/15/2015	30-Nov-2018	Catherine Morton
5	804 Officers Row	7/1/2016	30-Jun-2019	Elizabeth Cook
5	806 Officers Row	1/1/2017	31-Dec-2018	CoreTek, Reps
7	901 Officers Row	12/6/2014	30-Jun-2021	Empire Hospitality
7	903 Officers Row	7/1/2015	30-Jun-2021	Empire Hospitality
7	905 Officers Row	5/1/2016	30-Jun-2021	Empire Hospitality
8	951 Officers Row	6/1/2018	31-May-2019	Terry Murphy Interiors, LLC
8	953 Officers Row	6/1/2018	31-May-2019	Legacy Realty Group
8	955 Officers Row	12/1/2017	30-Nov-2018	Margaret Smith, Barbara Felix, Melissa Robbins
9	1001 Officers Row	11/1/2015	31-Dec-2020	Navigant
9	1003 Officers Row	11/1/2015	31-Dec-2020	Navigant
9	1005 Officers Row	11/1/2015	31-Dec-2020	Navigant
9	1007 Officers Row	1/1/2016	31-Dec-2020	Navigant
9	1009 Officers Row	11/1/2015	31-Dec-2020	Navigant
10	1051 Officers Row	10/20/2014	30-Nov-2019	Westby Associates, Inc.
10	1053 Officers Row	10/20/2014	30-Nov-2019	Westby Associates, Inc.
10	1055 Officers Row	4/1/2017	30-Nov-2019	Westby Associates, Inc.
10	1057 Officers Row	7/1/2018	30-Jun-2019	CoreTek, Reps
11	1101 Officers Row	4/1/2017	31-Dec-2022	The Eatery at The Grant House
14	1251/1253 Officers Row	1/1/2018	31-Dec-2018	Vancouver Business Journal
15	1301 Officers Row		NA	The Historic Trust
15	1313 Officers Row	1/1/2013	31-Dec-2006	Senator Maria Cantwell
15	1321 Officers Row	12/1/2016	30-Nov-2021	Kathleen O'Connor /Pillar Financial
15	1321B Officers Row	7/1/2018	30-Jun-2019	Davis Global Wealth Management
15	1321C Officers Row	1/3/2011	2-Jan-2019	Senator Patty Murray
15	1325A Officers Row	2/1/2018	31-Jan-2019	Oplinc Inc
15	1325B Officers Row	4/7/2018	30-Apr-2019	Elite Emmsion Products, Inc
16	1351 Officers Row	6/21/2015	31-Jul-2021	NW Legacy Law
16	1353 Officers Row	7/1/2017	30-Jun-2022	Salsbury and Co. LLC
18	1453 Officers Row	4/1/2018	31-Mar-2019	Neck, Sheila
21	1601 Officers Row	12/1/2015	30-Nov-2019	Bohemian Companies LLC
21	1603 Officers Row	1/1/2018	31-Dec-2018	Acuity Group PLLC
21	1605 Officers Row	12/1/2018	30-Nov-2019	Bohemian Companies LLC

21	1607 Officers Row	11/1/2015	31-Oct-2020 Fort Vancouver Investment Management
Howard House - Ste B	750 Anderson Street	1/3/2017	2-Jan-2019 Congresswoman Jamie Herrera Beutler
Mess Hall	621 Barnes St	7/1/2015	30-Jun-2020 International Air Academy
Red Cross Bldg			
	605 Barnes St Suite L1	11/1/2015	31-Oct-2018 Pinnacle
	605 Barnes St Suite 206	1/1/2018	31-Dec-2018 Staub's Funeral Home/All County Cremations
	605 Barnes St Suite 205		Month to Month Mount St. Helens Institute
	605 Barnes St Suite 204	7/1/2018	30-Jun-2019 International Air Academy
	605 Barnes St Suite 203		Month to Month Mount St. Helens Institute
	605 Barnes St Suite 202	1/18/2018	31-Dec-2018 Michael Koszalka
	605 Barnes St Suite 200		N/A The Historic Trust
Artillery Barracks			
	600 Hathaway Road Suite 103	6/15/2017	30-Jun-2022 Realwear
	600 Hathaway Road Suite 105	6/15/2017	30-Jun-2022 Realwear
	600 Hathaway Road Suite 106	6/15/2017	30-Jun-2022 Realwear
	600 Hathaway Road Suite 201	6/15/2017	30-Jun-2022 Realwear
	600 Hathaway Road Suite 203	6/15/2017	30-Jun-2022 Realwear
	600 Hathaway Road Suite 204		Vacant
	600 Hathaway Road Suite 207		Vacant
	600 Hathaway Road Suite 208	8/1/2017	31-Jul-2022 Leslie Durst
	600 Hathaway Road Suite LL	Month to Month	Realwear
	600 Hathaway Road Suite - Board Room		N/A The Historic Trust
Dental Surgery	619 Barnes Road	6/1/2017	31-May-2020 Exquisite Crystals
Spruce Division, RSB	630 Fort Vancouver Way	10/11/2018	31-Dec-2020 Empire Hospitality

SCHEDULE OF RESIDENTIAL LEASES

Bldg	Unit	From	To	Tenant
12	1151 Officers Row	8/1/2018	31-Jul-2019	Forshaw, Charles & Tessman, Nancy
12	1153 Officers Row	7/1/2018	30-Jun-2019	Pryor, Charles & Diane
12	1155 Officers Row	1/1/2018	31-Dec-2018	Stringer, Don
12	1157 Officers Row	4/1/2018	31-Mar-2019	Gretta Sutton
12	1161 Officers Row	9/1/2018	31-Aug-2019	Andi Peterson
12	1163 Officers Row	7/1/2018	30-Jun-2019	Dietzen, Gerald & Edith
12	1165 Officers Row	11/1/2018	31-Oct-2019	Rickman, Sharon
12	1167 Officers Row	11/1/2018	31-Oct-2019	Fox-Lambert, Michael
12	1201 Officers Row	10/1/2018	30-Sep-2019	Michael & Elisabeth Madar
13	1203 Officers Row	7/1/2018	30-Jun-2019	Welbourn, Gary
13	1205 Officers Row	11/1/2018	31-Oct-2019	Schuller, Richard
13	1207 Officers Row	8/1/2018	31-Jul-2019	Rosser, Robert
13	1209 Officers Row	6/1/2018	31-May-2019	Young, Chris
14	1255 Officers Row	8/1/2018	31-Jul-2019	Gayle Rothrock
17	1401 Officers Row	5/1/2018	30-Jun-2019	Gunn, Pamela & Becker, Cheryl
17	1403 Officers Row	5/1/2018	30-Apr-2019	Holden, Sue
17	1405 Officers Row	6/1/2018	31-May-2019	Lunde, Marilyn
17	1407 Officers Row	10/1/2018	30-Sep-2019	Beverly McDevitt
18	1451 Officers Row	6/1/2018	31-May-2019	Olson, Ed & Bassin, Sarice
18	1455 Officers Row	6/1/2018	31-May-2019	Skinner, Rosanne
18	1457 Officers Row	2/1/2018	31-Jan-2019	Rich-Daniels, Catherine

19	1501 Officers Row	1/1/2018	31-Dec-2018 Vallance, James
19	1503 Officers Row	8/1/2018	31-Jul-2019 Buckman, Fred & Marion
19	1505 Officers Row	9/1/2018	31-Aug-2019 Metcalf, Mary
20	1507 Officers Row	2/1/2018	31-Jan-2019 Kalich, Venita
20	1551 Officers Row	5/1/2018	30-Apr-2019 Gonzales, Ben
20	1553 Officers Row	10/1/2018	30-Sep-2019 Robert Laveyra
20	1555 Officers Row	6/1/2018	31-May-2019 Charlotte Harrison
20	1557 Officers Row	3/1/2018	28-Feb-2019 Stirling, Judith
20	1561 Officers Row	3/1/2018	28-Feb-2019 Lesley Gavin
20	1563 Officers Row	7/1/2018	30-Jun-2019 Fowler, Jonathan "Pete"
20	1565 Officers Row	6/1/2018	31-May-2019 Lane & Judith Vander Sluis
20	1567 Officers Row	7/1/2018	30-Jun-2019 Deborah Mee

Duplexes

602 Barnes St	602 Barnes St	1/1/2017	31-Dec-2018 Hunter, Beth & Rachel
604 Barnes St	604 Barnes St	5/1/2018	30-Apr-2019 Shawn Potter
500 Martin Ct	500 Martin Ct	8/1/2018	31-Jul-2019 Reiner, James
502 Martin Ct	502 Martin Ct	6/1/2018	31-May-2019 Graham, Stacey
510 Martin Ct	510 Martin Ct	6/1/2018	31-May-2019 Berry, Brad & Cindi
512 Martin Ct	512 Martin Ct	1/1/2018	31-Dec-2018 Krantz, Kurston
400 Hathaway Rd	400 Hathaway Rd	1/1/2018	30-Sep-2019 Sowe, Hayes, Blankenship
402 Hathaway Rd	402 Hathaway Rd	3/1/2018	30-Sep-2019 Bryan & Merilee Schmidt
409 Hathaway Rd	409 Hathaway Rd	7/1/2018	30-Jun-2019 Towner, Deborah
411 Hathaway Rd	411 Hathaway Rd	6/1/2018	31-May-2019 William & Joan Cavanah
509 Hathaway Rd	509 Hathaway Rd	6/1/2018	31-May-2019 Van Hoomissen, George & Carla
511 Hathaway Rd	511 Hathaway Rd	1/1/2018	31-Dec-2018 Miyahara, Michael & Stoffer, Elizabeth
521 Hathaway Rd	521 Hathaway Rd	1/1/2018	31-Dec-2018 Basic, Robert
523 Hathaway Rd	523 Hathaway Rd	7/1/2018	30-Jun-2019 Realwear

Infantry Barracks

705 Barnes St Unit 101	1-Aug-2018	31-Jul-2019 Potter, Nicholle
705 Barnes St Unit 102	1-Jul-2018	30-Jun-2019 Schoon, Johannes, Puscas, Raluca
705 Barnes St Unit 103	1-Jun-2018	31-May-2019 Meagher, Tim
705 Barnes St Unit 104	1-Jun-2018	31-May-2019 MJ Murdock
705 Barnes St Unit 105	1-Jun-2018	31-May-2019 Hammontree, Edward
705 Barnes St Unit 106	1-Jun-2018	31-May-2019 Runyan, Elspeth
705 Barnes St Unit 201	1-Oct-2018	30-Sep-2019 Canfield, April
705 Barnes St Unit 202	1-Aug-2018	31-Jul-2019 Nosler, Heidi
705 Barnes St Unit 203	1-Jun-2018	31-May-2019 Burks, Beverly
705 Barnes St Unit 204	1-Jun-2018	31-May-2019 Jeffers, Andrew & Gagnet, McKenzie
705 Barnes St Unit 205	1-Jun-2018	31-May-2019 Weitzel, David & Sharon
705 Barnes St Unit 206	1-Aug-2018	30-Sep-2019 Realwear, Inc

Single Family

701 McClellan Road	1-May-2018	30-Apr-2019 Bickford, Thomas & Rosemary
611 McClellan Road	1-Jan-2018	31-Dec-2018 Dave Sacks

Garages

1	Krantz, Kurston
1	Maranatha Music
2	The Historic Trust
2	The Historic Trust
3	Miyahara, Michael & Stoffer, Elizabeth
3	Jim Reiner
4	Stacey Graham
4	International Air Academy
5	Van Hoomiseen, Geroge & Carla
5	The Historic Trust
6	Berry, Brad & Cindi

6	The Historic Trust
7	Johannes Schoon
8	Towner, Deborah
9	Columbia Land Trust
10	The Historic Trust
11	The Historic Trust
12	The Historic Trust
13	The Historic Trust
14	The Historic Trust

Master Lease- 2019-2023
Exhibit D

Staffing used for property management

	# of staff	Salary range	Time allocated to master lease properties
Maintenance Staff	4	\$36,000 to \$55,000	100%
Maintenance Supervisor	1	\$50K to \$60K	75%
Leasing Agent	1	\$50K to \$60K	40%
Director of Historic Preservation	1	\$75K to \$82K	50%
CEO	1	\$160K to \$180K	15%
Controller	1	\$75K to \$82K	25%
Event Facilities staff	2	\$36,000 to \$45,000	100%
Accounting Coordinator	1	\$36K to \$42K	35%



Staff Report: 212-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 11/20/2023

SUBJECT Humane Society of Southwest Washington Contract Extension

Key Points

- The Contract Extension Ordinance authorizes an extension of up to 6 months to the current contract with the Humane Society of Southwest Washington (HSSW), which has been in effect since 2019 and is set to expire at the end of 2023.
- The extension would allow staff time to negotiate the terms of the new contract with the HSSW, including a potential transition to a new fee structure and significant proposed cost increases from the HSSW.
- The execution of contracts with a duration of more than five years must be authorized by City Council via ordinance.

Strategic Plan Alignment

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

Present Situation

Additional time is required to complete negotiations on a new contract with the Humane Society of Southwest Washington for animal shelter and care services. City staff request that Council authorize an extension to the current contract with HSSW so that a fair and mutually agreeable contract can be developed.

Advantage(s)

1. Provides City staff with needed time to negotiate mutually acceptable fees and costs with the HSSW.
2. Provides City staff with adequate time to investigate a potential new fee structure that would provide greater budgeting predictability for the City and reduce unnecessary administrative burden on staff.
3. Avoids locking the City into a hastily crafted contract with long-term financial repercussions.

Disadvantage(s)

Not extending the contract would result in a discontinuation of critical services and/or insufficient time to negotiate a mutually agreeable new contract with the HSSW.

Budget Impact

Approval of the contract extension would continue the current fee structure until the end of the term of the extension.

Approval of the contract extension would help facilitate the development of a new contract that would establish mutually agreeable pricing between the City and the HSSW, as well as potentially establish a fee structure that could provide greater predictability for budgeting purposes.

Prior Council Review

None

Action Requested

On Monday, approve ordinance on first reading, setting date of second reading and public hearing for Monday, December 4, 2023, and authorize the City Manager, or designee, to execute the contract extension to the Professional Service Agreement with HSSW for animal shelter and care services to extend the end date as indicated above.

Rebecca Small, Senior Policy Analyst, 360-487-8601

ATTACHMENTS:

- ▢ Ordinance

12/04/23

ORDINANCE M - _____

AN ORDINANCE authorizing the execution of a contract amendment with Humane Society of Southwest Washington (“Contractor”), to continue providing animal shelter and care (“Services”) to the City of Vancouver, Washington (“City”); authorizing a contract amendment extending the contract beyond its original five-year duration; providing for severability; and setting an effective date.

WHEREAS, Contractor has provided animal shelter and care services to the City under the current agreement beginning January 1, 2019, with the original two year term expiring December 31, 2021, and an additional two-year option running from January 1, 2019, through December 31, 2023; and

WHEREAS, to ensure continuity of animal shelter and care services, the City wishes to extend the use of Contractor’s Services until February 28, 2024; with the ability to extend an additional period until June 30, 2024, if such a term is available; and

WHEREAS, extending this agreement through that timeframe will ensure the City continues to receive this critical service while terms of a new contract are negotiated; and

WHEREAS, pursuant to City Charter Section 11.05, the City Council has the authority to authorize the execution of contracts with a duration of more than five years by ordinance; and

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

Section 1. Approval. The City Manager or designee is hereby authorized to execute a contract amendment with Contractor for the continuation of Contractor’s Services to the City.

ORDINANCE - 1

Does not require codification

Section 2. Duration. The duration of such contract amendment is hereby authorized to extend beyond its original five-year duration, until no later than February 28, 2024, with the ability to extend an additional period until June 30, 2024, if such a term is available.

Section 3. Severability. If any clause, sentence, paragraph, section, or part of this Ordinance or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any parts thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 4. Effective Date. This Ordinance shall go into effect five days after its recording.

SIGNED this _____ day of _____, 2023.

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

ORDINANCE - 2

Does not require codification

SUMMARY

ORDINANCE M-_____

AN ORDINANCE authorizing the execution of a contract amendment with Humane Society of Southwest Washington, to continue the provision of animal shelter and care services to the City of Vancouver, Washington; authorizing a contract amendment extending the contract beyond its original five-year duration; providing for severability; and setting an effective date. The full text of this Ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at (360) 487-8799, or via www.cityofvancouver.us (Go to City Government and Public Records).

ORDINANCE - 3

Does not require codification

CONTRACT FOR ANIMAL SHELTER SERVICES
between
CITY OF VANCOUVER
AND
HUMANE SOCIETY FOR SOUTHWEST WASHINGTON

This is a Contract between the City of Vancouver, ("City"), and the Vancouver Humane Society & SPCA dba, Humane Society for Southwest Washington ("Society"); providing for the Society to operate an animal shelter for the City and to receive and care for animals impounded pursuant to Vancouver Municipal Code, Chapter 8.24 Animals, as either may be amended, for certain agreed upon consideration. "City Designated Animal Control Agent" shall mean Clark County Animal Protection and Control or any other designated agent the City may choose during the term of this agreement.

It is hereby AGREED by the parties as follows:

A. PURPOSE

The purpose of this Contract is to define the scope of services contracted between the City and Society; set forth the compensation paid by the City for such services and provide for other requirements of the parties to this Agreement.

B. TERM OF AGREEMENT

This Agreement will be effective on January 1, 2019 and expires on December 31, 2021. The City reserves the right to extend the Agreement for one (1) additional two (2) year term by mutual agreement between the Society and City.

C. SERVICES

1. FACILITY REQUIREMENTS

- a. The Society shall provide an animal shelter in full compliance with laws governing animal shelter facilities in the State of Washington, including any regulations promulgated by the Washington Department of Health. Said shelter shall be designed to accommodate receiving,

housing and/or distributing animals seized within the jurisdiction of the City of Vancouver.

- b. The shelter shall comply with Vancouver Municipal Code (VMC) 8.24.490, "Animal shelters, kennels and pet shops"; VMC 8.24.500 "Indoor facilities- Specific conditions" and VMC 8.24.510 "Outdoor facilities- Specific conditions".
- c. The shelter shall have an adequate number of dog kennels and cat cages to accommodate all stray animals brought to the shelter by the City's designated Animal Control Agent or by residents from within the City limits and shall include isolation facilities for quarantined animals, veterinary care facilities and refrigeration and/or freezer space for deceased animal storage.

2. SHELTER OPERATIONS

- a. The Society will maintain and follow a clear set of protocols regarding shelter admission and intake procedures, care and welfare of animals, employee conduct and shelter and adoption operations.
- b. The Society shall comply with the standards set forth in the "Guidelines for Standards of Care in Animal Shelters" published by the Association of Shelter Veterinarians.
- c. Society must employ or contract with a Washington State licensed veterinarian during at least six (6) days per week, during regular business hours for the purpose of providing emergency medical care to stray animals in distress.
- d. A licensed veterinarian shall monitor the veterinary care and other aspects of shelter operations affecting the health of the animal population of the shelter.
- e. Animals will be treated with care and respect, provided a clean, comfortable, safe and healthy environment with adequate housing, exercise, water and food, in accordance with VMC 8.24.

- f. The Society will establish and maintain convenient public hours of access including weekend hours.

3. ANIMAL INTAKE

- a. Society shall accept animals on behalf of the City of Vancouver that are brought in by the City's Designated Animal Control Agent; the Vancouver Police Department and members of the public who find stray animals within the Vancouver city limit.
- b. The shelter shall accept dogs, cats, domestic birds, domestic rabbits and small mammals, fowl, goats, pot-bellied pigs and small reptiles.
- c. The shelter is not required to accept hoofed livestock, venomous or dangerous reptiles and most exotic animals, except by specific agreement.
- d. Injured wildlife (wild birds, raccoons, opossum, squirrels, etc.) will be accepted at the shelter for euthanasia purposes only. Society reserves the right to turn away or to refer to other agencies, healthy wildlife, brought the shelter for nuisance removal purposes.
- e. Society shall provide a procedure whereby animals may be delivered to the shelter by the City's Designated Animal Control Agent 24 hours per day, 7 days per week.
- f. Upon intake, animals will be vaccinated for common illness, treated for fleas and worms and groomed as necessary for the animal's health and comfort.
- g. Suitable quarantine and isolation areas will be available to house animals that are dangerous or potentially carrying highly infectious disease that may threaten the health and safety of other animals or humans.
- h. Animals will be held in accordance with VMC, Chapter 8.24.330 prior to eligibility for adoption, transfer to another animal welfare agency or placement with a rescue group. Minimum holding requirements are as follows:

- i. Stray animals that are unlicensed or for which the owner is unknown shall be held for 72 hours, commencing from apprehension, before being eligible for adoption, transfer or euthanasia;
- ii. If a stray animal's owner is known, licensed or registered, the owner must be notified within a reasonable time per the Society's approved protocol (Exhibit A), and the animal must be held for 120 hours after notification before being eligible for adoption, transfer or euthanasia. If reasonable attempts have been made by the appropriate authority to notify the owner, without success, the animal shall be held for at least 120 hours from the time of apprehension before being eligible for adoption, transfer or euthanasia;
- iii. Animals classified as dangerous, potentially dangerous or under legal hold or quarantines may be subject to additional holding requirements, as set forth in VMC 8.24.166. The City's designated animal control agent is responsible for fulfilling the requirements of a dangerous or potentially dangerous animal declaration. In these cases, the Society's responsibility is limited to holding animals at the request of the City, for the time period specified.
- iv. Wildlife is exempt from minimum holding requirements. Per VMC 8.24.330 (4), cats deemed to act in a feral manner after a reasonable observation period may be destroyed or returned to its original location as part of a community cat program, prior to the expiration of the required holding period.
- v. All impound periods shall continue to run during those hours when the shelter is not open for business.
- i. Underage kittens, puppies and other young animals may be placed in a foster setting.
- j. All animals shall have an impound record, indicating the identification tag number, if any, species, breed and description of animal by

coloring, time and date of impound, name of agent taking in the animal and area where the animal was found.

- k. Should an animal be suffering from serious injury or disease that would endanger other sheltered animals, or cause the animal to endure unnecessary pain and suffering if left untreated, as determined by the Society, under the guidance of a licensed veterinarian, the animal may be euthanized prior to the expiration of the required hold period and documented on the Animal Control Record.
- l. Any animal impounded may be redeemed within the stray holding period, upon evidence of rightful ownership or custody and payment of redemption fees. These include the cost of impound, transportation and any additional veterinary or animal care.
- m. Animals may be denied redemption if placed on investigative hold by Clark County Animal Control or the Health Department. Per VMC 8.24.330 (5), redemption may be denied to an owner who has cruelly treated an animal. In these cases, the Society shall act as directed by the City's designated animal control agent.
- n. The Society will provide disposal (cremation) services for animals deceased upon arrival or during the time of sheltering.

4. DISPOSITION OF UNCLAIMED ANIMALS

- a. Society shall make all reasonable attempts to reunite animals with owners before disposition.
- b. No live animals shall be used, sold or donated for experimental purposes.
- c. After minimum hold times have expired, the Society shall assume full rights and responsibility for the final disposition of the animal. This may include adoption, transfer to an approved adoption or rescue agency or humane euthanasia.

5. EUTHANASIA

- a. Society must arrange and/or provide for the humane euthanasia and disposal of animals that cannot be placed.
- b. Society will maintain a clear protocol for the use of euthanasia.
- c. Euthanasia, using the most modern and humane method available, is to be carried out by certified euthanasia technicians under the provisions established by Washington State law.
- d. Society must maintain a current Washington Board of Pharmacy license to purchase and dispense appropriate drugs, and must comply with all Federal and State regulations concerning the handling of controlled substances for the purpose of animal euthanasia.

6. ADOPTION, PLACEMENT OR TRANSFER OF ANIMALS

- a. Every reasonable effort shall be made to return the animal to its owner prior to release of the animal through adoption or transfer to another animal welfare agency.
- b. Cats, dogs, rabbits are to be spayed or neutered and microchipped as a condition of adoption, subject to the animal shelter's discretion.
- c. Cats and dogs adopted to residents of Vancouver are to be licensed prior to release.

7. ADMINISTRATION

- a. The Society will act as an agent in the sale of animal licenses for the City and may elect to charge an agent fee for every license purchased.
- b. Upon redemption of any stray animal, the Society shall collect and safeguard fees as established by the City Ordinance. Collection of fees shall be duly noted on the Animal Custody report.
- c. Redemption fees shall be posted at the shelter and on the Society's website. The Society shall be responsible for collecting all impound and licensing fees due upon redemption of a stray animal, in accordance with City regulations, and shall issue a receipt for each payment. The

Society shall have the authority to allow limited discounts and/or fee waivers, in the event that an owner is unable to pay full redemption fees. Individual records of each fee discount will be forwarded to the City.

- d. The Society shall transmit the total amount of collected redemption fees as well as civil penalties to the City, along with an aggregated report of fees collected. Nothing in this section shall preclude a resident from using the appeals procedure provided in VMC, Chapter 8.24
- e. The Society will cooperate with City officials, the City's Designated Animal Control Agent, and/or Clark County Public Health on actions pertaining to animals and quarantine; assist the City in obtaining and presenting evidence in the civil or criminal prosecution of all violations of any ordinance, code, regulation or law pertaining to animal control, including licensing and registration. If Society representatives need to testify in court, the Society may request an additional fee for this service, to be determined in advance.

D. INSURANCE

1. The Society shall carry liability insurance with the following minimum coverage: \$1,000,000.00 combined single limit bodily injury and property damage, with the City named as additional named insureds, and provide that the City is to be notified by the insurance agent/broker or company not less than 30 days in advance of any policy cancellation or termination of coverage. Such insurance shall be subject to the approval of the City Attorney.

2. Society shall forward copies of all insurance policies or binders to the City within seven (7) days of signing this Agreement.

E. HOLD HARMLESS/INDEMNIFICATION

The Society does release, indemnify and promise to defend and save harmless the City its elected officials, officers, employees and agents from and against any all liability,

loss, damages, expense, action, and claims, including costs and reasonable attorney's fees incurred by the City, its elected officials, officers, employees and agents in defense thereof, asserting or arising directly or indirectly on account of or out of the performance of service pursuant to this Contract. In making such assurances, the Society specifically agrees to indemnify and hold harmless the City from any and all bodily injury claims brought by employees of the Society, and expressly waives its immunity under the Industrial Insurance Act as to those claims which are brought against the City. Provided, however, this paragraph does not purport to indemnify the City against the liability for damages arising out of bodily injuries to person or damages caused by or resulting from the sole negligence of the City its elected officials, officers, employees and agents.

F. ACCOUNTABILITY

1. By the 10th of each month following services, the Society shall submit to the City Designated Animal Control Agent, aggregate reports reflecting the number of animals handled for City, and their dispositions. The City Designated Animal Control Agent shall provide the format for these reports or the forms themselves.

2. No more than once every other year during the contract term, the Society shall submit to performance and financial audits by the City regarding this Contract. Reports of such audits shall be made public and may have a bearing upon contract continuation and/or extension.

3. The City shall retain the right to inspect records and to investigate matters involving the care of stray animals accepted from the City jurisdiction.

4. Upon 48 hours' notice, the Society shall make available for City inspection at any reasonable time all records relating to the services provided under this Agreement. All such reports shall remain the property of the City. Those records which are public documents shall be made available to members of the public upon request to the City in accordance with the Public Records Act, RCW Chapter 42.56.

5. The Society shall maintain its ability to be properly licensed to operate as a business during the life of this contract and provide to the City a copy of its bylaws, articles of incorporation, applicable business licenses and nonprofit tax exempt designation. The Society shall inform the City within thirty (30) days of any changes in any of the above.

G. CONSIDERATION

1. For the services provided to the City per this Contract, the City agrees to pay the Society the following amounts for animals taken into custody pursuant to the applicable chapter of VMC 8.24, or Title 8 Animals:

- a) \$230 per animal for cats, dogs and domestic rabbits for January 1, 2019 through December 31, 2019
- b) \$245 per animal for cats, dogs and domestic rabbits for January 1, 2020 through December 31, 2020
- c) \$260 per animal for cats, dogs and domestic rabbits for January 1, 2021 through December 31, 2021
- d) A reduced rate of \$150 per animal for feral/community cats, altered and released as part of a sponsored program for 2019-2021.
- e) \$75 per animal for small animals, other than cats, dogs and domestic rabbits, for 2019-2021
- f) \$25 per wild animal (wild birds, raccoons, opossum, squirrels, etc.) which are accepted for euthanasia purposes only
- g) \$25 for any dead stray animal brought to the Society for disposal.

2. The Society shall prepare and deliver an invoice for services provided to the City in the prior month by the tenth (10th) of each month. The City shall pay the invoices within 45 days of receipt. If payment is not received within 45 days, unpaid balances will be assessed a late fee of 1.5% per month. Shelter care rates and animal disposal fees will be reviewed and may be revised with each contract extension.

3. The per-animal fee specified in Paragraph G(1) covers intake processing and sheltering services for the mandated stray hold period (3-5 days), with a grace period up to a total of ten days. If the Society holds an animal beyond ten days at the request of the City or the City's designated animal control agent, the City shall be responsible for the costs of holding such animal, and agrees to pay the Society additional compensation of \$25 per animal per diem for each day beyond the initial 10-day period. If additional medical care is required while an animal is on hold for an extended period, the City will reimburse the Society for reasonable and customary costs incurred. Once a hold has been lifted by the City or the City's designated Animal Control Agent, the Society shall assume all costs related to the care and disposition of the animal.

4. If, at the request of the City Manager or designee, the Society shelters an unforeseen number, or type (such as wildlife, livestock, or exotic) of animal(s), additional compensation may be negotiated based on the actual incurred costs. The City shall be responsible for paying any additional compensation as agreed to by the parties.

H. TERMINATION

This Contract may be terminated at will by any party by giving six (6) months written notice of intent to terminate to the City Manager on the part of the City, and to the President of the Humane Society for Southwest Washington on the part of the Society. No cause for such termination need be shown. In addition, this Contract may be terminated by any party for a material breach of non-performance of contract requirements upon sixty (60) days written notice.

I. GENERAL PROVISIONS

1. INDEPENDENT CAPACITY

The parties intend that an independent contractor relationship between the Society and the City will be created by this Contract. No agent, employee, or representative of the Society shall be deemed to be an employee, agent, or representative of the City for any purpose, and the employees of the Society are not entitled to any of the benefits the

City provides for City employees. The Society will be solely responsible for its acts and for the acts of its agents, employees, servants, subcontractors, or otherwise during the performance of this Contract. The Society is responsible for all taxes applicable to this Contract.

2. GOVERNING LAWS AND DISPUTES

This contract shall be governed by the laws of the State of Washington. Before instituting any legal action hereunder, the parties, through the City Manager (for the City and the President (for the Society)), shall meet with each other an attempt in good faith to resolve the disagreement. Venue for any action hereunder shall be in the Superior County of Clark County, Washington.

3. NO THIRD-PARTY BENEFICIARY

No third-party beneficiary is intended to be created under the terms of this Agreement.

4. AMENDMENT

Any Amendment to this contract shall be in writing and approved by the City Manager or designee on the part of the City and by the Humane Society for Southwest Washington's President or designee on the part of the Society. In the event either party shall desire to renegotiate any provision of this Contract, the party shall provide 90 days' written notice to the other party. The notice shall identify the provision or provisions to be renegotiated, the requested changes, and shall state the reasons for the request. The party receiving the request shall respond in writing on or before the end of the 90-day period.

5. WAIVER

The failure by one party to require performance of any provision shall not affect that party's right to require performance at any time thereafter, nor shall a waiver of any breach or default of this Contract constitute a waiver of any subsequent breach or default or waiver of the provision itself.

6. NOTICES

Any notice or communication permitted or required by this Agreement shall be deemed effective when personally delivered or deposited, postage prepaid, by first-class regular mail, addressed to:

To the City:

City Manager
City of Vancouver
P.O. Box 1995
Vancouver, WA 98668

To the Society:

President
Humane Society of Southwest Washington
1100 NE 192nd Ave
Vancouver, WA 98684

7. SEVERABILITY

If any provision of this Contract is held unenforceable, then such provision will be modified to reflect to the parties' intention. All remaining provisions of this Agreement shall remain in full force and effect.

8. ENTIRE AGREEMENT

This instrument constitutes the entire Contract between the parties and supersedes all prior agreements.

9. RATIFICATION

Acts taken pursuant to this Agreement, but prior to its execution are hereby ratified and affirmed.

DATED this 27 day of November, 2018.

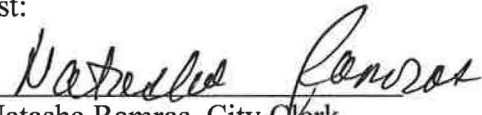
Approved as to form:


E. Bronson Potter, City Attorney

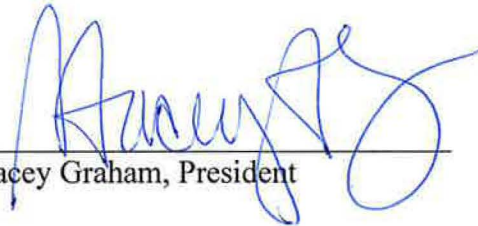
CITY OF VANCOUVER, a municipal
corporation

By: 
Eric J. Holmes, City Manager

Attest:

By: 
Natasha Ramras, City Clerk

VANCOUVER HUMANE SOCIETY &
Society for the Prevention of Cruelty to
Animals

By: 
Stacey Graham, President



Item #5.

TO: Mayor and City Council

FROM: Mayor McEnerny-Ogle

DATE: 11/20/2023

SUBJECT Appointments to Parks Recreation Advisory Commission

Present Situation

The Parks and Recreation Advisory Commission is a 10-member volunteer group made up of city residents, two school district representatives and a liaison from the Parks Foundation of Clark County. The commission advises Vancouver City Council and city staff on needs, plans and programs necessary to provide an adequate system of parks, open space, playgrounds, facilities and recreation services to the residents of Vancouver.

Mayor McEnerny-Ogle interviewed candidates to fill three mid-term positions and recommends the appointment of Stephen Wille to a term expiring Dec. 31, 2024, and the appointment Kerry Otto and Jenny Thompson to terms expiring Dec. 31, 2026. All appointments would begin immediately.

If there are no objections, appointments will be presented for Council action at the Monday, November 20, 2023, Council meeting.

Action Requested

Appoint to the Parks and Recreation Advisory Commission Stephen Wille to a term beginning immediately and expiring Dec. 31, 2024, and Kerry Otto and Jenny Thompson to terms beginning immediately and expiring Dec. 31, 2026.

Mayor McEnerny-Ogle

ATTACHMENTS:

VOUCHER APPROVAL

We, the undersigned council members of the City of Vancouver, Clark County, Washington, do hereby certify that the merchandise or services hereinafter specified have been received and that the vouchers listed below are approved for payment in the amount of:

\$ 6,654,231.56 this 20th day of November 2023.

DocuSigned by:
Anne McEnerny-Ogle
MAYOR

Cyndi A. Turner
Digitally signed by Cyndi A. Turner
Date: 2023.11.13 14:25:41 -08'00'
AUDITING OFFICER

DocuSigned by:
Ty Stob
COUNCILMEMBER

DocuSigned by:
MW
COUNCILMEMBER

DATE	INCLUSIVE CHECK NUMBERS	CHECK TOTAL
November 06, 2023 - November 12, 2023	Accounts Payable Checks (see attached)	\$ 2,539,591.02
November 06, 2023 - November 12, 2023	Hansen City Payments (see attached)	\$ 3,617.34
November 06, 2023 - November 12, 2023	Visa Refunds (see attached)	\$ 2,226.00
November 06, 2023 - November 12, 2023	Payroll Checks (see attached)	\$ 4,108,797.20
TOTAL		\$ 6,654,231.56

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Transaction Reference</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Payment Payee</u>	<u>Memo</u>
Ad Hoc Payment	Check	14935	11/8/2023	220.76	Howell, Andrew and Jennifer	Utility Refunds: 0141005576-04
Ad Hoc Payment	Check	14936	11/8/2023	253.13	Trustees of the Moe Family Trust, Thomas or Victoria Moe	Utility Refunds: 0027012806-01
Miscellaneous Payment	Check	14937	11/8/2023	50.00	CARLOS OCAMPO	Voucher #2011041.030
Miscellaneous Payment	Check	14938	11/8/2023	10,396.47	Chris Sneider	Claim #GL20230936
Miscellaneous Payment	Check	14939	11/8/2023	30.00	Darlene Stuart	Customer was given wrong amount of change during cash transaction
Miscellaneous Payment	Check	14940	11/8/2023	51.89	Deann Crowe	Refund overpayment to loan payoff. Loan#9040001
Miscellaneous Payment	Check	14941	11/8/2023	351.53	Drake Construction Services LLC	RES-339241 (jobsite: 2313 SE Balboa Drive)
Miscellaneous Payment	Check	14942	11/8/2023	91.00	Fuller Group, LLC	Refund duplicate payment to Inv#77056329
Miscellaneous Payment	Check	14943	11/8/2023	529.46	Gerald Scott	CMI-342537 (jobsite: 210 NE 192nd Ave #615)
Miscellaneous Payment	Check	14944	11/8/2023	72.00	JACOBS	Refund duplicate payment to invoice #77057104
Miscellaneous Payment	Check	14945	11/8/2023	621.00	James McElvain	witness per diem Nov 6-9 & Nov 12-16
Miscellaneous Payment	Check	14946	11/8/2023	50.00	Kelly Holtzlander Moore	Refund overpayment of loan # 7000011 payoff
Miscellaneous Payment	Check	14947	11/8/2023	380.00	SVS Mill Plain LLC	Refund of duplicate payment of business license fees
Miscellaneous Payment	Check	14948	11/8/2023	72.26	THE HOLT GROUP	Refund of parking permit not used
Miscellaneous Payment	Check	14949	11/8/2023	1,211.00	Vitaliy Sharshakov	PIR-83134 (jobsite: 4915 NE 139th Ave)
Supplier Payment	Check	14950	11/8/2023	1,004.33	Accurate Corporate Services Inc	
Supplier Payment	Check	14951	11/8/2023	798.00	Allegheny Answering Services	
Supplier Payment	Check	14952	11/8/2023	32,501.30	American Electrical Construction LLC	
Supplier Payment	Check	14953	11/8/2023	13,470.28	BHC Consultants LLC	
Supplier Payment	Check	14954	11/8/2023	13,800.00	Cascade Inn	
Supplier Payment	Check	14955	11/8/2023	390.11	Cellco Partnership - Remit-To: Cellco - Dallas	
Supplier Payment	Check	14956	11/8/2023	5,517.61	Cessco Inc	
Supplier Payment	Check	14957	11/8/2023	8,242.06	CFM Strategic Communications, Inc.	
Supplier Payment	Check	14958	11/8/2023	10.00	Clark County - Remit-To: Reeta Fees	
Supplier Payment	Check	14959	11/8/2023	9.32	Clark Public Utility District No. 1	
Supplier Payment	Check	14960	11/8/2023	7,010.05	Columbia Resource Company	
Supplier Payment	Check	14961	11/8/2023	32.91	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	14962	11/8/2023	38,000.00	Comcast Holdings Corporation - Remit-To: Comcast Holding Corporation - Boston	
Supplier Payment	Check	14963	11/8/2023	50,355.50	Consort North America Inc	
Supplier Payment	Check	14964	11/8/2023	180.00	County of Clark School District #101 LaCenter School District	
Supplier Payment	Check	14965	11/8/2023	360.00	County of Clark School District #117 Camas School District	
Supplier Payment	Check	14966	11/8/2023	268.00	Dex Media West	
Supplier Payment	Check	14967	11/8/2023	4,940.18	Geographic Technologies Group	
Supplier Payment	Check	14968	11/8/2023	9,113.73	Global Transportation Engineering Corporation	
Supplier Payment	Check	14969	11/8/2023	15,340.00	Hawks Ridge Assisted Living	
Supplier Payment	Check	14970	11/8/2023	1,988.54	Inventus Media LLC	
Supplier Payment	Check	14971	11/8/2023	1,444.67	Iron Mountain Inc - Remit-To: Iron Mountain - New York	
Supplier Payment	Check	14972	11/8/2023	7,896.68	Kamron Hedval	
Supplier Payment	Check	14973	11/8/2023	53,179.44	Kittelson & Associates Inc	
Supplier Payment	Check	14974	11/8/2023	2,486.35	Level 3 Financing, Inc	
Supplier Payment	Check	14975	11/8/2023	20,412.12	Owen Equipment Co - Remit-To: Supplier Owen Equipment Co	
Supplier Payment	Check	14976	11/8/2023	3,546.00	The Loudenback Corporation	
Supplier Payment	Check	14977	11/8/2023	10,000.00	United States Postal Service - Remit-To: USPS - First Data/Remitco - 52940558	
Supplier Payment	Check	14923	11/9/2023	6,470.18	Aflac	
Supplier Payment	Check	14924	11/9/2023	5,590.58	AFSCME Local #307	
Supplier Payment	Check	14925	11/9/2023	334.00	California State Disbursement Unit	
Supplier Payment	Check	14926	11/9/2023	491.00	Hawaii SDU	

INVOICE PAYMENTS REPORT

Payment Category	Payment Type	Transaction Reference	Payment Date	Payment Amount	Payment Payee	Memo
Supplier Payment	Check	14927	11/9/2023	792.75	IAM Local #1374	
Supplier Payment	Check	14928	11/9/2023	8,792.13	Life Insurance Company of North America	
Supplier Payment	Check	14929	11/9/2023	875.00	MFS Service Center Inc	
Supplier Payment	Check	14930	11/9/2023	4,424.43	OPEIU Local #11	
Supplier Payment	Check	14931	11/9/2023	724.50	Teamsters Local #58	
Supplier Payment	Check	14932	11/9/2023	227.50	UA Local #290	
Supplier Payment	Check	14933	11/9/2023	3,940.50	Western Conference of Teamsters	
Supplier Payment	Check	14934	11/9/2023	1,311.00	Western Metal Industry Pension Plan	
			Check	350,651.25		
Expense Payment	Direct Deposit	EFT-00221250	11/9/2023	49.37	Patrick Kennedy	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00221251	11/9/2023	230.00	Patricia Thompson	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00221252	11/9/2023	177.48	Remy Thompson	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00221253	11/9/2023	203.05	Andrew Davis	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00221254	11/9/2023	203.05	Albert Hill	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00221255	11/9/2023	20.00	Kelly Lund	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00221256	11/9/2023	102.00	Gavin Craig	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00221257	11/9/2023	177.75	Ryan Knox	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00221258	11/9/2023	6.10	Catherine Morey	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00221259	11/9/2023	434.84	Rebecca Small	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00221260	11/9/2023	79.50	Spencer Frasier	Employee Reimbursement
Cash Advance Payment	Direct Deposit	EFT-00221261	11/9/2023	302.00	Tim Martin	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221262	11/9/2023	32.25	Daphne Harris	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221263	11/9/2023	89.00	Dean Tracy	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221264	11/9/2023	48.00	Kady Bieber	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221265	11/9/2023	48.00	Pete Adams	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221266	11/9/2023	109.00	Tyler Eliason	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221267	11/9/2023	109.00	Anthony West	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221268	11/9/2023	373.00	Diana Perez	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221269	11/9/2023	109.00	Sophia Skimas	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221270	11/9/2023	109.00	Nicholas Rash	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221271	11/9/2023	109.00	Zachary Hall	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221272	11/9/2023	109.00	Dylan Ingram	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221273	11/9/2023	109.00	Drew Gustafson	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221274	11/9/2023	109.00	Ty Ewing	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221275	11/9/2023	109.00	Zachary Witsberger	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221276	11/9/2023	109.00	Christian Vazquez	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221277	11/9/2023	109.00	Curtis Terry	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221278	11/9/2023	109.00	Dominick Siri	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221279	11/9/2023	109.00	Brennen Raynor	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221280	11/9/2023	109.00	Chris Morales	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221281	11/9/2023	109.00	Michael Maginn	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221282	11/9/2023	109.00	Taylor Holt	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221283	11/9/2023	109.00	Logan Danforth	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221284	11/9/2023	109.00	Max Carlson	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221285	11/9/2023	109.00	Caleb Butler	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221286	11/9/2023	373.00	Ty Stober	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221287	11/9/2023	109.00	Jon Ansley	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221288	11/9/2023	448.50	Dustin Nicholson	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221289	11/9/2023	333.00	Erik Paulsen	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221290	11/9/2023	109.00	Ezra Andersen	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221291	11/9/2023	109.00	Thomas Schell	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221292	11/9/2023	109.00	David Sturbelle	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221293	11/9/2023	109.00	Emily Lemon	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221294	11/9/2023	109.00	Jordan Shepherd	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221295	11/9/2023	109.00	Skyler Wilkinson	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221296	11/9/2023	109.00	Kenny Burt	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221297	11/9/2023	109.00	Andrey Yelizavetskiy	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221298	11/9/2023	109.00	Ian Poulos	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221299	11/9/2023	109.00	Shane Orem	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221300	11/9/2023	379.50	Cole Larson	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221301	11/9/2023	109.00	Nathan Hipple	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221302	11/9/2023	448.50	Steven Forgette	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221303	11/9/2023	103.50	Eric Holmes	Travel Advance
Cash Advance Payment	Direct Deposit	EFT-00221304	11/9/2023	48.00	Timothy Kays	Travel Advance
			Direct Deposit	8,088.39		
Supplier Payment	EFT	EFT-00221239	11/9/2023	28,637.70	IAFF Local #452	
Supplier Payment	EFT	EFT-00221240	11/9/2023	1,431.78	Vancouver Command Guild	
Supplier Payment	EFT	EFT-00221241	11/9/2023	153.91	Legal Shield	
Supplier Payment	EFT	EFT-00221242	11/9/2023	17,903.97	Allegiance Benefit Plan Management Inc	
Supplier Payment	EFT	EFT-00221243	11/9/2023	12,624.64	Vancouver Police Officer Guild	
Supplier Payment	EFT	EFT-00221305	11/9/2023	971.25	Allegiance Benefit Plan Management Inc - Remit-To: Pensioners	
Supplier Payment	EFT	EFT-00221306	11/9/2023	140.00	Brad Piesch Aggressive Enterprises, Inc	
Supplier Payment	EFT	EFT-00221307	11/9/2023	5,461.25	Brown and Caldwell - Remit-To: Brown & Caldwell - San Francisco	
Supplier Payment	EFT	EFT-00221308	11/9/2023	23,385.73	Live Love Outreach	
Supplier Payment	EFT	EFT-00221309	11/9/2023	2,768.60	Key Code Media, Inc	
			EFT	93,478.83		
Supplier Payment	Manual Wire		11/6/2023	316,543.53	Blue Cross Blue Shield of Oregon	
Supplier Payment	Manual Wire		11/6/2023	19,606.00	Washington Dental Service	
Supplier Payment	Manual Wire		11/6/2023	49,434.51	Liberty Mutual Group Inc.	
Supplier Payment	Manual Wire		11/7/2023	275.76	Allegiance Benefit Plan Management	

INVOICE PAYMENTS REPORT

<u>Payment Category</u>	<u>Payment Type</u>	<u>Transaction Reference</u>	<u>Payment Date</u>	<u>Payment Amount</u>	<u>Payment Payee</u>	<u>Memo</u>
Supplier Payment	Manual Wire		11/9/2023	654.00	Oregon SDU	
Supplier Payment	Manual Wire		11/9/2023	268,770.69	International City Management Association Retirement Corporation	
Supplier Payment	Manual Wire		11/9/2023	22,460.35	Western States Health & Welfare Trust	
Supplier Payment	Manual Wire		11/9/2023	1,438.46	Vancouver Fire Command Officers	
Supplier Payment	Manual Wire		11/9/2023	88,215.81	Washington State Firefighters	
Supplier Payment	Manual Wire		11/9/2023	5,784.58	Washington SDU	
Supplier Payment	Manual Wire		11/9/2023	31,535.00	Vancouver Firefighters Union Health & Welfare Trust	
Supplier Payment	Manual Wire		11/9/2023	52,900.69	State of Washington Department of Retirement Systems (DRS)	
Supplier Payment	Manual Wire		11/9/2023	4,005.00	State of Washington Department of Licensing - Remit-To: DOL - Seattle Remit	
Supplier Payment	Manual Wire		11/10/2023	1,225,748.17	Internal Revenue Service	
			Manual Wire	2,087,372.55		
			Checks	350,651.25		
			Direct Deposit	8,088.39		
			EFT	93,478.83		
			11/13/2023	3,617.34	City Payments	Posted 11-06-23 to 11-13-23
			Hansen Total	3,617.34		
			11/13/2023	1,324.00	Miscellaneous	Parks Class Refunds FCC 11-06-23 to 11-13-23
			11/13/2023	902.00	Miscellaneous	Parks Class Refunds MCC 11-06-23 to 11-13-23
			VISA Total	2,226.00		
			Payroll Total	4,108,797.20		
			GRAND TOTAL	6,654,231.56		

City of Vancouver
Payroll Council Report
November 06, 2023 - November 12, 2023

Check No.	Date	Explanation	Amount
1726 - 1757	11/09/23	November 9th Payroll	\$ 12,864.84
219427 - 221238	11/09/23	November 9th Direct Deposits	\$ 4,095,932.36

\$ 4,108,797.20



Staff Report: 207-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 11/20/2023

SUBJECT Warehouse Code Amendments

Key Points

- The proposed code changes would apply to new warehouse/freight movement uses in buildings larger than 250,000 square feet and are intended to allow them in Heavy Industrial Districts only, as well as address visual impacts, minimize truck traffic through high priority equity neighborhoods, and improve outcomes regarding climate impacts.
- The proposed code changes would only apply to new warehouses larger than 250,000 square feet with the exception of a proposed reduction in minimum parking spaces, which would apply to all warehouse/freight movement uses regardless of size.
- While the proposed code changes to mitigate climate impacts from large warehouses are fairly modest, a more comprehensive set of green building standards that will apply to all new developments is currently being drafted for adoption next year.
- Specific proposed changes include the following:
 1. Warehouse/freight movement uses larger than 250,000 square feet in a single building would be prohibited in the IL, Light Industrial District, which tend to be closer to residential districts. Such warehouses would be allowed as a limited use in the IH, Heavy Industrial District (effectively only in the Port of Vancouver or Columbia Business Center due to parcel size constraints elsewhere) where they are more compatible with surrounding uses and further away from residential districts and would need to meet certain proposed additional development requirements.
 2. The maximum lot coverage standard (e.g., the percent of land that may be occupied by a building) would be reduced from 100% to 75% for all warehouse/freight movement uses in recognition that because a portion of the site is needed for parking, truck loading and maneuvering, storm water detention, tree plantings, etc., it is not possible for buildings to occupy 100% of a given site;
 3. Warehouse/freight movement facilities larger than 250,000 square feet in the IH District would be subject to special development standards that: prohibit truck traffic along Fruit Valley Road, reduce visual impacts along public roads through architectural features and tree plantings, and require certain climate action measures such as: solar-ready roofs (weight load capacity and electrical), EV charging stations at 20% of parking spaces, truck dock charging conduit and wiring, white or light-colored roofs to

reduce heat retention, skylights or clerestory windows to allow natural light, prohibition on truck idling, a 10% increase in tree plantings over other industrial uses (33 tree units per acre).

4. The minimum required number of parking spaces for all warehouse/freight movement facilities would be reduced from 1 space for every 2,000 square feet of building area to 1 space for every 5,000 square feet of building area, in recognition that warehouses are increasingly becoming more automated and may need less parking for employees. Reducing the amount of paved surfaces improves storm water and climate outcomes (less heat retention) and creates more space for tree plantings.

Strategic Plan Alignment

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

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

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

Present Situation

Late in 2022, city planning staff noticed a trend of very large (as large as 600,000 square feet) warehouses being submitted for development approvals. At the time, there were as many as eight warehouses larger than 100,000 square feet being proposed or under construction, with a cumulative building area of 3.34 million square feet, the equivalent of 58 football fields. Other cities were (and are) experiencing a similar surge in large warehouse projects, and staff was hearing reports of mega-warehouses elsewhere, such as a 2.5 million square foot warehouse in Tacoma.

These extremely large facilities appear to be a growing trend nationally in response to the increasing demand for online retail shopping and parcel delivery as well as supply chain logistics issues and consume significant swaths of limited industrial land with typically lower jobs per acre ratio than many other industrial uses.

Staff became concerned that if the trend continued, limited industrial lands would be consumed by low-wage, low jobs per acre uses that could otherwise be developed for higher wage skilled manufacturing or research and development jobs. Additional concerns with large warehouses that were identified by staff included an increase in truck traffic and pollution, energy consumption/climate impacts from such large building footprints, visual impacts, and limited potential for adaptive re-use of such structures if in the future they are no longer needed for storage of goods.

In December of 2022, planning and economic development staff took their concerns to City Council and recommended that an emergency six-month moratorium be adopted to prevent the submission of any new pre-applications or land use applications for warehouses larger than 100,000 square feet to allow staff time to study these new types of warehouses and understand the physical, operational, and economic differences from traditional wholesale warehouses - as well as key differences in impacts - to inform possible new use and development standards. Because state law only allows land use moratoriums for six months at a time, staff indicated that one six-month extension would be needed to ensure sufficient time to complete needed analysis, public engagement, and development of code amendments.

On December 12 following an executive session, City Council at their regular meeting adopted an emergency ordinance on new large warehouse applications, and the emergency ordinance was affirmed by City Council following a public hearing as required by state law, on January 23, 2023. Three amendments to the initial moratorium ordinance were requested by City Council, which were adopted by ordinance on February 6, 2023, including: 1) an exemption from the moratorium for the Port of Vancouver; 2) increase in the size of warehouses subject to the moratorium from 100,000 square feet to 250,000 square feet and larger; and 3) an exemption from the moratorium for any storage for a publicly-traded product, if formalized through a development agreement.

On June 5, 2023, following a public hearing, City Council approved a six-month extension of the moratorium but also encouraged staff to propose any code amendments as soon as possible so the moratorium may be terminated sooner. The moratorium will end on December 6, 2023.

Over the past ten months, staff has consulted with warehouse industry experts and engaged in a series of meetings with environmental advocates and business stakeholders including the Port of Vancouver and representatives from existing warehouse facilities, as well as the Planning Commission. Planning staff have tried where possible to incorporate input on specific code language to make the ordinance clearer and to balance the stated objectives of City Council with industry, neighborhood and environmental perspectives. Proposed climate action-related measures are somewhat modest, in anticipation of more comprehensive Green Building Standards - which will likely apply to all uses - being developed and adopted in the near future.

The draft code changes presented to City Council for consideration will accomplish several key objectives which are in alignment with the intent of the moratorium and prior Council direction:

- Warehouses larger than 250,000 square feet in a single building would be prohibited in the IL, Light Industrial District which tend to be closer to residential districts. Such warehouses would however be allowed as a limited use in the IH, Heavy Industrial District (effectively only in the Port of Vancouver or Columbia Business Center due to parcel size constraints elsewhere) where they are more compatible with surrounding uses and further away from residential districts and would need to meet certain proposed additional development requirements;
- The maximum lot coverage standard (e.g., the percent of land that may be occupied by a building) would be reduced from 100% to 75% for all warehouse/freight movement uses in recognition that because a portion of the site is needed for parking, truck loading and maneuvering, storm water detention, tree plantings, etc., it is not possible for buildings to occupy 100% of a given site;
- Warehouses larger than 250,000 square feet in the IH District would be subject to special development standards that: prohibit truck traffic along Fruit Valley Road, reduce the minimum parking requirement, reduce the maximum lot coverage, and require certain climate action measures such as: solar-ready roofs (weight load capacity and electrical), EV charging stations at 20% of parking spaces, truck dock charging conduit and wiring, white-colored roofs to reduce heat storage, skylights or clerestory windows to allow natural light, prohibit truck idling, architectural features (such as windows, darker colors, articulation of façade, etc.), a 10% increase in tree plantings over other industrial uses (33 tree units per acre) and 25-foot wide treed buffer if adjacent to public streets to reduce visual impacts; and
- The minimum required number of parking spaces for all warehouse and distribution facilities would be reduced from 1 space for every 2,000 square feet of building area to 1 space for every 5,000 square feet of building area, in recognition that warehouses are increasingly

becoming more automated and may need less parking for employees. Reducing the amount of paved surfaces improves storm water and climate outcomes (less heat retention) and creates more space for tree plantings.

Staff has engaged with stakeholders and the public throughout the past ten months, including Alliance for Community Engagement (ACE), Identity Clark County (ICC) Business Group, Port of Vancouver, Fruit Valley Neighborhood Association. Information regarding the project has been published to the City's BeHeard website, and more recently, postcards were mailed to each residential address in the Fruit Valley Neighborhood. The proposed code has been modified in many areas in response to comments received from all stakeholders.

The Planning Commission held two workshops to discuss the proposed code amendments on July 25 and September 12, 2023, respectively. On October 24, 2023 following a duly-noticed public hearing, the Planning Commission unanimously recommended approval of the proposed amendments to City Council.

The City Council has held four workshops on the draft code amendments and moratorium and has held two public hearings related to the moratorium.

Advantage(s)

- Very large warehouses, which generate significant traffic, would only be allowed on properties zoned IH Heavy Industrial, which are further away from residential zoning districts and closer to the highway system than most properties zoned IL Light Industrial.
- Special limitations on very large warehouses would address identified impacts and respond to the Council's Climate Action Goals by requiring EV infrastructure, additional tree plantings, and facilitating building-readiness for green technology.

Disadvantage(s)

The 250,000 square foot threshold for applying the limited use standards aligns with the threshold set by the moratorium, but large warehouses that happen to be below the threshold would not be required to meet the list of requirements including climate measures; however, the forthcoming Green Building Standards are anticipated to apply to all uses and sizes of buildings.

Budget Impact

No budget impacts.

Prior Council Review

- 12/6/22 Emergency Moratorium Enacted
- 1/23/23 Council Workshop
- 2/6/23 PH: Moratorium Ratified
- 3/6/23 PH: Revisions to Moratorium Scope Approved
- 5/1/23 Council Workshop
- 6/5/23 PH: Moratorium Extension Approved
- 8/14/23 Council Workshop
- 10/2/23 Council Workshop
- 11/13/23 Consent Agenda/First Reading

Action Requested

On November 20, subject to second reading and a public hearing, approve the proposed Warehouse Code Amendments to VMC Title 20 Land Use and Development Code.

Chad Eiken, Community Development Director, 360-487-7882

ATTACHMENTS:

- ▣ Presentation
- ▣ PC Staff Report 10.24.23
- ▣ Staff Response to Public Comments
- ▣ Warehouse Study by Fehr and Peers
- ▣ SEPA DNS
- ▣ SEPA Checklist
- ▣ Public Comment ACE 2 of 2
- ▣ Public Comment ACE 1 of 2
- ▣ Public Comment Mark Childs
- ▣ Public Comment Port of Vancouver
- ▣ Public Comment Mackenzie
- ▣ Moratorium Ord M-4406
- ▣ Moratorium Ord M-4413
- ▣ Exhibit A - Draft Ordinance
- ▣ Exhibit B - Planning Commission Meeting Minutes



Proposed Warehouse Code Amendments

City Council Public Hearing
November 20, 2023



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

Agenda

- Warehouse Moratorium and Study Goals
- Recap of Process To-Date
- Proposed Code Amendments
- Public Outreach
- Staff Recommendation
- Next Steps



Warehouse Moratorium/Study Goals



**Understand
Differences
& Impacts**



**Gather Public
and
Stakeholder Input**



**Propose Code
Amendments**

Prior Council and Planning Commission Review

December 2022 City Council enacts emergency moratorium	February 2023 City Council ratifies moratorium	June 5, 2023 City Council extends moratorium	July 25, 2023 City Council extends moratorium
August 14, 2023 City Council Workshop	Sept. 12, 2023 Planning Commission Workshop	October 2, 2023 City Council Workshop	October 24, 2023 Planning Commission Public Hearing

Public Outreach

City's BeHeard Webpage

Alliance for Community
Engagement (ACE)

Identity Clark County (ICC)

Port of Vancouver

Fruit Valley Neighborhood Assoc.

SEPA Agencies



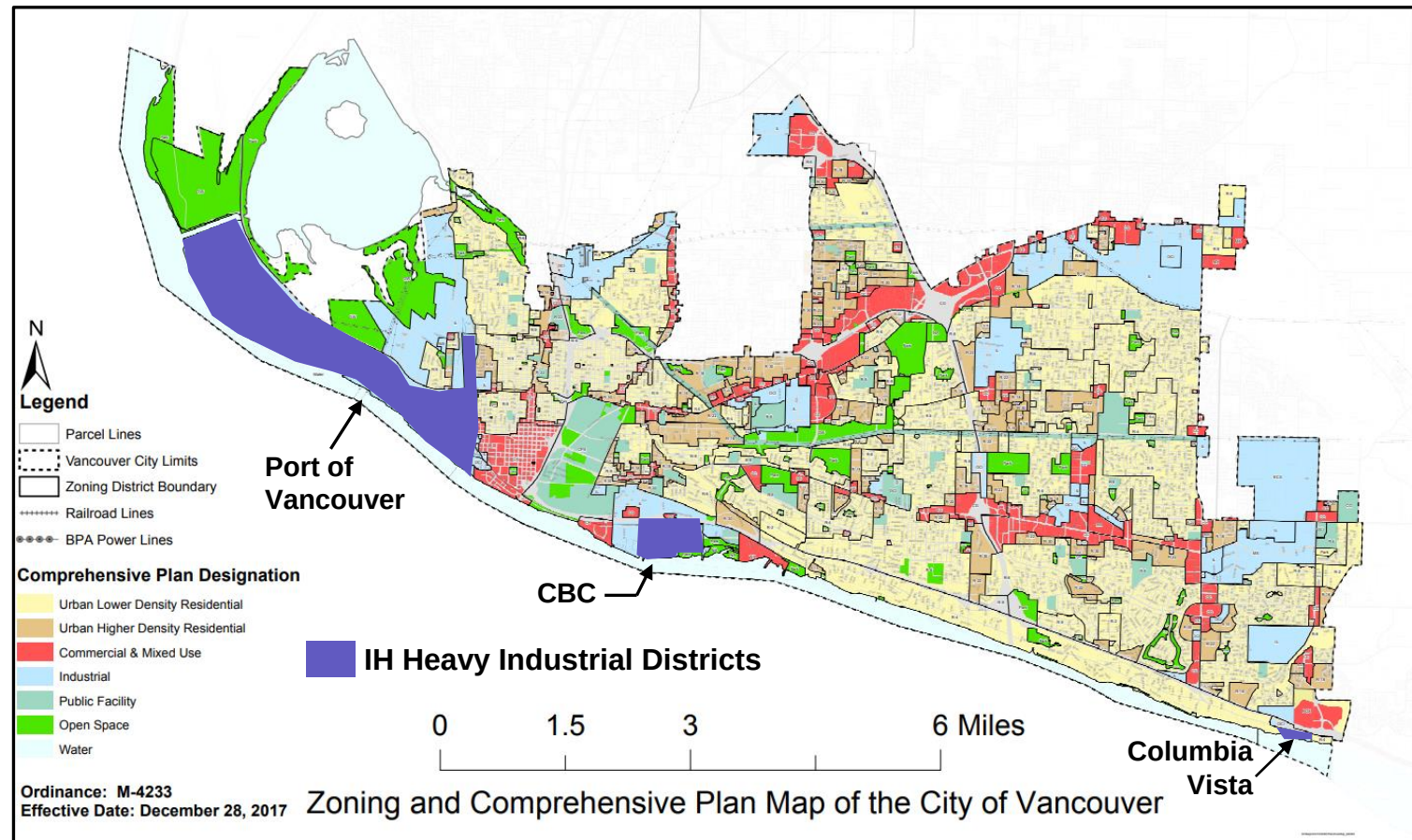
Proposed Amendments to VMC Title 20

1. Make warehouses >250,000 s.f. (in a single building) prohibited in the IL, Light Industrial District and a limited use ('L' in use table) in the IH, Heavy Industrial District subject to additional standards and restrictions
2. Reduce minimum parking space requirement for all warehouses from 1:2,000 s.f. to 1:5,000 s.f.
3. Decrease maximum lot coverage for large warehouses in IH District from 100% to 75%



IH Heavy Industrial Districts

- Three IH Districts in City
- Large warehouses possible in Port and CBC



Proposed Amendments to VMC Title 20 (continued)

4. Add limited use/development standards for warehouses > 250,000 s.f. such as:
- Prohibit truck traffic to/from large warehouses on Fruit Valley Road
 - Reduce visual impacts if next to public street or highway: 1) architectural elements, e.g. windows, articulation of façade, and/or moderately-dark wall color, and 2) 25-foot wide landscaped buffer with evergreen/climate adaptive trees that mature at 60 feet in height



Proposed Amendments to VMC Title 20 (continued)

5. Climate action measures:

- Tree density increased from 30 tree units per acre to **33** tree units per acre
- Building roofs to be designed/constructed to handle structural load of solar panels/equipment; 'solar ready' equipment; HVAC systems to be clustered
- Skylights and/or clerestory windows
- Roofs to be white/light colored



Climate Action Measures (continued)

- Truck engine idling prohibited while parked or loading/unloading
- All loading docks to be outfitted with wiring/conduit for charging electric-powered trucks
- Electric vehicle charging stations to be provided at a minimum of 20% of parking spaces
- Indoor bike storage room to be provided for employees



City Council Feedback from 10/2/23 WS

1. Provide more direct outreach to Fruit Valley Neighborhood residents
2. Simplify multiple tree planting requirements
3. Require closer proximity to warehouse for off-site tree plantings
4. Possible conflict between skylights, solar panels; consider light colored pavement
5. Require conduit/wiring for loading docks, not charging outlets though



Approval Criteria

VMC 20.285.090 Zoning Code Text Amendments

Proposed zoning or development regulation text changes shall be considered based on the following:

- 1. The proposed change is consistent with the comprehensive plan; and*
- 2. The proposed change is necessary to further the public interest based on present needs and conditions.*



Planning Commission Recommendation



Planning Commission on 10/24/23 unanimously recommended that City Council approve the proposed warehouse code changes per the attached ordinance.

Thank You

To learn more, visit: beheardvancouver.org/warehouse



TO: Chair Ledell and Planning Commission

FROM: Chad Eiken, Director, Community Development; Bryan Snodgrass, Principal Planner, Community Development

SUBJECT: **Proposed Use and Development Standards for Warehouse and Freight Movement Uses**

Report Date: 10/13/2023
Hearing Date: 10/24/2023
Proposal: Updates to VMC Title 20, Land Use and Development Code, Regarding the regulation of Warehouse and Freight Movement Uses
Location: Heavy Industrial and Light Industrial Districts
Proponent: Community Development Department
City Staff: Chad Eiken, CDD Director; Bryan Snodgrass, Principal Planner
Recommendation: Forward to City Council a recommendation for adoption of the proposed code changes to VMC Title 20, with amendments as discussed in the report

I. PRIOR COMMISSION REVIEW:

The Planning Commission has held two public workshops on the proposed code changes: July 25, 2023 and September 12, 2023. At the September 12 workshop, the Commission indicated that the draft code amendments should be scheduled for a public hearing.

II. BACKGROUND AND REVIEW PROCESS:

Moratorium

Late in 2022, city planning staff noticed a trend of very large (as large as 600,000 square feet) warehouses being submitted for development approvals. At the time, there were as many as eight warehouses larger than 100,000 square feet being proposed or under construction, with a cumulative building area of 3.34 million square feet, the equivalent of 58 football fields. Other cities were (and are) experiencing a similar surge in large warehouse projects, and staff was hearing reports of mega-warehouses elsewhere, such as a 2.5 million square foot warehouse in Tacoma.

These extremely large facilities appear to be a growing trend nationally in response to the increasing demand for online retail shopping and parcel delivery as well as supply chain logistics issues, and consume significant swaths of limited industrial land with typically lower jobs per acre ratio than many other industrial uses.

Staff became concerned that if the trend continued, limited industrial lands would be consumed by low-wage, low jobs per acre uses that could otherwise be developed for higher wage skilled manufacturing or research and development jobs. Additional concerns with large warehouses that were identified by staff included an increase in truck traffic and pollution, energy consumption/climate impacts from such large building footprints, visual impacts, and limited potential for adaptive re-use of such structures if in the future they are no longer needed for storage of goods.

In December of 2022, planning and economic development staff took their concerns to City Council and recommended that an emergency six-month moratorium be adopted to prevent the submission of any new pre-applications or land use applications for warehouses larger than 100,000 square feet to allow staff time to study these new types of warehouses and understand the physical, operational, and economic differences from traditional wholesale warehouses - as well as key differences in impacts - to inform possible new use and development standards. Because state law only allows land use moratoriums for six months at a time, staff indicated that one six-month extension would be needed to ensure sufficient time to complete needed analysis, public engagement, and development of code amendments.

On December 12 following an executive session, City Council at their regular meeting adopted an emergency ordinance on new large warehouse applications, and the emergency ordinance was affirmed by City Council following a public hearing as required by state law, on January 23, 2023. Three amendments to the initial moratorium ordinance were requested by City Council, which were adopted by ordinance on February 6, 2023, including: 1) an exemption from the moratorium for the Port of Vancouver; 2) increase in the size of warehouses subject to the moratorium from 100,000 square feet to 250,000 square feet and larger; and 3) an exemption from the moratorium for any storage for a publicly-traded product, if formalized through a development agreement.

On June 5, 2023, following a public hearing, City Council approved a six-month extension of the moratorium but also encouraged staff to propose any code amendments as soon as possible so the moratorium may be terminated sooner. The moratorium will end on December 6, 2023 unless code amendments are adopted sooner. Staff's work plan anticipates taking a set of code amendments to City Council for their approval in early October.

Local and National Context: Increase in Need for Warehouse and Distribution Facilities

Warehousing, broadly described as the storage of bulk inventory in large facilities, has undergone substantial evolution, from the introduction of forklifts and pallets in the 1920's to automation and cloud computing today. As a result of advances in technology and proliferation of trucking, warehouses are a critical intermediate step between the supplier and consumer. Additionally, trends like e-commerce and online shopping, near-shoring and reshoring of manufacturing have increased global demand for industrial warehousing, resulting in unprecedented warehouse development in recent years.¹ Changes in shopping behavior during the global pandemic have created further demand for warehouse space.

Nationally, warehouse capacity is reportedly at a premium, with almost 96 percent of existing warehouse space in use. E-commerce, with its direct shipments to consumers, represents a fundamental shift in warehouse logistics. CBRE estimates that the U.S. alone needs 330 million

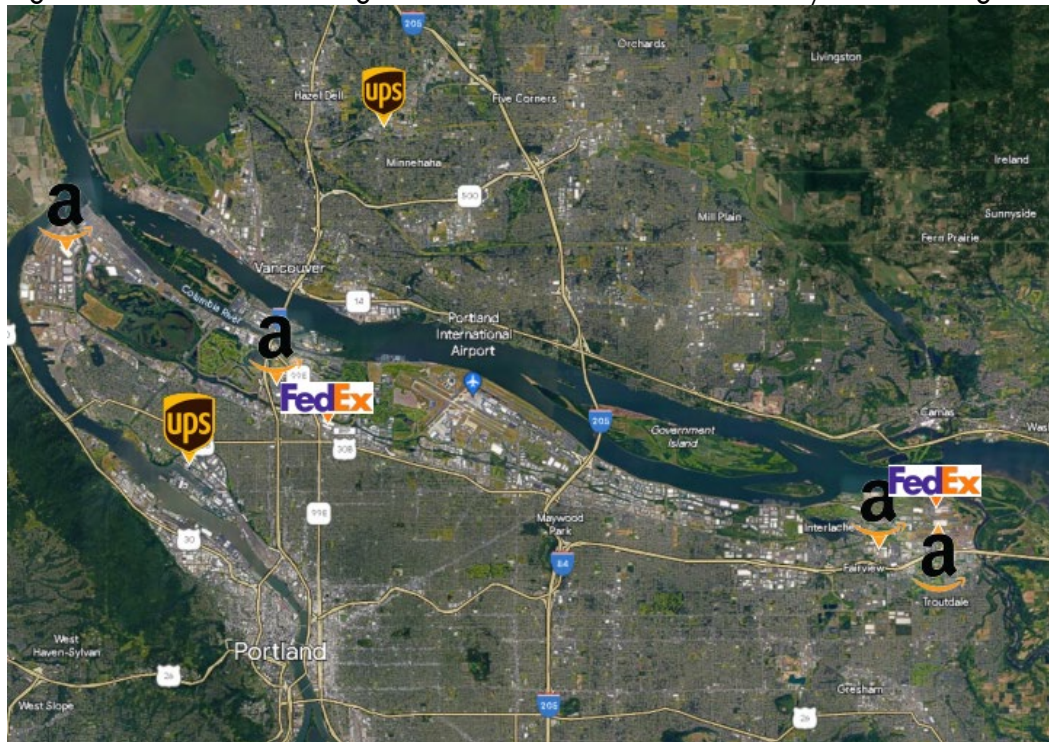
¹Fehr & Peers, 'Traditional Warehouse Developments vs. Modern E-commerce Facilities,' 2023

² "The Warehouse Space Race," www.Prospect.org

square feet of additional warehouse space to meet e-commerce demand into 2025; to meet total demand, another firm, JLL, put that number at one billion square feet.² CBRE further indicates that every \$1 billion in new e-commerce sales requires one million square feet of new warehouse space.

In addition to these national trends, one reason for the surge locally in large warehouses is, aside from a single UPS facility, there is no warehouse/distribution facility in Clark County that specifically stores and repackages individual goods intended for direct delivery to residential or business customers. Home deliveries of goods from Amazon and FedEx to Clark County, for example, originate from the Portland side of the river. (See Figure 1)

Figure 1: Location of Existing Distribution Facilities in Vancouver/Portland Region

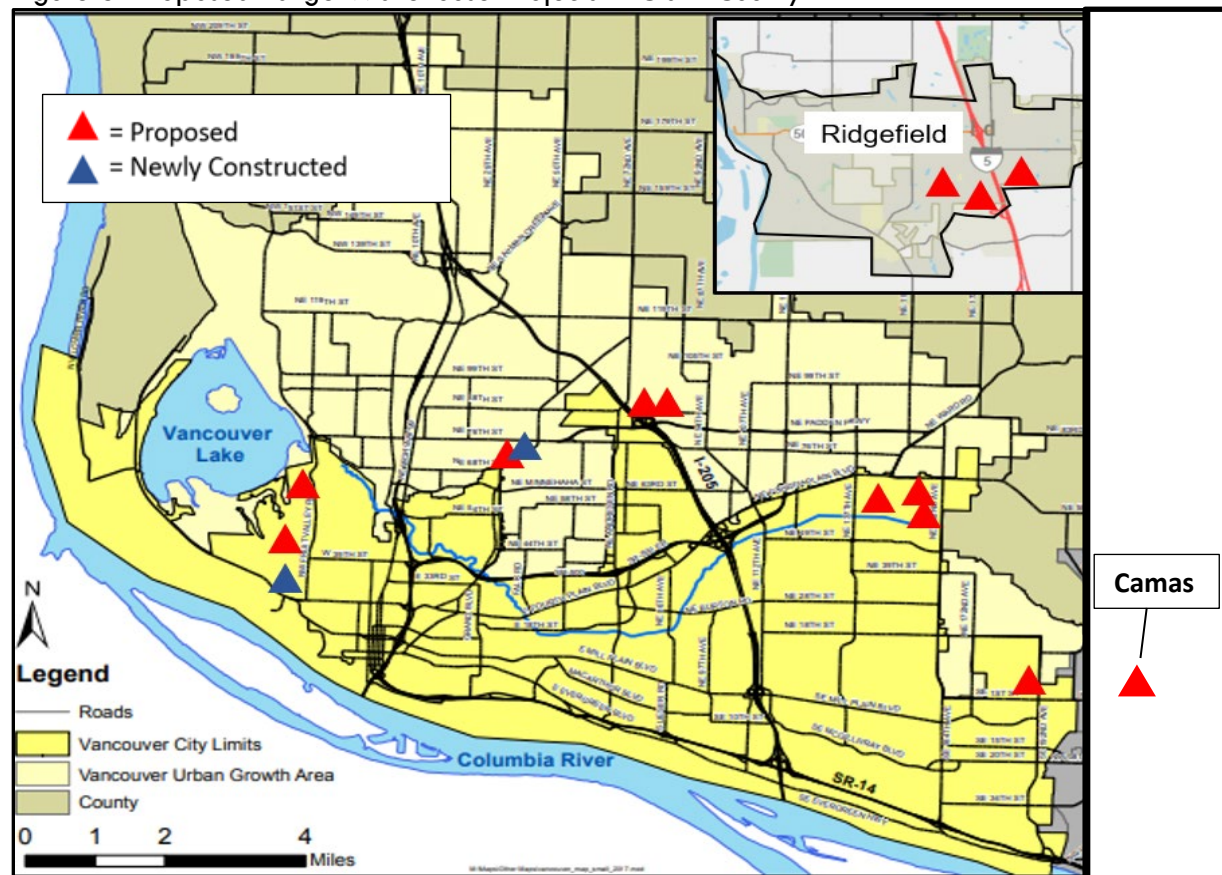


As documented in a [Columbian article](#) last year, there has been a surge of significant recent development of large scale warehouses and distribution centers in Vancouver and elsewhere in Clark County. Planning staff gathered data from Clark County, Ridgefield, Camas, and Vancouver, all of which have one or more large (>250,000 sf) warehouses in their development review process or under construction. While initially staff identified eight warehouse pre-applications or applications of concern in Vancouver alone, this was subsequently reduced to five active projects as one that was under construction was completed, one was only 80,000 square feet, and a third required a comprehensive plan amendment and zone change and was therefore not vested to existing use and development standards. The five warehouses, which are vested to current use and development standards, total 2.8 million square feet and will utilize 156 acres of industrial land. (See Figures 2 and 3)

Figure 2: Current Large Warehouse Applications in Vancouver

Project Name	Location	Owner/Applicant	Building SF	Acres
Prologis Park	Tax lot 152382000 (Fruit Valley)	Wellons Group	560,000	30.22
Harmon Logistics Center	NW corner of SE 1 st /192 nd Ave	DIRG LLC	450,000	24.2
Bridge Development	5500 NE 162 nd Avenue	Bridge Dvpmt Partners LLC	640,000	36.45
Burnt Bridge Creek Logistics	5920 NE 162 nd Avenue	Defenbaugh LLC	681,000	38.48
Fruit Valley Logistics	6112 NW Fruit Valley Road	Wilson Oil	365,000	26.74
TOTAL / AVG			2,776,000	156

Figure 3: Proposed Large Warehouse Projects in Clark County



Analysis of Warehouse Characteristics

E-commerce is, relatively speaking, a newer sector of the global economy, and detailed studies of how warehouses and associated operations may impact communities (either positively or negatively) are fairly limited. City consultants Fehr and Peers and GLD Partners prepared an analysis of the above characteristics from available data and specific projects to help decision-makers understand the differences between traditional business-to-business warehouses and larger warehouses intended for e-commerce shipping.

Key differences between the two types of warehouses are outlined in the consultant's report (See also Exhibit E), as follows:

Various types of warehouse support retail, commercial, and industrial supply chains. Virtually all industries rely directly or indirectly on warehousing services. Directly related to e-commerce, distribution and fulfillment centers typically provide value-added logistics services, allowing operators to efficiently meet varying customer demands and streamlining supply chains. These facilities differ from traditional warehouses from a physical, operational, and economic standpoint.

1. Key Physical Differences

Physical characteristics of warehouses include warehousing design (building size, lot coverage, loading bays, and parking spaces) and siting. Key physical differences that distinguish e-commerce facilities from traditional warehouses include:

- *More varied building sizes/footprints.* While traditional warehouses are typically less than 100,000 square feet, e-commerce facilities range from about 100,000 square feet to over 1 million square feet.
- *E-commerce warehouses tend to be taller.* Building clear height, defined as the height of a building from the floor to the bottom of the lowest hanging item on the ceiling, is typically less than 32 feet for traditional warehouses, but often greater than 36 feet for e-commerce facilities.
- *More loading dock doors.* Operations at e-commerce facilities require more loading docks.
- *Different siting locations.* Traditional warehouses are typically situated close to other industrial uses, whereas e-commerce facilities tend to be proposed near population centers and ports.

2. Key Operational Differences

Recent technological improvements have resulted in increasingly efficient use of warehouse space and consolidation of facilities. Modern warehouses operate differently than traditional warehouses, particularly regarding hours of operation and the flow of goods:

- *24-7 operations.* Typical hours of operation for e-commerce facilities span 24 hours a day, seven days per week. The non-stop activity in modern warehouses is made possible by shift workers and automation. In contrast, traditional warehouses with slower inventory turnover are typically limited to normal business hours, i.e., 8-hour shifts, five days per week.
- *More constant flow of goods.* E-commerce facilities typically focus less on long-term storage and more on the flow of goods and services. Modern industrial

warehouse facilities are often driven by demand, compared to traditional warehouses, where operations are related to storing the largest amount of goods possible.

3. *Traffic Impacts*

Warehouses generate some level of traffic (passenger cars and trucks), but this varies significantly based on the operations of the facilities. In addition, the type of trucks (medium- vs. heavy-duty trucks⁴) also varies. Traffic impacts differ between e-commerce and traditional warehouses in the following ways:

- *Much higher vehicle activity.* Based on data from the Institute of Transportation Engineers (ITE) Trip Generation Manual, e-commerce facilities generate up to four times more daily vehicle trips than traditional warehouses, particularly for fulfillment centers that require extensive sorting.
- *Traffic occurs at all hours of the day.* The fact that most e-commerce facilities involve round-the-clock operations (versus more 8-hour day operations for traditional warehouses), means that traffic often occurs during off-peak times of the day and night.
- *Smaller delivery vehicles are more common.* Whereas traditional warehouses generate mostly medium-duty and heavy-duty truck trips, light-duty trucks and vans play a substantial role in the transport of goods from today's e-commerce facilities.

4. *Key Economic Differences*

Industrial warehouses generate jobs and tax revenue (property, sales and use, and utility taxes). Warehousing jobs provide two important community benefits: 1) pay rates that start above minimum wage, and 2) on-the-job-training for career advancement. Warehouses also generate indirect jobs⁵ that benefit local and regional economies. Regionally, the U.S. Bureau of Economic Analysis (BEA) estimates that 10 new warehouse jobs create about 14 jobs in other industries.⁶ For every \$1.00 of earnings paid to the new warehouse workers, an additional \$1.50 in earnings is generated throughout the economy. Key distinctions in the economic impact of e-commerce versus traditional warehouses include:

- *Higher-skilled labor.* While traditional warehouses rely on unskilled labor and managerial jobs, highly automated e-commerce facilities offer high-paying jobs such as automation engineers with average salaries over \$100,000 annually. With companies such as Amazon investing more in warehouse automation and on-the-job training for skilled labor, observers of these trends indicate that the presence of these high-paying jobs is likely to grow.
- *More ripple effects on the local economy.* Based on building size/footprint and warehouse jobs created, e-commerce facilities typically entail more local and

regional economic impacts (tax revenue, indirect jobs, and new dollars circulating in the economy) than traditional warehouses.

Key Takeaways

From a physical, operational, and economic standpoint, there are pronounced differences between traditional warehouses and e-commerce facilities. With the evolving warehousing industry and a market need for e-commerce facilities in Vancouver, the City may benefit from new warehouse developments targeted to store and repackage e-commerce goods intended for various purposes, including retail home delivery. The development of e-commerce facilities will support the growth of the local economy in Vancouver through job creation and tax revenue. Regulatory amendments are needed to ensure that any new development supports the City's economic growth, has adequate transportation infrastructure, and aligns with climate and equity goals and priorities.

For the full analysis, see Fehr and Peer's report, entitled "*Traditional Warehouse Developments vs. Modern E-commerce Facilities*," dated revised July 2023, which is attached as Exhibit E.

Proposed Amendments to VMC Title 20

Over the past ten months, staff has consulted with warehouse industry experts and engaged in a series of meetings with environmental advocates and business stakeholders including the Port of Vancouver and representatives from existing warehouse facilities, as well as the Planning Commission. Planning staff have tried where possible to incorporate input on specific code language to make the ordinance clearer and to balance the stated objectives of City Council with industry, neighborhood and environmental perspectives.

The draft code changes presented to Planning Commission for consideration will accomplish several key objectives which are in alignment with the intent of the moratorium and prior Council direction:

- Warehouses larger than 250,000 square feet in a single building would be prohibited in the IL, Light Industrial District which tend to be closer to residential districts. Such warehouses would however be allowed as a limited use in the IH, Heavy Industrial District (effectively only in the Port of Vancouver or Columbia Business Center due to parcel size constraints elsewhere) where they are more compatible with surrounding uses and further away from residential districts, and would need to meet certain proposed additional development requirements.
- The maximum lot coverage standard (e.g., the percent of land that may be occupied by a building) would be reduced from 100% to 75% for all warehouse/freight movement uses in recognition that because a portion of the site is needed for parking, truck loading and maneuvering, storm water detention, tree plantings, etc., it is not possible for buildings to occupy 100% of a given site;
- Warehouses larger than 250,000 square feet in the IH District would be subject to special development standards that: prohibit truck traffic along Fruit Valley Road, reduce the minimum parking requirement, reduce the maximum lot coverage, and require certain climate action measures such as: solar-ready roofs (weight load capacity and electrical), EV charging stations at 20% of parking spaces, truck dock charging conduit and wiring, white-colored roofs to reduce heat storage, skylights or clerestory windows to allow natural light, prohibit truck idling, architectural features (such as windows, darker colors, articulation of

- façade, etc.), a 10% increase in tree plantings over other industrial uses (33 tree units per acre) and 25-foot wide treed buffer if adjacent to public streets to reduce visual impacts;
- The minimum required number of parking spaces for all warehouse and distribution facilities would be reduced from 1 space for every 2,000 square feet of building area to 1 space for every 5,000 square feet of building area, in recognition that warehouses are increasingly becoming more automated and may need less parking for employees. Reducing the amount of paved surfaces improves storm water and climate outcomes (less heat retention) and creates more space for tree plantings; and
 - The proposed code changes have been drafted to be as simple and easy to follow as possible.

III. SUMMARY OF APPLICANT PROPOSAL:

(Note: Full text can be found in Exhibit B)

- A. Amend VMC 20.440.030-1 Industrial District Use Table to make Warehouse and Distribution Facilities larger than 250,000 square feet a prohibited use in the IL, Light Industrial District, but allow smaller warehouses as a limited use as per the current code; and
- B. Amend VMC 20.440.030-1 Industrial District Use Table to make Warehouse and Distribution Facilities larger than 250,000 square feet a limited use in the IH, Heavy Industrial District, with a footnote directing to additional development standards in a new section VMC 20.895.120; and
- C. Amend VMC 20.440.040-1 Industrial District Development Standards Table to lower the maximum lot coverage for warehouses larger than 250,000 square feet in the IH, Heavy Industrial District from 100% to 75%; and
- D. Amend VMC 20.895 Miscellaneous Special Use Standards to add a new section regarding special standards that apply to warehouses larger than 250,00 square feet. That: 1) prohibit large truck traffic from such uses along Fruit Valley Road, 2) require certain climate action measures such as: solar-ready roofs (weight load capacity and electrical), electrical vehicle and truck dock charging outlets, white-colored roofs to reduce heat retention, skylights or clerestory windows to allow natural light, and prohibit truck idling; and 3) require architectural features (such as windows, darker colors, articulation of façade, etc.) and a 25-foot deep treed buffer if adjacent to public streets to reduce visual impacts; and
- E. Amend VMC 20.945.070-2 Minimum Off-Street Vehicle Parking Requirements, Warehouse/Freight Movement Use, by deleting 1.0/2000 and replacing it with 1.0/5000.

IV. REVIEW CRITERIA AND FINDINGS:

A. VMC 20.285.090 Zoning Code Text Amendments

Approval criteria for Zoning Code text amendments

Proposed zoning or development regulation text changes shall be considered based on the following:

- 1. The proposed change is consistent with the comprehensive plan; and*
- 2. The proposed change is necessary to further the public interest based on present needs and conditions.*

B. Applicable Vancouver Comprehensive Plan Policies

EN-1 Environmental protection

Protect, sustain, and provide for healthy and diverse ecosystems

EN-2 Stewardship

Demonstrate and promote environmental stewardship and education

EN-3 Energy Conservation

Promote and facilitate energy conservation and alternative energy sources and generation

EN-5 Environmental coordination

Coordinate environmental policies and programs. Continue to consolidate environmental regulations

EN-8 Water quality and quantity

Enhance and protect surface water, stormwater, and groundwater quality from septic discharge, impervious surface runoff, improper waste disposal, and other potential contaminant sources.

EN-10 Air quality

Protect and enhance air quality, in coordination with local and regional agencies and organizations

EN-11 Hazard areas

Manage development in geologically hazardous areas and floodplains to protect public health and safety

C. SEPA Determination

Pursuant to the State Environmental Policy Act (SEPA) and WAC 197-11, the City of Vancouver as lead agency has determined that the proposed Warehouse and Freight Distribution Amendments will not have a probable significant adverse impact on the environment. A Determination of Nonsignificance (DNS) was published on September 22, 2023 in the Columbian with a 14-day comment period, which expires at 5 p.m. on October 6, 2023. Copies were emailed to state and local agencies, media representatives, concerned citizens whose names were on the master SEPA list, stakeholders and neighborhood associations. (See Exhibits C and D)

Procedural appeals to the SEPA determination shall be filed in writing within 14 calendar days following the last day of the comment period (October 20, 2023). Substantive SEPA appeals shall be filed in writing within 14 calendar days of the issuance of Council's decision. As of the writing of this report, no SEPA comments had been filed.

D. Staff Analysis and Findings

Equity Analysis

Currently, warehouses are permitted as limited uses in the IL, Light Industrial District with minimal development requirements, and are permitted outright in the IH, Heavy Industrial District. The draft code would prohibit new warehouses larger than 250,000 square feet in the IL, Light

Industrial District and would allow them as limited uses in the IH, Heavy Industrial District, with new development standards to mitigate identified impacts.

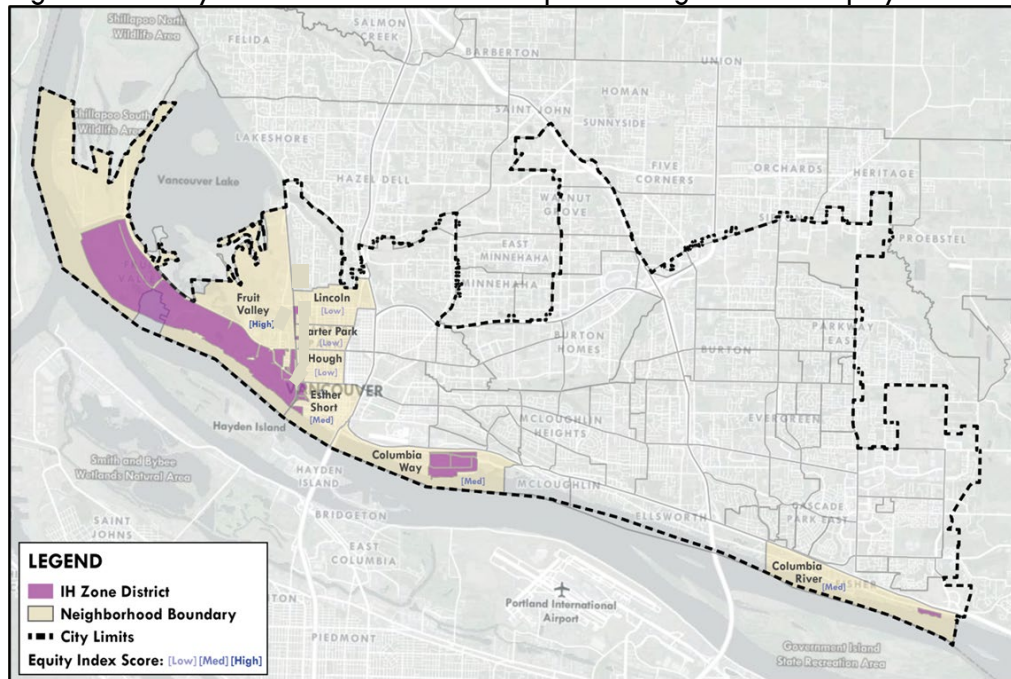
As shown in Figure 4 below, most of the City's Heavy Industrial District is within the Fruit Valley Neighborhood, which includes the Port of Vancouver and industrial properties along Fruit Valley Road. Smaller areas of Heavy Industrial zoning exist further to the east in the Columbia Business Center south of Columbia Way, and a small property near the Columbia River due south of SE 192nd Avenue. Due to property size constraints, a large warehouse could not feasibly locate in the small IH District south of 192nd Avenue.

The Fruit Valley Neighborhood has a high Equity Index Score due to lower median incomes (\$46,667 FV vs. \$63,617 citywide), higher percentage of persons below the poverty line (14.9% vs. 12.7%), higher percentage of Hispanic and non-white residents (26% vs. 13.9%), and lower education attainment (84.4% high school or higher vs. 91.2%). Areas with high equity scores are typically in need of extra resources to support a thriving community, and additionally tend to have historically suffered from a lack of investment (or conversely, outright disinvestment) of services and/or infrastructure.

Columbia Business Center, located south of SR-14 adjacent to Columbia Way, is located in an area that has a low-to-medium equity score, meaning there is a lower chance of disparate impacts from allowing large warehouses in this area.

The recommended code amendments will address the potential for disparate impacts to high priority equity areas as follows: 1) warehouses larger than 250,000 square feet will only be allowed in the IH, Heavy Industrial District, further away from residential areas, and 2) new special development standards that apply to large warehouses such as prohibiting tractor trailer trucks traveling to or from such large warehouses from using Fruit Valley Road, and 3) measures to increase tree canopy, reduce parking and lot coverage, prohibit truck idling, improve visual impacts next to public streets, and promote climate-friendly measures such as electric vehicle charging stations.

Figure 4: Heavy Industrial Districts and Adjacent Neighborhood Equity Scores



Compliance with Applicable Review Criteria

The approval criteria in VMC 20.285.090 include: a) *the proposed change is consistent with applicable Comprehensive Plan policies*, and b) *that the proposed text amendment is necessary to further the public interest based on present needs and conditions*. As described above the applicable policies in the Comprehensive Plan are all in regard to environmental protection, conservation, and stewardship. The proposed code changes are consistent with these policies in that warehouse larger than 250,000 square feet - which typically produce more truck traffic and other environmental impacts than smaller warehouses - will become prohibited in the IL, Light Industrial District which are typically closer to residential areas than Heavy Industrial Districts. Measures to reduce identified impacts and improve environmental outcomes will be required for new warehouses larger than 250,000 square feet, which will only be allowed to locate in the IH, Heavy Industrial District, further away from residential areas. In summary, the proposed code changes further the public interest based on present needs and conditions and meet the approval criteria of VMC 20.285.090.

V. CITY COUNCIL INPUT FROM 10/2/23 WORKSHOP:

City Council reviewed the draft code changes at their October 2 workshop and provided the following feedback (staff response follows each comment):

- Additional outreach should be provided to the Fruit Valley Neighborhood Association since the attendance was low at the neighborhood meeting where the proposal was discussed.

Staff response: In order to ensure that every resident in the FVNA was made aware of the proposal and provided with ways to comment and learn more information, individual postcards were mailed to every address in the association boundary.

- Council expressed concerns about having 'multiple layers' of tree planting requirements which could be confusing to applicants.

Staff response: The draft code amendments have been revised in regard to the “extra” tree density requirement for large warehouses by deleting the requirement that “an area of the project site equivalent to 20% of the building footprint area shall be planted at a density of at least thirty trees per acre...” and replacing it with a requirement that “The minimum tree density required by VMC 20.770.080 shall be thirty-three tree units per acre for new development.” This is in effect a 10% increase in tree plantings beyond what is already required for industrial development in the city.

- Council suggested that the required tree plantings, if allowed to be planted off-site, should not be planted too far away (e.g. the other side of the city) from where the building is constructed, to ensure that mitigation is not too far removed from the source of the impact.

Staff response: The language of the tree planting requirement has been revised as follows: “Such trees may be planted in a tree tract on-site or at an off-site location owned by the applicant and within ~~city~~ the limits of the designated neighborhood association within which the development is located, and as approved by the City Forester.” In the case of projects in the Port of Vancouver, such plantings would need to be planted within the Fruit Valley Neighborhood Association boundaries if not planted on-site.

- Council asked whether the requirement for skylights would conflict with the goal of maximizing roof area for solar panels in the future, or whether the solar panels might cover up the skylights.

Staff Response: Staff does not see an inherent conflict in requiring roof skylights to promote natural light into the interior of the warehouse and the placement of solar panels and believe that there will be room to accommodate both features. The solar panels would not be installed to cover up the skylights on the roof.

- Council discussed the proposed requirement for electric charging outlets at each of loading docks, and expressed concerns about the cost of requiring these right away when technology is still evolving and it is unknown what electric fleets will require in the future. Instead of requiring outlets now, Council suggested that the City should only be requiring conduit and electric wiring to the docks to make it easier to convert to charging ports in the future.

Staff Response: The draft code language has been amended as follows: “All loading docks shall be outfitted with ~~outlets~~ electric wiring and conduit extending to electric panels to enable future installation of outlets for charging of electric-powered trucks.”

VI. RECOMMENDED ACTION: Forward to City Council a recommendation for adoption of the proposed code amendments to VMC Title 20 in Exhibit B.

City of Vancouver Staff
Chad Eiken, CDD Director, (360) 487-7882
Bryan Snodgrass, Principal Planner (360) 487-7946

Attachments:

- Exhibit A – Initial Moratorium Ordinance
- Exhibit B – Proposed Code Changes to VMC Title 20
- Exhibit C – SEPA Determination of Nonsignificance (DNS)
- Exhibit D – SEPA Checklist
- Exhibit E – Warehouse Study by Fehr & Peers, July 2023

Memorandum

DATE: October 23, 2023

TO: Chair Ledell and Planning Commission

FROM: Chad Eiken, Director, Community Development Department

RE: **Warehouse Code Changes - Staff Response to Comments Received To-Date**

Two comment letters were submitted to the Planning Commission on the proposed Warehouse Code Changes, one from the Alliance for Community Engagement (ACE) received on 10/18/23 and one from the Port of Vancouver, dated 10/13/23. Both letters were included in the Planning Commission packet.

Staff responses follow the specific comments from both letters below.

Alliance for Community Engagement Comments

- *(T)he City focusing exclusively on warehouses over 250,000 sq. ft. effectively allows developers to have no climate provisions on individual or multi-building warehouses up to 249,999 sq. ft. There are currently no climate considerations whatsoever for the vast majority of warehouses.*

Staff response: The City has only recently started work on the forthcoming Green Building Policies/Standards, which will presumably result in code amendments that will apply to most new buildings and uses, citywide. Because it is not yet known what might be included in this new set of climate standards, staff is proposing a fairly modest set of climate action requirements in the current draft code, which would only apply to warehouse buildings larger than 250,000 square feet, in order to stay within the scope of the moratorium. Over the course of the coming year, staff will undoubtedly be proposing specific green building standards that will apply to uses throughout the city and to maximize consistency, it would be appropriate to wait to add climate measures to smaller warehouses.

- *Making all warehouses Permitted Use prevents the community from engaging in the approval process.*

Staff response: The proposal is to make warehouses larger than 250,000 square feet a limited use in the IH, Heavy Industrial District, which means the use would be permitted if it complies with the list of specific development standards (this is different than being permitted outright). Large warehouses would be prohibited in the IL, Light Industrial District, however. While no public hearing would be required for this use in the IH District, other opportunities for public notice and comment regarding a proposed warehouse project would still exist, such as through the site plan review process (Type II action) and SEPA Review process.

- *Trees need to be planted and maintained onsite at the largest warehouses. Consider requiring that most pavement be shaded, either with trees or with solar canopies, for most new warehouses, not just the largest ones. We will be short of electricity if we don't. Trees mitigate the heat absorbed by vast areas of asphalt and concrete these warehouses bring.*

Staff response: City Code currently requires 30 trees per acre to be planted for all types of developments, as well as shade trees in parking lots (one tree spaced at every 10 spaces). Additional tree plantings would be required for warehouses larger than 250,000 square feet per the proposed code changes to help respond to climate impacts. Current code allows for required tree plantings to be planted at an approved off-site location if the development site cannot accommodate them, and the Port has used such an off-site tree planting site for numerous projects. Staff supports required trees being planted in the area that is being directly affected by the large warehouse while allowing for some flexibility, such as in the Port where tree plantings are not ideal in the marine terminal. Accordingly, staff is proposing that tree plantings be allowed to be located at an approved off-site location but within the boundaries of the designated Neighborhood Association that the warehouse would be located in.

- *Require solar panels (plus 4-hour batteries), ev-ready electrical conduit and wiring, and (double-paned) clerestory windows on the largest warehouses.*

Staff response: As noted above, the proposed climate measures are focused more on making it easier to retrofit buildings for solar panels and electric vehicle charging, than requiring that solar panels/batteries be installed. While the forthcoming Green Building Standards may be more prescriptive, staff recommends a more modest set of climate measures as part of this ordinance that focus on building readiness. EV conduit/wiring and double-paned clerestory windows requested by ACE would be consistent with this 'readiness' approach.

- *Require solar-ready roofs, ev-ready electrical conduit and wiring of all warehouses over 100,000 sq. ft.*

Staff response: As noted above, staff is not presently recommending any climate measures for warehouses smaller than 250,000 square feet in order to stay within the limits established by the moratorium.

- *Prevent municipal code loopholes whereby developers could build a 249,999 sq. ft. warehouse or multiple smaller warehouses to avoid climate provisions. If it's not possible to create air-tight municipal code to prevent that, please change warehouses over 100,000 sq. ft. to Conditional Use.*

Staff response: While the moratorium applies to warehouse projects that have multiple buildings totaling more than 250,000 square feet, staff believes it would be simpler to apply the limited use criteria to *individual buildings* that are larger than 250,000 square feet. However, if the Planning Commission wishes to reconsider this and make the threshold apply to groups of buildings that in total exceed 250,000 square feet, staff would recommend that language be included that it be applied to groups of buildings exceeding 250,000 square feet *in a single development application* so that tracking the area of warehouse developments over time on multiple parcels, which would be burdensome, is not necessary.

- *Idling for non-electric truck engines should be banned.*

Staff response: The proposed code changes would ban idling for non-electric truck engines when parked or loading/unloading at the facility.

- *No new buildings should be built, where the primary heating system for space and water is fossil fuel. Electric heat-pump water heaters and space heaters should be required. OR as the Washington State Energy Strategy says – Make new buildings all-electric ready.*

Staff response: While these additional measures would certainly advance the City's Climate Action Goals, staff feels this is an issue that needs to be studied further to fully understand its implications and as such will be analyzed in the forthcoming Green Building Standards project, which is currently underway.

- *Please do not rezone other parts of the city for Heavy Industrial use to allow the larger warehouses to go in there. Truck traffic associated with these 250,000 sq. ft. warehouses should not be on Fruit Valley Road. Reducing parking lot sizes is good; as is clustering HVAC on rooftops.*

Staff response: The proposal does not contemplate the rezoning of any properties to Heavy Industrial as part of these code changes. City Council, at its October 2, 2023 workshop, indicated they would not be in support of allowing very large warehouses in the IL, Light Industrial District either. Comments regarding the reduction in parking lots/spaces and clustering of HVAC units on rooftops are noted.

Port of Vancouver Comments

- *Allowance of warehouses larger than 250,000 square feet only in Heavy Industrial (IH) zoning as a limited use. Recommendation: While most of the port's land is already zoned IH, the port requests to retain flexibility in its Light Industrial (IL) zoned properties that are not adjacent to residential zoned land and that are within one mile of a state or interstate highway. The port's marine / industrial area is focused on receiving, staging and transloading cargo from one mode to another. It is conceivable that future development could require a warehouse facility exceeding 250,000 square feet. The port appreciates the recognition that a limited use process is more appropriate than a conditional use in IH zones for the type of project under consideration. There are, however, few parcels, such as the port's Parcel 7, which are appropriately zoned as IL and could accommodate a large warehouse without generating the negative impacts of concern in the moratorium. Without favoring the port specifically, the city may consider requiring large warehouses in the IL zones to be located within a certain distance to a state or interstate highway and to be a certain distance away from residential or other zones of concern.*

Staff Response: The request to allow warehouses larger than 250,000 square feet in the IL Light Industrial District with additional locational requirements (proximity to state or interstate highway and not adjacent to residential zoned land) would allow Port properties zoned IL (specifically Parcel 7) to be developed for a large warehouse. Staff has not undertaken a detailed analysis of other IL properties that might be able to be developed for a large

warehouse if this change is made, but one such property that would be eligible for a large warehouse is the west end of Columbia Business Center which is zoned Light Industrial immediately adjacent to a hotel and office building (zoned mixed use, not residential). City Council considered this request at a 10/2/23 workshop and directed staff not to make any change to the current proposal to allow large warehouses in the Heavy Industrial District only.

- *Clarification on “warehouse” versus “Warehouse / Freight Movement” Recommendation: The memo refers to both “warehouses” and “Warehouse / Freight movement.” This should be clarified by referring only to “Warehouse / Freight Movement” as outlined in the current VMC (Vancouver Municipal Code). There are different warehouses defined in the VMC, but the focus is on one warehouse class (“Warehouse / Freight Movement”). VMC 20.160.D. Industrial Uses classifies “Warehouse/Freight Movement” as: “5. Warehouse/Freight Movement. Uses involved in the storage and movement of large quantities of materials or products indoors and/or outdoors; associated with significant truck and/or rail traffic. Examples include freestanding warehouses associated with retail furniture or appliance outlets; household moving and general freight storage; food banks; cold storage plants/frozen food lockers; weapon and ammunition storage; major wholesale distribution centers; truck, marine and air freight terminals, and dispatch centers; bus barns; grain terminals; and stockpiling of sand, gravel, bark dust or other aggregate and landscaping materials.” Defining code changes only to the “Warehouse/Freight Movement” use defined above focuses the proposed code changes to developments that results in “significant truck” traffic. Additionally, ensuring that code changes are specific to “Warehouse / Freight Movement” would still allow “Manufacturing and Production Facilities” to be developed in both light and heavy zones areas. VMC 20.160D defines “Manufacturing and Production” development separately from “Warehouse / Freight Movement”: Manufacturing and Production. Includes production, processing, assembling, packaging, or treatment of semifinished or finished products from raw materials or previously prepared materials or components. Manufacturing production is intended for the wholesale market rather than for direct sales.”*

Staff Response: Comment noted. While the staff report and other documents may use the terms “warehouse,” “warehouse/freight movement,” “warehouse and distribution,” and “e-commerce warehouse” interchangeably, the proposed code language to be added to VMC Title 20 will only refer to “warehouse/freight movement” uses, which is the actual use classification terminology.

- *Limitation of truck traffic from Warehouse / Freight Movement to Designated Freight Corridors Recommendation: Change the proposed wording in 20.895.120.B. Traffic (Page 5 of Memo) to the below: Tractor trailers delivering goods to or from “Warehouse / Freight Movement” covered by this section shall only travel on designated freight corridors. This recommendation removes the specific reference to named roads and allows the City the opportunity to designate freight corridor restrictions (which could include Fruit Valley Road) throughout the city as necessary, which may change over time.*

Staff Response: The reason for the specific reference in the proposed code regarding Fruit Valley Road is because the Fruit Valley Neighborhood is a high priority equity area which already experiences significant truck traffic along Fruit Valley Road. Staff disagrees with the proposed alternative approach because Fruit Valley is a designated freight corridor and the city does not have any plans to un-designate it as such. The city simply does not want to add more truck traffic from large new warehouses to this already busy corridor in a high priority equity area.

- *Buffer depth and tree planting requirements Recommendation: The City should change the buffer depth requirement (proposed 20.895.120 section C.2) from 25 feet to 15 feet, and clearly state that any tree requirement required in proposed 20.895.120 Section D can be planted in the landscaped buffer area. At developer's discretion, allow any tree requirement to be completed at an approved off-site location. This requirement should also be reconsidered if the project's environmental assessment can mitigate wildlife, water retention and climate impacts in other ways if necessary. The port suggests removing the required area (20% of the building area) from the tree planting requirements. Increasing the setback to 25 feet AND requiring an additional 20 percent of the building footprint area to be covered by trees significantly impacts the financial viability for a development project so burdened – especially since the proposed code would also restrict development to 75 percent of the project area or less. Without the recommended changes outlined above, the site reduction (100 to 75 percent), landscape buffer (currently 25 feet), and tree plantings (20 percent of building footprint) will make large scale warehouses – whether they are freight related or manufacturing related – extremely difficult to construct. The Port does not have space in its marine operations area to limit required marine facilities to the proposed “maximum lot coverage of 75 percent” versus the current 100 percent allowed. Additionally, it would not be appropriate or effective to require the port to plant trees in its marine industrial areas. Allowing the planting of trees offsite, when onsite tree planting is deemed impractical, will also allow developers to use any tree credits they may have or to buy tree credits if needed. Additionally, reducing the landscape buffer to 15 feet would improve traffic safety – especially as site lines would be obscured as the plantings mature.*

Staff Response:

- The proposed depth of the visual buffer is still 25 feet, but the draft code language has been revised to make it clear that trees planted in this buffer area may be counted toward the overall required tree unit density.
- The draft code language contemplates allowing required trees to be planted at an approved off-site, so long as the off-site location is within the designated neighborhood association boundary (Fruit Valley Neighborhood Association for the Port). The Port has used an off-site tree planting site for other projects that would be within the FVNA boundary.
- Currently all development projects must plant trees at a rate of 30 per acre of the development site. City Council commented that the previously-proposed additional tree planting requirement based on 20% of the building area was overly complex, and therefore the draft code language has been amended to add 3 additional trees per acre to the existing tree requirement of 30 trees per acre. As an example, for a 250,000 square foot warehouse on 14 acres, this change would result in 8 more trees (462 vs. 454 trees).
- The proposed reduction in maximum lot coverage (ratio of building area to the lot area) from 100% to 75% is not anticipated to have any adverse impact on Port operations, as all large warehouses currently being reviewed have proposed lot coverage of between 40-45% due to space needed for driveways, parking lots, truck loading and maneuvering areas, landscaping, and storm water facilities.
- The City Forester has recommended a 25-foot-wide buffer area to reduce visual impacts to ensure adequate space for the large species trees. Staff does not understand how reducing the landscape buffer to 15 feet would improve sight distance and traffic safety, which would need to be provided anyway regardless of how deep the planter area is.

- *Trip generation for Warehouse / Freight Movement facilities exceeding 250,000 square feet Recommendation: Add a traffic metric (such as 100 tractor trailer trips per 24-hour period) in addition to the use and size criteria for “Warehouse / Freight Movement” facilities exceeding 250,000 square feet to invoke the additional miscellaneous special use standards of proposed in VMC 20.895.120. Adding a traffic count to the “Warehouse / Freight Movement” use category for proposed warehouses of at least 250,000 square feet would provide a clear metric that both developer and city can understand when applying these code changes. This metric would come from a traffic consultant paid for by the developer.*

Staff Response: Staff disagrees with this proposed alternative threshold for determining when the limited use standards apply because: 1) traffic is not the only thing that the limited use standards are attempting to mitigate (e.g. visual impacts, climate impacts), and 2) adding a traffic threshold, as the Port correctly notes, would likely involve input from a traffic engineer (at additional time and expense) in order to determine whether the limited use standards apply. Using building size as the single threshold for determining whether the use is allowed in the district and whether certain development standards apply is a much simpler (anyone can measure building size) and transparent approach.

- *EV outlets at loading docks Recommendation: Restate 20.895.120 Section D. 6 as outlined below: All loading docks will have conduit and other electrical infrastructure to allow for future installation of electrical systems to charge electric powered freight trucks servicing the facility. The port supports and is pursuing electrification within our adopted Climate Action Plan. As currently proposed, however, the port has concerns that underutilized, charging infrastructure would be prone to costly vandalism and theft. Developers would rather have the conduit in place to meet future demands and standardization with the technology in place at that time. Requiring developers to install full charging infrastructure will result in capital wasted as newer and more secure electrical technologies emerge.*

Staff Response: The draft code changes, as revised, would require warehouses larger than 250,000 square feet to provide electrical charging wiring and conduit from each loading dock to the electrical panel to make it easier to add charging stations/connections in the future. Charging outlets and transformers to power charging ports at the loading docks would not be required at this time. This provision recognizes that charging technology, which is expensive to purchase and install, is still evolving and may be different by the time truck fleets are electrified.

- *EV charging stations for parking area Recommendation: Restate 20.895.120 Section D.7 as outlined below: For any warehouse over 250,000 feet at least 10 electric vehicle (EV) charging stations will be provided at initial occupancy. Conduit to support EV charging will be constructed to serve all parking spaces at initial occupancy. Designating a specific number of parking stalls to have EV charging stations (10) meets the City’s goal to have adequate EV charging installed during initial construction. Requiring conduit to be placed for the remainder of the parking stalls allows for future upgrades to occur efficiently as EV’s capture more of the market and anti-vandalism solutions can be developed.*

Staff Response: Staff does not object to the Port’s alternative proposal regarding EV charging infrastructure and a minimum of 10 EV charging stations versus EV charging stations for 20%

of parking spaces proposed by the draft code. A 250,000 square foot warehouse which provides the minimum number of parking spaces (using the proposed ratio of 1 space per 5,000 square feet) would need to provide exactly 10 EV charging stations ($250,000/5,000 = 50 \text{ spaces} \times .20 = 10 \text{ EV spaces}$). The Port's idea of requiring conduit to be placed for the remainder of the stalls (40) would help to "future-proof" the site for future additional EV charging stations and staff would support adding this as a limited use standard.

- *Calculation of Total Square Footage Recommendation: The ordinance should clearly state that the threshold of 250,000 square feet applies to any single structure on a given site, and not the total square footage of multiple separate structures or facilities.*

Staff Response: The proposed code changes have been revised to clearly state that the 250,000 square foot building area threshold is for an individual building, not total area of a group of buildings.

Traditional Warehouse Developments vs. Modern E-commerce Facilities

Prepared for:
The City of Vancouver

June 2023 (Revised July 2023)

PT23-0086

FEHR  PEERS

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Executive Summary

Warehousing, broadly described as the storage of bulk inventory in large facilities, has undergone substantial evolution, from the introduction of forklifts and pallets in the 1920s to automation and cloud computing today. As a result of advances in technology and proliferation of trucking, warehouses are a critical intermediate step between supplier and consumer. Additionally, trends like e-commerce and online shopping, near-shoring and reshoring¹ of manufacturing have increased global demand for industrial warehousing, resulting in unprecedented warehouse development in recent years. These factors have been accelerated by the COVID-19 global pandemic.

Given Vancouver's location near a major airport, seaport, and population center, warehousing demand in the Vancouver/Portland region is particularly robust. Over the past year, the City of Vancouver received five applications to develop large industrial warehouses (>250,000 square feet), which are expected to store and repackage e-commerce goods intended for various purposes including retail home delivery. In response to this regional trend, the City seeks to better understand key characteristics of these larger, typically e-commerce-oriented facilities in comparison to smaller-sized, more traditional warehouses, and how these differences might impact the local economy, street capacity, the environment, and overall quality of life for Vancouver residents.

This report details physical, operational, and economic differences between traditional and modern industrial warehouses, including e-commerce facilities. The report includes strategies for the City of Vancouver to consider in ensuring that future warehouse developments support the City's economic vision, have adequate transportation infrastructure, and align with climate goals and priorities. Given the relevant newness of the e-commerce sector, data about its impacts are evolving and incomplete. This report summarizes insights from a high-level analysis of available literature, data from the US Census Bureau and the Bureau of Economic Analysis, previously collected empirical warehouse traffic data from California², correspondence with developers, and a review of peer cities. This serves as an initial step towards understanding the how Vancouver might respond to the growth of e-commerce-oriented facilities.

Warehousing Trends

The size, design, function, level of automation, and siting of warehouses has evolved considerably over the years in response to market changes and in support of supply chain efficiencies. There has been a

¹ Reshoring describes the process of returning domestic product manufacturing from a foreign country back to the home country of where a business' products are sold. Near-shoring focuses on moving manufacturing operations to nearby countries or close to the point of use.

² The previously collected empirical warehouse traffic data from California is assumed to provide general insights of the differences in traffic impacts between traditional warehouses and e-commerce facilities. An in-depth review of local warehouse developments sites in the Vancouver/Portland region would help inform more representative trends that are context sensitive.

recent trend toward high-tech warehousing that supports e-commerce and Just-in-Time (JIT)³ inventory practices aimed at businesses saving costs by using less space to hold both consumer goods and inputs to production. These are the top three factors influencing warehousing demand in Vancouver today:

- **E-commerce** (electronic commerce), defined as the process of buying and selling goods or services via the internet, has garnered popularity over the past years, particularly due to the COVID-19 pandemic. Growth in e-commerce has impacted supply chain management and increased the demand for industrial property development.
- **Just-in-Time (JIT) versus Just-in-Case (JIC) inventory management**³ played a significant role in the shortages for basic household goods, such as toilet paper and cleaning supplies, over the past years. JIT offers cost savings because less space is needed for storage, but JIC is trending back due to the hardships the lack of inventory created for many companies. Both practices are anticipated to continue, and more warehousing space is needed to support this.
- **Market Need** – warehouse sites near logistics hubs, such as intermodal rail yards, airports and seaports are in high demand. As a City surrounded a major airport and seaport, and population center, there is a market need for warehouse developments in Vancouver to support e-commerce and online shopping. Due to the absence of e-commerce facilities within City limits, households and businesses currently rely on facilities/warehouses in Portland.

Warehouse Characteristics

Various warehouse types support retail, commercial, and industrial supply chains. Virtually all industries rely directly or indirectly on warehousing services. Directly related to e-commerce, distribution and fulfillment centers typically provide value-added logistics services, allowing operators to efficiently meet varying customer demands streamlining supply chains. These facilities differ from traditional warehouses from a physical, operational, and economic standpoint.

Key Physical Differences

Physical characteristics of warehouses include warehousing design (building size, lot coverage, loading bays, and parking spaces) and siting. Key physical differences that distinguish e-commerce facilities from traditional warehouses include:

- **More varied building sizes/footprints.** While traditional warehouses are typically less than 100,000 square feet, e-commerce facilities range from about 100,000 square feet to over 1 million square feet.
- **E-commerce warehouses tend to be taller.** Building clear height, defined as the height of a building from the floor to the bottom of the lowest hanging item on the ceiling, is typically less than 32 feet for traditional warehouses, but often greater than 36 feet for e-commerce facilities.
- **More loading dock doors.** Operations at e-commerce facilities require more loading docks.

³ JIT inventory practices are strategies in which commerce companies receive the exact amount of inventory they need, right when they need it. A contrasting approach is Just-in-Case (JIC) inventory management which centered around keeping a lot of stock/ inventory on hand to reduce the risk of stock-out.

- **Different siting locations.** Traditional warehouses are typically situated close to other industrial uses, whereas e-commerce facilities tend to be proposed near population centers and ports.

Key Operational Differences

Recent technological improvements have resulted in increasingly efficient use of warehouse space and consolidation of facilities. Modern warehouses operate differently than traditional warehouses, particularly regarding hours of operation and the flow of goods:

- **24-7 operations.** Typical hours of operation for e-commerce facilities span 24 hours a day, seven days per week. The non-stop activity in modern warehouses is made possible by shift workers and automation. In contrast, traditional warehouses with slower inventory turnover are typically limited to normal business hours, i.e., 8-hour shifts, five days per week.
- **More constant flow of goods.** E-commerce facilities typically focus less on long-term storage and more on the flow of goods and services. Modern industrial warehouse facilities are often driven by demand, compared to traditional warehouses, where operations are related to storing the largest amount of goods possible.

Traffic Impacts

Warehouses generate some level of traffic (passenger cars and trucks), but this varies significantly based on the operations of the facilities. In addition, the type of trucks (medium- vs. heavy-duty trucks⁴) also varies. Traffic impacts differ between e-commerce and traditional warehouses in the following ways:

- **Much higher vehicle activity.** Based on data from the Institute of Transportation Engineers (ITE) Trip Generation Manual, e-commerce facilities generate up to four times more daily vehicle trips than traditional warehouses, particularly for fulfillment centers that require extensive sorting.
- **Smaller delivery vehicles are more common.** Whereas traditional warehouses generate mostly medium-duty and heavy-duty truck trips, light-duty trucks and vans play a substantial role in the transport of goods from today's e-commerce facilities.

Key Economic Differences

Industrial warehouses generate jobs and tax revenue (property, sales and use, and utility taxes). Warehousing jobs provide two important community benefits: 1) pay rates that start above minimum wage, and 2) on-the-job-training for career advancement. Warehouses also generate indirect jobs⁵ that benefit local and regional economies. Regionally, the U.S. Bureau of Economic Analysis (BEA) estimates that 10 new warehouse jobs create about 14 jobs in other industries.⁶ For every \$1.00 of earnings paid to

⁴ Trucks are placed into classifications based on the gross vehicle weight rating (GWVR). The Federal Highway Administration (FHWA) categorizes medium duty trucks as classes 3-6, with GWVR range of 10,001- 26,000 lbs. and heavy-duty trucks as classes 6-7, with GWVR greater than 26,001 lbs.

⁵ Indirect jobs are jobs generated in supporting industries; these include repair and maintenance jobs, service jobs and third-party vendors.

the new warehouse workers, an additional \$1.50 in earnings is generated throughout the economy.⁶ Key distinctions in the economic impact of e-commerce versus traditional warehouses include:

- **Higher-skilled labor.** While traditional warehouses rely on unskilled labor and managerial jobs, highly automated e-commerce facilities offer high-paying jobs such as automation engineers with average salaries over \$100,000 annually. With companies such as Amazon investing more in warehouse automation and on-the-job training for skilled labor, the prominence of these high-paying jobs is likely to grow.
- **More ripple effects on the local economy.** Based on building size/footprint and warehouse jobs created, e-commerce facilities typically entail more local and regional economic impacts (tax revenue, indirect jobs, and new dollars circulating in the economy) than traditional warehouses.

Key Takeaways

From a physical, operational, and economic standpoint, there are pronounced differences between traditional warehouses and e-commerce facilities. With the evolving warehousing industry and a market need for e-commerce facilities in Vancouver, the City may benefit from new warehouse developments targeted to store and repackage e-commerce goods intended for various purposes, including retail home delivery. The development of e-commerce facilities will support the growth of the local economy in Vancouver through job creation and tax revenue. Regulatory amendments are needed to ensure that any new development supports the City's economic growth, has adequate transportation infrastructure, and aligns with climate goals and priorities.

Regulatory Recommendations

Recent best practices focus on understanding the operations of industrial warehousing and taking a performance-based zoning approach directly addresses the potential impacts of modern warehouse facilities. The following provides some potential conditions of approval for the City's consideration:

General

- **Update conditional use permitting (CUP) requirements** to make applicants describe their proposed operations, such as hours of operation, number of employees per shift, number of shifts, daily and AM/PM peak hour trips by vehicle type, number of dock doors, number of parking spaces for employees, trailers, tractor-trailers, and/or tractors, and anticipated water/sewer usage in volume, and power requirements in megawatts.
- **Address impacts early in the entitlement process.** There are several measures that the City can take to mitigate impacts related to traffic congestion, air and noise pollution, such as identifying

⁶ The region discussed is the Portland-Vancouver-Hillsboro Metropolitan Statistical Area. The provided estimates are based on U.S. Bureau of Economic Analysis (BEA) RIMS II multipliers: 1.408 for each new job and 1.508 for earnings in the Portland/Vancouver/Hillsboro MSA. The multipliers estimate the impact from changes in final demand on one or more regional industries in terms of output, employment, and labor earnings. These multipliers are based on estimates of local area personal income and on the national input-output (I-O) accounts.

truck routes and access, right sizing the employee, truck and trailer parking requirements, and requiring sustainable development standards specific to each facility's anticipated impacts.

Traffic Impacts

- **Develop a traffic impact assessment/analysis (TIA) template** to guide the assumptions to use in preparing TIAs.
- **Update the City's parking and circulation regulations** to address parking and queueing concerns that often arise with warehouse developments. Specifications of truck parking for long duration or overnight parking, trailer storage, and dock spaces in length and width, should accommodate the largest commercial motor vehicle that is anticipated to utilize a facility. The number of spaces offered and their dimensions should be consistent with the proposed use and potential future re-uses of the site.
- **Consider trails, sidewalks, and access to transit facilities** when planning for the location of freight-based operations. This infrastructure serves both drivers and employees accessing the site.
- **Require tenants to establish and promote rideshare programs** that discourage single-occupancy vehicle trips and provide financial incentives for modes like carpooling, public transit, and biking.

Adaptive Reuse

- **Require design features that support broader uses** to accommodate potential future adaptive reuse of warehousing sites. Warehouses have been converted to "ghost" kitchens, segmented artist studios, start-up office space, and production or testing facilities for industries like biotech.

Environment and Climate

- **Further the City's Climate Action Plan** to reduce greenhouse gas emissions and build resiliency to climate change impacts by providing incentives or codifying sustainable design features or business practices, where applicable. Example features include bicycle, hybrid/electric, and carpool vehicle parking for employees, auxiliary power/electric truck charging, alternative energy sources like solar, water conservation measures, dedicated area for onsite recycling, and environmentally friendly building materials.

Introduction

In recent years, the rapid growth in e-commerce and online shopping, near-shoring and reshoring of manufacturing, demand for industrial warehousing, and aging warehouse inventory, has resulted in unprecedented warehouse development.^{7,8} Between March 2020 and November 2021, warehouse space purchases were up 300 percent among the five biggest retailers (Amazon, Walmart, Costco, Target, and TJX companies) compared to the 2019 to 2020 period.⁷ This was largely accelerated by the COVID-19 global pandemic. The nearly two-year boom in warehouse development is being followed by a slow-down in new development as economic factors including inflation and increases in borrowing rates have resulted in a pivot to optimization of available space. In the first part of 2023, only 6,700 warehouses were added to the global building stock, a decline of 35 percent compared to the same time period in 2022.⁸ With warehouse vacancy rates at three percent, a 30-year low, this slowdown in development appears to be more of a reflection of capitalization than decreasing demand.

Despite the indication that demand for new warehousing space is slowing at the global level, warehousing demand in the Vancouver/Portland region remains strong. Over the past year, the City of Vancouver received five applications for the development of new industrial warehouses with gross floor areas greater than 250,000 square feet, shown in **Figure 1**. While the intended use or expected tenants for the proposed warehouses are not known, these developments are expected to be operated as high-tech industrial warehousing facilities, which are likely to include e-commerce operators. This use, along with the size of these proposed developments compared to the size of existing warehouse uses in Vancouver has resulted in a desire to better understand several key characteristics of these larger, frequently e-commerce-oriented facilities. This report will explore:

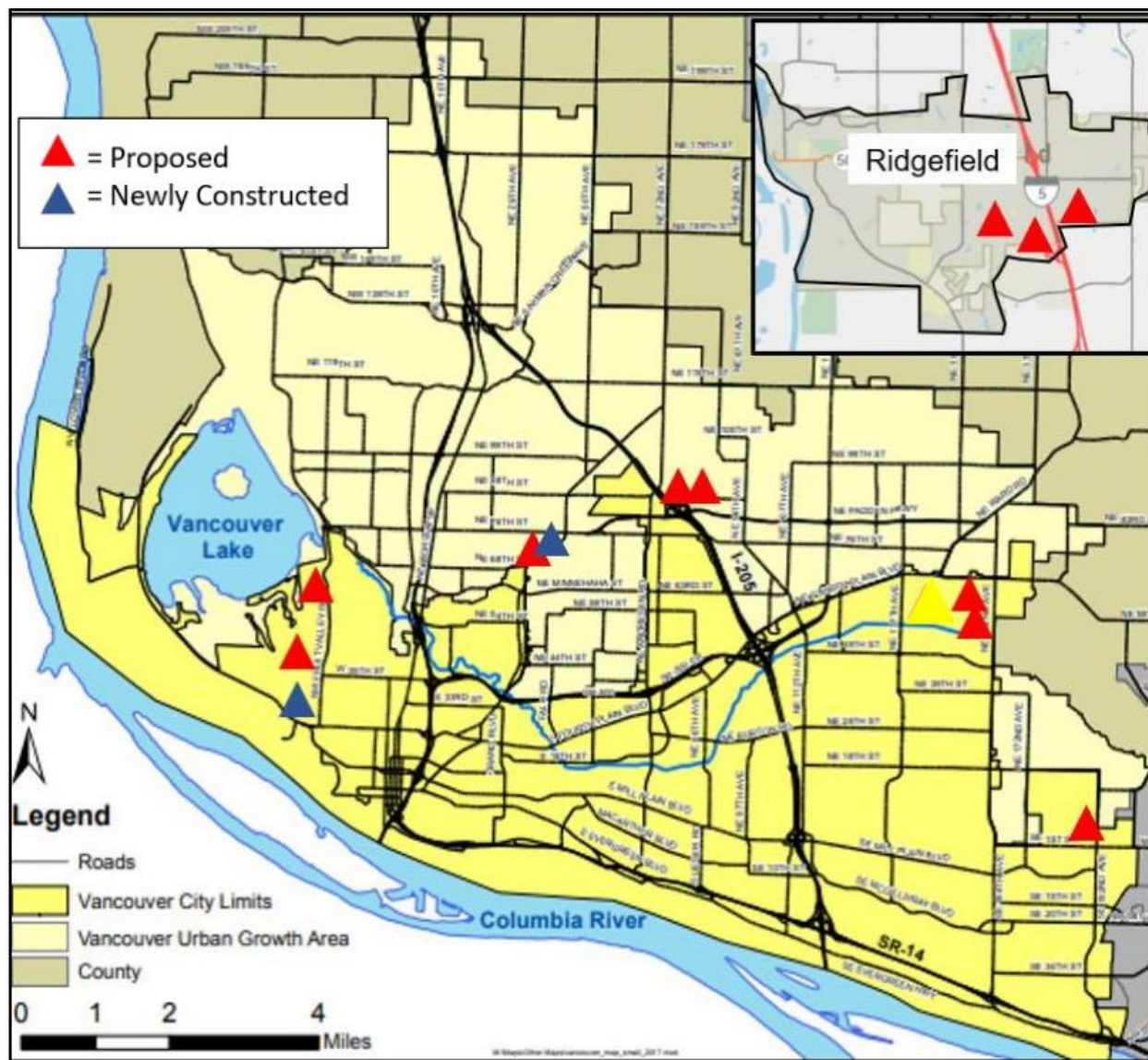
- The typical number of employees per acre compared to more traditional warehouses, as the City has limited buildable land remaining that is zoned for industrial uses
- Anticipated local and regional economic impacts and tax revenue generation associated with these facilities
- How travel associated with these warehouses, specifically by trucks, may impact roadway maintenance costs
- How these warehouses result in increases in heavy truck traffic that adversely impacts air quality, noise, congestion and safety, which are noted community concerns
- If development of these warehouses would conflict with the City's newly adopted Climate Action Plan based on their travel patterns or other factors⁹

⁷ [Bloomberg. Covid E-commerce Boom Sees US Retailers Hunt for Warehouses. 2022](#)

⁸ [Freight Waves. Global Warehouse, Fulfillment Construction Seen Waning. 2023](#)

⁹ [City of Vancouver. Climate Action Framework. 2022](#)

Figure 1: Proposed Warehouse Developments with GFA greater than 100 KSF



Source: City of Vancouver. 2023

On December 12, 2023, Vancouver City Council enacted a six-month moratorium on new applications for the development of warehouses and distribution facilities totaling more than 100,000 square feet (100 KSF) in the Light Industrial (IL) and Heavy Industrial (IH) zoning districts, as defined in Vancouver Municipal Code Title 20.¹⁰ This is consistent with Washington State law (RCW 36.70A.390 and RCW 35.63.200), which allows for a six-month maximum moratorium on land uses, with one six-month extension, if necessary. The moratorium has since been amended to increase the threshold to only include developments that exceed 250 KSF. The City's moratorium exempts warehouses supplying storage for

¹⁰ [City of Vancouver. Six-month Moratorium. 2022](#)

traded sector goods, as defined in the Clark County Comprehensive Economic Development Plan, and a bulk storage exemption for the Port of Vancouver on property owned by the Port in Vancouver.

The moratorium was put in place to provide the City with the necessary time to closely study the emerging trend of applications for warehouse and distribution facilities, understand how those trends may impact the City's economy and transportation system, and develop appropriate land use regulations. This report documents the physical, operational, economic, and environmental/quality of life differences between traditional warehouses that store goods for delivery to businesses and larger, modern industrial warehouses that support today's just-in-time (JIT) inventory practices by storing and repackaging goods intended for retail home delivery or business to business delivery (including e-commerce facilities, grocers, and high-pace manufacturing/assembly).

This report is split into two sections. The first section, **Warehouse Characteristics**, describes the differences in physical, operational, and economic characteristics between traditional warehouses and modern, high-tech industrial warehouse facilities. This section also discusses sustainable warehousing practices which touch on environmental sustainability and adaptive re-use feasibility of warehouses. The second section, **Recommendations**, includes key takeaways from the comparison and strategies the City could consider to ensure that these developments support the City's economic, transportation, and climate goals and priorities. A summary table of the differences between traditional warehouses and e-commerce facilities is provided in **Appendix A**. Additional supporting documentation that informed report findings is included in **Appendix B**.

Warehouse Characteristics

Having space available in a large building, often referred to as a warehouse, where physical goods or inventory can be stored prior to selling has long been a critical piece of the supply chain. Traditionally, warehouses have been used for the prolonged storage of bulk inventory or business-to-business (B2B) orders. In recent years, changing consumer habits have led to the emergence of high-tech warehousing that support e-commerce and Just-in-Time (JIT) inventory practices aimed at saving costs by using less space to hold both consumer goods and inputs to production.

Directly related to e-commerce, distribution centers (DCs) and fulfillment centers (FCs) are designed to provide value-added logistics services, which allow operators to efficiently meet varying customer demand using technology and processes to streamline the supply chain. Even though FCs and DCs have become a prevalent use of warehousing space, modern high-tech facilities are still being utilized for other uses. The subsequent section describes the different types of warehouses which serve different parts of the supply chain process.

Facility Types

There are various warehouse types and functions that support retail, commercial, and industrial supply chains. Virtually all industries rely directly or indirectly on warehousing services.

Traditional warehouses receive goods, store them for prolonged periods, and then send them out again. In contrast, distribution centers (DCs) take in different bulk goods from a variety of vendors, store those products in ways that allow for quickly filling orders, then repack the products to meet multiple customer orders.¹¹ This includes labeling the orders accurately, packing orders together for shipment out of the center, then loading trucks that take orders on the next leg of their journey or to their final destination.

Modern distribution centers are not traditional warehouses. They are high-tech distribution hubs that require significant investment, including building design and construction, as well as advanced technological, safety, and logistical equipment.

The main role of a DC is to store products in bulk and shipped in bulk to a retailer, whereas the main role of a fulfillment center (FC) is to pick, pack and ship the products directly to the consumer.¹² While DC and FC are frequently used interchangeably, they are quite different in design and operation. The main difference in fulfillment centers versus distribution centers is that DCs rarely offer small parcel order fulfillment. Instead, warehouse space for DCs moves large quantities of items in and out quickly. Fulfillment center operations typically work best for e-commerce companies who need small parcel order processing.

¹¹ [ShipBob. Distribution Center Benefits and Key Processes Explained. 2021](#)

¹² [ShipBob. Fulfillment Center: What Is It, Why It's Important, & How Does It Compare to Warehousing. 2018](#)

A distinguishing feature of a DC is that it acts as a hub for shipments. These businesses may take large volumes and redistribute the products into smaller shipments that will be sent to various destinations, including warehouses and fulfillment companies. Another key factor is how products are transported. A DC will often handle multiple modes of transportation when receiving and shipping inventory. A product may arrive by rail but leave the facility by air transport to a fulfillment center. DC Services are as follows:

- **Receiving Inventory:** Materials come on pallets or floor loaded in containers. The distribution center's job is to document and categorize all inbound materials. This way they can be sent to their proper destination such as a fulfillment center or big box retail store.
- **Replenishing Retailers:** One major service that distribution centers provide is restocking or replenishment of inventory for retailers. Considering a store like Target or Walmart as an example, there are thousands of individual SKUs in any given store and thus need a process that ensures inventory replenishes to the store before it runs out of stock.
- **Just-in-Time Materials:** A useful service that distribution centers provide is just-in-time inventory replenishment. Manufacturers use a lot of parts to assemble and build their various products. These parts require storage space. But manufacturers only need a limited number of parts for their output in a particular period. A distribution center can send materials on a regular basis to the manufacturer so they can maintain production. At the same time, the manufacturer can dedicate their warehouse space to their manufacturing activities.
- **Wholesale Marketing:** Wholesale distributors usually operate within a single industry like plumbing, construction, or electronics and offer their own marketing, sales, and product fulfillment. These distributors sell to resellers (and sometimes the general public) at discounted prices. Manufacturers choose to work with them at a lower price point because they come with a larger customer base.

FCs usually rely on a third-party logistics provider (3PL) to handle the storage, packaging, and shipping of products to be sent directly to the consumer (business-to-consumer or B2C) or directly to a business (business-to-business or B2B). Typically, an FC stores all of the products from a web site that are to be individually picked and packaged to be sent out to the consumer. Fulfillment centers are typically used by industries that require fast inventory turnaround and order fulfillment, such as e-commerce businesses. FCs may be used for time-critical and time-sensitive products — including food and pharmaceutical commodities — to fill orders quickly for businesses and consumers. A fulfillment center has three important functions in the supply process. These include:

1. Receiving and storing inventory
2. Fulfilling orders for customers
3. Packing and shipping goods to their final destination

Fulfillment centers are ideal for e-commerce businesses because their warehouse locations are closer to their customers. Fulfillment center services may include:

- **Pick and pack fulfillment services**, which are typically the core component of every fulfillment center. When customers place orders, the fulfillment center generates pick lists for all the items. A warehouse employee collects the items on the list and places the item(s) in shipping packages.
- **Kitting and Assembly:** A kit is a collection of items that your customers order together like a bundle. Fulfillment center services may prepackage and bundle these items beforehand. This assigns each group of merchandise a new stock keeping unit (SKU). Kitting is critical for a business offering products like subscription boxes.
- **Freight Shipping:** Some warehouse fulfillment services include shipping goods in bulk. An example is B2B orders going to big box stores, or retailers. A fulfillment warehouse may also transport oversized goods with less-than-truckload (LTL) service.
- **Cross-docking** is useful in the supply chain when a business needs to transfer cargo from 40-foot marine shipping containers into larger 53-foot over-the-road shipping containers. Not only does this reduce the number of trucks on the road and overall shipping costs, but this is also an efficient means for combining multiple goods that are destined for the same location, such as a local big box retail store. Both distribution centers and fulfillment centers perform this service.

The following sections summarize the differences between traditional warehouses and modern e-commerce facilities¹³ with respect to physical, operational, and economic characteristics.

Physical Characteristics

For the purpose of this comparison, physical characteristics include warehousing siting and design (building size, lot coverage, loading bays, and parking spaces).

City of Vancouver - Code Requirements

Within City limits, warehouse developments are required to adhere to Vancouver's Municipal Code (VMC). Warehouses are only permitted in the IL (Light Industrial) and IH (Heavy Industrial) zones. The siting of warehouses in the IL zone requires that all activities, except outdoor storage of materials, are completely contained within building(s). The IH zone is exempt from this condition. For both zones, setbacks determined by adjacent zone as follows:¹⁴

- When IL and IH zones are adjacent to nonresidential districts, buffering and screening standards are contained in VMC Tables 20.925.030-1 and 20.925.030-2.
- When adjacent to residential districts, buffering and screening standards are also pursuant to standards in VMC Tables 20.925.030-1 and 20.925.030-2, plus an additional 1/2 foot for each foot the building exceeds 20 feet in height to a maximum setback requirement of 40 feet. Buildings in excess of 20 feet may be stepped.

¹³ This report focuses on comparisons between traditional warehouses and e-commerce facilities. However, it should be noted that e-commerce is not the only freight sector that relies on modern industrial warehouse design and operations.

¹⁴ [City of Vancouver. Municipal Codes: Minimum Landscaping and Buffer Setback Standards](#)

Lot coverage, defined as the footprint of a building in relation to the development site, is set to the following requirements for warehouse developments:

- IL: maximum lot coverage of 75%; maximum height of 45 feet
- IH: maximum lot coverage of 100%; no maximum height

VMC 20.945.080 outlines the off-street loading requirements based on the gross floor area of a building. The minimum number of loading berths or off-street loading spaces based on varying floor area thresholds are provided in **Table 1**.

Table 1: Loading Dock Requirements

Gross Floor Area	Required Number of Loading Docks
5,000 sq. ft. up to 25,000 sq. ft.	1
25,000 sq. ft. up to 50,000 sq. ft.	2
50,000 sq. ft. up to 100,000 sq. ft.	3
Each 50,000 sq. ft. in excess of 100,000 sq. ft.	1

Source: City of Vancouver. Municipal Codes: Off-street Loading Requirements.

Physical Differences between Traditional Warehouses and E-commerce Facilities

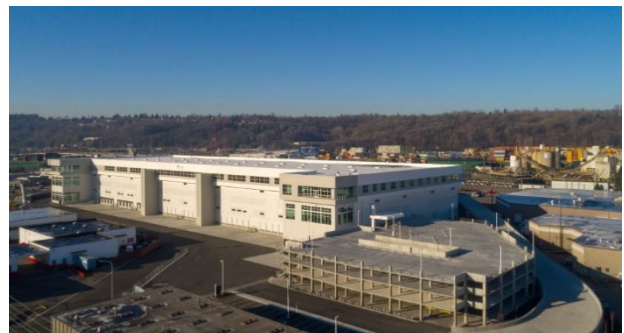
Based on the 250 KSF threshold outlined in the City's amended warehouse moratorium, only a subset of the proposed warehouse developments that exceed this threshold were selected for this study. The building footprints for these selected developments range from 280 KSF to about 570 KSF, while traditional warehouses within City limits are typically under 100 KSF. This variation in size and footprint is depicted in the images below. While size and footprint are typically reliable indicators of the type of warehousing that is occurring, in urban in-fill locations with higher land values and therefore, higher barriers to entry, e-commerce facilities may be closer in size to traditional warehouses.

Example of Existing Warehouse in Vancouver, WA (70 KSF)



Source: LoopNet Commercial Property. 2023

Example of Prologis Georgetown Crossroads Facility in Seattle, WA (590 KSF)

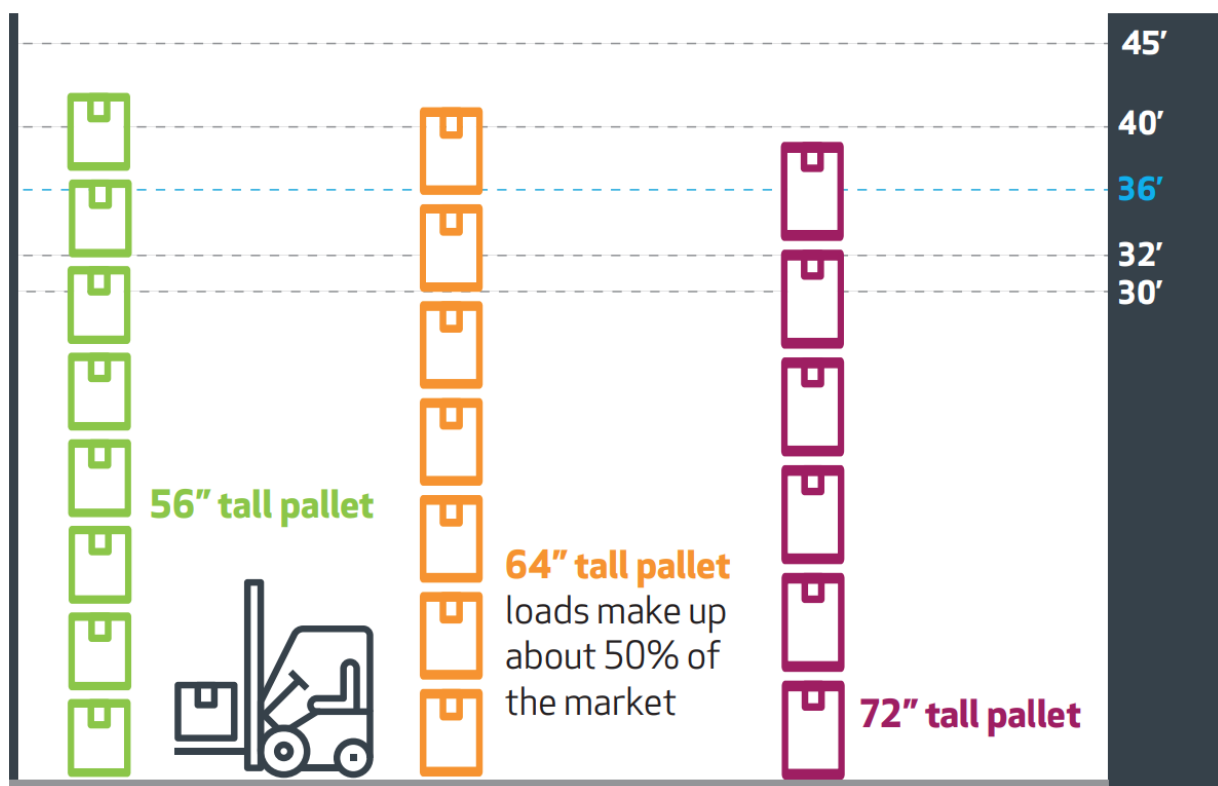


Source: NELSON Worldwide. 2023.

Another notable physical difference between traditional warehouses and modern e-commerce facilities is building clear height. In industrial real estate, building clear height is defined as the height of a building from the floor to the bottom of the lowest hanging item on the ceiling (i.e., sprinklers, lights, etc.). Building clear height dictates the height to which inventory can be safely stored. CBRE Group, Inc, one of the world's largest commercial real estate services and investment firms, noted that e-commerce trends have resulted in an ongoing shift towards increased building clear heights for warehouses and distribution centers. Between 2010 and 2016, the average clear height for all warehouses built by CBRE rose from 30.19 feet to 32.95 feet.¹⁵ Other research indicates that at the national level, the industrial market is moving toward a 36-foot clear height standard for new developments. In comparison, traditional warehouses often have a clear height well under 30 feet. As illustrated in **Figure 2**, taller clear heights allow tenants to store more palletized product, which translates to lower occupancy costs per square foot¹⁶.

In addition to higher clear height, e-commerce facilities have more space for staging and queuing as a result of the operational characteristics, which will be discussed in the subsequent section.

Figure 2: Warehousing Capacity Based on Clear Height



Source: Modern Architecture. 2020.

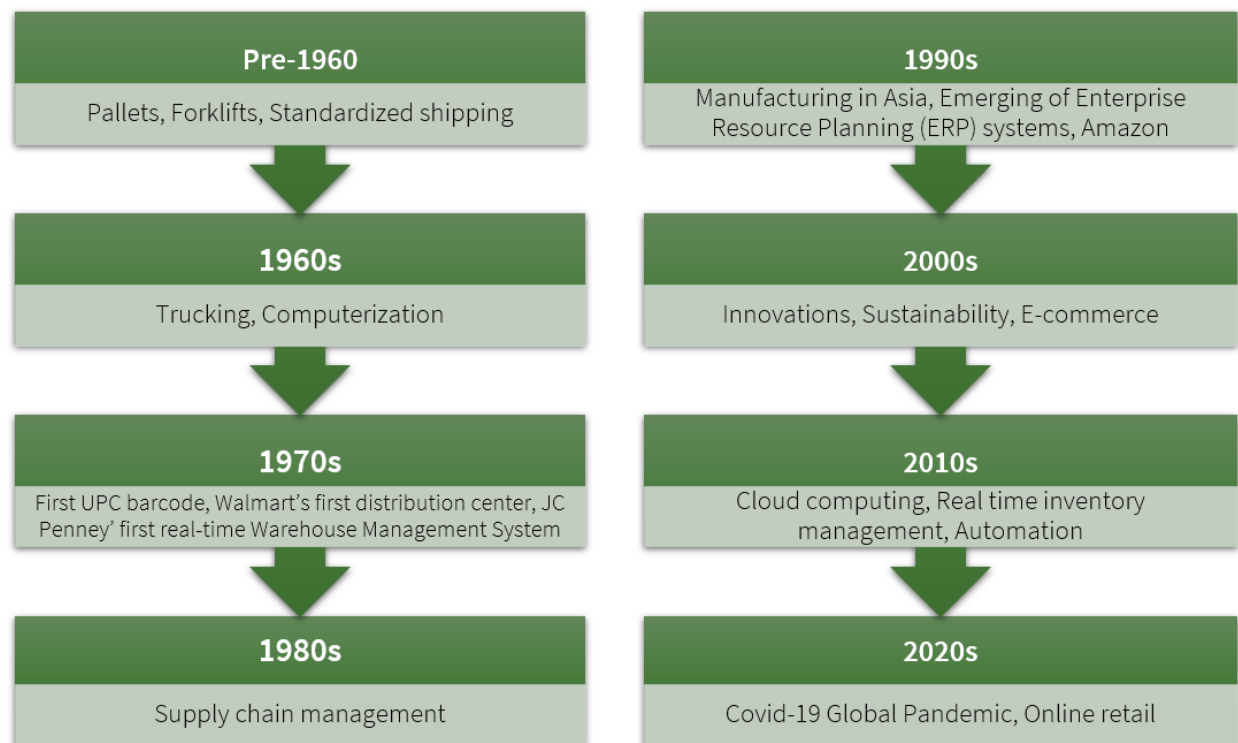
¹⁵ [RoofLifters. As e-commerce grows, so does the clear height of warehouses. 2020](#)

¹⁶ [Method Architecture. 36 is the new 32: Increasing Clear Height for Maximum Efficiency. 2020](#)

Operational Characteristics

Warehousing has undergone operational evolution over the past decades, leveraging technology and adapting to trends as depicted in **Figure 3**. Recent improvements in technology have resulted in increasingly efficient use of warehouse space resulting in an increased consolidation of facilities. Technology, such as barcoding and radio-frequency identification (RFID), coupled with automated warehouse inventory and sortation practices, has resulted in significant efficiency gains and cost savings. In addition to better managing inventory, these systems make it possible to store more goods under one roof, improve safety, and reduce the number of automobile trips and parking demand. As a result of warehouse automation, these new facilities require fewer unskilled workers to drive forklifts and manage inventory and create high-tech jobs to operate and maintain the automated systems, as well as value-added services that are occurring in some facilities.

Figure 3: Evolution of Warehousing



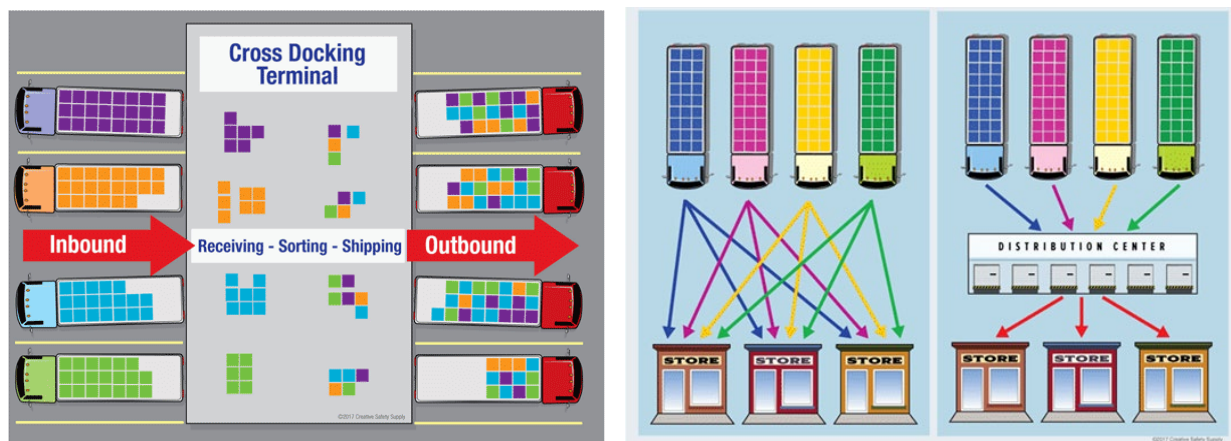
As a result of the advances in logistics operations to support e-commerce and advances in business-to-business supply chains, modern warehouses operate differently than traditional warehouses, particularly regarding hours of operation, the flow of goods, types of vehicles utilized, vehicle trips generated, and related traffic operations.

E-commerce facilities are intended for streamlined and efficient logistics services with typical hours of operation spanning 24 hours a day, seven days per week. The non-stop activity in modern warehouses is made possible by shift workers and automation. Automation has replaced outdated processes, such as

digital bills of lading versus handwritten, use of RFID versus manual paperwork by gate attendants, automated stacking, and retrieval systems instead of forklifts. These modern innovations benefit all industrial and retail sectors because they allow beneficial cargo owners to meet customer (both consumers and businesses) expectations for quick delivery of goods either purchased online, purchased by a retail store, or required as an input to production. To meet those demands, warehouses must operate around the clock.¹⁷ In contrast, hours of operation at traditional warehouses with slower turnover of inventory are typically limited to normal business hours, i.e., 8-hour shifts, five days per week. The noted differences are directly linked to the flow of goods and storage duration.

As described in previous sections, there are several industrial warehouse typologies including distribution centers and fulfillment centers among others. These facilities typically focus less on long-term storage and more on flow of goods and services compared to traditional warehouses. Another key difference is that operations at modern industrial warehouse facilities are often driven by demand, compared to traditional warehouses, where operations are related to storing the largest amount of goods possible. Typical operations at a distribution center, including the combination of similar sized goods with similar destinations, are depicted in **Figure 4**. While the figure depicts distribution to stores, e-commerce has altered supply chains whereby goods flow to fulfillment centers by truck to be moved into a delivery van and delivered directly to the consumer. Transload facilities and distribution centers often both participate in the sorting and combining of truckloads of goods to reduce travel time, vehicle miles of travel, and fuel consumption.

Figure 4: Visual Depiction of Cross Docking at a Fulfillment Center and Operations at a Distribution Center



Source: Creative Safety Supply.

¹⁷ [Multibriefs. Do warehouses still need 8-hour work shifts? 2014](#)

Traffic Impacts

Efficient logistics in warehousing facilities entail higher vehicle activity than traditional warehouses. The Institute of Transportation Engineers (ITE) Trip Generation Manual offers trip generation estimates associated with land use developments and the database includes a breakdown of vehicle types. **Table 2** presents trips generation estimates for warehouse developments per 1,000 square foot of gross floor area. In practice, traditional warehouse developments are assumed to be ITE land use code 150 and e-commerce facilities range from ITE land use codes 154 to 155 and 130 is used for industrial parks. As shown in **Table 2**, e-commerce facilities generate more daily vehicles particularly for fulfillment centers that require extensive sorting (ITE land use code 155). These are estimated to generate almost four times the number of vehicle trips than traditional warehouses.

Because ITE trip generation data is limited regarding the breakdown between vehicle types, the project team relied on an assessment of recently collected data to provide insight into this¹⁸. As highlighted in **Table 3** and **Table 4**, e-commerce facilities such as Amazon generate more medium-duty and heavy-duty truck trips as compared to passenger cars, but these trends are not universal. Notably, the magnitude of trips at an Amazon facility is substantially higher than those at a UPS facility. This illustrates the variation in trip generation at e-commerce facilities. It is also important to note that while the collected data provides general insights, the data are from sites in California. Therefore, reviewing local warehouse developments sites in the Vancouver/Portland region may help inform more representative trends.

¹⁸ Based on extensive comparisons between ITE trip generation estimates and observed traffic data, ITE is limited in capturing the breakdown in vehicle types. Because of this, the team opted for previously collected empirical warehouse traffic data from California which is assumed to provide general insights. Local data would need to be collected to provide context sensitive insights.

Table 2: Warehousing Trip Rate Comparison (Trips per 1,000 square feet of GFA)

Warehouse Type	Daily Average Rate		AM Peak Hour Average Rate		PM Peak Hour Average Rate	
	Truck	Total Vehicles	Truck	Total Vehicles	Truck	Total Vehicles
ITE Land Use: 130 Industrial Park	0.57	3.37	0.03	0.41	0.05	0.40
ITE Land Use: 150 Warehousing	0.60	1.71	0.02	0.17	0.03	0.18
ITE Land Use: 154 High-Cube Transload and Short-Term Storage Warehouse	0.22	1.40	0.02	0.08	0.01	0.10
ITE Land Use: 155 High-Cube Transload and Short-Term Storage Warehouse (Non-sort Facility)	0.23	1.81	0.02	0.15	0.01	0.16
ITE Land Use: 155 High-Cube Transload and Short-Term Storage Warehouse (Sort Facility)	0.19	6.44	0.02	0.87	0.02	1.20
ITE Land Use: 156 High-Cube Parcel Hub Warehouse	0.58	4.63	0.09	0.70	0.06	0.64
ITE Land Use: 157 High-Cube Cold Storage Warehouse	0.75	2.12	0.03	0.11	0.03	0.12

Source: ITE Trip Generation Manual, 11th Edition.

Notes:

ITE Trip Generation provides the following definitions for the tabulated warehouse types:

- An industrial park contains several individual industrial or related facilities. It is characterized by a mix of manufacturing, service, and warehouse facilities with a wide variation in the proportion of each type of use from one location to another. Many industrial parks contain highly diversified facilities.
- A warehouse is primarily devoted to the storage of materials, but it may also include office and maintenance areas.
- A high-cube warehouse (HCW) is a building that typically has at least 200,000 gross square feet of floor area, has a ceiling height of 24 feet or more, and is used primarily for the storage and/or consolidation of manufactured goods (and to a lesser extent, raw materials) prior to their distribution to retail locations or other warehouses.
- A high-cube fulfillment center warehouse is subcategorized into sort or non-sort. A sort facility is a fulfillment center that ships out smaller items, requiring extensive sorting, typically by manual means. A non-sort facility is a fulfillment center that ships large box items that are processed primarily with automation rather than through manual means.
- A high-cube parcel hub warehouse typically serves as a regional and local freight-forwarder facility for time sensitive shipments via airfreight and ground carriers. A site can also include truck maintenance, wash, or fueling facilities. Some limited assembly and repackaging may occur within the facility.
- A high-cube cold store warehouse has substantial temperature-controlled environments for frozen food and other perishable products.



Table 3: Observed Trip Activity at Comparable Sites in California (Distribution by Vehicle Type per Time Period)

Customer	Building Size (sf)	Daily			AM Peak Hour			PM Peak Hour		
		Passenger Car	Medium-duty Trucks	Heavy-duty Trucks	Passenger Car	Medium-duty Trucks	Heavy-duty Trucks	Passenger Car	Medium-duty Trucks	Heavy-duty Trucks
Pratt Corrugated Holdings	350,892	309	13	216	21	1	15	47	2	21
HJ Heinz	500,199	208	13	155	25	0	2	48	1	13
Prism Team Services, Inc.	443,640	113	15	142	4	2	15	14	3	12
Orchard Supply Company	346,524	113	54	22	13	2	1	9	1	1
Fox Head, Inc.	388,000	183	19	15	34	0	0	49	2	0
Amazon.com Services, Inc.	388,183	69	214	241	9	5	12	12	5	11
Niagara Bottling, LLC	512,000	59	5	153	7	0	5	18	0	7
Kraft Foods Group, Inc.	351,788	117	7	169	4	2	11	32	1	13
Coastal Pacific Food	500,004	581	37	283	66	1	21	76	1	7
Restoration Hardware	283,712	540	16	42	47	1	6	60	1	2
Dart Container	340,000	200	13	50	21	2	4	30	1	2
Lowe's	570,000	277	11	164	36	0	6	78	0	16
UPS	560,000	70	10	11	8	2	1	9	0	0
Cargill Food	350,000	457	19	311	39	0	17	44	2	19
International Paper	375,000	312	16	133	70	0	10	75	0	5
IPC Smucker's	403,560	205	12	149	25	0	10	39	4	10

Source: Fehr & Peers. 2022.

Notes: Sites with bold text inform the trip activity comparison discussion.

Table 4: Observed Trip Activity at Comparable Sites in California (% Distribution by Vehicle Type per Time Period)

Customer	Building Size (sf)	Daily			AM Peak Hour			PM Peak Hour		
		Passenger Car	Medium-duty Trucks	Heavy-duty Trucks	Passenger Car	Medium-duty Trucks	Heavy-duty Trucks	Passenger Car	Medium-duty Trucks	Heavy-duty Trucks
Pratt Corrugated Holdings	350,892	57%	3%	40%	58%	2%	40%	68%	2%	30%
HJ Heinz	500,199	55%	3%	41%	92%	0%	8%	78%	2%	20%
Prism Team Services, Inc.	443,640	42%	5%	53%	21%	8%	71%	49%	9%	41%
Orchard Supply Company	346,524	60%	29%	12%	81%	15%	4%	82%	6%	12%
Fox Head, Inc.	388,000	84%	9%	7%	98%	1%	1%	97%	3%	0%
Amazon.com Services, Inc.	388,183	13%	41%	46%	35%	18%	47%	43%	18%	39%
Niagara Bottling, LLC	512,000	27%	2%	70%	58%	0%	42%	71%	0%	29%
Kraft Foods Group, Inc.	351,788	40%	2%	58%	24%	10%	65%	69%	3%	28%
Coastal Pacific Food	500,004	65%	4%	31%	76%	1%	24%	91%	1%	8%
Restoration Hardware	283,712	90%	3%	7%	87%	1%	12%	95%	2%	3%
Dart Container	340,000	76%	5%	19%	78%	9%	13%	89%	4%	7%
Lowes	570,000	61%	2%	36%	85%	0%	15%	83%	0%	17%
UPS	560,000	77%	11%	12%	73%	15%	12%	97%	0%	3%
Cargill Food	350,000	58%	2%	40%	69%	0%	31%	68%	3%	30%
International Paper	375,000	68%	3%	29%	87%	0%	13%	94%	0%	6%
IPC Smucker's	403,560	56%	3%	41%	71%	0%	29%	74%	8%	18%

Source: Fehr & Peers. 2022.

Notes: Sites with bold text inform the trip activity comparison discussion.

On a vehicle-type basis, medium-duty and heavy-duty trucks tend to be the main mode of transportation for goods in and out of traditional warehouses. Whereas, in today's logistics operations, light-duty trucks and vans play a substantial role in goods transportation via e-commerce facilities. Based on the collected data from warehouse sites in California tabulated in **Table 4**, peak activity of these trucks is generally observed between 4 am to 7 am and around 12 pm to 1 pm. This is also indicated by the magnitude of peak hour trips in comparison to daily trips reported in **Table 4**.

Summary of Proposed Development Traffic Impact Analyses

One of the most challenging issues associated with analyzing impacts of industrial land uses is understanding their operations. The National Academies of Science's Transportation Research Board and the Institute of Transportation Engineers have attempted to standardize trip generation rates (**Table 2**) associated with a variety of land uses, including industrial uses, for over 50 years. Unlike many land uses, such as residential and retail uses, the big box design of industrial warehouses makes them flexible, meaning the trip generation is difficult to estimate. For example, two common reuses are mega-churches and indoor trampoline parks. For this reason, many cities are using the conditional use permit (CUP) mechanism for requiring operational data, dictating assumptions for use in traffic impact analysis, and identifying conditions of approval to mitigate potential impacts. In the 11th Edition of the ITE Trip Generation Manual, there are currently ten categories that an industrial warehouse could fit into, and the categories most closely related to the proposed facilities in Vancouver are defined in the industrial trip generation assumptions section. A cursory review of the intersections that have been analyzed in the traffic studies for four of the proposed projects is described herein, as well.

In reviewing the ITE industrial trip generation rates, the variance in size and footprints do not easily translate to the amount of auto, van, and truck traffic that is generated by these facilities. What is needed is more information about the intended operations of the facilities. This can be challenging to obtain, especially when buildings are constructed without knowledge of who the future tenant may be (e.g., spec buildings). In the absence of the necessary information to discern operations of the proposed development, assuming the highest trip generation (ITE land use code 550) presents a conservative approach to address potential traffic impacts.

Table 5 contains data that was abstracted from the traffic studies associated with the proposed projects, as well as trip generation estimates calculated using the ITE Trip Generation web-based app (based on the 11th Edition). ITE provides both average rates and fitted curve rates. And for AM and PM peak rates, analysts are provided with two more options: peak of the site or peak of the adjacent street. It is common to perform impact analysis using data for the peak of the adjacent street, but in the case of major industrial facilities that generate large volumes of trips and could overwhelm the local system, considering peak trip generation of the site may be the more appropriate rate to use. In addition to the effects of these two assumptions on trip generation rates, the validity of the rates in 2023 is questionable considering the small sample of sites that this data is based on and the old age of some of the surveys. More recent, empirical data should be used when available and feasible.



Table 5: Estimated Trip Activity related to Proposed Industrial Warehouse Developments

Development	Building Size (sf)	ITE Trip Generation Code	Daily Truck Trips	Daily Total Trips	AM Peak Hour Truck Trips	AM Peak Total Trips	PM Peak Hour Truck Trips	PM Peak Total Trips
Panattoni Fruit Valley Rd PDC Seattle LPIV BB/TH, LLC	60,050	150	36* 40**	103* 134**	4* 5**	13* 35**	2	34
Harmony Industrial project	460,000	150	787* 765**	787* 765**	28* 29**	97* 79**	28* 24**	106* 89**
Vancouver Wellons Prologis, Inc.	566,527	130	323*	1909* 2134**	17*	232*	28*	227*
Vancouver Innovation Center Building North	200,700	110	50*	977* 805**	6*	183* 153**	10*	161* 137**

* Average Rate

** Fitted Curve Rate

Notes:

Tabulated rates are based on the ITE Trip Generation data on AM/PM peak of adjacent streets

Numbers in bold are assumed rates provided in the traffic studies. None of the traffic impact studies used Passenger Car Equivalents (PCE) factors to assess the potential impacts of trucks at intersections. In general, trucks are assumed to equal 1.5 to 3 passenger cars for the purposes of intersection analysis due to their lengths and slower starting and stopping abilities. None of the four studies appeared to consider this in their analysis. The following section identifies the intersections analyzed by each of the studies.



Intersection Analysis

A list of the analyzed intersections for each of the proposed industrial developments is provided in this section. There is only one identified intersection that is shared by two of the proposed developments, the intersection of Fruit Valley Road and W. 39th Street. Both studies indicate that this intersection will operate at Level of Service (LOS) C in the future. It is unclear if the projects assumed each other as related projects in the analysis, however, the City does have a preproposal process that it could use to collect additional data about the proposed facilities, confirm trip generation rates to use, and identify related projects to consider.

Panattoni Fruit Valley Project

1. NW Lakeshore Ave/NW 78th Street
2. NW Whitney Rd/NW 61st Street
3. Fruit Valley Rd/NW 61st Street
- 4. Fruit Valley Rd/W 39th Street**

Vancouver Innovation Center

1. SR-14/SE 192nd Avenue
2. SE 176th Avenue/SE 20th Street
3. SE 34th Street/SE 192nd Avenue

Harmony

1. 137th Ave – 49th St to Fourth Plain Blvd
2. 192nd Ave & SR 14 Ramps
3. Fourth Plain Blvd & 152nd Ave
4. Lieser/St. Helens/MacArthur
5. 192nd Ave & NE 13th Street
6. 192nd Ave & SE 34th Street
7. 176th Ave & SE 20th Street
8. Grove St/Columbia House Blvd/SR-14 WB Off-Ramp
9. NE 172nd Ave/NE 18th Street
10. NE 179th Place/NE 18th Street
11. NE 187th Ave/NE 18th Street
12. NE 172nd Ave/NE 9th Street
13. NE 9th Street/NE 162nd Ave
14. NE 192nd Ave/NE 9th Street
15. NE 187th Ave/SE 1st Street
16. SE 192nd Ave/Mill Plain Blvd

Prologis

1. 32nd Avenue/La Frambois Road

2. 32nd Avenue/Lower River Road
3. **Fruit Valley Road/39th Street**
4. Fruit Valley Road/Firestone Lane

As discussed in the subsequent sections, warehouse facilities generate truck and passenger car traffic which results in wear and tear of roads, noise pollution, light pollution, and safety concerns. Examples of measures to mitigate the resulting impacts are summarized in **Table 6**.

Table 6: Potential Mitigation Measures¹⁹

Impact	Measure
Truck traffic impacts	Design, construct, and clearly mark truck routes that provide direct access to freight-served facilities and avoid residential neighborhoods and other sensitive receptors (schools, hospitals, etc.).
Truck parking demand	- Review and update zoning that is consistent with the state of industry operations, such as performance zoning that customizes loading, parking, curb returns, on-site recycling, etc., based on the intended operations of the facility. - Require the provision of adequate areas for on-site parking, on-site queuing or staging, and truck check-in to avoid trucks queuing in travel lanes or parking in undesignated areas.
Truck emissions	- Promote fleet electrification by requiring electric charging stations at each warehouse development, so trucks can get recharged while loading/unloading and incentivizing zero-emission vehicles in business operations. - Encourage tenants to enroll in the US Environmental Protection Agency's SmartWay²⁰ program to help companies advance supply chain sustainability by measuring, benchmarking, and improving freight transportation efficiency.
Congestion management	- Nexus impact fee to support funding for capacity expansion projects. - Incentives for off-peak delivery; an example is the Off-Hour Deliveries program in New York City that offers participants financial incentives.²¹ - Right-size on-site employee parking and encourage alternative modes of transportation for employees (e.g., bicycle parking, transit passes, carpool spaces).

¹⁹ [Department of Justice, State of California. Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act, 2022](#)

²⁰ SmartWay is an EPA program that helps the freight transportation sector improve supply chain efficiency.

SmartWay reduces transportation-related emissions by accelerating the use of advanced fuel-saving technologies.

²¹ [New York City. Off-Hour Deliveries.](#)

Impact	Measure
Noise pollution	• Face dock doors and trash receptacles away from residential uses and sensitive receptors. • Limit hours of operations if a facility is within one-quarter mile of a sensitive receptor. • Require all combustion-powered construction equipment to be surrounded by a noise protection barrier. • Paving roads where high truck traffic is anticipated with low-noise asphalt.
Roadway wear and tear	• Require the siting of warehouse developments to be within a mile of the City's designated freight routes. These routes are typically well designed to accommodate truck traffic.
Safety	• Provide off-street or buffered bikeways on shared truck routes to ensure employees working in the industrial areas can safely bike to work. • Provide adequate curb return radii at intersections and driveways into freight generators to avoid trucks overtaking the curb/sidewalk. • Review truck routes designation periodically and modify as needed. Ideally, truck routes should not conflict with major transit and bicycle and pedestrian corridors unless properly designed to serve employees working at freight generators.
Visual impacts	• Require buildings to be dark colored • Provide vegetative buffers

Source: Department of Justice, State of California. 2022.

Economic Characteristics

Warehousing Trends

Global and National Supply Chain System Trends

A range of supply chain logistics system factors influence changes that we are experiencing today. These factors are important to understand as they impact local economics, such as tax revenue and employment rates, and worker salaries. Below is a summarized list of global supply chain trends that are contributing to industrial warehouse development demand in Vancouver:

- **E-commerce:** The emergence of the e-commerce sector from its inception in the 1990s to a major factor in global supply chain management and industrial property development. The e-commerce supply chain requires up to three times more warehouse space than a traditional brick and mortar retail facility. For example, for every \$1 billion in incremental e-commerce growth, 1.2 million square feet of facility demand is generated. Based on this, the U.S. will need up to 330 million square feet of additional space to support e-commerce growth through 2025.
- **Market need:** Sites near logistics hubs, such as intermodal rail yards, airports and seaports are in high-demand. As a City surrounded a major airport and seaport, and population center, there is a market need for warehouse developments in Vancouver to support e-commerce and online shopping. Due to the absence of e-commerce facilities within City limits, households and businesses currently rely on facilities/warehouses in surrounding jurisdictions such as Portland.
- **Just-in-Time (JIT) versus Just-in-Case (JIC) inventory management** played a significant role in the shortages for basic household goods, such as toilet paper and cleaning supplies. JIT offered cost savings because less space was needed for storage, but JIC is trending back due to the hardships the lack of inventory created for many companies.
- **Trucking and equipment shortages** have resulted in more food product production moving nearer to consumption markets.
- **Sector-specific competitive factors**, such as the Apparel sector's focus on fast fashion (e.g., Shein).
- **Highly developed integrated technologies** in support of supply chain efficiencies allow for more products to be stored, retrieved, and sold expeditiously. Large advances like in-building automation, yard automation and expected point-to-point location automation improve storage and retrieval reducing time to market. Integrated inventory tracking systems connecting in-warehouse robotic cargo handling/inventory management equipment, warehouse staff, trucking services, terminal operators, ocean carriers and shippers support same-day shipping to e-commerce consumers, as well as other customers, such as manufacturers. More recent and expected advances in zero emission vehicle and equipment powertrains; in some cases, requiring new distance intervals between inventory and shipment points.

- **Facility Trends:** The size, design, and function of warehouses has evolved considerably in past two decades – so much so that the Institute of Transportation Engineers (ITE) embarked on a study of warehouse trip generation characteristics to add to its Trip Generation Handbook (as shown in **Table 2**). Not only have the size and design of warehouses changed, but the locations for developing new facilities has also changed. In general, warehouse operators need sites closer to consumers, such as in some high-value markets like Seattle. In high-cost urban areas, these facilities are going vertical when land becomes expensive and scarce requiring more sophistication and a smaller footprint on multiple floors. In markets like Vancouver and Portland, region-specific sites may be required. These include small- to mid-sized facilities within the urban areas and larger facilities on the outskirts to serve primary markets.

Warehousing Jobs

Industrial warehouses typically generate both jobs and tax revenue. Warehousing jobs, while often perceived as inferior to manufacturing jobs, provide two important community benefits: 1) pay rates that start above minimum wage, 2) and on-the-job-training that provide opportunities for employees with no college education to make over \$80,000 a year. The salary for automation engineers (a job associated with highly automated warehouses) starts in the high \$80,000s and pay on average over \$100,000 a year with experienced engineers earning closer to \$140,000 annually. US Census County Business Patterns (CBP) provides subnational economic data by industry, including the number of establishments, employment, and annual payroll. This provides insight into the average wage and employees per establishment for "Warehousing and Storage" sector in Clark County and other surrounding or comparable counties in the region (**Table 8** through **Table 13**)²²:

- At a high-level, Clark County's industrial sector average number of jobs per establishment is up by 50% and average annual wage has increased by 10% over the past six years. This is considerably higher than comparable counties, where jobs per establishment increased by only 17%.
- As of 2021, in Clark County, there are more employees per establishment (approx. 42) for "Warehousing and Storage" than other industrial types of employment: "Manufacturing" (approx. 31) and "Scientific Research and Development Services" (approx. 21). At a high-level this is also consistent with other comparable counties in the region. The limitation of this dataset is that it doesn't provide establishment acreage, however, at a high-level, warehouses generate more jobs per establishment than competing uses (**Table 8**, **Table 9**, and **Table 10**). From conversations with warehouse developers, jobs per acre vary depending on the specific use, i.e., distribution center versus sorting, or consolidation versus fulfillment center.
- The average annual wages per employee in 2021 for "Warehousing and Storage" is less than those for "Manufacturing" and both are outpaced by "Scientific Research and Development

²² Data from US Census County Business Patterns (CBP) reports aggregated and averaged data for all warehouse and storage types. Therefore, the warehousing and storage jobs and salaries reported will not highlight any specific warehouse facilities with high employment or high paying jobs.

Services". It is worth noting that this average bundle up management and non-management staff (**Table 11**, **Table 12**, and **Table 13**).

Types of Warehouse Jobs

Safety Manager: This person's responsibilities include oversight of a safety-minded culture in the warehouse through OSHA training and education, investigating onsite accidents to determine the cause and recommend preventative measures, managing the employee health and safety guidelines set forth by both the company and local/state/federal laws, and implementing and creating programs that promote safety and security of warehouse employees.

Warehouse Supervisors: This role supervises, organizes, and monitors inventory receiving, storage, and distribution. They oversee the facility workforce, with management of performance metrics and train new employees.

Operations/Warehouse Manager: The warehouse manager position monitors all day-to-day warehouse activities, including receiving, order filling, shipping, and inventory control. Their responsibilities involve scheduling tasks for personnel, helping negotiate rates with carriers, creating daily work logs, collecting actionable data related to labor, shrinkage, fill rate, etc., planning more efficient operations, and supervising and training warehouse employees and their supervisors.

Inventory Clerk: The inventory clerk is responsible for various clerical duties for warehousing, receiving, and shipping materials. In most cases, this person handles relationships with vendors and/or suppliers and is responsible for monitoring inventory performance and assists in creating purchase orders to replenish stock before it runs out. They are also heavily involved with keeping inventory counts in check.

Material Handlers: Depending on the size of the operation and operator, a fulfillment center may have employees who do only one job or are cross-trained for multiple jobs, as follows:

- Pickers – this role receives orders that drop to the warehouse floor, then collect the item(s) for each order to prepare for shipment.
- Packers – this role takes the picked orders, scan them in as 'ordered', then pack them into appropriate packaging for shipment. They also include any package inserts, custom packaging, and the packing slip in the order.
- Receivers – this role unloads inbound freight from carrier trucks, processing it into inventory.
- Stockers (replenishment) – this role takes inventoried items from receiving and move them to either a storage area or to the warehouse floor. They are also responsible for replenishing products that are out or low.
- Assemblers or value-adders – this role pieces kits of items together, wrap gifts, and personalize orders.

- Returns – this role processes inbound returned orders, removes items from packaging, and conducts visual inspections. They document returns, then refurbish or return it to replenishment for restocking or work with the retailer/manufacturer to have the product returned to them.

Emerging Tech-elated Positions: Highly automated warehousing facilities require skilled labor such as automation engineers to monitor and repair control systems and sensors within a building to ensure efficient handling of goods. These jobs entail average salaries over \$100,000 annually.

Based upon the manner in which the US Bureau of Labor Statistics compiles their data, there are four kinds of employees that work in warehouse/storage positions. In the Portland-Vancouver-Hillsboro MSA there are 47,480 people employed in these positions with 97% of them being in categories A and D, as listed below.

- Laborers and freight, stock, and material movers – manually move freight, stock, luggage, or other materials, or perform other general labor. There are 16,960 people employed in this position in the MSA, with an average mean wage of \$41,260.
- Machine feeders and off bearers – feed materials into or remove materials from machines or equipment that is automatic or tended by other workers. There are 640 people employed in this position in the MSA with an average mean wage of \$41,890.
- Packers and packagers – pack or package by hand a wide variety of products and materials. There are 330 people employed in this position in the MSA with an average mean salary of \$37,120.
- Stock and order fillers – receive, store, and issue merchandise, materials, equipment, and other items from stockroom, warehouse, or storage yard to fill shelves, racks, tables, or customers' orders. May operate power equipment to fill orders. May mark prices on merchandise and set up sales displays. There are 29,880 people employed in this position with an average mean salary of \$38,710.

Warehousing Regional Economic Impacts

The modern distribution centers discussed herein generate more than direct jobs. These facilities also generate and support a number of other industries in a region, such as food and supplies for restaurants and grocery stores, retail goods for brick-and-mortar retail stores, third-party vendors (e.g., Etsy producers), and inputs to local manufacturing and service providers (e.g., auto repair, beauty salons, etc.).

For the purposes of comparison, the following provides detailed employment figures, salary information, cost of new construction (another indirect economic benefit), tax revenue, and the indirect benefits of various existing Amazon facility types and a food redistribution warehouse which is assumed to be representative of traditional warehouses.²³ The comparison highlights that e-commerce facilities typically entail more local and regional economic impacts (tax revenue, indirect jobs, and new dollars circulating in the economy) than traditional warehouses.

Sortable fulfillment centers

These facilities are approximately 800,000 square-feet in size and employ about 1,500 full-time associates. In these buildings, employees pick, pack, and ship customer orders. Depending on the location, facilities are partly automated, with workers and robots working alongside each other. Facilities employ approximately one employee per 1,000 square feet over a multi-shift workday.

- 800,000 sq ft
- 1500 full time employees at an average wage of \$39,980 annually = annual payroll of \$59,970,000
- Average cost per sq ft of new construction: \$175/ sq ft
- Estimated valuation of development = \$140,000,000
- Property tax in the MSA at \$2.06 per \$1000 of valuation = \$288,400 annually
- Multiplier for the total change in number of jobs in all industries within the MSA for each additional job in the warehouse/storage industry = 1.4082. $1,500 \times 1.4082 = 2,112$ new jobs will be created in the regional economy
- Multiplier for the total dollar change in earnings of all households in the MSA for each additional dollar of earnings paid directly to households employed by the warehouse/storage industry = 1.5080. $\$39,980 \times 1.5080 = \$60,290$. Each new job in the MSA created by the warehouse/storage sector creates \$60,290 in the regional economy for a total of \$90,434,760 annually ($1,500 \times \$60,290$)

Non-sortable fulfillment centers

With sizes ranging from 600,000 to 1 million SF, these facilities employ more than 1,000 full-time workers. In these centers, associates pick, pack, and ship bulky or larger-sized customer items such as patio

²³ The analysis was conducted using U.S. Bureau of Economic Analysis (BEA) RIMS II multipliers. The multipliers estimate the impact from changes in final demand on one or more regional industries in terms of output, employment, and labor earnings. These multipliers are based on estimates of local area personal income and on the national input-output (I-O) accounts.

furniture, outdoor equipment, or rugs. Approximately 1500/sq ft per employee over a multi-shift workday.

- 1,000,000 sq ft
- 675 fulltime employees at an average wage of \$39,980 annually = \$26,986,500 annual payroll
- Average cost per sq ft of new construction: \$175/sq ft
- Estimated valuation of development = \$175,000,000
- Property tax at \$2.06 per \$1000 of valuation = \$360,500 annually
- Multiplier for new job creation creates 951 new jobs
- Each new job in the MSA created by the warehouse/storage sector adds \$60,290 to the regional economy for a total of \$40,695,642 annually

Receive centers

Amazon's receive centers support customer fulfillment by taking in large orders of the types of inventories that are expected to quickly sell and allocating it to fulfillment centers within the network. They also receive and consolidate items from vendors. These buildings are about 600,000 square feet in size. Approximately 1500 SF/employee

- 600,000 sq ft
- 400 full time employees at an average wage of \$39,980 annually = \$15,992,000 annual payroll
- Average cost per sq ft: \$175/sq ft
- Estimated valuation of development = \$105,000,000
- Property tax at \$2.06 per \$1000 of valuation = \$216,300 annually
- Multiplier for new job creation creates 563 new jobs
- Each new job in the MSA created by the warehouse/storage sector adds \$60,290 to the regional economy for a total of \$24,115,936

Last mile delivery centers

These facilities operate 24/7. Tractor trailers arrive from fulfillment centers; orders are processed and loaded onto delivery vans. The vans leave the warehouses outside of peak hours with the departure times scheduled in waves. If demand is especially high third-party partners/drivers can make deliveries in their personal vehicles. These facilities generate a large amount of new traffic activity.

- 100,000 sq ft
- 100 full time employees at an average wage of \$39,980 annually = \$3,998,000 annual payroll
- Average cost per sq ft: \$92/sq ft
- Estimated valuation of development = \$9,200,000
- Property tax at \$2.06 per \$1000 of valuation = \$18,952 annually
- Multiplier for new job creation creates 141 new jobs
- Each new job in the MSA created by the warehouse/storage sector adds \$60,290 to the regional economy for a total of \$6,028,984 annually

Food service redistribution warehouse

A food service redistribution company, which offers over 112,000 products from over 800 food industry manufacturers built a new distribution center to serve Southern California, Arizona, New Mexico, Southern Nevada, and Utah. The company consolidates these products and delivers them in less than truckload quantities to distributors on a weekly basis. They have 11 distribution centers nationally.

- 165,000 sq ft distribution center space which includes 20,000 sq ft of refrigerated space
- 126 full time employees at an average of \$39,980 annually = \$5,037,480 payroll
- \$45,000,000 of project costs which includes refrigerated and dry storage areas, installation of new equipment and infrastructure improvements
- City property tax of \$2.06 per \$1,000 valuation = \$92,700 annually
- With a multiplier of 1.4082, the 126 jobs will create 177 new jobs in the MSA
- With a multiplier of 1.5080, each new job in the MSA created by the warehouse/storage sector adds \$60,290 to the regional economy for a total of \$7,596,519 annually

Background Economic Data Specific to Vancouver

The Portland/Vancouver/Hillsboro Metropolitan Statistical Area (MSA) saw an increase of 4.8 percent in Warehouse/Storage employment from September 2021 to 2022. The average weekly wage in that period was \$1,315, which ranked 66th in MSAs in the nation out of 395 MSAs. During the same period of time, Washington State was second in the nation for weekly wages paid to the Warehousing/Storage sector at \$1,657 while Oregon's was \$1,301. This difference is in part due to the higher cost of living in the Seattle region, which requires higher wages to attract and retain warehouse workers. The top five states for highest warehousing job wages include District of Columbia, Washington, Massachusetts, New York, and California. The cost of living in these states ranks equally high.

Based upon 2022 year-end employment numbers in the Warehousing/Storage sector in the MSA:

- 47,830 employees in the Portland, Vancouver, Hillsboro MSA
- 121,950 employees in Washington State
- 80,610 employees in Oregon

In 2022, overall statewide employment growth was 1.1 percent in Oregon (lowest nationally) and 4.4 percent in Washington. Applicable taxes in Vancouver consist of property tax, sales and use tax, and utility taxes. Vancouver property tax levy rate is \$2.06 per \$1,000 assessed value. Washington State law requires that county assessors appraise all property at its true market value in dollars, according to the highest and best use of the property. Washington State sales and use tax is 6.5 percent, whereas Vancouver's sales and use tax is 2.2 percent. Washington State uses a Destination Sales Tax system which means that the sales tax is applied at the destination. A Washington State Department of Revenue exemption is available for warehouses of 200,000 or more square feet. Sales tax on the construction costs for new warehouses (or an expansion of an existing warehouse that meets the 200,000 square feet requirement) qualify for 100 percent exemption. Material-handling equipment and racking equipment in warehouses are eligible for a 50 percent exemption. This applies to the state portion of the tax.

Sustainable Practices

With the significant post-pandemic increase in e-commerce and recent near-shoring and reshoring of manufacturing, the demand for industrial warehousing has grown significantly and shows little signs of waning despite capitalization concerns related to interest rate hikes. This creates both challenges and opportunities for Vancouver to ensure that the development is sustainable – both from an environmental perspective, as well as long-term economic perspective. This section discusses opportunities for applying sustainable building and operations practices to the freight industry to reduce energy and water consumption, as well as emissions, landfill waste, and urban stormwater runoff.²⁴ This section will also discuss flexible re-use designs that support long-term, productive use of large industrial structures.

Environmental Sustainability

As part of the trend toward greener warehouses, businesses are seeking not only energy savings but also more efficient materials handling. Automated storage and retrieval systems (AS/RS), the robotic handling system, and warehouse management systems (WMS), help achieve significant efficiencies by maximizing storage space while reducing operating costs. The WMS has the added benefit of increasing the speed of delivery and deployment of goods, which reduces truck queues and idling, particularly during peak seasons or immediately following a supply chain disruption. Flexible, hybrid AS/RS designs use one or more cranes in an aisle that only need to be as wide as the largest commodities – a substantial space saving in comparison with forklift-operated facilities. Automated racking systems can store products single-deep, double-deep, or up to 12 loads deep in the rack structure. AS/RS systems can be customized based on the warehouse's inventory mix of high, intermediate, and slow-moving products to minimize the cubic space required for storage and handling. Unmanned rack entry vehicles quickly, smoothly, and accurately transport pallets and containers in and out of the storage rack, resulting in faster throughput. These systems benefit small and large warehouses alike. Although the following example focuses on a very large-scale warehouse, it demonstrates the ability of systems like this to perform a vast amount of work in a very small space – a potential opportunity for Vancouver.

Automated systems also deliver the following environmental benefits:

1. Less land usage: A warehouse with an AS/RS uses up to 40 percent less space than a conventional warehouse to store the same number of products.

²⁴ Green building is the practice of creating structures and using processes that are environmentally responsible and resource- efficient throughout a building's life cycle from siting to design, construction, operation, maintenance, renovation, and deconstruction. This practice expands and complements the classical building design concerns of economy, utility, durability, and comfort. Green building is also known as a sustainable or high-performance building. <http://www.epa.gov/greenbuilding/>

2. Less energy consumption: Automated warehouses require less lighting and cooling; regenerative braking on storage/ retrieval machines produce energy for assisting with powering the system; the warehouse maintenance system controls all product flows and optimizes product movements.
3. Less product waste: Automated warehouses reduce product damage caused by human error; require less shrink wrapping to secure pallets; improve accuracy of fulfillment through technology like RFID.
4. Reduced maintenance: Maintenance costs for AS/RS are lower than for forklift operations; automated facilities require less space resulting in facility leasing savings.
5. Safety benefits: Automated facilities have fewer workers moving goods, thus resulting in fewer injuries that are typically inherent in warehouses, such as back and neck injuries and forklift accidents.
6. Result in fewer employees on site and therefore require fewer parking spaces (typically 40 percent less employee parking demand than a typical warehouse).

One of the challenges with AS/RS is the cost and return on investment. AS/RS is most commonly used by tenants who intend to operate a facility for a minimum of ten years. AS/RS also requires minimum ceiling height of 40 feet and perfectly level floors.

Adaptive Re-use Feasibility

The growth rate for warehousing space is flattening due to changing economic trends and optimization of available space (e.g., automation). Therefore, it is important that warehousing properties are adaptive to reuse for different tenants with varying purposes. Over the years, warehouses in several parts of the country have been successfully reused for the following:

- Commercial kitchens to support local food trucks, segmented artist studios, or start-up office space for entrepreneurs or small businesses. Properties with high ceilings and abundant natural light can be converted into attractive office space.
- Production or testing facilities for a range of technology, such as biotech industries, automobile parts, aviation, and 3D printing.
- Gyms and indoor sports spaces.

As an example, St. Ann's warehouse in New York which was initially utilized for tobacco processing was repurposed into a theater for live performances in 2015.²⁵

²⁵ BIM Smith. Functional and Creative: 5 Inspiring Adaptive Reuse Projects. 2022

The feasibility of reuse or multi-use of warehouses is highly dependent on the design nature of a development:

- Warehouse developments that typically work for both warehousing and manufacturing include flexible, dock-high, high-clear height buildings with provisions to expand power in the future, including under slab conduits so that power can be delivered to different ends of a building.
- To accommodate a use that may have more trucking, 185 ft truck courts may be necessary to accommodate trailer storage or truck courts that are 135 ft deep if no trailer storage is anticipated.

The multi-story warehouse concept, centered on building vertically rather than horizontally, is garnering traction. Building vertically helps overcome the limits of property lot sizes. Small trucks are able to easily navigate ramps to upper floors, while the main loading dock accommodates the conventional 53-foot trailers typically used in the US. This concept offers developers and property owners the ability to maximize profit potential. However, multi-story warehouses can be substantially more expensive to build than a standard warehouse.²⁶ An example warehouse is the 590 KSF multi-story warehouse in the Georgetown Crossroads district of south Seattle near the Port of Seattle.

²⁶ [Prologis. The Future is Multistory. 2021](#)

Recommendations

As demonstrated in this report, industrial warehouses can vary significantly based on the types of activities occurring within them. Recent best practices that our team has identified focus on understanding the operations of industrial warehousing and taking a performance-based zoning approach. This type of zoning fosters the creation of a set of conditions of approval that best address the potential impacts of their operations. The following provides some potential conditions of approval for the City's consideration.

Potential Conditional Use Permit (CUP) Requirements

The City could consider updating CUP requirements to require applications for new warehouses or distribution centers to describe the proposed operations, such as hours of operation, number of employees per shift, number of shifts, hours of shifts, daily and AM/PM peak hour medium- and heavy-duty truck volumes, number of dock doors, number of parking spaces for employees, trailers, tractor-trailers, and/or tractors, and anticipated water/sewer usage in volume, and power requirements in megawatts.

Transportation and Parking Analysis

Traffic Impact Review Guidelines and Process

The City may want to consider developing a traffic impact assessment/analysis (TIA) template to guide the assumptions to use in preparing TIAs. As a starting point, the City could request that the following information be submitted by the applicant and approved by the City prior to collecting traffic data and initiating the TIA:

- Trip generation rate (ITE-based rates for both peak hour generator and peak hour of adjacent streets, or other based on empirical evidence)
- Trip distribution
- Parking demand (ITE or other based on empirical evidence)
- Study intersections
- Annual ambient traffic growth rate
- Related projects

Off-Street Parking and Site Access

The City's parking and circulation regulations were adopted before the advent of modern warehouses and distribution centers, which are now serviced by larger trucks. Specifications and design of truck parking for long duration or overnight parking, trailer storage, as well as dock spaces in length and width, should accommodate the largest commercial motor vehicle. In addition, sufficient truck parking spaces or designated areas for staging may be needed to prevent queuing onto public streets. The number of spaces and dimensions should be consistent with the proposed use and potential future re-uses of the

site. Today's standard over-the-road heavy-duty trucks carry 53-foot trailers with a total length (tractor and trailer) of 65 feet. These trucks are typically 8.5 feet wide and 13.5 feet tall. Below are some examples of off-street truck parking provisions developed to reflect the increase in truck sizes and changing parking uses:

- **Staging Spaces:** Two 12-foot-by-75-foot truck staging spaces for each loading dock. A minimum of five percent of required truck staging spaces shall be reserved for outbound trucks which are required to layover or rest due to hours-of-service regulations. Such spaces must be accessible during and after the facility's operating hours as necessary.
- **Loading Spaces:** One 12-foot-by-75-foot truck loading space for each loading dock.
- **Loading Docks:** The minimum number of loading docks shall be determined using the following calculation: *Number of trucks per hour* (at the peak hour of the use) multiplied by the *turnaround time per truck* (in hours). The number of docks determined by the above formula shall be rounded up to the next whole number. For example: 17 trucks are required to be serviced during the peak hour of use, each requiring 45 minutes (0.75 hours) to service. This equates to 17 trucks per hour multiplied 0.75 hours per truck, resulting in the need for 12.75 docks, which would be rounded up to 13 docks. If a particular tenant has not been identified for the facility, a minimum of one loading dock shall be provided per 5,000 square feet of building gross floor area.
- **Reserved Spaces:** Reserve a minimum of 5% of the proposed total tractor-trailer parking spaces for trucks that are required to arrive early or to layover or rest due to hours-of-service regulations. Such spaces must be made available to tractor-trailers 24 hours a day, seven days a week.

Dimensional Requirements and Emergency Response

Industrial warehouses are often characterized by their substantial size relative to other buildings in a community. Today, regional freight facilities typically range between 400 KSF and 1 million square feet. These facilities are often greater than four stories tall, to provide as much space as possible to store goods prior to movement. The combination of square footage and building height can pose visual impacts and potential challenges to emergency responders. Examples of codes from other jurisdictions to address height and building coverage and emergency access:

- Structures higher than a certain height may be permitted as a conditional use, provided that fire protection measures above and beyond those normally required would be provided as the Supervisors determine are necessary, after providing the Township Fire Commissioner with an opportunity for a review.
- Total Impervious Coverage — 50% (At least 30% of the total lot area shall be lawns and/ or vegetation land cover).
- An exterior access stair tower shall be provided to allow public safety personnel direct emergency access to the roof of the building from the ground level. Steps, guiderails, handrails, brackets, gates, and other components shall meet or exceed applicable Uniform Construction Code and Occupational Safety and Health Administration (OSHA) standards. The final location and

specifications for the exterior access stair tower shall be subject to review and approval by the Emergency Services Coordinator and/or Fire Marshall.

- Commercial Knox Boxes²⁷ are required to provide public safety personnel access to any secured areas of the site, the principal building structure, and any accessory structures. The final location(s) and specifications for Knox Boxes shall be subject to review and approval by the Emergency Services Coordinator and/or Fire Marshall.
- Plans that accompany special exception or conditional use applications, or subdivision or land development applications, should clearly identify the location, design, and capacity of water storage facilities intended for fire suppression.
- Municipalities should require requests for special exceptions and conditional uses, as well as all subdivision and land development applications for freight-based development, be submitted to emergency service providers for their comment and review. Thresholds for review, such as a minimum square footage of principal building and trip generation rate, can be used to determine which applications should be reviewed.

Driver and Facility Amenities

Land development plans for freight centric or freight movement dependent operations need to provide accommodations at their facilities to enable the truck drivers essential to their operations to comply with federal laws regulating the hours a driver may operate a commercial vehicle. At federal level, the Federal Motor Carrier Safety Administration (FMCSA) regulates the maximum amount of time drivers are permitted to be on duty including driving time, and specifies number and length of rest periods, to help ensure that drivers stay awake and alert.²⁸ Freight land uses and facilities should incorporate onsite parking for the commercial vehicles that are essential to the operations of the building or use.

It should be noted that drivers of a commercial motor vehicle (CMV) or commercial trucks that fall under the hours of service (HOS) regulations are defined as being used as part of a business, is involved in interstate commerce, and fits any of the following descriptions:

- Weighs 10,001 pounds or more
- Has a gross vehicle weight rating or gross combination weight rating of 10,001 pounds or more
- Is designed or used to transport 16 or more passengers (including the driver) not for compensation
- Is designed or used to transport nine or more passengers (including the driver) for compensation
- Is transporting hazardous materials in a quantity requiring placards. There are special exemptions from these HOS requirements such as:
 - Short-Haul: Driving within 150 miles of the origin and destination and must start and end within 14 hours at the same starting location.

²⁷ Knox Emergency Boxes provide onsite, high security storage for pre-fire plans, key storage, elevator drop keys, Haz-Mat data and other emergency items.

²⁸ Code of Federal Regulations (CFR). Title 49 – CFR 395.3

- Adverse Driving Conditions: Drivers can extend their duty day and driving time by up to two hours when adverse driving conditions are encountered. Adverse driving conditions include snow, ice, sleet, fog, or other weather conditions or unusual road or traffic conditions that were not known, or could not reasonably be known, to:
 - A driver immediately beginning the duty day or immediately before driving after a qualifying rest break or sleeper berth period, or:
 - A motor carrier immediately before dispatching a driver

Long-term or overnight truck parking amenities should provide or enable trucks to:

- Have easy access to trash receptacles
- Adequate lighting to provide security for drivers while sleeping or resting
- Directional signage to major interstates or common freight destinations

Additionally, it is important that the freight-based land use also provide amenities for the driver to utilize while restricted from driving. These amenities may include:

- Driver Lounges with vending machines
- Rest Rooms
- Showers
- Wi-Fi Internet access
- Dog walking
- Multimodal trails

Multimodal Access

Municipalities should plan for the availability of trails, sidewalks, and access to transit facilities when planning for the location of freight-based operations. This infrastructure serves both drivers accessing the site as well as providing employees options for commute trips. The subdivision and land development approval process should require consultation with transit providers on the optimal location for transit stops. Sidewalks and trails should also be required to connect with existing and proposed trail and sidewalk systems.

Dedicated parking spaces for alternative modes of transportation encourage choices that support the City's greenhouse gas (GHG) reduction goals and promote health and well-being. In addition, the City may require tenants to establish and promote a rideshare program that discourages single-occupancy vehicle trips and provides financial incentives for alternate modes of transportation, including carpooling, public transit, and biking.

Possible Project Conditions or Standards to Address Climate Action Goals

Warehouse developments offer opportunities to further the City's Climate Action Plan by providing incentives or codifying sustainable design features or business practices, where applicable. Generally, there are industry efforts to address climate change. From fleet owners to policymakers, various stakeholders are taking the initiative to reduce the impact of e-commerce on GHG emissions. Examples of e-commerce platforms and shippers with climate-related commitments to ensure zero emission deliveries include Amazon, IKEA, Nestle, and Walmart.²⁹ Additionally, developers are also incorporating sustainable design features in their warehouse developments. **Figure 5** illustrates how Prologis developers are incorporating sustainable practices in warehouse developments. The design features the City can incorporate to address climate action goals include the following³⁰:

Energy Provisions & Conservation

Power Requirements: The City should consider requiring the installation of adequate electric infrastructure for charging electric vehicles, charging trucks at loading docks, powering refrigeration units of temperature-controlled trailers, and providing auxiliary power for diesel trucks to allow climate control and use of in-cab electronics without idling.

Auxiliary power/ electric truck charging: Locate plug-ins at dock doors.³¹

Solar, storage, and wind power: Warehouses are viable candidates for alternative energy systems, including photovoltaic solar cells and battery storage. In particular, warehouses have huge, flat, unobstructed roofs that are ideal for solar arrays capable of pumping out torrents of clean, renewable energy. The City should consider requiring warehouse developers and tenants to install alternative energy systems.

As an example, the City of Seattle regulates renewable energy and solar-ready roofs for commercial buildings as outlined in the 2018 Seattle Energy Code (Section C411 and Section C412).^{32, 33} The regulatory requirements centered around solar readiness are based on roof area and electrical service as indicated below. As a general requirement for on-site renewable energy systems, each new building larger than 5,000 sf of gross conditioned floor area is required to include a renewable energy generation system consisting of not less than 0.25 watts rated peak photovoltaic energy production per square foot of conditioned space.³³

²⁹ [Nowlan, A., and Usmani, S. Accelerating Zero-Emissions Delivery: An innovative approach to transforming the last mile. Environmental Defense Fund, 2021](#)

³⁰ [Prologis. Sustainable Design Features & Benefits. 2023](#)

³¹ [SafeConnect. Docking Stations.](#)

³² [City of Seattle. Renewable Energy and Solar-Ready Roofs for Commercial Buildings. 2021](#)

³³ [City of Seattle. 2018 Seattle Energy Code. 2021](#)

Solar Readiness Example

Example: A building with a 10,000 SF total roof area, 1,000 SF skylight area, and a 400 Amp, 240-volt single phase electrical service is required to provide a solar zone area of the smaller of the following:

1. $[40\% \times (10,000 \text{ SF roof area} - 1,000 \text{ SF skylights})] = 3,600 \text{ SF}$; or
2. $[400 \text{ Amp} \times 240 \text{ Volts} \times 20\% / 10 \text{ watts per SF}] = 1,920 \text{ SF}$

Therefore, a *solar zone* of 1,920 square feet is required.

Source: 2018 Seattle Energy Code (Section C411)

Motion sensors: Use of motion sensors to turn on lights for workers when natural light is not sufficient.

Skylights and clerestory windows: Utilize natural light to lower electricity use and associated greenhouse gas emissions and improve indoor environmental quality for warehouse personnel.

High-reflectance roof membranes: Traditionally, warehouse roofing has black ethylene propylene diene terpolymer (EPDM) rubber membranes that absorb heat from sunlight. White thermoplastic polyolefin (TPO) roofing, also known as "cool roofs," offers equal performance at similar costs while comparatively reducing heat absorption and often providing a more comfortable work environment. This design feature can also lower operating costs by reducing energy use in air-conditioned spaces.

Climate control: Ventilation system that utilizes outside air drawn through louvers facing the prevailing winds, supplemented by energy efficient heating and cooling systems.

Water Conservation & Waste Management

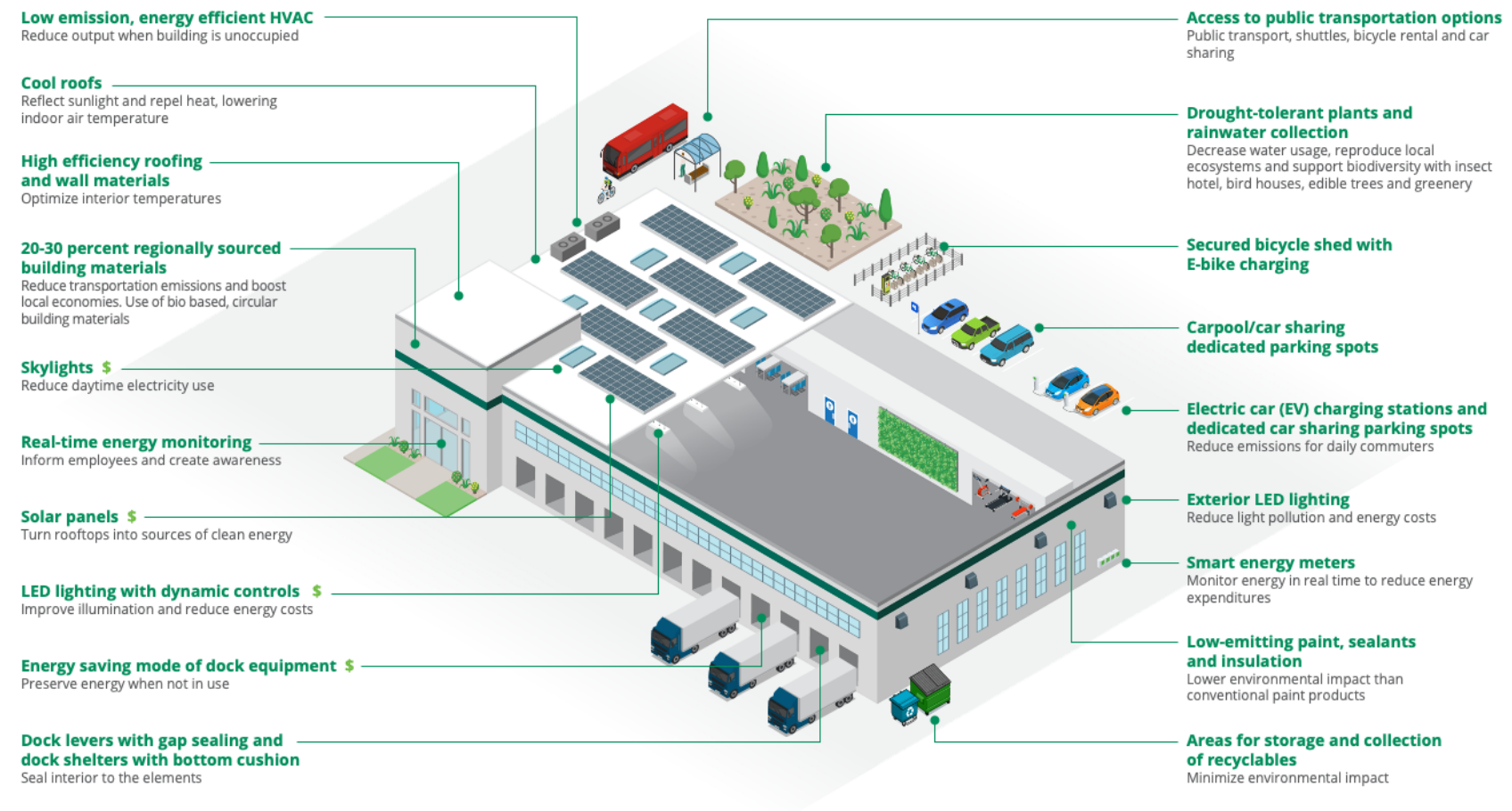
Water conservation measures: Exterior landscaping, motion-activated faucets, low-flow toilets, waterless urinals, and captured rainwater for irrigation all reduce the use of fresh water. Use native plant species and drip irrigation.

Dedicated area for onsite recycling: Support water and waste recycling efforts, such as onsite shredding and compaction of recyclable cardboard and other materials on site.

Physical, structural, and/or vegetative buffers that adequately prevent or substantially reduce pollutant dispersal between warehouses and any areas such as homes, schools, daycare centers, hospitals, community centers, and parks.

Environmentally Friendly Building Materials: Use low emitting VOC materials, such as glues, adhesives, paints etc.; use recycled construction materials to construct buildings.

Figure 5: An Example Warehouse Development that Advances Sustainability



\$ = Direct occupational cost savings



BREEAM®

CASBEE®



HQE®

BOMA



BUILDING CERTIFICATIONS

Demonstrate that we build to the top sustainability standards

PROJECT MANAGEMENT CERTIFIED
ISO 14001

Source: Prologis, Prologis Buildings, A Story of Sustainability. 2023.

Appendix A

Table 7: Differences between Traditional Warehouses and E-commerce Facilities

Characteristics	Traditional Warehouse	E-commerce Facilities
Physical	• Smaller building footprint • Lower clear heights³⁴ under 30 feet • Fewer dock doors • Typically located close to other industrial uses (targeted clients)	• Variation in building footprint; emphasis is on space utilization • Higher clear heights (over 36 feet) to allow for storing multiple stock keeping unit (SKUs) • More dock doors, especially at transload facilities • Near population centers, ports, and/or intermodal railyards with easy freeway access to serve consumers (front porch)
Operational	• Slower turnover of stored goods • Goods are stored in bulk for usually more than a day then distributed • Operations are typically limited to normal business hours, i.e., 8-hour day shifts, five days per week • Fewer employees, primarily unskilled labor • Fewer daily vehicle trips, (includes medium- and heavy-duty truck trips) - limited to less than two total vehicles per 1,000 square feet of building gross floor area	• High turnover of goods • Goods may be sorted, consolidated, and repackaged in less than a day before distribution • More likely to have automation, such as Radio Frequency Identification (RFID) to manage inventory and fully automated sortation, stocking and retrieval • Around-the-clock operations • Fewer unskilled workers; creates high-tech jobs • More daily vehicle trips (ranges from 1.40 to 6.44 total vehicles per 1,000 square feet of building gross floor area) • More van trips for first/last mile deliveries
Economic	• Limited to unskilled labor and managerial jobs with lesser earnings than in high-tech warehouses • Generates less indirect jobs • Less local and regional economic impacts	• May entail some high paying jobs such as automation engineers with average salaries over \$100,000 a year • Generates more indirect jobs as these facilities support several other industries • More local and regional economic impacts

Source: Fehr & Peers. 2023

³⁴ In industrial real estate, building clear height dictates the height to which inventory can be safely stored.

Appendix B

County Business Patterns Data

Table 8: Average Employees per Establishment for Warehousing and Storage

Counties	Employees per Establishment						Change
	2016	2017	2018	2019	2020	2021	2016-2021
Clark County, Washington	28	24	27	33	38	42	50%
Yakima County, Washington	91	89	86	81	80	82	-10%
Lewis County, Washington	97	100	107	108	105	109	12%
Multnomah County, Oregon	34	37	35	36	46	43	26%
Washington County, Oregon	13	36	31	35	59	66	408%
Clackamas County, Oregon	36	41	22	16	16	43	19%
Spokane County, Washington	24	26	29	25	24	25	4%
Pierce County, Washington	75	50	49	50	57	49	-35%
King County, Washington	35	41	42	43	50	49	40%
Average	48	49	48	47	53	56	17%

Source: US Census Bureau, 2016 – 2021. Fehr & Peers, 2023.

Table 9: Average Employees per Establishment for Manufacturing

Counties	Employees per Establishment						Change
	2016	2017	2018	2019	2020	2021	2016-2021
Clark County, Washington	33	33	32	34	33	31	-6%
Yakima County, Washington	39	41	42	39	37	36	-8%
Lewis County, Washington	28	30	31	34	34	32	14%
Multnomah County, Oregon	29	28	30	31	31	27	-7%
Washington County, Oregon	40	55	54	58	59	55	38%
Clackamas County, Oregon	33	30	29	29	30	30	-9%
Spokane County, Washington	29	28	29	30	31	29	0%
Pierce County, Washington	32	32	33	33	35	33	3%
King County, Washington	39	39	39	41	41	38	-3%
Average	34	35	35	37	37	35	3%

Source: US Census Bureau, 2016 – 2021. Fehr & Peers, 2023.

Table 10: Employees per Establishment for Scientific Research and Development Services

Counties	Employees per Establishment						Change 2016-2021
	2016	2017	2018	2019	2020	2021	
Clark County, Washington	14	17	20	20	17	21	50%
Yakima County, Washington	-	-	-	-	-	-	-
Lewis County, Washington	-	-	-	-	-	-	-
Multnomah County, Oregon	14	10	12	13	13	15	7%
Washington County, Oregon	140	-*	162	165	143	138	-1%
Clackamas County, Oregon	6	3	4	3	3	3	-50%
Spokane County, Washington	4	5	5	6	7	7	75%
Pierce County, Washington	30	39	38	28	30	37	23%
King County, Washington	32	33	37	37	37	38	19%
Average	34	18	40	39	36	37	8%

Source: US Census Bureau, 2016 – 2021. Fehr & Peers, 2023.

Notes:

"-"No available data

Table 11: Average Annual Wage for Warehousing and Storage

Counties	Average Annual Wage						Change 2016-2021
	2016	2017	2018	2019	2020	2021	
Clark County, Washington	\$52,774	\$42,494	\$50,093	\$55,299	\$58,491	\$58,146	10%
Yakima County, Washington	\$40,470	\$40,167	\$42,877	\$46,486	\$45,682	\$47,851	18%
Lewis County, Washington	\$43,390	\$37,655	\$38,493	\$40,248	\$42,177	\$43,615	1%
Multnomah County, Oregon	\$59,454	\$56,566	\$58,630	\$56,863	\$53,792	\$55,249	-7%
Washington County, Oregon	\$50,743	\$35,884	\$44,432	\$35,778	\$22,358	\$24,441	-52%
Clackamas County, Oregon	\$49,618	\$48,033	\$37,162	\$42,837	\$46,170	\$55,070	11%
Spokane County, Washington	\$47,417	\$49,716	\$56,143	\$51,159	\$49,452	\$52,692	11%
Pierce County, Washington	\$47,458	\$46,965	\$50,019	\$55,488	\$52,580	\$48,903	3%
King County, Washington	\$60,198	\$54,053	\$54,934	\$58,092	\$55,381	\$59,708	-1%
Average (excluding Washington, Oregon)	\$ 50,097	\$ 46,956	\$ 48,544	\$ 50,809	\$ 50,466	\$52,654	5%

Source: US Census Bureau, 2016 – 2021. Fehr & Peers, 2023.

Table 12: Average Annual Wage for Manufacturing

Counties	Average Annual Wage						Change 2016-2021
	2016	2017	2018	2019	2020	2021	
Clark County, Washington	\$57,339	\$58,211	\$60,167	\$59,664	\$62,305	\$67,683	18%
Yakima County, Washington	\$46,421	\$45,401	\$46,602	\$52,751	\$56,223	\$52,461	13%
Lewis County, Washington	\$47,506	\$51,955	\$53,442	\$55,593	\$55,101	\$61,710	30%
Multnomah County, Oregon	\$52,737	\$56,749	\$61,720	\$61,337	\$57,421	\$64,269	22%
Washington County, Oregon	\$67,890	\$93,612	\$95,915	\$100,181	\$98,181	\$112,930	66%
Clackamas County, Oregon	\$60,528	\$60,813	\$61,615	\$63,875	\$63,122	\$70,637	17%
Spokane County, Washington	\$51,858	\$51,936	\$52,285	\$54,265	\$53,598	\$57,287	10%
Pierce County, Washington	\$54,729	\$55,551	\$57,429	\$59,635	\$56,289	\$62,867	15%
King County, Washington	\$70,054	\$74,031	\$75,578	\$81,671	\$77,961	\$84,535	21%
Average	\$56,562	\$60,918	\$62,750	\$65,441	\$64,467	\$70,487	25%

Source: US Census Bureau, 2016 – 2021. Fehr & Peers, 2023.

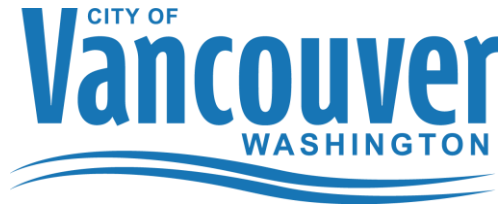
Table 13: Average Annual Wage for Scientific Research and Development Services

Counties	Average Annual Wage						Change 2016-2021
	2016	2017	2018	2019	2020	2021	
Clark County, Washington	\$99,175	\$88,833	\$85,088	\$100,811	\$262,809	\$154,401	56%
Yakima County, Washington	-	-	-	-	-	-	
Lewis County, Washington	-	-	-	-	-	-	
Multnomah County, Oregon	\$80,865	\$79,689	\$83,813	\$88,613	\$94,260	\$96,140	19%
Washington County, Oregon	\$156,485	-	\$172,566	\$185,406	\$187,757	\$184,753	18%
Clackamas County, Oregon	\$107,356	\$62,833	\$44,300	\$61,452	\$98,972	\$103,028	-4%
Spokane County, Washington	\$82,134	\$71,500	\$87,275	\$80,366	\$89,741	\$91,474	11%
Pierce County, Washington	\$64,474	\$69,053	\$70,543	\$72,708	\$78,525	\$69,384	8%
King County, Washington	\$107,026	\$110,600	\$114,221	\$132,973	\$142,585	\$154,854	45%
Average	\$99,645	\$80,418	\$93,972	\$103,190	\$136,378	\$122,005	22%

Source: US Census Bureau, 2016 – 2021. Fehr & Peers, 2023.

Notes:

"-"No available data



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Notice of SEPA Determination of Non-Significance (DNS)

September 19, 2023 - SEPA Determination of Non-Significance for proposed text changes to VMC Title 20, Land Use and Development Code, regarding warehouse/freight distribution uses and specifically, warehouses larger than 250,000 square feet.

Proposed Text Changes:

1. Amend Use Table VMC 20.440.030-1, Industrial Zoning Districts Use Table as follows:

USE	OCI	IL	IH	ECX
Warehouse/Freight Movement	X	<u>L/X</u> ¹²	<u>P/L</u> ³⁸	X

¹² Warehouse/Freight Movement buildings up to 250,000 square feet of gross floor area on the ground floor of the building ~~Permitted~~ allowed as a limited use, provided all activities, except outdoor storage of materials are wholly contained within building(s); buildings larger than 250,000 square feet of gross floor area on the ground floor of the building are prohibited.

³⁸ Warehouse/Freight Movement uses larger than 250,000 square feet of gross floor area on the ground floor of the building allowed as a limited use, subject to miscellaneous special use standards of VMC 20.895.120.

2. Amend the IH, Heavy Industrial Dimensional Standards at VMC 20.440.040-1 to lower the maximum lot coverage for warehouses to 75%, as follows:

STANDARD	OCI	IL	IH
Maximum Lot Coverage	100%	75%	100% <u>/75%</u> ⁷

⁷ Warehouse/Freight Distribution uses in buildings over 250,000 square feet of gross floor area on the ground floor shall have a maximum lot coverage of 75%

3. Amend Miscellaneous Special Use Standards VMC 20.895 to add a new section regarding Large Warehouse special standards, as VMC 20.895.120, as follows:

20.895.120 Warehouses Larger than 250,000 Square Feet (NEW SECTION)

- A. Defined. The standards in this section apply to warehouse/freight movement buildings larger than 250,000 square feet of gross floor area on the ground floor.
- B. Traffic. Tractor trailers delivering goods to or from warehouses covered by this section shall not travel on Fruit Valley Road.
- C. Visual impact reduction. Warehouses covered by this section located adjacent to a public street or highway shall provide a combination of:
1. Architectural elements such as windows, articulation of the façade, and/or moderately-dark color (e.g. not white or light-colored) walls, and
 2. A 25-foot deep landscaped buffer between the building and street or highway consisting of native or climate adaptive conifer trees that typically reach at least 60 feet height at maturity, spaced no further than twenty feet apart. If a sidewalk or utility easement exists in the landscaped buffer, the minimum width shall be increased accordingly.
- D. Climate action measures.
1. Building roofs shall be designed and constructed to handle the structural load of solar panels and equipment, electrical panels and conduit shall be installed to facilitate rooftop solar panels in the future, and rooftop HVAC systems shall be clustered as much as possible to facilitate maximum use of roof area for solar panels.
 2. Skylights and/or clerestory windows shall be provided to facilitate natural light.
 3. Roofs shall be white or light colored to reduce heat retention.
 4. Truck engine idling is prohibited while parked or loading/unloading.
 5. All loading docks shall be outfitted with outlets for charging electric-powered trucks.
 6. Electric Vehicle Charging. EV charging stations shall be provided at a minimum of 20% of parking spaces.
 7. In addition to the tree density requirements of VMC 20.770, Tree, Vegetation and Soil Conservation, an area of the project site equivalent to 20% of the building footprint area shall be planted with trees at a density of at least thirty trees per acre subject to the size, locational and maintenance requirements of VMC 20.770. Such additional trees may be planted in a tree tract on-site or at an off-site location owned by the applicant and within city limits, as approved by the City Forester.

4. Amend Table 20.945.070-2 Minimum Off-Street Vehicle Parking Requirements to lower the parking requirement for all warehouse uses, as follows:

Table 20.945.070-2 Minimum Off-Street Parking Requirements

Use	Minimum
Warehouse/Freight Movement	1.0/ 2,000 5,000

The City of Vancouver, lead agency, has reviewed the Environmental Checklist as required by WAC 197-11-330(1), pursuant to the State Environmental Policy Act (SEPA), and determined that the proposals will not have a probable significant adverse impact on the environment. Under the authority of WAC 197-11-330(1) and 197-11-350, this Notice of Determination of Non-Significance (DNS) has been issued.

A SEPA checklist and background information are available from City staff. Pursuant to WAC 197-11-340, comments ***on this SEPA determination*** will be received until **5:00 p.m., October 23, 2023**. 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 Council's decision.

Contact: Bryan Snodgrass, Principal Planner, Vancouver Community Development Department (360 487-7946), bryan.snodgrass@cityofvancouver.us



September 19, 2023

Name

Date

WAC 197-11-960: SEPA ENVIRONMENTAL CHECKLIST

TEXT CHANGE REQUEST

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.

A. BACKGROUND

1. **Name of proposed project, if applicable:** Amendments to VMC Title 20, Land Use and Development Code, Affecting Warehouse and Freight Movement Use
2. **Name and contact information of applicants:** Chad Eiken, AICP, Director, Community Development Department, chad.eiken@cityofvancouver.us
3. **Date checklist prepared:** September 14, 2023
4. **Agency requesting checklist:** City of Vancouver, WA
5. **Proposed timing or schedule (including phasing, if applicable):** A public hearing on this item is scheduled before the City of Vancouver Planning Commission on Tuesday, October 10, 2023, at 6:30 p.m and tentatively with the Vancouver City Council on November 13, 2023. The hearings are hybrid, with in-person and virtual opportunities for testimony and participation. Information about upcoming Planning Commission hearings may be accessed [here](#).
6. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.** None known at this time
7. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.** None beyond this checklist.
8. **Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.** None known.
9. **List any government approvals or permits that will be needed for your proposal, if known.** None are known.
10. **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.)**

WAC 197-11-960: SEPA ENVIRONMENTAL CHECKLIST

Text Changes to the Vancouver Land Use and Development Code, VMC Title 20, are proposed as indicated:

1. Amend Use Table VMC 20.440.030-1, Industrial Zoning Districts Use Table

Current Situation: Warehouse/Freight Movement Use is allowed as a limited use in the Light Industrial (IL) District subject to no outdoor storage, and as a permitted use in the Heavy Industrial (IH) District with no limitations. Such use is prohibited in all other zoning districts.

Proposed Change: Make Warehouse/Freight Movement Use 250,000 square feet or larger in a single building prohibited in the IL District (smaller facilities continue as a limited use) and allow warehouses 250,000 square feet or larger as a limited use in the IH District, subject to certain requirements (smaller warehouse facilities continue as a permitted use).

Intended Outcome: Large warehouses would effectively be allowed in the Port of Vancouver or Columbia Business Center where they are more compatible with surrounding uses (and away from residential districts), and would be subject to certain additional development requirements.

Proposed Language (deletions shown as strike-through, and new text shown in underline):

USE	OCI	IL	IH	ECX
Warehouse/Freight Movement	X	L/X ¹²	P/L ³⁸	X

¹² Warehouse/Freight Movement buildings up to 250,000 square feet of gross floor area on the ground floor of the building ~~Permitted~~ allowed as a limited use, provided all activities, except outdoor storage of materials are wholly contained within building(s); buildings larger than 250,000 square feet of gross floor area on the ground floor of the building are prohibited.

³⁸ Warehouse/Freight Movement uses larger than 250,000 square feet of gross floor area on the ground floor of the building allowed as a limited use, subject to miscellaneous special use standards of VMC 20.895.120.

2. Amend the IH, Heavy Industrial Dimensional Standards at VMC 20.440.040-1 to lower the maximum lot coverage for warehouses to 75%.

Current Situation: The lot coverage standard determines how much area of a property can be occupied by a structure, and is shown as a percentage. The current standard in the IH, Heavy Industrial District is 100%, which means that 100% of the property can be developed for a building, which does not

WAC 197-11-960: SEPA ENVIRONMENTAL CHECKLIST

leave any room on-site for parking, loading, or tree planting.

Proposed Change: Reduce the maximum lot coverage standard from 100% to 75% for all warehouse/freight movement uses.

Intended Outcome: Allow for on-site space to plant trees to reduce climate impacts from very large warehouse buildings.

Proposed Language:

STANDARD	OCI	IL	IH
Maximum Lot Coverage	100%	75%	100% <u>/75%⁷</u>

⁷ Warehouse/Freight Distribution uses in buildings over 250,000 square feet of gross floor area on the ground floor shall have a maximum lot coverage of 75%

3. Amend Miscellaneous Special Use Standards VMC 20.895 to add a new section regarding Large Warehouse special standards, as VMC 20.895.120.

Current Situation: There are currently no special use or development standards or large warehouses, which generate significantly more freight movement both day and night, and have potential to contribute to adverse environmental and climate outcomes through fossil fuel consumption for power, heat absorption by building materials, and impervious surfaces. Minimum required parking spaces are calculated at 1 space per 2,000 square feet of building area. The maximum lot coverage (percent of a parcel that is occupied by a building) in the IH district is 100%.

Proposed Change: Warehouses larger than 250,000 square feet would be allowed in the IH, Heavy Industrial District subject to special development standards that prohibit truck traffic along Fruit Valley Road, reduce the minimum parking requirement, reduce the maximum lot coverage, and require certain climate action measures such as: solar-ready roofs (weight load capacity and electrical), EV and truck dock charging outlets, white-colored roofs to reduce heat storage, skylights or clerestory windows to allow natural light, prohibit truck idling, architectural features (such as windows, darker colors, articulation of façade, etc.) or treed buffer if adjacent to public streets to reduce visual impacts.

Intended Outcome: Reduce impacts from large truck traffic to priority equity areas, reduce visual impacts along public streets, and improve environmental and climate action outcomes.

WAC 197-11-960: SEPA ENVIRONMENTAL CHECKLIST

Proposed Language:

20.895.120 Warehouses Larger than 250,000 Square Feet (NEW)

- A. Defined. The standards in this section apply to warehouse/freight movement buildings larger than 250,000 square feet of gross floor area on the ground floor.
- B. Traffic. Tractor trailers delivering goods to or from warehouses covered by this section shall not travel on Fruit Valley Road.
- C. Visual impact reduction. Warehouses covered by this section located adjacent to a public street or highway shall provide a combination of:
 - 1. Architectural elements such as windows, articulation of the façade, and/or moderately-dark color (e.g. not white or light-colored) walls, and
 - 2. A 25-foot deep landscaped buffer between the building and street or highway consisting of evergreen trees that will reach at least 35 feet in height at maturity.
- D. Climate action measures.
 - 1. An area of the project site equivalent to 20% of the building footprint area shall be planted with trees at a density of at least thirty trees per acre. Evergreen trees shall be least 4 feet tall at the time of planting and deciduous trees shall be at least 1.5" caliper at 4 feet at the time of planting. Trees may be planted at an off-site location as approved by the City Forester.
 - 2. Building roofs shall be designed and constructed to handle the structural load of solar panels and equipment, and electrical panels and conduit shall be installed to facilitate rooftop solar panels in the future.
 - 3. Skylights and/or clerestory windows shall be provided to facilitate natural light.
 - 4. Roofs shall be white or light colored to reduce heat retention.
 - 5. Truck engine idling is prohibited while parked or loading/unloading.
 - 6. All loading docks shall be outfitted with outlets for charging electric-powered trucks.
 - 7. Electric Vehicle Charging. EV charging stations shall be provided at a minimum of 20% of parking spaces.

4. Amend Table 20.945.070-2 Minimum Off-Street Vehicle Parking Requirements to lower the parking requirement for all warehouse uses.

Current Situation: Warehouses must provide a minimum of one parking space for every 2,000 square feet of building area, typically for employees as opposed to customers. While this rate has not caused any major problems, larger facilities which are increasingly more automated may not need as much parking for employees, so the minimum requirement may inadvertently be resulting in more impervious surface and spaces that will not be used.

Proposed Change: Require that parking spaces be provided for warehouses at a minimum

WAC 197-11-960: SEPA ENVIRONMENTAL CHECKLIST

rate of 1.0 space per 5,000 square feet.

Intended Outcome: Reduce the minimum amount of parking and impervious surface that is needed to serve warehouse uses. Warehouse developers would be able to provide more parking if they choose to, but city regulations would not be the reason that more parking spaces are provided than are needed. As an example, a 250,000 square foot building would be required to provide only 50 spaces, as opposed to 125 spaces under current regulations. Reducing the amount of paved surfaces improves storm water and climate outcomes (less heat retention) and creates more space for tree plantings.

Proposed Language:

Table 20.945.070-2 Minimum Off-Street Parking Requirements

Use	Minimum
Warehouse/Freight Movement	1.0/2,000-5,000

The Vancouver Planning Commission held workshops on July 25, 2023 and September 12, 2023 addressing text changes. City Council held a workshop on potential code changes on August 14, 2023 and a second workshop is scheduled for October 2, 2023.

11. 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.

Text changes to VMC Title 20 will apply citywide, but more specifically to properties and uses in the IL, Light Industrial District and IH, Heavy Industrial District.

B. ENVIRONMENTAL ELEMENTS

1. EARTH: Not Applicable to Non-Project Actions: See Section D

a. General description of the site

(circle one): Flat, rolling, hilly, steep slopes, mountainous,
other _____ Does Not Apply

b. What is the steepest slope on the site (approximate percent slope)? Does Not Apply

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

WAC 197-11-960: SEPA ENVIRONMENTAL CHECKLIST

agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. Does Not Apply

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. Does Not Apply
- 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. Does Not Apply
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. Does Not Apply
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? Does Not Apply
- h. Proposed measures to reduce orth, if any:
Does Not Apply

2. AIR: Not Applicable to Non-Project Actions: See Section D

- 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. Does Not Apply
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. Does Not Apply
- c. Proposed measures to reduce or control emissions or other impacts to air, if any: Does Not Apply

3. WATER: Not Applicable to Non-Project Actions: See Section D

a. Surface Water: Not Applicable to Non-Project Actions: See Section D

- 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. Does Not Apply
- 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. Does Not Apply
- 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. Does Not Apply
- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. Does Not Apply
- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. Does Not Apply
- 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. Does Not Apply

b. Ground Water: Not Applicable to Non-Project Actions: See Section D

- 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

WAC 197-11-960: SEPA ENVIRONMENTAL CHECKLIST

withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. Does Not Apply

- 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. Does Not Apply

c. Water runoff (including stormwater): Not Applicable to Non-Project Actions: See Section D

- 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. Does Not Apply

- 2) Could waste materials enter ground or surface waters? If so, generally describe. Does Not Apply

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. Does Not Apply

d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: Not Applicable to Non-Project Actions

4. PLANTS: Not Applicable to Non-Project Actions: See Section D

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 Does Not Apply

b. What kind and amount of vegetation will be removed or altered? Does Not Apply

c. List threatened and endangered species known to be on or near the site. Does Not Apply

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: Does Not Apply

e. List all noxious weeds and invasive species known to be on or near the site. Does Not Apply

5. ANIMALS: Not Applicable to Non-Project Actions: See Section D

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: Does Not Apply

birds: hawk, heron, eagle, songbirds, other:

mammals: deer, bear, elk, beaver, other:

fish: bass, salmon, trout, herring, shellfish, other _____

b. List any threatened and endangered species known to be on or near the site. Does Not Apply

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- c. Is the site part of a migration route? If so, explain. Does Not Apply
 - d. Proposed measures to preserve or enhance wildlife, if any: Does Not Apply
 - e. List any invasive animal species known to be on or near the site. Does Not Apply
- 6. ENERGY & NATURAL RESOURCES:** Not Applicable to Non-Project Actions: See Section D
- 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. Does Not Apply
 - b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. Does Not Apply
 - 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: See Section D
- 7. ENVIRONMENTAL HEALTH:** Not Applicable to Non-Project Actions: See Section D
- 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. Does Not Apply
Describe any known or possible contamination at the site from present or past uses. Does Not Apply
 - 1) 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. Does Not Apply
 - 2) 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. Does Not Apply
 - 3) Describe special emergency services that might be required. Does Not Apply
 - 4) Proposed measures to reduce or control environmental health hazards, if any: Does Not Apply
 - b. Noise: Not Applicable to Non-Project Actions: See Section D
 - 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? Does Not Apply
 - 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. Does Not Apply
 - 3) Proposed measures to reduce or control noise impacts, if any: See Section D
- 8. LAND AND SHORELINE USE:** Not Applicable to Non-Project Actions: See Section D
- 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. Does Not Apply
 - 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

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designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? Does Not Apply

- 1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversized equipment access, the application of pesticides, tilling, and harvesting? If so, how: Does Not Apply

- c. Describe any structures on the site. Does Not Apply
- d. Will any structures be demolished? If so, what? Does Not Apply
- e. What is the current zoning classification of the site? Does Not Apply
- f. What is the current comprehensive plan designation of the site? Does Not Apply
- g. If applicable, what is the current shoreline master program designation of the site? Does Not Apply
- h. Has any part of the site been classified as a critical area by the city or county? If so, specify. Does Not Apply
- i. Approximately how many people would reside or work in the completed project? Does Not Apply
- j. Approximately how many people would the completed project displace? Does Not Apply
- k. Proposed measures to avoid or reduce displacement impacts, if any: Does not apply
- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: Does Not Apply
- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: Does Not Apply

9. HOUSING: Not Applicable to Non-Project Actions: See Section D

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. Does Not Apply
- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. Does Not Apply
- c. Proposed measures to reduce or control housing impacts, if any: Does Not Apply

10. AESTHETICS: Not Applicable to Non-Project Actions: See Section D

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? Does Not Apply
- b. What views in the immediate vicinity would be altered or obstructed? Does Not Apply
- c. Proposed measures to reduce or control aesthetic impacts, if any: See Section D

11. LIGHT & GLARE: Not Applicable to Non-Project Actions: See Section D

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur? Does Not Apply
- b. Could light or glare from the finished project be a safety hazard or interfere with views? Does Not Apply
- c. What existing off-site sources of light or glare may affect your proposal? Does Not Apply
- d. Proposed measures to reduce or control light and glare impacts, if any: See Section D

12. RECREATION: Not Applicable to Non-Project Actions: See Section D

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- a. What designated and informal recreational opportunities are in the immediate vicinity?
Does Not Apply
- b. Would the proposed project displace any existing recreational uses? If so, describe.
Does Not Apply
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: Does Not Apply

13. HISTORIC & CULTURAL PRESERVATION: Not Applicable to Non-Project Actions: See Sec. D

- 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 located on or near the site? If so, specifically describe. Does Not Apply
- 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. Does Not Apply
- 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. Does Not Apply
- 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. Does Not Apply

14. TRANSPORTATION: Not Applicable to Non-Project Actions: See Section D

- 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. Does Not Apply
- 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? Does Not Apply
- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? Does Not Apply
- 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). Does Not Apply
- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. Does Not Apply
- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? Does Not Apply
- 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. Does Not Apply
- h. Proposed measures to reduce or control transportation impacts, if any: See Section D

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15. PUBLIC SERVICES: Not Applicable to Non-Project Actions: See Section D

- 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. N/A
- b. Proposed measures to reduce or control direct impacts on public services, if any. Does N/A

16. UTILITIES: Not Applicable to Non-Project Actions: See Section D

- a. Circle utilities currently available at the site:
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____ Does Not Apply
- 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. Does Not Apply

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 _____ Chad Eiken

Position and Agency/Organization

Director, City of Vancouver Community Development Department

Date Submitted: September 14, 2023

D. SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or reuse of toxic or hazardous substances; or production of noise?

The text changes would not increase discharges, emissions, or releases. Currently there are no limitations in city code other than maximum building height, maximum lot coverage, and minimum setbacks for warehouses larger than 250,000 square feet. The proposed text amendments are intended to address certain impacts from very large (greater than 250,000 square foot) warehouses on adjacent land uses, truck traffic, visual, air, energy use, and climate change.

Proposed measures to avoid or reduce such increases are: Warehouses are currently allowed in the IL, Light Industrial District, which in many locations in the City are adjacent to or near

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residentially-zoned properties. To improve compatibility with very large warehouses (larger than 250,000 square feet) and adjacent land uses, such warehouses would only be allowed in the IH, Heavy Industrial District. Effectively, very large warehouses could only locate in the Port of Vancouver and Columbia Business Center, both of which are well-removed from residential development.

- 2. How would the proposal be likely to affect plants, animals, fish, or marine life?** The proposed text amendments are intended to address certain impacts from very large (greater than 250,000 square foot) warehouses on adjacent land uses, traffic, visual, air, energy use, and climate change.

Proposed measures to protect or conserve plants, animals, fish, or marine life are: Warehouses larger than 250,000 square feet would be required to plant trees at a rate of 30 trees per acre in an area that equals 20% of the building area. For example, a 300,000 square foot warehouse would be required to plant 41 trees on 1.37 acres. This will provide habitat for wildlife, and water retention and climate benefits.

- 3. How would the proposal be likely to deplete energy or natural resources?** See response to #1 above.

Proposed measures to protect or conserve energy and natural resources are: The proposed code amendments which would apply to warehouses larger than 250,000 square feet include climate-friendly standards such as: 20% of parking stalls shall have EV charging stations, minimum required parking would be reduced by about 60%, skylights and clerestory windows would be required, roofs would be required to be solar-ready, and all loading docks would be required to be served by outlets capable of charging E-trucks.

- 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 response to #1 above.

Proposed measures to protect such resources or to avoid or reduce impacts are: The proposal is to implement certain use and development standards for warehouses larger than 250,000 square feet in size. Such warehouses would only be allowed in the IH Heavy Industrial zoning district, and would no longer be allowed in the IL, Light Industrial zoning district. Sensitive natural areas including wetlands, rivers, historic and cultural sites, floodplains, etc. are currently protected by existing development regulations.

- 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 response to #1 above.

Proposed measures to avoid or reduce shoreline and land use impacts are: The proposal to only allow very large warehouses in the IH Heavy Industrial District will improve compatibility

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with nearby land uses and in particular will result in such uses being located further away from residential areas. The City's Shoreline Management Master Program and associated regulations will serve to protect shoreline areas from impacts from very large warehouses.

6. How would the proposal be likely to increase demands on transportation or public services and utilities? See response to #1 above.

Proposed measures to reduce or respond to such demand(s) are: Large warehouses, particularly those associated with e-commerce distribution facilities, have been found to generate significantly more daily vehicle trips including large trucks, medium trucks, and vans. The proposal would allow very large warehouses in the IH Heavy Industrial Districts (Port and Columbia Business Center) which have good access to designated truck routes, without having to traverse residential areas or local streets. The one exception is that trucks driving between I-5 and the Port frequently take Fruit Valley Road which bisects the Fruit Valley Neighborhood, a high priority equity area. To reduce impacts from trucks driving to and from very large warehouses, a proposed condition would be applied to any new warehouse larger than 250,000 square feet to prohibit such trucks from using Fruit Valley Road.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. The proposed text changes do not conflict with local, state or federal laws or requirements for the protection of the environment.

October 24, 2023

Alliance for Community Engagement (ACE)

City of Vancouver Planning Commission

Dear Chair Ledell and Planning Commission,

Thank you for your ongoing work with the Warehouse Moratorium. Alliance for Community Engagement submitted a list of concerns and questions about the Draft Warehouse Moratorium to the Planning Commission and the Community Development Team. Yesterday we received a memo from Chad Eiken addressing ACE's concerns and the Port of Vancouver's concerns. While ACE still has concerns, we appreciate being allowed to comment on this important policy, and thank the Community Development Department for communicating with us about it.

ACE is concerned that this Warehouse Moratorium is a missed opportunity to meaningfully reduce greenhouse gas emissions in keeping with our ambitious Climate Action Framework goals.

The threshold of 250,000 square feet for considering warehouse code changes has had a determinative effect for all warehouses under that threshold. We find it problematic that a 249,999 sq. ft. warehouse or smaller simply has no climate expectations to meet, considering that the City has a city-wide carbon-neutrality goal of 2040.

We understand the Green Building/Policies Standards don't yet exist. But delaying climate measures for all warehouses under 250,000 sq. ft. until the Green Buildings Standards are established creates a policy gap that misses a decisive moment to curb greenhouse gas emissions. The same is true for the current lack of requirements that heat pumps be used exclusively for space and water heating in warehouses.

The Community Development Staff responded in its Oct. 23 memo that they were not proposing climate requirements for warehouses under 250,000 sq feet in order to be consistent with the Moratorium. However, the Moratorium is not the only City Council directive. City Council policies go beyond warehouses, and the goal of those policies is to aggressively reduce emissions community-wide by 2030. In the Council meeting on Oct 23, Council expressed concern about the lack of data visualization that shows where the City is at currently in reducing emissions, versus where the City should be at to meet impending emissions reduction goals. Council also asked for a continued sense of urgency about those deadlines.

ACE suggests that the Planning Commission recommend that new buildings should NOT generate greenhouse gas emissions. The City's goal is to reduce emissions.

ACE also recommends that the Planning Commission revise the warehouse size threshold and apply it to *groups of buildings that exceed 250,000 sq. ft. in a single development application*. Otherwise warehouse developers are likely to use this loophole to avoid climate measures the City should implement.

Questions about the data:

ACE wonders what data City planning staff used to make their recommendations. For example, is there any evidence that planting trees elsewhere actually offsets the environmental impacts of lots of pavement, truck traffic and a very large building? A cluster of small buildings would produce even more pollutants and heat mass than one mega building, as more concrete and steel would be used in construction.

Similarly, was any environmental analysis done of the impacts of a 250,000 sq. ft. warehouse, compared to a slightly smaller one (or a cluster of smaller ones, or of locating more heavy industry in an existing IH zone compared to spreading IH out across the city. If not, what justifies this arbitrary 250,000 sq. ft. cutoff?

Other concerns:

- Solar cells on warehouse roofs would shade the buildings, thereby reducing heat and cooling energy costs.
- All tree plantings required of the largest warehouses should be located on site.
- Neither the site plan review process (Type II Action) nor the SEPA review process offer nearly as much public engagement process as Conditional Use Permitting would.

Thank you for:

- The requirement for EV conduit/wiring and double-paned clerestory windows.
- Maintaining Fruit Valley Road Neighborhood as a high priority equity area, and naming Fruit Valley Road as a freight corridor that does not need more truck traffic.
- Banning idling for non-electric truck engines.
- Not rezoning parts of the City to Heavy Industrial to accommodate the largest warehouses.
- Maintaining a 25 ft. tree buffer on the largest warehouses

Lack of clarity:

ACE is looking for clarification on if/how climate measures can/will be applied to new warehouses after these code changes pass with this Warehouse Moratorium.

- Will there be Interim Green Building/Policies Standards applied for warehouses smaller than 250,000 sq. ft.?
- Is there a meaningful distinction between the land use policy permits and building permits? How do these permit processes affect new warehouses?

As the City continues to implement new policies, every effort should be made to incorporate actions that reflect the urgency of achieving emissions reductions to meet the goals and deadlines established by the Climate Action Framework. Tonight the Planning Commission's question to itself should be: are your recommendations to Council consistent with the Council's policy goal of reducing emissions? The current draft Warehouse Moratorium seems to be a missed opportunity to operationalize our Climate Action Framework. Thank you for your consideration, and for your work.

Sincerely,
Alliance for Community Engagement (ACE)

Draft ACE Asks and Talking Points: Draft Warehouse Moratorium

We are concerned that the Warehouse Moratorium will be a crucial missed opportunity for the City to reduce pollution and emissions, which affects the health of our communities.

The City has a responsibility to follow its core values of equity, safety and climate. The City adopted an ambitious Climate Action Framework with a goal of carbon neutrality by 2040. Setting expectations through Municipal Code around our influx of warehouses is a great opportunity to make meaningful progress on emissions and pollution reduction.

Instead, the City focusing exclusively on warehouses over 250,000 sq. ft. effectively allows developers to have no climate provisions on individual or multi-building warehouses up to 249,999 sq. ft.

There are also no climate considerations whatsoever for the vast majority of warehouses.

Making warehouses Permitted Use prevents community from engaging in the approval process.

ACE suggests:

- Trees need to be planted and maintained onsite at the largest warehouses. Trees mitigate the heat absorbed by vast areas of asphalt and concrete these warehouses bring.
- Require solar panels, ev-ready electrical conduit and wiring, and clerestory windows on the largest warehouses.
- Require solar-ready roofs, ev-ready electrical conduit and wiring of all warehouses over 100,000 sq. ft.
- Prevent municipal code loopholes whereby developers could build a 249,999 sq. ft. warehouse or multiple smaller warehouses to avoid climate provisions. If it's not possible to create air-tight municipal code to prevent that, please change warehouses over 100,000 sq. ft. to Conditional Use.
- Idling for non-electric truck engines should be banned.

So Far So Good: Please do not rezone other parts of the city for Heavy Industrial use to allow the larger warehouses to go in there. ACE agrees the largest warehouses should be located away from residential areas, and associated truck traffic should not be on Fruit Valley Road.

City Manager communications would be a good time to bring this issue back to Council.



October 10, 2023

City of Vancouver, WA Planning Commission
City Hall
415 W 6th St
Vancouver, WA 98660

Dear Planning Commission Members:

I have been providing input on the Warehouse Moratorium process, including ICC organized meetings with Chad Eichen and have previously testified on this subject. This process has morphed along the way, and while I don't like the idea in general, I will provide input on issues I see with what I believe is still being considered.

Allow 250,000 + square foot warehouses on Heavy Industrial zoned property only.

This will constrain the Port of Vancouver. Per the vision statement below, the Port is uniquely positioned to use multi-modal trade creating living-wage jobs in a healthy environment. The Port has invested massive sums of money to create a unique opportunity to bring commerce to the City of Vancouver. No other property owner in the City has done this. It is because of this investment and Port objective that 250k+ sf industrial facilities should be allowed on both the Heavy Industrial and Light Industrial portions of their holdings. Industrial properties in the City compete with other industrial properties. The Port competes with other Ports up and down the west coast, across the nation, and around the world. There is no point in constraining the Port's ability to compete for business. It has been mentioned that zone code does not like carve outs (not sure of the terminology here), yet it seems that Fruit Valley is receiving a carve out through this process.

"Our port builds a community connected to a world of economic opportunity that supports a healthy environment, trade and living-wage jobs."

Add a street front tree buffer equal to 20% of the building coverage.

Putting this many trees in front of every business will make it very hard to do business. It will block the view to the property, making it difficult for truckers and will-call to find their destinations, resulting in considerable additional travel for deliveries and pickups. Additionally, the trees will block the site lines for travelers pulling out of the business driveways. For an industrial use, it takes a long time to get a tractor/trailer rig moving, and a long time to get one driving by to stop. This will create an extremely hazardous situation. As a compromise, place the tree front requirement on any street that faces a different zoning on the other side of the street. Not on streets that have industrial zoning on both sides. And include the tree planting as part of the landscape percentage (15% +/-), or it will significantly impact the economic viability of the development.

Cluster HVAC on rooftops.

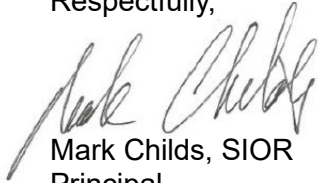
You can't cluster HVAC in industrial. The most common multi-tenant warehouse configuration is for offices to be located at each end of the building, usually for a two tenant configuration as

presented in the attached Exhibit 1. The offices can easily be more than 400 feet apart. The energy loss from running an HVAC unit 400 feet from the space it is cooling will far outweigh any marginal gains in solar panels.

White Asphalt.

Starting with an Industrial Engineering degree, a PE, an MBA, a partner in an Architectural Engineering firm specializing in the design and construction of automated and mechanized manufacturing and distribution facilities, and now a Partner in a commercial real estate firm specializing in Industrial real estate, up until I got this feedback last week, I'd never heard of white asphalt. I can't think of a more stressful environment for asphalt and concrete than at truck docks. The tractor/trailer rigs are making very tight turns to park, with 18 wheelers designed to optimize their highway travel. I don't know what white asphalt is, but I can assure you, what goes on at dock doors will butcher it. Please hold off on this requirement and evaluate it when you do updates to your code with green building standards over the next couple of years.

Respectfully,

A handwritten signature in black ink, appearing to read "Mark Childs". The signature is fluid and cursive, with the first name "Mark" and last name "Childs" clearly distinguishable.

Mark Childs, SIOR
Principal
Capacity Commercial Group

Cc: Ron Arp

Exhibit 1



 = OFFICE

Friday, October 13th, 2023

City of Vancouver Planning Commission
Attn: Chair Ledell and Vancouver Planning Commission Members
415 W 6th Street
Vancouver, WA 98660

Subject: Proposed Warehouse Code Amendments

Dear Chair Ledell and Planning Commission members:

Thank you for the opportunity to comment on the City's proposed warehouse code amendments in response to the original moratorium enacted on December 12th, 2022, and extended in June of 2023. The Port of Vancouver USA has appreciated the opportunity to talk with City staff to better understand the purpose of the moratorium and to provide input into workable solutions to address staff and Council's concerns. Regarding the staff's proposed recommendations listed in the September 12th, 2023, Planning Commission memorandum, the port has the following comments:

1. Allowance of warehouses larger than 250,000 square feet only in Heavy Industrial (IH) zoning as a limited use.

Recommendation: While most of the port's land is already zoned IH, the port requests to retain flexibility in its Light Industrial (IL) zoned properties that are not adjacent to residential zoned land and that are within one mile of a state or interstate highway. The port's marine / industrial area is focused on receiving, staging and transloading cargo from one mode to another. It is conceivable that future development could require a warehouse facility exceeding 250,000 square feet.

The port appreciates the recognition that a limited use process is more appropriate than a conditional use in IH zones for the type of project under consideration. There are, however, few parcels, such as the port's Parcel 7, which are appropriately zoned as IL and could accommodate a large warehouse without generating the negative impacts of concern in the moratorium. Without favoring the port specifically, the city may consider requiring large warehouses in the IL zones to be located within a certain distance to a state or interstate highway and to be a certain distance away from residential or other zones of concern.

2. Clarification on “warehouse” versus “Warehouse / Freight Movement”

Recommendation: The memo refers to both “warehouses” and “Warehouse / Freight movement.” This should be clarified by referring only to “Warehouse / Freight Movement” as outlined in the current VMC (Vancouver Municipal Code). There are different warehouses defined in the VMC, but the focus is on one warehouse class (“Warehouse / Freight Movement”).

VMC 20.160.D. Industrial Uses classifies “Warehouse/Freight Movement” as:

“5. Warehouse/Freight Movement. Uses involved in the storage and movement of large quantities of materials or products indoors and/or outdoors; associated with significant truck and/or rail traffic. Examples include freestanding warehouses associated with retail furniture or appliance outlets; household moving and general freight storage; food banks; cold storage plants/frozen food lockers; weapon and ammunition storage; major wholesale distribution centers; truck, marine and air freight terminals and dispatch centers; bus barns; grain terminals; and stockpiling of sand, gravel, bark dust or other aggregate and landscaping materials.”

Defining code changes only to the “Warehouse/Freight Movement” use defined above focuses the proposed code changes to developments that results in “significant truck” traffic. Additionally, ensuring that code changes are specific to “Warehouse / Freight Movement” would still allow “Manufacturing and Production Facilities” to be developed in both light and heavy zones areas.

VMC 20.160D defines “Manufacturing and Production” development separately from “Warehouse / Freight Movement”:

Manufacturing and Production. Includes production, processing, assembling, packaging or treatment of semifinished or finished products from raw materials or previously prepared materials or components. Manufacturing production is intended for the wholesale market rather than for direct sales.”

3. Limitation of truck traffic from Warehouse / Freight Movement to Designated Freight Corridors

Recommendation: Change the proposed wording in 20.895.120.B. Traffic (Page 5 of Memo) to the below:

Tractor trailers delivering goods to or from “Warehouse / Freight Movement” covered by this section shall only travel on designated freight corridors.

This recommendation removes the specific reference to named roads and allows the City the opportunity to designate freight corridor restrictions (which could include Fruit Valley Road) throughout the city as necessary, which may change over time.

4. Buffer depth and tree planting requirements

Recommendation: The City should change the buffer depth requirement (proposed 20.895.120 section C.2) from 25 feet to 15 feet, and clearly state that any tree requirement required in proposed 20.895.120 Section D can be planted in the landscaped buffer area. At developer's discretion, allow any tree requirement to be completed at an approved off-site location.

This requirement should also be reconsidered if the project's environmental assessment can mitigate wildlife, water retention and climate impacts in other ways if necessary. The port suggests removing the required area (20% of the building area) from the tree planting requirements.

Increasing the setback to 25 feet AND requiring an additional 20 percent of the building footprint area to be covered by trees significantly impacts the financial viability for a development project so burdened – especially since the proposed code would also restrict development to 75 percent of the project area or less. Without the recommended changes outlined above, the site reduction (100 to 75 percent), landscape buffer (currently 25 feet), and tree plantings (20 percent of building footprint) will make large scale warehouses – whether they are freight related or manufacturing related – extremely difficult to construct.

The Port does not have space in its marine operations area to limit required marine facilities to the proposed “maximum lot coverage of 75 percent” versus the current 100 percent allowed. Additionally, it would not be appropriate or effective to require the port to plant trees in its marine industrial areas.

Allowing the planting of trees offsite, when onsite tree planting is deemed impractical, will also allow developers to use any tree credits they may have or to buy tree credits if needed.

Additionally, reducing the landscape buffer to 15 feet would improve traffic safety – especially as site lines would be obscured as the plantings mature.

5. Trip generation for Warehouse / Freight Movement facilities exceeding 250,000 square feet

Recommendation: Add a traffic metric (such as 100 tractor trailer trips per 24-hour period) in addition to the use and size criteria for “Warehouse / Freight Movement”

facilities exceeding 250,000 square feet to invoke the additional miscellaneous special use standards of proposed in VMC 20.895.120.

Adding a traffic count to the “Warehouse / Freight Movement” use category for proposed warehouses of at least 250,000 square feet would provide a clear metric that both developer and city can understand when applying these code changes. This metric would come from a traffic consultant paid for by the developer.

6. EV outlets at loading docks

Recommendation: Restate 20.895.120 Section D. 6 as outlined below:

All loading docks will have conduit and other electrical infrastructure to allow for future installation of electrical systems to charge electric powered freight trucks servicing the facility.

The port supports and is pursuing electrification within our adopted Climate Action Plan. As currently proposed, however, the port has concerns that underutilized, charging infrastructure would be prone to costly vandalism and theft. Developers would rather have the conduit in place to meet future demands and standardization with the technology in place at that time. Requiring developers to install full charging infrastructure will result in capital wasted as newer and more secure electrical technologies emerge.

7. EV charging stations for parking area

Recommendation: Restate 20.895.120 Section D.7 as outlined below:

For any warehouse over 250,000 feet at least 10 electric vehicle (EV) charging stations will be provided at initial occupancy. Conduit to support EV charging will be constructed to serve all parking spaces at initial occupancy.

Designating a specific number of parking stalls to have EV charging stations (10) meets the City’s goal to have adequate EV charging installed during initial construction. Requiring conduit to be placed for the remainder of the parking stalls allows for future upgrades to occur efficiently as EV’s capture more of the market and anti-vandalism solutions can be developed.

8. Calculation of Total Square Footage

Recommendation: The ordinance should clearly state that the threshold of 250,000 square feet applies to any single structure on a given site, and not the total square footage of multiple separate structures or facilities.

Thank you for your consideration of the Port of Vancouver USA's feedback and recommendations. We look forward to continuing to work with Council and staff throughout this process to ensure an outcome that addresses the City's concerns and continues to responsibly advance trade and economic development within the City of Vancouver and throughout the region.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mike Bomar', with a stylized, cursive script.

Mike Bomar

Port of Vancouver USA, Director of Economic Development

October 24, 2023

City of Vancouver
Attention: Chad Eiken, Community Development Director and Bryan Snodgrass, Principal Planner
415 W. 6th Street
Vancouver, WA 98660

Re: City of Vancouver Warehouse Code Amendments

Dear Mr. Eiken and Mr. Snodgrass:

Please accept the following letter as our written comments to the proposed warehouse code amendments, specifically City of Vancouver zoning code section 20.89.120 (Warehouses Larger than 250,000 square feet) as outlined in your October 2, 2023, memorandum to the City Council.

20.895.120.C. – Visual Impact. Item #1 and #2. Generally, measures like façade articulation and landscape buffers relate to certain types of roads or adjacent non-industrial zoned areas. No language as it relates to adjacent non-industrial zoned areas is included and the scoping provision for a public street does not provide latitude for an exception for low volume side streets.

20.895.120.C.1 – Architectural elements. The paragraph does not provide guidance for the applicant and the City planners on the “why” of the provisions. Providing guidance on City goals will provide the developer with a stronger framework to provide excellent architecture and landscape design solutions; and provide staff tools to guide its approval process.

20.895.120.C.2 – A sixty-foot-high wall of conifer trees introduces a visual barrier restricting an Owners legitimate desire to provide a site that utilizes Crime Prevention Through Environmental Design (CPTED) concepts (safety/security design measures). A closed off site works against CPTED concepts that aim to reduce victimization, deter offender decisions that precede criminal acts, and build a sense of community among inhabitants so they can gain territorial control of areas, reduce crime, and minimize fear of crime. We recommend consideration of a “street tree “approach (deciduous) trees, low berms and low shrubs which provide visual access into the property for occupant, visitor, and premise safety. In addition, it is in the public’s interest to allow sufficient visual access to the site to allow wayfinding to both autos and trucks seeking to access a particular site. If the frontage is totally obscured by evergreen trees, additional traffic may be added to adjacent streets due to visitors failing at initial approach to recognize and/or access the property promptly.

20.895.120.D.1 – We strongly recommend the City not provide additional solar panel language or requirements. The State Building Code - current version 2018 and the soon to be adopted 2021 version - have strong and very detailed Renewable Energy provisions. Refer to Section C411. The language provided in the state Code is detailed and beyond what has been provided in the memorandum. Adopting this language would add unnecessary confusion to this issue.

20.895.120.D.2 – We strongly recommend the City not provide additional skylight/clerestory window language or requirements. The State Building Code - current version 2018 - has provided a strong framework for this climate measure and is maintained in the soon to be adopted 2021 version. It is a strong and very detailed daylighting provision. Refer to WAC 51-11C-40232, Section C402.4.2 Minimum skylight fenestration area. The language provided in the State Code is detailed and beyond what has been provided in the memorandum. Adopting this language would add unnecessary confusion to this issue.



20.895.120.D.4 – How will engine idling be enforced? How would this provision be addressed within the Site Plan Review process?

20.895.120.D.5 – The technology for charging electric powered trucks is changing rapidly. The electrical load/demand is significant. This requirement places a huge financial burden on the developer of new warehouses for technology that may be outdated or not even used by future tenants. Additionally, the electrical utility company may not be able to meet the power demands of this requirement.

20.895.120.D.6 – EV charging. We strongly recommend the City not provide additional EV Charging language or requirements. The State Building Code - current version 2018 - has provided a mild framework for EV Vehicle charging infrastructure and the requirements are significantly increased in the soon to be adopted 2021 version. It is strong and configured into three tiers: 10% EV charging stations, 10% EV-Ready spaces, and 10% EV-Capable spaces. Refer to WAC 51-50-0429 Section 429—Electric vehicle charging infrastructure. The language provided is beyond what has been provided in this memorandum. Adopting this language would add unnecessary conflicting language to this issue.

We look forward to providing verbal testimony at the October 24, 2023, Planning Commission meeting.

Sincerely,



Brett Conway
Associate Principal



Michael Chen
Associate Principal

2/27/2023
3/06/2023

ORDINANCE NO. M-4406

AN ORDINANCE amending and restating Vancouver City Ordinance M-4396, an ordinance declaring an emergency and imposing a temporary moratorium for the duration of six months upon the acceptance and processing of applications for permits for the development or expansion of large warehouse and distribution facilities totaling more than 250,000 square feet under the Warehouse/Freight Movement use classification in the Light Industrial (IL) and Heavy Industrial (IH) zoning districts, as defined in Vancouver Municipal Code Title 20 or as otherwise allowed, such as by prior development agreement, based on certain findings of fact justifying such action and adopted by City Council, and establishing an immediate effective date.

WHEREAS, in accordance with to Section 2.12 of the Vancouver City Charter, an ordinance to be revised or amended shall be re-enacted at length as revised or amended, this ordinance amends and restates Vancouver City Ordinance M-4396, originally adopted December 12, 2022; and

WHEREAS, the City has the authority to adopt temporary moratoria pursuant to RCW 36.70A.390 and RCW 35.63.200, provided that such action is justified by adopted findings of fact and a public hearing is scheduled and held within 60 days of adopting this emergency moratorium in accordance with these statutes; and

WHEREAS, this temporary moratorium may be renewed for one or more six-month periods if a subsequent public hearing is held and findings of fact demonstrating the necessity for such an extension are made prior to each renewal; and

WHEREAS, warehouse and distribution facilities have a role in the local and regional

economy but, because they are typically a low skill and low employment use, they are not a high priority sector in the *2018 – 2023 Clark County Economic Development Plan*; and

WHEREAS, as described in the *2018 – 2023 Clark County Economic Development Plan*, certain Traded Sector Industry cluster uses do promote economic development and job growth and may require facilities that would otherwise be delayed or prohibited by this ordinance; and

WHEREAS, permit applications for large warehouse and distribution facilities tend to be speculative in nature and may not have a defined user at the time of application or when land use approval rights may conditionally vest; and

WHEREAS, as set forth in the City's recent climate action plan workshops, building energy and transportation are the most significant sources of greenhouse gas emissions and are unavoidable elements of the large warehouse and distribution facility use; and

WHEREAS, warehouse capacity is reportedly at a premium in the United States with ninety-six percent of available space in use and the continued post-COVID-19 growth in e-commerce represents a fundamental shift in warehouse and shipping logistics requiring more and larger facilities not contemplated by the existing code or evaluated in the context of the City's current climate action priorities; and

WHEREAS, commercial real estate market data and warehouse development standards indicate that warehouses are typically constructed at less than 25,000 square feet or greater than 250,000 square feet for large-scale distribution and that those large warehouse and distribution facilities of greater than 250,000 square feet are developing at an unprecedented and unforeseen rate; and

WHEREAS, the City currently has eight such proposed development projects in the land use application or building permit process, one with 80,000 square feet and seven with between

275,000 to 681,000 square feet of planned large warehouse and distribution facility space resulting in a total of 3.34 million allocated square feet; and

WHEREAS, the City currently allows warehouse and distribution facilities as a permitted use in the Light Industrial (IL) and Heavy Industrial (IH) zones with no limit on size and such facilities may be a permitted pursuant to existing development agreements; and

WHEREAS, the City does not have unlimited industrial land, particularly larger, contiguous parcels, and the consumptive nature of these facilities may foreclose opportunities for higher value employment sectors with lesser climate impacts; and

WHEREAS, the surge in new, large warehouse developments and national trends suggest that more such proposals will be forthcoming with unconsidered and potentially irreversible implications for the City's climate action goals, transportation systems, and stated goal of attracting high-skilled, high-wage employment uses; and

WHEREAS, bulk storage warehouses are integral to the operations of the Port of Vancouver USA, which, since it was established in 1912 as the authorized Port district for Clark County pursuant to Chapter 53.04 RCW, has played a key role in the region's economy and is the primary point of entry for goods arriving by ship and rail in Southwest Washington, and that the Port of Vancouver USA, in accordance with its authorized purposes under RCW 53.04.010 as a Washington port district, requires warehouse space to store goods that are arriving or being shipped to other destinations in fulfillment of its mission as a public jobs-creating agency; and

WHEREAS, an exception to Ordinance M-4396 for warehouse development projects for the transshipment and storage of bulk goods and wholesale distribution on land owned and retained by the Port of Vancouver USA is merited based on the unique character of the Port of Vancouver USA as a public agency, provided that such an exception would not allow the Port of Vancouver

USA to transfer any vested rights that would otherwise be prohibited by this temporary moratorium and were obtained pursuant to this exception to a third party or to develop facilities for home delivery of retail goods; and

WHEREAS, without a temporary moratorium the City could, in the near future, receive applications for development that would conflict with the achievement of the long-range vision for the City's economic development and climate action initiatives but be vested to existing land use regulations before the City can study potential effects; and

WHEREAS, the enactment of this ordinance constitutes an emergency, due to potential land use, climate, transportation, and economic impacts that may result from continued development of large warehouse and distribution facilities without adequate standards to address unintended consequences; and

WHEREAS, a temporary moratorium will require the City to hold public hearings and maximize public input in the development of standards without jeopardizing any possible land use options that may be precluded by unrestricted development; and

WHEREAS, the City Council finds that the adoption of a temporary moratorium promotes the public health, safety, and general welfare and convenience of the people of Vancouver, and will encourage the most desirable and productive use of land and properties; and

WHEREAS, based on the facts recited above, the City Council finds that it would be appropriate to enact a moratorium on new applications for such projects to allow the City time to study the climate, transportation infrastructure, and economic implications from this recent trend and, if merited by such study, recommend regulatory changes to the Vancouver Municipal Code as needed to address concerns;

NOW, THEREFORE,

ORDINANCE - 4

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Temporary Moratorium. As authorized by RCW 36.70A.390 and RCW 35.63.200 and justified by the findings of fact set forth above, the City Council hereby adopts a temporary moratorium for the duration of six months upon the acceptance and processing of applications for permits for the development or expansion of large warehouse and distribution facilities totaling more than 250,000 square feet under the Warehouse/Freight Movement use classification in the Light Industrial (IL) and Heavy Industrial (IH) zoning districts, as defined in Vancouver Municipal Code Title 20 or as otherwise allowed, such as by prior development agreement.

Section 2. Exemptions.

Subsection A. Maintenance. The moratorium established in Section 1 of this ordinance shall not apply to permits required for upkeep, repair, or basic maintenance of existing large warehouse and distribution facilities or to work mandated by the City as necessary to maintain public health and safety.

Subsection B. Port of Vancouver USA. The moratorium established in Section 1 of this ordinance shall not apply to warehouse development projects on land owned and retained by the Port of Vancouver USA for the transshipment and storage of bulk goods and wholesale distribution; provided that such exception will not apply to the transfer of any Vested Rights obtained by the Port of Vancouver USA pursuant to this exception that would otherwise be prohibited by this ordinance and provided that any such warehouse development shall not be for home delivery of retail goods.

Subsection C. Traded Sector Industry Use. Applications for permits otherwise prohibited by the moratorium established in Section 1 of this ordinance that are exclusively for use

by a Traded Sector Industry shall continue to be processed throughout the duration of this ordinance, however no Vested Rights shall attach to any such Traded Sector Industry application until a Development Agreement is entered into with the City and recorded on the subject property in accordance with Chapter 20.250 VMC. For purposes of this ordinance, “Traded Sector Industry” shall be defined as North American Industry Classification System (NAICS) sectors 31, 32, 33, 42, 51, 54, and 55, in accordance with the respective industry sector clusters specified in the *2018-2023 Clark County Comprehensive Economic Development Plan*.

Section 3. Duration. This moratorium shall be in effect for six months following the effective date established in Section 6 of Ordinance M-4396.

Section 4. Vested Rights. The moratorium created by this ordinance does not apply to properties with vested rights existing on the date of enactment of this ordinance. “Vested Rights” shall be defined in accordance with VMC 20.210.110 and VMC 20.250.040.

Section 5. Public Hearing Required. Pursuant to RCW 35.63.200 and RCW 36.70A.390, a public hearing on the adopted moratorium will be held no more than sixty days following the adoption of this ordinance.

Section 6. 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.

SIGNED this 6th day of March 2023.

DocuSigned by:

Anne McEnerny-Ogle

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Anne McEnerny-Ogle, Mayor

ATTEST:

DocuSigned by:

Natasha Ramras

BCF6734E40E04AE...

By: Natasha Ramras, City Clerk

APPROVED AS TO FORM:

DocuSigned by:

Jonathan Young

9A7DC2E31F694A2

By: Jonathan Young, City Attorney

ORDINANCE - 7

SUMMARY

ORDINANCE NO. M-4406

AN ORDINANCE amending and restating Vancouver City Ordinance M-4396, an ordinance declaring an emergency and imposing a temporary moratorium for the duration of six months upon the acceptance and processing of applications for permits for the development or expansion of large warehouse and distribution centers totaling more than 250,000 square feet under the Warehouse/Freight Movement use classification in the Light Industrial (IL) and Heavy Industrial (IH) zoning districts, as defined in Vancouver Municipal Code Title 20 or as otherwise allowed, such as by prior development agreement, based on certain findings of fact justifying such action and adopted by City Council, and establishing an immediate effective date.

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

05/22/2023

06/05/2023

ORDINANCE NO. M-4413

AN ORDINANCE extending for an additional period of six months the Vancouver City Ordinance M-4406, which declared an emergency and imposed a six-month temporary moratorium upon the acceptance and processing of applications for permits for the development or expansion of large warehouse and distribution facilities totaling more than 250,000 square feet under the Warehouse/Freight Movement use classification in the Light Industrial (IL) and Heavy Industrial (IH) zoning districts, as defined in Vancouver Municipal Code Title 20 or as otherwise allowed, such as by prior development agreement, based on certain findings of fact justifying such action and adopted by City Council, directing staff to continue efforts to develop 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 and renew temporary moratoria pursuant to the City's constitutional police powers, home rule authority, RCW 36.70A.390, and RCW 35.63.200; and

WHEREAS, on December 12, 2022, the Vancouver City Council adopted Ordinance No. M-4396, enacting a six-month temporary moratorium upon the acceptance and processing of applications for permits for the development or expansion of large warehouse and distribution facilities under the Warehouse/Freight Movement use classification in the Light Industrial (IL) and Heavy Industrial (IH) zoning districts, as defined in Vancouver Municipal Code Title 20 or as otherwise allowed, such as by prior development agreement, based on certain findings of fact justifying such action and adopted by City Council; and

ORDINANCE - 1

WHEREAS, on February 6, 2023, following a public hearing, City Council passed a resolution affirming the moratorium but requesting certain amendments relating to the threshold of warehouse space covered, warehouses proposed by the Port of Vancouver, and warehouses that will exclusively supply storage intended for the traded sector; and

WHEREAS, on March 6, 2023, held a public hearing and adopted findings of fact supporting the enactment of the moratorium through adoption of Ordinance No. M-4406, amending and restating Ordinance No. M-4396;

WHEREAS, on May 1, 2023 at a City Council Workshop, City staff provided an update of analysis completed to-date, early observations, and a presented a work plan demonstrating remaining analysis to be completed by staff and the City's consultant and staff, which requires an estimated additional four months to complete;

WHEREAS, City Council has determined, pursuant to an additional public hearing and based on the findings contained herein demonstrating the necessity for extending the moratorium, that, pursuant to RCW 36.70A.390, this temporary moratorium must be renewed for an additional six month period; and

WHEREAS, the findings associated with Ordinance No. M-4406, as delineated herein, continue to pertain; and

WHEREAS, in December when the moratorium was enacted there were eight pre-development or development applications for large warehouse and distribution facilities between 275,000 square feet up to 680,000 square feet, which are much larger than typical warehouses, for a total of 3.34 million square feet of proposed new warehouse structures;

WHEREAS, upon more recent review of the warehouses initially identified, one warehouse building was completed and issued an occupancy permit, and a second requires a zone change

approval, and therefore staff reports that there are a total of total of 2.8 million square feet of warehouse building space in the development review or construction process; and

WHEREAS, a primary concern is the land-intensive nature of these large warehouses and low job creation, but other issues such as air pollution, implications on the City's climate action goals, increase in truck traffic to vulnerable neighborhoods, and appropriately locating such warehouses near major arterial routes and highways need to be analyzed; and

WHEREAS, as described in the *2018 – 2023 Clark County Economic Development Plan*, certain Traded Sector Industry cluster uses do promote economic development and job growth and may require facilities that would otherwise be delayed or prohibited by this ordinance; and

WHEREAS, permit applications for large warehouse and distribution facilities tend to be speculative in nature and may not have a defined user at the time of application or when land use approval rights may conditionally vest; and

WHEREAS, as set forth in the City's recent climate action plan workshops, building energy and transportation are the most significant sources of greenhouse gas emissions and are unavoidable elements of the large warehouse and distribution facility use; and

WHEREAS, warehouse capacity is reportedly at a premium in the United States with ninety-six percent of available space in use and the continued post-COVID-19 growth in e-commerce represents a fundamental shift in warehouse and shipping logistics requiring more and larger facilities not contemplated by the existing code or evaluated in the context of the City's current climate action priorities; and

WHEREAS, commercial real estate market data and warehouse development standards indicate that warehouses are typically constructed at less than 25,000 square feet or greater than 250,000 square feet for large-scale distribution and that those large warehouse and distribution

facilities of greater than 250,000 square feet are developing at an unprecedented and unforeseen rate; and

WHEREAS, the City currently allows warehouse and distribution facilities as a permitted use in the Light Industrial (IL) and Heavy Industrial (IH) zones with no limit on size and such facilities may be a permitted pursuant to existing development agreements; and

WHEREAS, the City does not have unlimited industrial land, particularly larger, contiguous parcels, and the consumptive nature of these facilities may foreclose opportunities for higher value employment sectors with lesser climate impacts; and

WHEREAS, the surge in new, large warehouse developments and national trends suggest that more such proposals will be forthcoming with unconsidered and potentially irreversible implications for the City's climate action goals, transportation systems, and stated goal of attracting high-skilled, high-wage employment uses; and

WHEREAS, bulk storage warehouses are integral to the operations of the Port of Vancouver USA, which, since it was established in 1912 as the authorized Port district for Clark County pursuant to Chapter 53.04 RCW, has played a key role in the region's economy and is the primary point of entry for goods arriving by ship and rail in Southwest Washington, and that the Port of Vancouver USA, in accordance with its authorized purposes under RCW 53.04.010 as a Washington port district, requires warehouse space to store goods that are arriving or being shipped to other destinations in fulfillment of its mission as a public jobs-creating agency; and

WHEREAS, an exception for warehouse development projects for the transshipment and storage of bulk goods and wholesale distribution on land owned and retained by the Port of Vancouver USA is merited based on the unique character of the Port of Vancouver USA as a public agency, provided that such an exception would not allow the Port of Vancouver USA to

transfer any vested rights that would otherwise be prohibited by this temporary moratorium and were obtained pursuant to this exception to a third party or to develop facilities for home delivery of retail goods; and

WHEREAS, without a temporary moratorium the City could, in the near future, receive applications for development that would conflict with the achievement of the long-range vision for the City's economic development and climate action initiatives but be vested to existing land use regulations before the City can study potential effects; and

WHEREAS, the enactment of this ordinance constitutes an emergency, due to potential land use, climate, transportation, and economic impacts that may result from continued development of large warehouse and distribution facilities without adequate standards to address unintended consequences; and

WHEREAS, extension of the temporary moratorium requires the City to hold public hearings and maximize public input in the development of standards without jeopardizing any possible land use options that may be precluded by unrestricted development; and

WHEREAS, the City Council finds that extension of the temporary moratorium promotes the public health, safety, and general welfare and convenience of the people of Vancouver, and will encourage the most desirable and productive use of land and properties; and

WHEREAS, extending the temporary moratorium will allow for more time to study the differences in physical and operational characteristics between large e-commerce warehouse facilities and more traditional wholesale warehouses to develop code amendments that address any impacts; and

WHEREAS, several large parcels that appear to be poised for large warehouse development would not be able to vest to existing development code standards, but would instead

be subject to any new code provisions; and

WHEREAS, based on the facts recited above, the City Council finds that it would be appropriate to extend the moratorium on new applications for such projects to allow the City additional time to study the climate, transportation infrastructure, and economic implications from this recent trend and, if merited by such study, recommend regulatory changes to the Vancouver Municipal Code as needed to address concerns;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Temporary Moratorium. As authorized by RCW 36.70A.390 and RCW 35.63.200 and justified by the findings of fact set forth above, the City Council hereby adopts a temporary moratorium upon the acceptance and processing of applications for permits for the development or expansion of large warehouse and distribution facilities totaling more than 250,000 square feet under the Warehouse/Freight Movement use classification in the Light Industrial (IL) and Heavy Industrial (IH) zoning districts, as defined in Vancouver Municipal Code Title 20 or as otherwise allowed, such as by prior development agreement.

Section 2. Exemptions.

Subsection A. Maintenance. The moratorium established in Section 1 of this ordinance shall not apply to permits required for upkeep, repair, or basic maintenance of existing large warehouse and distribution facilities or to work mandated by the City as necessary to maintain public health and safety.

Subsection B. Port of Vancouver USA. The moratorium established in Section 1 of this ordinance shall not apply to warehouse development projects on land owned and retained by the Port of Vancouver USA for the transshipment and storage of bulk goods and wholesale

distribution; provided that such exception will not apply to the transfer of any Vested Rights obtained by the Port of Vancouver USA pursuant to this exception that would otherwise be prohibited by this ordinance and provided that any such warehouse development shall not be for home delivery of retail goods.

Subsection C. Traded Sector Industry Use. Applications for permits otherwise prohibited by the moratorium established in Section 1 of this ordinance that are exclusively for use by a Traded Sector Industry shall continue to be processed throughout the duration of this ordinance, however no Vested Rights shall attach to any such Traded Sector Industry application until a Development Agreement is entered into with the City and recorded on the subject property in accordance with Chapter 20.250 VMC. For purposes of this ordinance, “Traded Sector Industry” shall be defined as North American Industry Classification System (NAICS) sectors 31, 32, 33, 42, 51, 54, and 55, in accordance with the respective industry sector clusters specified in the *2018-2023 Clark County Comprehensive Economic Development Plan*.

Section 3. Duration. This moratorium shall be in effect as an extension of Ordinance No. M-4406 for a period of six months following the effective date established in Section 6, below.

Section 4. Vested Rights. The moratorium created by this ordinance does not apply to properties with vested rights existing on the date of enactment of this ordinance. “Vested Rights” shall be defined in accordance with VMC 20.210.110 and VMC 20.250.040.

Section 5. Public Hearing Required. Pursuant to RCW 35.63.200 and RCW 36.70A.390, a public hearing on the adopted moratorium was held prior to the adoption of this ordinance.

Section 6. 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.

DATE OF FINAL PASSAGE by the Vancouver City Council: June 5, 2023.

SIGNED this 5th day of June 2023.

DocuSigned by:
Anne McEnerny-Ogle
6C89D9089EC5424...
Anne McEnerny-Ogle, Mayor

ATTEST:

DocuSigned by:
Natasha Ramras
BCF6734E40E94AE...
By: Natasha Ramras, City Clerk (or Designee)

APPROVED AS TO FORM:

DocuSigned by:
Jonathan Young
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By: Jonathan Young, City Attorney (or Designee)

SUMMARY

ORDINANCE NO. M-4413

AN ORDINANCE extending for an additional period of six months the Vancouver City Ordinance M-4406, which declared an emergency and imposed a six-month temporary moratorium upon the acceptance and processing of applications for permits for the development or expansion of large warehouse and distribution facilities totaling more than 250,000 square feet under the Warehouse/Freight Movement use classification in the Light Industrial (IL) and Heavy Industrial (IH) zoning districts, as defined in Vancouver Municipal Code Title 20 or as otherwise allowed, such as by prior development agreement, based on certain findings of fact justifying such action and adopted by City Council, directing staff to continue efforts to develop 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 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).

xx/xx/xx
xx/xx/xx

ORDINANCE NO. M-_____

AN ORDINANCE relating to the regulation of Warehouse/Freight Movement uses in the city of Vancouver, providing for savings, severability, and an effective date.

WHEREAS, as reflected in SR - _____, late in 2022, city planning staff noticed a trend of very large (as large as 600,000 square feet) warehouses being submitted for development approvals. At the time, there were as many as eight warehouses larger than 100,000 square feet being proposed or under construction, with a cumulative building area of 3.34 million square feet, the equivalent of 58 football fields; and

WHEREAS, Other cities were (and are) experiencing a similar surge in large warehouse projects, and staff was hearing reports of mega-warehouses elsewhere, such as a 2.5 million square foot warehouse in Tacoma; and

WHEREAS, These extremely large facilities appear to be a growing trend nationally in response to the increasing demand for online retail shopping and parcel delivery as well as supply chain logistics issues, and consume significant swaths of limited industrial land with typically lower jobs per acre ratio than many other industrial uses; and

WHEREAS, In December of 2022, planning and economic development staff took their concerns to City Council and recommended that an emergency six-month moratorium be adopted to prevent the submission of any new pre-applications or land use applications for warehouses larger than 100,000 square feet to allow staff time to study these new types

of warehouses and understand the physical, operational, and economic differences from traditional wholesale warehouses - as well as key differences in impacts - to inform possible new use and development standards; and

WHEREAS, On December 12, 2023, following an executive session, City Council at their regular meeting adopted an emergency ordinance on large new warehouse applications, and the emergency ordinance was affirmed by City Council following a public hearing as required by state law, on January 23, 2023. Three amendments to the initial moratorium ordinance were requested by City Council, which were adopted by ordinance on February 6, 2023, including: 1) an exemption from the moratorium for the Port of Vancouver; 2) increase in the size of warehouses subject to the moratorium from 100,000 square feet to 250,000 square feet and larger; and 3) an exemption from the moratorium for any storage for a publicly-traded product, if formalized through a development agreement; and

WHEREAS, On June 5, 2023, following a public hearing, City Council approved a six-month extension of the moratorium but also encouraged staff to propose any code amendments as soon as possible so the moratorium may be terminated sooner. The moratorium will end on December 6, 2023; and

WHEREAS, City consultants analyzed differences between large e-commerce warehouses and more traditional business-to-business warehouses and found that large warehouses, particularly related to e-commerce, generate more traffic impacts, often at off-peak hours due to round-the-clock operations, can create visual impacts particularly along streets, and due to their size can lead to greater climate-related impacts which should be mitigated through development regulations; and

WHEREAS, Over the past ten months, staff has consulted with warehouse industry experts and engaged in a series of meetings with environmental advocates and business stakeholders including the Port of Vancouver and representatives from existing warehouse facilities, as well as the Planning Commission and residents in the Fruit Valley Neighborhood. Planning staff where possible have incorporated input on specific code language to make the ordinance clearer and to balance the stated objectives of City Council with industry, neighborhood, and environmental perspectives; and

WHEREAS, Pursuant to the State Environmental Policy Act (SEPA) and WAC 197-11, the City of Vancouver as lead agency has determined that the proposed Warehouse and Freight Distribution Amendments will not have a probable significant adverse impact on the environment. A Determination of Nonsignificance (DNS) was published on September 22, 2023 in the Columbian with a 14-day comment period and no agency or public comments were received during the comment period and no appeal has been filed to-date; and

WHEREAS, The recommended code amendments will address the potential for disparate impacts to high priority equity areas as follows: 1) warehouses larger than 250,000 square feet will only be allowed in the IH, Heavy Industrial District, further away from residential areas, and 2) new special development standards that apply to large warehouses such as prohibiting tractor trailer trucks traveling to or from such large warehouses from using Fruit Valley Road, and 3) measures to increase tree canopy, reduce parking and lot coverage, prohibit truck idling, improve visual impacts next to public streets, and promote climate-friendly measures such as electric vehicle charging stations and buildings that can more easily be adapted to green technology; and

WHEREAS, The City's Planning Commission held a duly-noticed public hearing on October 24, 2023 and found that the proposal met the approval criteria in VMC 20.285.090 and recommended that Council approve the proposed code amendments by a vote of 7-0.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. That part of Ordinance M-3643, last amended by that part of Section 6 of Ordinance M-3939, codified as VMC 20.440.020, is hereby amended to read as follows:

20.440.020 List of Zoning Districts.

A. OCI: Office Commercial Industrial. The OCI 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 OCI zone. In addition to mandatory site plan review, design and development standards in the OCI zone have been adopted to ensure that developments will be well-integrated, attractively landscaped, and pedestrian friendly. The OCI 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, small scale warehousing activities and freight movement, 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)

Section 2. That part of Section 25 of Ordinance M-3922, last amended by that part of Section 9 of Ordinance M-4380, codified as VMC 20.440.030, is hereby amended to read as follows:

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.
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
CIVIC (Institutional)				
Basic Utilities	P	P	P	P
Colleges	X	X	X	C

USE	OCI²⁰	IL¹	IH	ECX²⁷
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	OCI²⁰	IL¹	IH	ECX²⁷
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

USE	OCI²⁰	IL¹	IH	ECX²⁷
- 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
- 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

USE	OCI ²⁰	IL ¹	IH	ECX ²⁷
Bulk Fossil Fuel Storage and Handling Facilities	X ³⁴	X ³⁴	X/L/C ³⁴	X ³⁴
Cleaner Fuel Storage and Handling Facilities	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/X ¹²	P/L ³⁰	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

USE	OCI²⁰	IL¹	IH	ECX²⁷
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 Warehouse/Freight Movement buildings up to 250,000 square feet of gross floor area on the ground floor of the building. Permitted allowed as a limited use provided all activities, except outdoor storage of materials, are wholly contained within building(s); Warehouse/Freight Movement buildings larger than 250,000 square feet of gross floor area on the ground floor of the building are prohibited.

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 consistence 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.~~ Warehouse/Freight Movement uses larger than 250,000 square feet of gross floor area on the ground floor per building allowed as a limited use, subject to miscellaneous special use standards of VMC 20.895.120.

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 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 fossil fuel storage and handling facilities including vested projects as November 3, 2022, may convert to Cleaner Fuels and as part of such conversion may expand the amount of 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.

Section 3. That part of Ordinance M-3643, last amended by that part of Section 75 of Ordinance M-4179, codified as VMC 20.440.040, is hereby amended to read as follows:

20.440.040 Development Standards.

A. Compliance Required. All developments must comply with:

1. All of the applicable development standards contained in the underlying zoning district.
2. All other applicable standards and requirements contained in this title.
3. Stormwater Control VMC 14.25, and Water Resource Protection VMC 14.26.

B. Development standards. Development standards in industrial zoning districts are contained in Table 20.440.040-1.

Table 20.440.040-1. Industrial Zoning Districts Development Standards

STANDARD	OCI⁵	IL	IH
Minimum Lot Size	None	None	None
Minimum Lot Coverage	100%	75%	100%/75% ¹
Minimum Lot Width	None	None	None
Minimum Lot Depth	None	None	None
Minimum Setbacks			
Minimum setbacks adjacent to residential district	Pursuant to the screening and buffering standards contained in VMC Tables 20.925.030-1 and 20.925.030-2, plus an additional ½ foot for each foot the building exceeds 20 feet in height to a maximum setback		

	requirement of 40 feet. Buildings in excess of 20 feet may be stepped.		
Minimum setbacks adjacent to nonresidential district	Pursuant to buffering and screening standards contained in VMC Tables 20.925.030-1 and 20.925.030-2.		
Maximum Height	35'-75' ³	45' ²	None
Minimum Landscaping Requirement (percentage of total net area)	15% ⁴	10%	0%

1 Warehouse/Freight Movement uses in buildings over 250,000 square feet of gross floor area on the ground floor shall have a maximum lot coverage of 75%

2 Or greater, if set back 1' from property line for every additional 2' of height.

3 See VMC 20.440.040(C)(1) below for a complete explanation of maximum height requirements.

4 See VMC 20.440.040(C)(3) below for additional landscaping requirements.

5 Development agreements in existence on the effective date of this ordinance 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.

6 The Planning Official may reduce or waive the setback requirements when setbacks are imposed on industrially-designated land as a result of the redesignation of adjacent land to residential on or after January 1, 1995.

C. *OCI Zone.*

1. *Maximum Building Height.*

a. Maximum building height shall be the same as that of the abutting zone within a distance of the same number of feet from the property line. Farther from the property line, height may increase by 2' for every additional 1' that a structure is set back from the property line to a maximum height of 75'. (For example, where the OCI zone abuts a residential zone with a maximum height of 35', the maximum height in the OCI zone would be 35' for the first 35' from the property line. The maximum height would increase by 2' for every additional 1' the

structure or portion of the structure is removed from the property line to a maximum of 75'.)

b. Where the OCI zone abuts more than one zoning district, the maximum height shall be the lowest of those of the abutting zoning districts. (For example, where the OCI zone abuts both a residential zone with a maximum height of 40' and an industrial zone with no maximum height, the maximum height of the OCI zone would be 40' for the first 40' from both property and zoning boundaries. The maximum height would increase by 2' for every additional 1' the structure or portion of the structure is removed from the property line to a maximum of 75'.)

2. *On-Site Pedestrian Circulation.* All developments within the OCI zone shall comply with the requirements of subsection VMC 20.945.040(H) above.

3. *Landscaping.* In addition to the provisions of VMC 20.925, the following requirements apply to developments in the OCI zone:

a. All setback areas shall be landscaped and maintained with live vegetation.

b. Development in the OCI zone abutting a residential zone shall be screened. Screening may be accomplished using sight-obscuring vegetation, a sight-obscuring fence or wall, a berm, or a combination of approaches. (A chain link fence containing slats does not qualify as a sight-obscuring fence for the purposes of this section.) If a sight-obscuring fence or wall alone is erected as screening within the setback area, features providing visual interest (such as varied building materials, textures, reliefs, architectural details, etc.) shall be incorporated at least on the side facing the residential zone. The property owner shall be responsible for maintaining the vegetation in a healthy state.

c. Parking areas shall be landscaped in accordance with the provisions of VMC 20.925 and 20.945.

4. *Security Fencing.* When security fencing is required, it shall be a combination of solid wall, wrought iron, dense hedges or other similar treatment. Long expanses of fences or walls shall be interspersed with trees or hedges to break up the appearance of the wall at least every 50 feet for a distance of at least 5 feet.

5. *Site Planning and Design.*

- a. Primary building entrances shall be physically oriented to the street or to a pedestrian walkway.
- b. If a development is located further than 250 feet of an existing or proposed transit stop the applicant shall work with the transit agency in locating a transit stop and shelter directly adjacent or as close as possible to the main building entrance.
- c. Blank walls facing public streets are discouraged. Features providing visual interest such as windows (genuine, false, or display), artwork, varied building materials or other techniques shall be employed to enhance building facades facing public streets.

Section 4. A new Section is hereby added and codified as VMC 20.895.120 to read as follows:

20.895.120 Warehouses Larger than 250,000 Square Feet

- A. Defined. The standards in this section apply to warehouse/freight movement buildings larger than 250,000 square feet of gross floor area on the ground floor.
- B. Traffic. Tractor trailers delivering goods to or from warehouses covered by this section shall not travel on Fruit Valley Road.
- C. Visual impact reduction. Warehouses covered by this section located adjacent to a public street or highway shall provide a combination of:
 - 1. Architectural elements such as windows, articulation of the façade, and/or moderately-dark color (e.g. not white or light-colored) walls, and
 - 2. A 25-foot deep landscaped buffer between the building and street or highway consisting of native or climate adaptive conifer trees that typically reach at least 60 feet in height at maturity, spaced no further than twenty feet apart. If a sidewalk or utility easement exists in the landscaped buffer, the minimum width shall be increased accordingly. Such buffer area may be counted toward meeting tree density requirements.
- D. Climate action measures.
 - 1. Building roofs shall be designed and constructed to handle the structural load of solar panels and equipment, electrical panels and conduit shall be installed to facilitate rooftop solar panels in the future, and rooftop HVAC Systems shall be

clustered as much as possible to facilitate maximum use of roof area for solar panels.

2. Skylights and/or clerestory windows shall be provided to facilitate natural light; skylights shall be double-paned and located to facilitate maximum use of roof area for solar panels.

3. Roofs shall be white or light colored to reduce heat retention.

4. Truck engine idling is prohibited while parked or loading/unloading.

5. All loading docks shall be outfitted with electric wiring and conduit extending to electric panels to enable future installation of outlets for charging of electric-powered trucks.

6. Secure indoor bicycle storage shall be provided for employees in accordance with the requirements of VMC 20.945.050, Bicycle Parking Design Standards.

7. Electric Vehicle Charging. EV charging stations shall be provided at a minimum of 20% of parking spaces on-site.

8. Trees shall be planted at a density of at least thirty-three tree units per acre of the project site, subject to the size, locational and maintenance requirements of VMC 20.770. Such additional trees may be planted in a tree tract on-site or at an off-site location owned by the applicant and within the limits of the designated neighborhood association within which the development is located, and as approved by the City Forester

Section 5. That part of Ordinance M-3643, last amended by that part of Section 2(c) of Ordinance M-4377, codified as VMC 20.945.070, is hereby amended to read as follows:

20.945.070 Minimum Off-Street Parking Requirements

Table 20.945.070-2. Minimum Off-Street Vehicle Parking Requirements

Use	Minimum
RESIDENTIAL	
Household Living	See Housing Types below

Use	Minimum
Group Living	1.0 space per 7 residents served under age 12 1.0 space per resident served ages 12 – 17 1.0 space per resident served age 18 or older
Transitional Housing	1.0:3 beds
Home Occupations	None
HOUSING TYPES	
Single Dwellings, Attached	1.0/DU ¹
Single Dwellings, Detached	1.0/DU
Accessory Dwelling Units	None
Duplexes	1.0/DU
Market Rate Multifamily Dwelling Units	0.75/DU if located within 0.25 mile of frequent transit line, ⁶ 1.0/DU if located 0.25 mile or further from a frequent transit line
Housing for Low-Income Households Earning Under 60% Median Area Income	0.75/DU
Manufactured Home Subdivisions	1.0/DU
Manufactured Home Parks	1.0/DU

Use	Minimum
Senior Housing Facilities and Housing for People With Disabilities	0 spaces for residential units 0.75 space per employee ⁷ plus 1.0 visitor space per 10 residents
CIVIC (Institutional)	
Basic Utilities	None
Community Centers	Per approved parking study
Community Recreation	Per approved parking study
Cultural Institutions	1.0:400 sq. ft.
Day Care	
– Child Care	Family Day Care Home: none Institutional: 1.0/employee + 1.0/12 children served
– Adult Day Care	Family Day Care Home: none Institutional: 1.0/employee + 1.0/12 clients served
– Dog Day Care	1.0/employee + 1.0/12 animals served
Emergency Services	1.0:300
Medical Centers	1.0/4 beds (hospital, residential care center); 1.0/2 beds for patients or residents

Use	Minimum
	(convalescent hospital, nursing home, congregate care facility)
Parks/Open Space	
– Neighborhood Parks	Parks Department to Determine
– Community Parks	
– Regional Parks	
– Trails	
Postal Service	1.0:300
Religious Institutions	1.0/6 seats or 12' of bench in main assembly area
Social/Fraternal Clubs	1.0/100
Transportation Facilities	None
Schools	
– Preschool	2.0/classroom
– Elementary and Middle	1.0 space/4 seats or 8 feet of bench length in auditorium or assembly room, whichever is greater

Use	Minimum
– High School	1.0 space/employee, plus 1.0 space/each 6 students, or 1.0 space/4 seats or 8 feet of bench length in auditorium, whichever is greater
– College* *Classrooms = 30 students. Lecture halls require additional parking of 12.0 spaces per 30 seats. Additional parking may be required as determined by planning official.	1.0 space/3 seats in classrooms
COMMERCIAL	
Commercial and Transient Lodging	1.0/lodging unit
Eating/Drinking Establishments	1.0/250
Entertainment-Oriented	
– Adult Entertainment	Refer to specific use, i.e., theater, book or video store
Indoor Entertainment	
– Movie/Live Performance Theaters	1.0/6 seats or 12' of bench
– Skating Rinks/Arcades	1.0/150
– Bowling Alleys	5.0 spaces per lane
– Shooting Ranges	1.0 space per lane

Use	Minimum
– Major Event Entertainment	1.0/6 seats or 12' of bench
General Retail	
– Sales-Oriented	1.0/300
– Personal Services	1.0/400
– Repair-Oriented	1.0/400
– Bulk Sales	(a) Properties with less than 10,000 square feet of open sales or rental area shall provide 1.0 space for each 1,000 square feet of gross floor area, plus 1.0 space for each 2,500 square feet of open sales or rental area. (b) Properties with 10,000 square feet or more of open sales or rental area shall provide 1.0 space for each 1,000 square feet of gross floor area, plus 4.0 spaces, plus 1.0 space for each 10,000 square feet of open sales or rental area in excess of 10,000 square feet.
– Outdoor Sales	Same as Bulk Sales
Animal Kennels/Shelters	1.0/600 plus 1.0 per employee
Motor Vehicle Related	
– Motor Vehicle Sales/Rental	(a) Properties with less than 10,000 square feet of open sales or rental area shall provide 1.0 space for each 1,000 square feet of gross floor

Use	Minimum
	area, plus 1.0 space for each 2,500 square feet of open sales or rental area. (b) Properties with 10,000 square feet or more of open sales or rental area shall provide 1.0 space for each 1,000 square feet of gross floor area, plus 4.0 spaces, plus 1.0 space for each 10,000 square feet of open sales or rental area in excess of 10,000 square feet.
– Motor Vehicle Servicing/Repair	1.0/500
– Vehicle Fuel Sales ³	No less than 2.0
– Electric Vehicle Recharging Station	None
Office	
– General	1.0/400
– Medical	1.0/200
– Extended	1.0/300
Nonaccessory Parking	N/A
Self-Service Storage	Based on area of office
Marinas	
INDUSTRIAL	

Use	Minimum
Industrial Services	1.0/600
Manufacturing and Production	1.0/800
Railroad Yards	None
Research and Development	1.0/600
Warehouses/Freight Movement	1.0/ 2,000 <u>5,000</u>
Wholesale Sales	1.0/1,250
Waste-Related	1.0 space per 200 square feet of office space, plus 1.0 space per employee
OTHER	
Agriculture/Horticulture	None
Airports/Airparks	None
Cemeteries	1.0/6 seats or 12' of bench in chapels
Detention Facilities	1.0/3 beds
Heliports	None
Mining	1.0 per employee maximum shift
Rail Lines/Utility Corridors	None

Use	Minimum
Temporary Uses	None
Wireless Communication Facilities	1.0

1 DU = dwelling unit.

2 Does not include outpatient clinics or medical offices; see Medical/Dental Offices.

3 Gasoline stations offering other retail goods for sale, in enclosed spaces accessible by the customer, shall also comply with the parking requirements for convenience stores. Gasoline stations providing vehicle repair or maintenance services shall also comply with the parking requirements for vehicle repair or service facilities.

4 Senior multifamily housing project shall provide on-site parking at a minimum rate of one space per dwelling unit.

5 *(Reserved for future use)*

6 “Frequent transit service” means 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.

7 The number of employees based on maximum number of employees present at any given time (i.e., during the largest shift of employees).

Section 6. Savings. Those ordinances or parts of ordinances which are amended or repealed by this ordinance shall remain in full force and effect until the effective date of this ordinance.

Section 7. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not effect or invalidate the remainder of any parts thereof to any person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 8. Effective date. This ordinance shall become effective fifteen (15) calendar days from the final date of passage.

DATE OF FINAL PASSAGE by the Vancouver City Council: _____.

SIGNED this _____ day of _____, 2023.

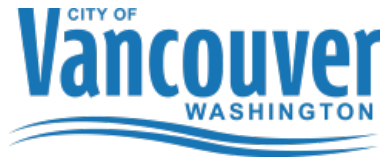
Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney



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 • Patrick Adigweme • Melissa von Borstel

October 24, 2023

REGULAR MEETING

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

CALL TO ORDER

The October 24, 2023, meeting of the Planning Commission was called to order at 6:30 p.m. by Chair Ledell.

ROLL CALL

Present: Marjorie Ledell, Zachary Pyle, Patrick Adigweme, Larry Blaufus (virtual, joined at 6:35 pm), Nena Cavel, Steve Schulte, and Melissa von Borstel (joined at 6:40 pm)

ADOPTION OF MINUTES

Motion by Commissioner Schulte, second by Commissioner Adigweme, and carried unanimously to adopt the September 26, 2023, minutes.

COMMUNITY FORUM

Don Steinke was present to speak regarding the annual review of the Comprehensive Plan as well as the proposed warehouse code changes. He suggested adding stipulations to the recommendations to meet the City's stated climate goals. New construction should be all-electric ready, solar ready, and EV ready.

PUBLIC HEARINGS

2023 ANNUAL REVIEW COMPREHENSIVE PLAN AND ZONING CODE MAP AND TEXT CHANGES

Bryan Snodgrass, Principal Planner, Community Development Department

Bryan Snodgrass presented the proposed Comprehensive Plan and Zone change located at the intersection of SE 192nd Avenue and SE 15th Street, zoning in the region, the conceptual site plan, and an analysis of the proposal.

Commission Questions

- Status of recent State laws related to housing. Staff responded the State laws mentioned in the presentation have all passed into law. Staff are anticipating further clarification and rulemaking from the state Department of Commerce on HB1110, which requires impacted cities to allow for 4 or 6 units on all single family lots.
- Status and details of the development agreement between the developer and the City. Staff responded some aspects of the development agreement have been worked out. The City is working on the language to implement the interim green building policy. The conceptual site plan

will be used as the template for development during the site plan review. The agreement will also include the buffer, building heights, and pledge for affordable units.

The applicant, represented by Jessica Herseg of Dowl, presented on the proposals consistency with the Revised Code of Washington, Washington Administrative Code, state legislation and the City's policies for housing and climate, and the Vancouver Comprehensive Plan and Strategic Plan.

Public Testimony

Alicia Barron opposed the proposed rezone on 192nd Avenue, citing issues with housing affordability, and suggested other methods to reduce the cost of housing.

Kevin Barron was opposed to the proposed rezone on 192nd Avenue due to incompatibility of the proposal with the surrounding neighborhood. He also expressed concerns with the ability of existing infrastructure to support the new development.

Mary Tsang was opposed to the proposed rezone on 192nd Avenue due to the increase in traffic on SE 15th Street and impacts to the adjacent neighborhoods.

Jacob Billingsly was opposed to the proposed rezone on 192nd Avenue and proposed an alternative for development of the lot with single family houses and smaller multi-unit plexes.

Leah Perkel was opposed to the proposed rezone on 192nd Avenue due to the addition of apartments in the neighborhood.

David Rehmann was opposed to the proposed rezone on 192nd Avenue due to existing issues with cut-through traffic in the neighborhood, and concerns that this would get worse if the rezone is approved.

Layne Berg was opposed to the proposed rezone on 192nd Avenue due to increased traffic on SE 15th Street, an insufficient amount of affordable housing included in the proposal, and incompatibility of the R-22 zone with adjacent neighborhoods.

Norman Newkirk expressed concern for pedestrian safety in the area of the proposed rezone. He walks on SE 15th Street, but no longer walks on SE 192nd Avenue because it is not safe. He questioned whether pedestrian safety would get worse with the addition of higher density housing in the area.

Commission Questions

- Impacts to traffic from the proposed development. Staff responded there would be an incremental increase in traffic from the project but noted that it would also provide sidewalk infill on the north side of SE 15th Street as part of required frontage improvements. Eric Hahn, Senior Civil Engineer, Public Works, responded there is adequate capacity on both streets based on the proposed rezone. There is an existing need to extend the eastbound turn lane at 15th and 192nd. There is concern for speed and pedestrian safety on 15th Street, but it is unrelated to the proposed rezone.
- Compatibility of the proposed rezone and the surrounding neighborhood. Staff responded there are policies in the Comprehensive Plan related to compatibility. There would be an incremental change to traffic volumes and the visual appearance would change with the development of apartments on the site. The proposal includes enhanced buffering around the site, two story buildings next to the existing homes, and retaining street trees on 15th and 192nd.

The applicant, represented by Kristine Connolly of Kittelson & Associates, presented on the traffic study for the site, showing an increase in trips due to the rezone, the capacity for 15th Street, and crash analysis.

Commission Questions

- Scope of the capacity analysis in the traffic study. The applicant responded the traffic study analyzed 15th Street from 164th to 192nd, as well as 192nd to Mill Plain and 20th Street.
- Non-vehicular mobility and trips. Staff responded the City doesn't currently require or measure non-vehicular trips through the development review process, though this will change when the updated Transportation System Plan is adopted and implemented.
- Distribution trend of crash data during the last 10-year period. The applicant did not have that information available. The pedestrian and bicycle crashes occurred prior to the installation of the bike lanes on 15th Street.
- Project impacts on cut-through traffic. Staff responded it is a concern and will work with traffic operations to review the cut-through patterns regardless of the type of development. There would be an incremental increase in vehicle volumes associated with the rezone and proposed development, but nothing the system cannot accommodate. Staff encouraged the neighborhood to continue to work with City staff to address the issue through other programs and projects.

Gary Vance, Vance Developments, was present to respond to public testimony and Commission questions. Traffic and safety on 15th Street are a concern and the developer is supportive of filling the existing sidewalk gaps. The developer has conducted neighborhood outreach starting in May 2023. The site plan was amended from the proposed R-30 zoning to R-22 to address neighbor concerns and improve perceived compatibility with surrounding neighborhoods.

Commission Questions

- How long will rent caps be in place for the 5% of units with rents restricted to 80% of Area Median Income (AMI)? Staff responded that is being negotiated and will be finalized as part of the development agreement, but the current agreement is for 25-30 years.
- Incorporating the public testimony as part of the development agreement. The applicant responded community engagement will continue with this project and plan to work with the community as the project proceeds.
- City's support for homeownership. Staff responded the City prioritizes homeownership through lobbying the state legislature for ongoing condominium reforms to allow for multifamily homeownership and works with non-profits and affordable housing developers to support homeownership through land banking and other mechanisms.

Deliberation

Vice Chair Pyle noted that the concerns and details of the site will be worked through at the site plan review stage of this development, including analysis of infrastructure, transportation, sewer, etc. Given the housing need and proximity to infrastructure on 192nd, he was supportive of the staff recommendation that this is a suitable site for multifamily housing. He was supportive of including all discussion points related to the forthcoming the Development Agreement in the Planning Commission's recommendation to Council.

Commissioner Schulte agreed with some of the concerns raised but was ultimately supportive of the staff recommendation as it will address the broader housing needs of the community.

Commissioner Adigweme agreed the concerns raised should be incorporated in the Development Agreement. The housing crisis requires increasing housing production, and this proposal brings a diversity of housing options to the area.

Commissioner von Borstel agreed with concerns for safety and also acknowledged this proposal can help address the housing crisis in the community. She was also in favor of including the items discussed as part of the Development Agreement.

Commissioner Cavel was supportive of increasing the housing supply to address the housing crisis and supported the staff recommendation.

Chair Ledell indicated her support for the staff recommendation based on the established review criteria, and encouraged City staff and leadership to be proactive in addressing traffic issues as it adds more developments, including the safety concerns community members identified on 15th Street.

Commissioner Blaufus appreciated the developer outreach with the public for this project. Based on the criteria, and with the adjustments to the proposal from the developer, he was in favor of the staff recommendation.

Motion by Vice Chair Pyle, seconded by Commissioner Cavel, based on the October 24, 2023 public hearing discussion, staff reporting findings, and development agreement points made during this meeting, the Planning Commission recommends to City Council approval of the 192nd Avenue Comprehensive Plan zoning map designation change as described, from urban low density R-6 to urban high density R-22.

Roll Call Vote

Commissioner von Borstel	Yes
Commissioner Adigweme	Yes
Commissioner Cavel	Yes
Commissioner Blaufus	Yes
Commissioner Schulte	Yes
Vice Chair Pyle	Yes
Chair Ledell	Yes

Motion carried unanimously.

The proposed Wood Duck Springs Comprehensive Plan and zoning map change was postponed to a future meeting due to incomplete materials supporting a recent change to the proposal.

Motion by Commissioner Schulte, seconded by Commissioner Cavel, and carried unanimously to adjourn that portion of the 2023 Annual Review Comprehensive Plan and Zoning Code Map and Text Change Public Hearing relating to the Wood Duck Springs proposed Comp Plan and Zoning Map changes and continue the matter to a subsequent public hearing at the Planning Commission meeting on November 14, 2023.

In accordance with Sections 42.30.100 and 42.30.090 of the Revised Code of Washington, that portion of the City of Vancouver's Planning Commission 2023 Annual Review Comprehensive Plan and Zoning Code Map and Text Change Public Hearing relating to the proposed Wood Duck Springs Urban Low/R-9 to Urban High/R-22 and Commercial/General Commercial Comprehensive Plan and Zoning Map Changes was adjourned and will continue at a subsequent public hearing at the Planning Commission meeting on

Tuesday, November 14, 2023 at 6:30pm in the Vancouver City Council Chambers located at 415 W. 6th Street, Vancouver, WA.

Bryan Snodgrass presented the proposed Comprehensive Plan and Zone change located at the intersection of 63rd Street and 72nd Avenue (Miller), zoning in the region, the conceptual layout, and an analysis of the proposal.

The applicant, represented by Jayson Taylor of PLS Engineering, presented an overview of the proposal, the applicant's work with a biologist to understand the wetland area on the site, positioning of the apartment buildings on the site, the applicants work to include the corner parcels as part of the development, and consistency with the approval criteria.

Public Testimony

Alison Kannisto was concerned for development on this site as it floods annually, which she attributed to dense development in the floodplain. She expressed concerns for the surrounding homes and the ability to obtain flood insurance for those who currently live in the area if the rezone moves forward, and development is constructed on the site.

Jeff Prussack testified regarding the reasoning for the proposed R-30 zoning district and the number and size of the units, as the developer's original request was for R-22 and City staffs suggested for R-30 to add more units to address the housing crisis and statewide housing legislation.

Ellena Buck opposed the proposal due to the increase in parked cars and vehicle traffic at the intersection and expressed concern for impacts to the school district.

David Larson was opposed to the proposed rezone to R-30 and articulated his feeling that R-18 or R-22 would be more appropriate. He is also worried about an increase in street parking in the surrounding neighborhood resulting from the development.

Derek Lindeman was concerned for development on the site due to flooding and would like to see biological and environmental studies of the area. He was also concerned for the safety of students crossing 63rd Street to access the elementary school.

Commission Questions

- The floodplain and wetlands issues. Staff responded the site has wetlands value, and a more detailed study will be done at the site plan review stage. There aren't any wildlife parameters visible. Staff expect much of the site will not be developable and therefore suggested allowing for a higher yield on the developable parts of the site to address area housing needs.
- Reasoning by staff for R-30. Staff responded the applicant originally proposed R-22 but given the developable land area and if they are able to acquire the corner properties, R-30 may be more appropriate to address housing needs.

The applicant responded to the public testimony and acknowledged the wetland area. In the site plan review process, the applicant intends to show there will be no net loss in habitat function through wetland mitigation banking or other onsite mitigation. The floodplain is also an issue to work through, and the applicant will work with a floodplain consultant and FEMA to ascertain the floodplain elevation and show no net loss of flood storage, which may affect the developable area on the site. The applicant noted they may not be able to utilize the full allowed density of R-30 given the conditions of the site.

Commission Questions

- Benefits of the R-30 designation, including more flexibility in development due to site mitigation, space for flood storage and profitability. The applicant agreed with that statement.
- Applicant's plan to incorporate feedback into the proposed development. The applicant responded it's unlikely the site is developed to the full density allowed under R-30, and will likely be closer to the density allowed in R-22 with units similar to those across the street. Assuming the rezone is approved, there are further opportunities for the City and public to weigh in during the site plan review stage. The applicant will address the flooding concerns and ensure there is no net loss of habitat function or flood storage.
- Status of the western parcels. The applicant responded the owners of the smaller corner parcels are in contact with the developer. There is not currently a contract to purchase the smaller of the two parcels. The larger corner parcel previously owned the large parcel, so it's possible they will also sell that parcel to the developer. Like the development to the south, the developer would like to develop the full lot including the corner if they are able to acquire the properties.
- Has the developer conducted any critical areas research or studies? The applicant responded they have consulted with a biologist who conducted a basic rating of the wetland. The wetland as shown on Clark County's GIS is fairly accurate.
- In other applications, the Commission has considered critical areas in determining whether or not to make a recommendation for approval. How is this application different? Staff responded the Commission recently considered an application for rezone of Burnt Bridge Creek West. That site was much larger, and included Oregon white oak woodlands, which is more unique and as a critical area habitat holds significant value both for the trees and the habitat it provides. In this application, there is wetland with less evidence of habitat value.

Deliberation

Commissioner Blaufus indicated the application may not be ready for consideration due to the status of the smaller corner parcels. Given the flooding status of the site and the applicant's initial request for R-22, he was in favor of a recommendation for R-22 rather than R-30.

Commissioner Cavel was in support of the recommendation. City staff will work with the developer to address the flooding and wetland issues. She was in favor of recommending R-30, as it provides more flexibility to the developer even if it is not utilized to the full extent.

Commissioner von Borstel agreed with Commissioner Blaufus and was supportive of a recommendation for rezone at R-18 rather than R-30.

Commissioner Adigweme agreed with both Commissioners Blaufus and Cavel. The option for higher density on the site doesn't necessarily mean that will occur. There will be further review in the process to address the critical areas. He was in favor of supporting the staff recommendation.

Commissioner Schulte supported the staff recommendation. The applicant appears to understand the property and its challenges and will size the development appropriately.

Vice Chair Pyle supported the staff recommendation, considering the surrounding area and existing infrastructure and neighboring commercial amenities. He also agreed with Commissioner Blaufus' assessment that the application seems somewhat incomplete.

Chair Ledell agreed with Commissioners Blaufus and Pyle and supported the staff recommendation.

Motion by Commissioner Cavel and seconded by Commissioner Schulte based on the October 24, 2023 public hearing discussion and staff report findings, the Planning Commission recommends that the City Council approve the Miller Comprehensive Plan and zoning map designation change as described from Urban Low Density/R-9 to Urban High Density/R-30.

Roll Call Vote

Commissioner von Borstel	No
Commissioner Adigweme	Yes
Commissioner Cavel	Yes
Commissioner Blaufus	No
Commissioner Schulte	Yes
Vice Chair Pyle	Yes
Chair Ledell	Yes

Motion carried 5-2.

Bryan Snodgrass presented the proposed Comprehensive Plan and Zone change located on E 18th Street (Datepark), zoning in the region, the conceptual site plan, and an analysis of the proposal.

The applicant, represented by Danielle Lewis, presented an overview of the proposal, planned development of the site, rehoming existing tenants, housing needs in the community, and community partners.

Public Testimony

No members of the public were present to provide testimony.

Commission Questions

- Benefits to reduce the parking ratio. The applicant responded it would be beneficial to require less parking and would allow for more green space. Staff also responded there are provisions in the code to reduce parking for affordable housing that will be considered during site plan review.
- Makeup of unit sizes in the existing structures. The applicant responded currently there are 12 two-bedroom townhomes, one studio, and two single family residences.
- Will there be units available between 50% and 80% AMI? The applicant responded the goal is to have more units close to 50% AMI, and they are currently applying for grants to lower the cost of more units.
- Differences between permanently supportive housing and very low-income housing. Staff responded the Datepark proposal is in the range of 50% to 80% AMI, as compared with very low income housing in the range of 0% to 30% AMI that often includes permanent supportive services.
- The City's AMI requirements for the City to co-sponsor an application. Staff responded the City requires at least 40% of the units to be affordable to people earning 60% AMI or below.

Motion by Commissioner Cavel and seconded by Vice Chair Pyle based on the October 24, 2023 public hearing discussion and staff report findings, the Planning Commission recommends that the City Council approve the Datepark zoning map designation change as described from Urban High Density/R-18 to Urban High Density/R-30.

Roll Call Vote

Commissioner von Borstel	Yes
Commissioner Adigweme	Yes

Commissioner Cavel	Yes
Commissioner Blaufus	Yes
Commissioner Schulte	Yes
Vice Chair Pyle	Yes
Chair Ledell	Yes

Motion carried unanimously.

Bryan Snodgrass presented the summarized proposed text changes, including a Comprehensive Plan text change in the Capital Facilities Plan (CFP), an update related to parks in the Comprehensive Plan, and twelve text changes in the zoning code, which is [Title 20](#) of the Vancouver Municipal Code.

Public Testimony

No members of the public were present to provide testimony. The City previously received comments from the Fircrest Neighborhood Association opposing the increased SEPA exemption threshold.

Commission Questions

- Regarding the changes to SEPA requirements, the difference between mid and large apartments. Staff responded for apartments, the existing exemption threshold is 20 units, and the proposed exemption threshold is 200 units, following state enabling legislation allowing for this change. For small single-family developments (lots smaller than 1500 square feet), it's a much smaller range (details in the staff report). Most apartment proposals in the City are smaller than 200 units, which means if the change is adopted most new multifamily developments would not be subject to SEPA review unless there are critical lands present. All development proposals are still subject to City standards regarding critical lands, archeology, etc.

Motion by Commissioner Cavel and seconded by Vice Chair Pyle based on the October 24, 2023 public hearing discussion and staff report findings, the Planning Commission recommends that the City Council approve the Comprehensive Plan and zoning map designation change as described.

Roll Call Vote

Commissioner von Borstel	Yes
Commissioner Adigweme	Yes
Commissioner Cavel	Yes
Commissioner Blaufus	Yes
Commissioner Schulte	Yes
Vice Chair Pyle	Yes
Chair Ledell	Yes

Motion carried unanimously.

WAREHOUSE CODE CHANGES

Chad Eiken, Director, Community Development Department

Chad Eiken presented the proposed amendments to VMC Title 20, including making warehouses greater than or equal to 250,000 square feet a limited use in Heavy Industrial (IH) District, reducing parking space requirements, decreasing maximum lot coverage, adding limited use/development standards for large warehouses, and adding climate action measures for large warehouses. Community outreach and

engagement included online information and meetings with interested stakeholders. The City issued a SEPA determination and has not receive any additional comments through that process. Council provided feedback during the October workshop and that feedback has been incorporated.

Public Testimony

Heidi Cody, representing Alliance for Community Engagement, expressed concern that the warehouse code changes are a missed opportunity to meaningfully reduce greenhouse gas emissions in keeping with the ambitious Climate Action Framework goals. The threshold of 250,000 square feet for considering warehouse code changes has had a determinative effect for all warehouses under that threshold. We find it problematic that a 249,999 square foot warehouse or smaller simply has no climate expectations to meet, considering that the City has a city-wide carbon-neutrality goal by 2040. We understand the Green Building/Policies Standards don't yet exist. But delaying climate measures for all warehouses under 250,000 sq. ft. until the Green Buildings Standards are established creates a policy gap that misses a decisive moment to curb greenhouse gas emissions. ACE suggests that the Planning Commission recommend that new buildings should NOT generate greenhouse gas emissions. ACE also recommends that the Planning Commission revise the warehouse size threshold and apply it to *groups of buildings that exceed 250,000 sq. ft. in a single development application*. Otherwise warehouse developers are likely to use this loophole to avoid climate measures the City should implement.

Michael Chen, representing Mackenzie Architecture, provided comments on the proposed changes. The architectural elements and design standards for industrial buildings are vague and will lead to confusion for developers and staff. The 60 foot high landscape buffer will have adverse impacts to the goal of highlighting the architectural elements of the buildings. Regarding the climate elements, they should be included as amendments to the IBC rather than in the zoning code.

Monica Zazueta advocated for meeting the needs of all people within the means of the planet, with a focus on balancing these needs. The proposal is a missed opportunity to meet the needs of all of the community.

Eric Olmstead spoke regarding safety concerns with truck traffic accessing warehouses on 162nd Avenue through residential areas. He requested adding requirements for freight access from warehouses to highways.

Staff responded to public testimony, agreeing that smaller warehouses are not impacted by the climate measures in the proposal. It is possible to have multiple buildings on a site that exceed 250,000 square feet and not trigger the requirements. The Port and business community are in favor of the single building policy as it is currently proposed. The architectural elements were left intentionally vague to allow for some flexibility in design. Regarding the concern for warehouses located adjacent to residential properties, this issue was one reason for the moratorium and, going forward, large warehouses would not be allowed in Light Industrial zones, which are typically located in closer proximity to housing and commercial services (than Heavy Industrial districts).

Commission Questions

- Impact of the Green Building Standards legislation. Staff responded these proposed standards won't apply to smaller warehouses, but the City is working to develop a green building policy that will likely apply to all new buildings in the City.
- Has staff considered a standard for contiguous properties with multiple smaller warehouses that would be subject to these standards?

- When the green building policy is adopted, is it likely these larger warehouse standards will be modified? Staff responded that there could be new or different green building standards that affect warehouses, but the proposed climate action development standards have a high likelihood of being included in the forthcoming green building standards.
- Freight traffic on Fruit Valley Road. Staff responded to the Port's suggestion that the ordinance not include the name of a specific road, but instead call out all "non-truck routes." Staff confirmed Fruit Valley Road is a designated freight route, and it is not the intent to prohibit all truck traffic on Fruit Valley Road, just truck traffic from any new warehouse larger than 250,000 square feet. Staff also stated that truck traffic is not the only impact that is intended to be mitigated by the proposed standards. A longer term plan could include a bypass to the west, and safety improvements to Fruit Valley Road.
- Timeline for the green building standards? Staff responded it will take about 18 months and will be reviewed and approved through the Building and Fire Commission and City Council.
- Will the new green building policies be more stringent than these interim standards for warehouses? Staff responded they will likely be more detailed and stringent. The current proposed standards for warehouses are intended to require certain features that make it easier for warehouses to adapt to green building technology and infrastructure.

Motion by Commissioner Cavel, seconded by Vice Chair Pyle, based on the October 24, 2023 public hearing discussion, the Planning Commission recommends that the City Council approve the warehouse code changes as described in the staff report and Exhibit B.

Roll Call Vote

Commissioner von Borstel	Yes
Commissioner Adigweme	Yes
Commissioner Cavel	Yes
Commissioner Blaufus	Yes
Commissioner Schulte	Yes
Vice Chair Pyle	Yes
Chair Ledell	Yes

The motion carried unanimously.

COMMUNICATIONS FROM CHAIR AND STAFF

There were no communication items from the Chair or staff.

ADJOURNMENT 11:02 P.M.

Marjorie Ledell, Chair

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



Staff Report: 208-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 11/20/2023

SUBJECT Ad Valorem Taxes for 2024

Key Points

- Approving ad valorem taxes authorizes the County Assessor to levy real and personal property taxes.
- City staff recommends approval of ad valorem taxes for 2024 in the amount of \$88.5 million in order to fund the 2023-2024 biennial budget. Of this, \$78.5 million is for General Fund purposes, and \$10 million is for the Affordable Housing Fund. The \$78.5 million for the General Fund includes the Proposition No. 2 Levy Lid Lift for Fire and Emergency Services and Facilities.

Strategic Plan Alignment

Not Applicable

Present Situation

Pursuant to RCW 35.33.135, Council must approve an ordinance to fix and authorize the Clark County Assessor's Office to levy ad valorem taxes necessary to fund the City of Vancouver's 2023-2024 Biennial Budget.

An ad valorem tax (Latin for "according to value") is defined as a tax based on the value of real estate or personal property. An ad valorem tax is typically imposed at the time of a transaction(s) (a sales tax or value-added tax (VAT)), but it may be imposed on an annual basis (real or personal property tax) or in connection with another significant event (i.e. inheritance tax).

Staff currently estimates the 2024 real and personal property tax levy as \$78.5 million, which includes a preliminary estimate of \$1,182,000 in property tax revenue from new construction. The estimate of property tax from new construction will be updated based on the final new construction valuation provided by the Assessor's Office. The estimate of property tax revenue does not include the change in value of state-assessed utility property. Both of these amounts will not be final until December 2023.

City staff recommends that Council approve ad valorem taxes in the amount of \$88.5 million, which is needed to fund the City's 2023-2024 biennial budget. Of the total, \$78.5 million is for General Fund purposes, and \$10 million is for the Affordable Housing Fund. Approving ad valorem taxes of \$88.5 million allows the County Assessor's Office to levy real and personal property taxes to the full extent allowed under Washington State law. Staff anticipates that the final certified levy will be between \$86.5 million and \$87 million in 2024. If Council authorizes the ad valorem tax amount too low, the County Assessor's Office will only be allowed to levy up to the amount authorized by Council.

Advantage(s)

Ad valorem taxes provide continued funding from the City's primary revenue source, which is necessary to fund the 2023-2024 Biennial Budget.

Disadvantage(s)

Ad valorem taxes increase; however, the increase is small and the specific impact on a property owner is dependent on the change in their assessed value.

Budget Impact

The amount of the ad valorem tax ordinance is included in the 2023-2024 Biennial Budget.

Prior Council Review

- 2023-2024 Biennial Budget Council Workshop – Budget Framework May 23, 2022
- 2023-2024 Biennial Budget Council Workshop – Overview on October 10, 2022
- 2023-2024 Biennial Budget Council Workshop – General Operating & Policy on October 17, 2022
- 2023-2024 Biennial Budget Council Workshop – General Operating & Capital on October 24, 2022
- 2023-2024 Biennial Budget Council Workshop – Budget Packet on November 2, 2020
- 2023-2024 Biennial Budget Ordinance – Council approved on November 21, 2022
- November 13, 2023 - First reading of Ordinance

Action Requested

On November 20, 2023, subject to second reading and a public hearing, approve the ordinance.

Anthony Glenn, Treasurer, 360-487-8493

ATTACHMENTS:

- ▢ Ad Valorem Taxes for 2024 Ordinance
- ▢ Tax Distribution by Component

11/13/2023
11/20/2023

ORDINANCE NO. _____

AN ORDINANCE fixing and levying the amount of ad valorem taxes necessary to balance estimated revenue with estimated expenditures for the 2023/2024 Budget for the City of Vancouver; providing for an effective date.

WHEREAS, registered voters who reside within the City of Vancouver approved Proposition No. 2 and authorized a permanent single-year levy lid lift on February 18, 2022 to be effective in 2023 for Fire and Emergency Services and Facilities.

WHEREAS, registered voters who reside within the City of Vancouver approved Proposition No. 3 and authorized an Affordable Housing Levy of \$10,000,000 per year for ten years beginning in 2024.

WHEREAS, the City Council finds that the total net amount of \$88,500,000 in revenue must be raised by ad valorem taxes on real and personal property within the corporate limits of the City of Vancouver to balance estimated revenues and expenditures for the 2023/2024 budget for the City of Vancouver.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. There is hereby fixed to be raised by general property taxes upon real and personal property within the City of Vancouver the amount of \$88,500,000, for the following purposes:

Amount of tax levy for	
General Government Purposes	\$78,500,000
Affordable Housing Levy	<u>\$10,000,000</u>
Total Levy Amount	\$88,500,000

Section 2. The City Clerk is directed to transmit and file a certified copy of this ordinance with the Board of Clark County Councilors and the Clark County Assessor following approval by City Council.

Section 3. This ordinance shall take effect five days after adoption.

SIGNED this _____ day of _____, 2023.

Anne McEnery-Ogle, Mayor

Attest:

Approved as to form:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney

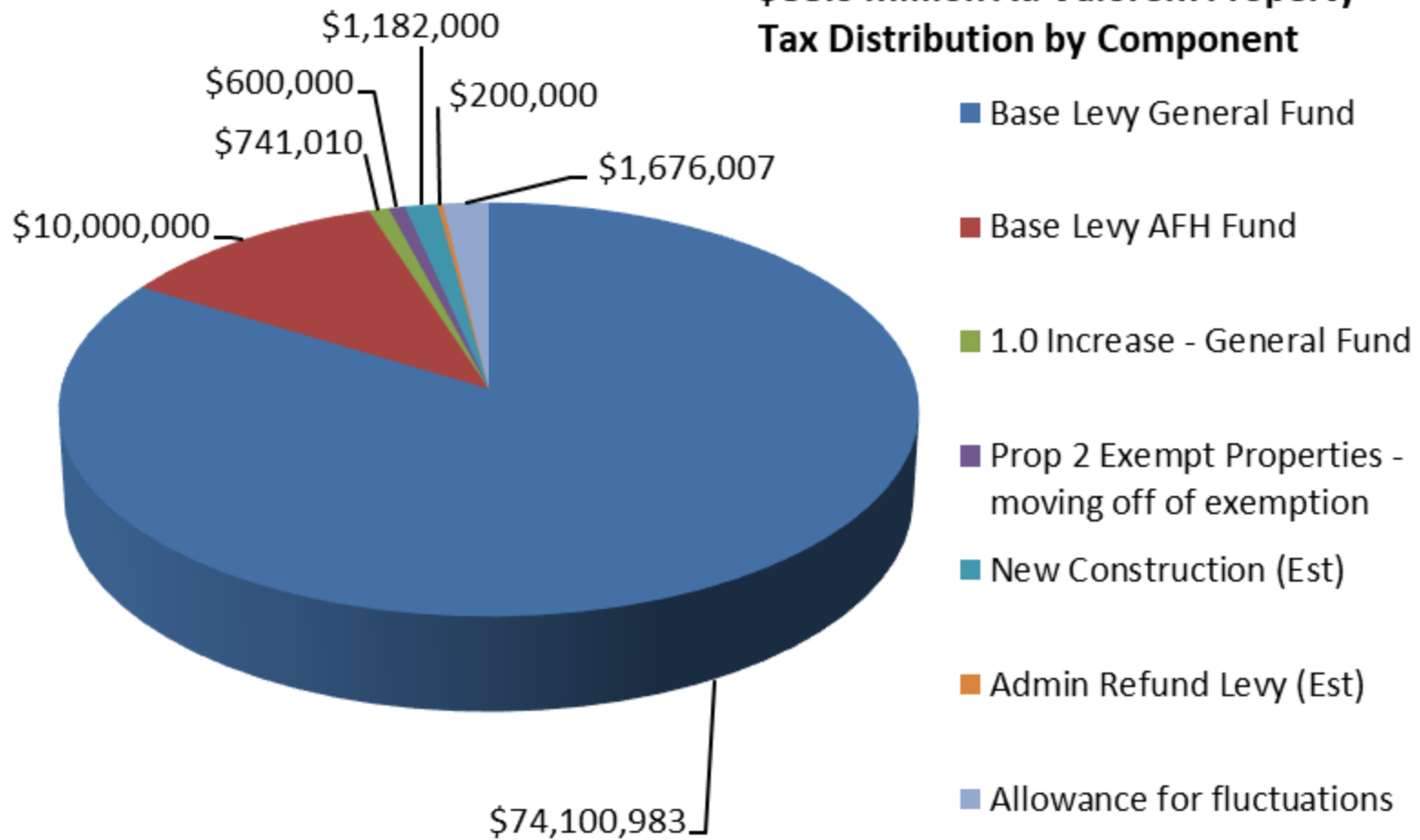
SUMMARY

ORDINANCE NO. _____

AN ORDINANCE fixing and levying the amount of ad valorem taxes necessary to balance estimated revenue with estimated expenditures for the 2023/2024 Budget for the City of Vancouver; providing for an effective date five days after adoption.

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

\$88.5 million Ad Valorem Property Tax Distribution by Component





Staff Report: 209-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 11/20/2023

SUBJECT Property Tax Levy for 2024

Key Points

- Property taxes make up the largest, single revenue source available to support essential City services.
- State law allows the City to annually increase the property tax levy no more than 1% or the rate of inflation calculated by the Implicit Price Deflator (IPD), whichever amount is less, for both the City's General Fund property tax levy and for the Affordable Housing Fund property tax levy.
- The IPD rate for 2024 levy calculations is 3.67 percent.
- Approval of a 1.0 percent increase would increase a city resident's property tax bill for the City's General Fund portion of taxes by \$8.52 per year for a home with an assessed valuation of \$495,000 assuming a 6.75% increase in assessed value of the property.
- This includes the Proposition No. 2 Levy LID Lift for Fire and Emergency Services and Facilities.
- The 2023/2024 budget relies on a 1.0 percent increase in 2024 property taxes to fund its basic services.

Strategic Plan Alignment

The recommended 2023-2024 biennial budget, which is substantially supported by the property tax levy, will advance multiple Strategic Plan goals and objectives.

Present Situation

On November 6, 2001, Washington voters approved Initiative 747 (I-747), which limits the allowable increase in the property tax levy to 1.0%, or the rate of inflation, whichever is less. The intent of the Initiative was reaffirmed by the Legislature in November 2007. The measure of inflation used under this law is the Implicit Price Deflator (IPD). The IPD inflation rate for 2024 levy calculations is 3.67%.

Staff recommends that City Council approve a 1.0% increase in the property tax levy, which is the

maximum increase allowed. Based on last year's General Fund levy of \$73,497,675.67, the increase will be \$734,976.76. Authorization of this increase requires a simple majority vote of City Council.

On February 8, 2022, registered voters who reside within the City of Vancouver approved Proposition No. 2 which permanently increased the property tax levy rate beginning in 2023. This money is dedicated to fire and emergency services and facilities and the 2023-2024 budget added expenditures consistent with Proposition 2.

Staff estimates that the City's General Fund property tax levy rate (inclusive of the Proposition No.2 Levy LID Lift) in 2024 will range between \$2.00 per \$1,000 of assessed value to \$2.10 per \$1,000 of assessed value, compared to the actual 2023 General Fund property tax levy rate of \$2.17 per \$1,000. The decrease in the property tax levy rate is attributed to assessed values in the City increasing by approximately 6.75% compared to the prior year. Because of the limit on property tax increases, as discussed above, the property tax levy rate declines as assessed value increases. The statutory cap for the City's levy rate is \$3.325 per \$1,000 of assessed value.

Example calculation of City Property Tax:

Assessed Value 2023 \$463,700	Levy Rate 2023 \$2.17 (per \$1,000 assessed value; General Fund Levy only)	2023 City Property Tax = \$1,006.23
Assessed Value 2024 \$495,000 (assumes assessed value increases 6.75%)	Estimated Levy Rate 2024 \$2.05 (per \$1,000 assessed value; General Fund Levy only)	2024 City Property Tax (hypothetical) = \$1,014.75
AV increases 6.75%	Levy Rate declines	Annual tax increase \$8.52 for this example taxpayer*

**If the assessed value of the resident's property as a percentage increased by less than 6.75%, the resident's annual taxes would be equal to or slightly less than the taxes paid to the city in 2023. If the assessed value of the resident's property increased by more than 6.75% from the previous year, the increase in the annual taxes would be slightly higher.*

Some community members may qualify for tax relief or qualify for a deferral program. To find out more information about this, residents should contact the Clark County Assessor's Office at 564-397-2391 or visit their website at <http://www.clark.wa.gov/assessor/taxrelief/index.html>.

In addition to the base levy, the City collects new property tax revenue based on the value of new construction added to the assessment rolls during the prior year. The revenue to the City is calculated using the assessed value of new construction multiplied by the prior year's levy rate. The value of new construction is still being finalized by the County Assessor's Office and includes the value of utility new construction provided to the County Assessor by the State. The most recent estimate from the County Assessor's Office indicates close to \$545 million of new construction, which translates into \$1,182,000 of additional City property tax revenue, which is slightly more than the \$1,165,000 received for new construction values for 2023 taxes. The City's ordinance states the percentage and dollar amount increase in the City's base property tax levy as required by RCW 84.55.120. The County Assessor will determine the levy amount for new construction based on their final calculations.

Advantage(s)

Continued funding will be available from the City's primary revenue source to pay the cost of essential City services.

Disadvantage(s)

The 1.0% increase would increase a city resident's property tax bill for the General Fund City portion of taxes by \$8.52 per year for a home with an assessed valuation of \$495,000 assuming the taxpayer's assessed value increased by 6.75%.

Budget Impact

There will be no impact on budget for the on-going annual property tax collections; the budget forecasted a 1.0% increase for the General Fund.

Prior Council Review

- 2023-2024 Biennial Budget Council Workshop – Budget Framework May 23, 2022
- 2023-2024 Biennial Budget Council Workshop – Overview on October 10, 2022
- 2023-2024 Biennial Budget Council Workshop – General Operating & Policy on October 17, 2022
- 2023-2024 Biennial Budget Council Workshop – General Operating & Capital on October 24, 2022
- 2023-2024 Biennial Budget Council Workshop – Budget Packet on November 2, 2020
- 2023-2024 Biennial Budget Ordinance – Council approved on November 21, 2022
- November 13, 2023 - First reading of Ordinance

Action Requested

On November 20, 2023, subject to second reading and a public hearing, approve the ordinance.

Anthony Glenn, Treasurer, 360-487-8493

ATTACHMENTS:

- Property Tax Levy for 2024 Ordinance

11/13/2023
11/20/2023

ORDINANCE NO. _____
(RCW 84.55.120)

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

WHEREAS, the City Council of the City of Vancouver has met and considered its budget for the calendar years 2023/2024; and,

WHEREAS, the City of Vancouver's actual levy amount for the General Fund from 2023 was \$73,497,675.67; and,

WHEREAS, the Implicit Price Deflator (IPD) rate released on September 25, 2023, is 3.67%, which is more than 1.0%. HB 2416 approved by the Washington State Legislature in 2007, limits the allowable increase to 1.0% or the IPD rate, whichever is lower; and

WHEREAS, the population of the City of Vancouver is more than 10,000.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. That an inflationary increase in the regular General Fund property tax levy is hereby authorized for the 2024 levy in the amount of \$734,976.76, which is a percentage increase of 1.0% from the previous year. This increase is exclusive of additional revenue

resulting from new construction, improvements to property, any increase in the value of state-assessed property, any annexations that have occurred and refunds made.

Section 2. That the City Clerk is directed to transmit and file a certified copy of this ordinance with the Board of Clark County Councilors and the Clark County Assessor following approval by City Council.

Section 3. That this ordinance shall go into effect five days after adoption.

SIGNED this _____ day of _____, 2023.

Anne McEnery-Ogle, Mayor

Attest:

Approved as to form:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. _____

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



Staff Report: 210-23

TO: Mayor and City Council

FROM: Eric Holmes, City Manager

DATE: 11/20/2023

SUBJECT Preservation Of Levy Capacity for Exempt Property for 2024

Key Points

- Proposition 2 was approved by the voters of the City on February 8, 2022, to authorize a permanent levy lid lift for Fire and Emergency Services and Facilities. This proposition exempted qualifying seniors, veterans, and others from paying the levy lid lift rate.
- State law allows the City to annually increase the property tax levy no more than 1% or the rate of inflation calculated by the Implicit Price Deflator (IPD), whichever amount is less, for both the City's General Fund property tax levy and for the Affordable Housing Fund property tax levy.
- The IPD rate for 2024 levy calculations is 3.67 percent.
- Approval of this ordinance will authorize the County Assessor to preserve future levy capacity on all properties within the City of Vancouver and allows the County Assessor to apply the limit factor to the property exempted from Proposition 2 when calculating the City's highest lawful levy rate.
- The limit factor increase of 1% equates to an increase of \$6,033.08.
- Qualifying seniors, veterans, and others will continue to be exempt from paying the tax rate associated with the levy lid lift.

Strategic Plan Alignment

Not Applicable

Present Situation

On February 8, 2022, the voters of the City approved Proposition 2 at a special election authorizing a permanent levy lid lift to fund fire and emergency services. Proposition 2 also provided that the property of qualifying seniors, veterans, and others would be exempt from paying the increased property tax rate associated with the levy lid lift, pursuant to RCW 84.36.

Annually, properties that qualify for the exemption allowed under RCW 84.36 will change. In order for the County Assessor's Office to calculate the highest lawful levy of all properties and include in

future years the properties exempt from the tax approved by Proposition 2, pursuant to RCW 84.55.092, Council must approve an ordinance to authorize the Clark County Assessor's Office to authorize a property tax increase against the property not subject to the levy lid lift when calculating the highest lawful levy and authorize the limit factor be applied to the excluded property, which in 2024 will be 1.0%. This preserves levy capacity for the overall highest lawful levy calculation and allows the County Assessor to include the limit factor on the properties that were excluded, if they move out of the exempt status.

Based on last year's General Fund levy for excluded properties of \$603,307.82, the 1.0% increase recommended by staff represents an increase of \$6,033.08.

Approval of this ordinance will protect future levy capacity by removing the adverse consequences to the City's future levy capacity resulting from the levy reduction authorized in Proposition 2.

Advantage(s)

This will preserve future levy capacity for exempt properties as they move out of the exempt status and will allow for the continued funding of essential City services.

Disadvantage(s)

N/A

Budget Impact

There will be no impact on budget for the on-going annual property tax collections; the budget forecasted a 1.0% increase for the General Fund.

Prior Council Review

- 2023-2024 Biennial Budget Council Workshop – Budget Framework May 23, 2022
- 2023-2024 Biennial Budget Council Workshop – Overview on October 10, 2022
- 2023-2024 Biennial Budget Council Workshop – General Operating & Policy on October 17, 2022
- 2023-2024 Biennial Budget Council Workshop – General Operating & Capital on October 24, 2022
- 2023-2024 Biennial Budget Council Workshop – Budget Packet on November 2, 2020
- 2023-2024 Biennial Budget Ordinance – Council approved on November 21, 2022
- November 13, 2023 - First reading of Ordinance

Action Requested

On November 20, 2023, subject to second reading and a public hearing, approve the ordinance.

Anthony Glenn, Treasurer, 360-487-8493

ATTACHMENTS:

- Preservation of Levy Capacity for Exempt Property for 2024 Ordinance

11/13/2023
11/20/2023

ORDINANCE NO. _____

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

WHEREAS, the City Council of the City of Vancouver has met and considered its budget for the calendar years 2023/2024; and

WHEREAS, the voters of the City approved Proposition 2 at a February 8, 2022 special election authorizing a permanent levy lid lift to fund fire and emergency services; and

WHEREAS, Proposition 2 provided that the property of qualifying seniors, veterans and others would be exempt, pursuant to Chapter 84.36 RCW (“excluded property”); and

WHEREAS, increases in regular property taxes imposed by the City are limited by RCW 84.55 so that the regular property tax levy of the City may increase from year to year by an amount equal to the “limit factor”, as defined in RCW 84.55.005, (plus increases permitted due to new construction and increases in value of state assessed property); and

WHEREAS, the Implicit Price Deflator (IPD) rate released on September 25, 2023, is 3.67%, which is more than the allowable increase of 1.0%, so that the allowable increase, pursuant to RCW Sections 84.55.005 and 84.55.010 for the City’s 2023 tax levy (2024 collection) is 1.01 (an increase in 1.0%) (the “Limit Factor”); and

WHEREAS, the City Council, by Ordinance No. ____, has authorized an increase in the regular General Fund levy in the amount \$734,976.76, which represents a Limit Factor increase of 1% over the previous year; and

WHEREAS for the purpose of protecting future levy capacity, the City proposes to include the \$603,307.82 in property that was excluded under Proposition 2 for the 2022 levy (collection in 2023) in the Limit Factor increase for the 2023 levy (collection in 2024) and for all future levy years, and proposes to increase the General Fund levy capacity associated with the exempt property in the amount of \$6,033.08, which represents a Limit Factor increase of 1% over the previous year. NOW THEREFORE,

BE IT BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. That, pursuant to RCW 84.55.120 and RCW 84.55.092, the City Council has authorized an increase in its tax levy capacity in an amount equal to the Limit Factor for the year 2023 levy (for collection in 2024), and requests and authorizes the Limit Factor to be applied with respect to all “excluded property,” resulting in an increase of the 2023 General Fund levy capacity (for collection in 2024) associated with the “excluded property” in the amount of \$6,033.08, which represents a Limit Factor increase of 1% over the previous year. City Council hereby further requests and authorizes the Limit Factor to be applied with respect to all “excluded property” in each year hereafter.

Section 2. That the City Clerk is directed to transmit and file a certified copy of this ordinance with the Board of Clark County Councilors and the Clark County Assessor following approval by City Council.

Section 3. That this ordinance shall go into effect five days after adoption.

Read first time:

SIGNED this _____ day of _____, 2023.

Anne McEnerny-Ogle, Mayor

Attest:

Approved as to form:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney

CERTIFICATE

I, the undersigned, Clerk of the City Council (the “Council”) of the City of Vancouver (herein called the “City”), DO HEREBY CERTIFY:

1. That the attached Ordinance No. _____ (herein called the “Ordinance”) is a true and correct copy of a Ordinance of the Council as adopted at a regular meeting of the Council held on _____, 2023, and duly recorded in my office.

2. That said meeting was duly convened and held in all respects in accordance with law, and to the extent required by law, due and proper notice of such meeting was given; that a legal quorum was present throughout the meeting and a legally sufficient number of members of the Council voted in the proper manner for the adoption of the Ordinance; that all other requirements and proceedings incident to the proper adoption of the Ordinance have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 2023.

City Clerk
City of Vancouver

SUMMARY

ORDINANCE NO. _____

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

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



MEMORANDUM

DATE: November 8, 2023

TO: Eric Holmes – City Manager
Lon Pluckhahn – Interim Public Works Director

FROM: Ryan Lopossa, P.E. – Streets & Transportation Manager

RE: **Fruit Valley Freight Access and Safety Improvement Project
Property Acquisition**

The City has been engaged in negotiations for the purchase of three parcels located at the north end of Fruit Valley Road near NE 61st Street and NW Whitney Road. The three parcels are illustrated below in Exhibit A.

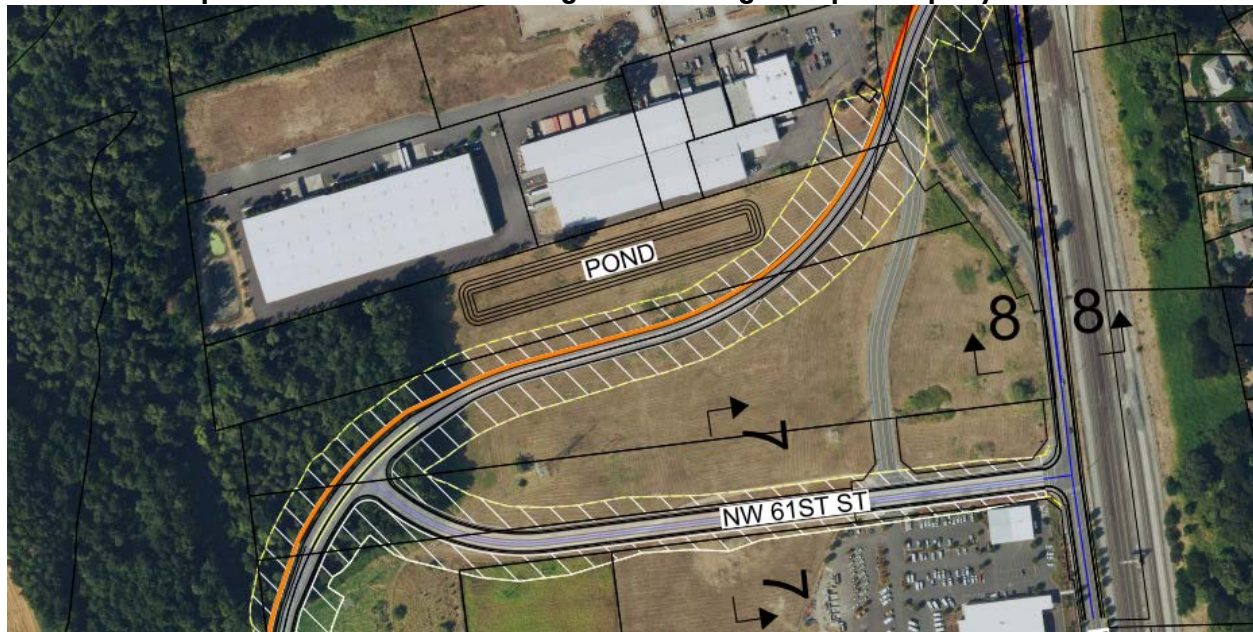
Exhibit A – Subject Property



The City's interest in acquiring these parcels has come because of the NW 32nd Avenue Freight Improvement Project, which has been retitled to the Fruit Valley Freight Access and Safety Improvement Project. The project envisions a new north-south freight corridor connecting NW 78th Street at the north end and Lower River Road at the south end. The project would provide a much-needed improved freight connection between Interstate 5 and the Port of Vancouver and

would reduce the amount of freight traffic on Fruit Valley Road through the Fruit Valley neighborhood, school, and park areas. A conceptual alignment, created in 2019 showed a portion of NW 32nd Avenue crossing through these three parcels. This alignment is depicted below in Exhibit B.

Exhibit B – Proposed NW 32nd Avenue Alignment through Subject Property



Further analysis conducted earlier this year has demonstrated the need for the City to re-evaluate the proposed alignment of NW 32nd Avenue. The current proposed alignment impacts many acres of City owned lands that are subject to conservation and environmental restrictions. Converting this much sensitive land over to a road purpose would require extensive mitigation and does not align with the City's Climate Action Framework. As such, further alignment analysis is contemplated in the coming years before any design work will commence on the project.

Although its likely that the NW 32nd Avenue alignment will not cross these subject parcels, acquiring these parcels benefits the City in several ways. The existing bridge that carries Fruit Valley Road over the BNSF rail line needs replacement and is included in any future NW 32nd Avenue project. Replacing this structure will require a contractor staging area that is near the bridge area. This property fits that need. In addition, a revised NW 32nd Avenue alignment will still likely have some impact on sensitive lands, requiring in-kind land mitigation for those impacts. This property would also fit that need. And finally, any property that is not permanently needed for uses related to NW 32nd Avenue can be developed in a manner that maximizes the City's needs.

A Purchase and Sale Agreement (PSA) is being developed between the City and the current property owners. A negotiated price of \$5,020,000 has been agreed upon between the City and the property owners and is reflected in the PSA. This amount is included in the current '23-24 biennial budget. The PSA is scheduled to be brought before City Council in December 2023.

Let me know if you have any questions. Thank you.