

City Council Meeting Agenda January 6, 2025

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

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

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

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

Testimony will be accepted in the following manner:

- **Written comments submitted in advance:** [Email comments to the City Council](#) until 12:00 p.m. January 6, 2025. Comments will be compiled and sent to the City Council and entered into the record.
- **In-person or remote testimony during the meeting:** Register in-person at City Hall. In-person registration is open until 6:30 p.m. on January 6, 2025. Instructions will be provided on-site. Register to testify online. Online registration is open until 12:00 p.m. on January 6, 2025.

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

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

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

Workshops: 5:15-6:00 p.m.

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

Waterfront Gateway Site Plan Update

(Approximately 45 minutes)

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

Council Dinner / Executive Session Re: Potential Litigation RCW 42.30.110 (1)(i)(iii) (30 Min)

Regular Council Meeting

6:30 PM

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

Pledge of Allegiance

Call to Order and Roll Call

Approval of Minutes

Minutes - December 16, 2024

Proclamations

National Human Trafficking Awareness Month

Community Communication

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

Consent Agenda

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

1. Professional Services Agreement - Columbia River Mental Health Mobile Medication Assisted Treatment Program

Staff Report: 001-25

Request: On Monday, January 6, 2025, approve the Professional Service Agreement with Columbia River Mental Health for the establishment and operation of a Mobile Medication Assisted Treatment/Opioid Treatment Program (MAT/OTP).

Jamie Spinelli, Homeless Response Manager, jamie.spinelli@cityofvancouver.us

2. Memorandum of Agreement - Vancouver Farmers Market Association and the City of Vancouver

Staff Report: 002-25

Request: On Monday, January 6, 2025, authorize the City Manager, or designee, to sign a Memorandum of Agreement with the Vancouver Farmer's Market for use of portions of Esther and 8th Streets for operation of the Market for 2025-2029.

Chris Harder, Deputy Economic Development Director ,
chris.harder@cityofvancouver.us

3. Resolution for the Adoption of the Grants from Public, Educational, and Governmental Capital Support Repair and Replacement Fund

A Resolution delegating authority for allocating funds for Public, Educational, and Governmental access equipment repair and replacement, and establishing a process for such allocations.

Staff Report: 003-25

Request: On Monday, January 6, 2025, adopt the Public, Educational, and Governmental (PEG) capital repair and replacement resolution.

Kerry Peck, Administrative Assistant, Kerry.Peck@cityofvancouver.us

4. Resolution for the Approval of Vancouver Housing Authority Bond for Fourth Plain Commons

A RESOLUTION providing approval, solely for purposes of section 147(f) of the Internal Revenue Code, of the issuance of revenue obligations by the Housing Authority of the City of Vancouver in the principal amount of not to exceed \$12,250,000, to refinance the existing Fourth Plain Commons multifamily housing project that provides 106 units of housing for low-income persons.

Staff Report: 004-25

Request: On Monday, January 6, 2025, approve the resolution indicating the City's approval of the issuance of the bond for the project.

Samantha Whitley, Housing Programs Manager,
samantha.whitley@cityofvancouver.us

5. Ordinance Establishing a Construction Sales Tax Deferral Program

AN ORDINANCE adopting a Construction Sales and Use Tax Deferral Program under chapter 82.92 RCW; enacting new section VMC 5.98.070; and providing for severability and an effective date.

Staff Report: 005-25

Request: On Monday, January 6, 2025, advance the ordinance for the creation of a new affordable housing incentive program, setting a second reading and public hearing on January 13, 2025.

Bryan Monroe, Associate Housing Project Coordinator, Patrick Quinton, Economic Development Director, bryan.monroe@cityofvancouver.us,
patrick.quinton@cityofvancouver.us

6. Condemnation Ordinance

AN ORDINANCE relating to redevelopment of the Heights District, transportation and streets and sidewalks, public plazas, public parks and associated public uses; declaring the public necessity for and providing for the acquisition by the City of Vancouver by eminent domain of a portion of an easement across real property located at 5411 E Mill Plain Blvd, Vancouver, WA 98661, for purposes of constructing street improvements, public plazas, and other

redevelopment within the City of Vancouver, Washington; authorizing the City Attorney to prosecute eminent domain proceedings and to stipulate in mitigation of damages; providing for payment for such easement; and providing for an immediate effective date.

Staff Report: 006-25

Request: On Monday, January 6, 2025, advance the ordinance to acquire by eminent domain a portion of an easement across real property located at 5411 E Mill Plain Blvd for the purposes of constructing public improvements related to the redevelopment of the Heights District, subject to second reading and public hearing on January 13, 2025.

Amy Stewart, Real Estate Project Manager, Sara Baynard-Cooke, Assistant City Attorney, amy.stewart@cityofvancouver.us, Sara.Baynard-Cooke@cityofvancouver.us

7. City Center Redevelopment Authority Board Appointment

Request: On Monday, January 6, 2025, reappoint Kenneth Anderton and Allison Reynolds to full-term positions on the City Center Redevelopment Authority Board, with a term beginning January 1, 2025, and expiring December 31, 2028.

Council Subcommittee 2

8. Culture, Arts and Heritage Commission Appointment

Request: On Monday, January 6, 2025, reappoint Brad Richardson and Rebecca Percival to full-term positions on the Culture, Arts and Heritage Commission effective January 1, 2025, and expiring December 31, 2027.

Council Subcommittee 1

9. Downtown Redevelopment Authority Appointment

Request: On Monday, January 6, 2025, reappoint Tom Donovan to a full-term position on the Downtown Redevelopment Authority Board, with a term beginning January 1, 2025, and expiring December 31, 2028.

Council Subcommittee 1

10. Telecommunications Commission Appointment

Request: On Monday, January 6, 2025, reappoint Douglas Green to a full-term position on the Telecommunications Commission, with a term beginning January 1, 2025, and expiring December 31, 2028.

Mayor Anne McEnerny-Ogle

11. Transportation and Mobility Commission Appointment

Request: On Monday, January 6, 2025, appoint Michael Moore to a full-term appointment to a position which represents the disabled community, with a term beginning January 1, 2025, and expiring December 31, 2027, appoint David McCune to a midterm position

that represents neighborhood associations, with a term beginning January 1, 2025, and expiring December 31, 2025, reappoint Zachary Gattton to a full-term freight expertise position that would begin January 1, 2025, and expire December 31, 2027, appoint Isaac Hamann to a youth position that would begin January 1, 2025, and expire December 31, 2025, and reappoint Ken Williams to the full-term walking position with a term beginning January 1, 2025, and expiring December 31, 2027.

Subcommittee 1 and Subcommittee 2

12. Approval of Claim Vouchers

Request: Approve claim vouchers for January 6, 2025.

Public Hearings

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

13. Proposed Initiated Ordinance

Staff Report: 007-25

Request: The initiative petition proposed by Save Our Streets is contrary to the general laws of the state of Washington and the Vancouver City Charter and is thus illegal. Under Washington law, it cannot be placed on the ballot for electoral consideration. Therefore, Council is requested to take no action on the initiative petition.

Lon Pluckhahn, City Manager, lon.pluckhahn@cityofvancouver.us

Communications

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

Adjournment

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

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



Waterfront Gateway Site Plan Update

Chim Chune Ko – Real Estate Project Manager, EP&H

January 6, 2025

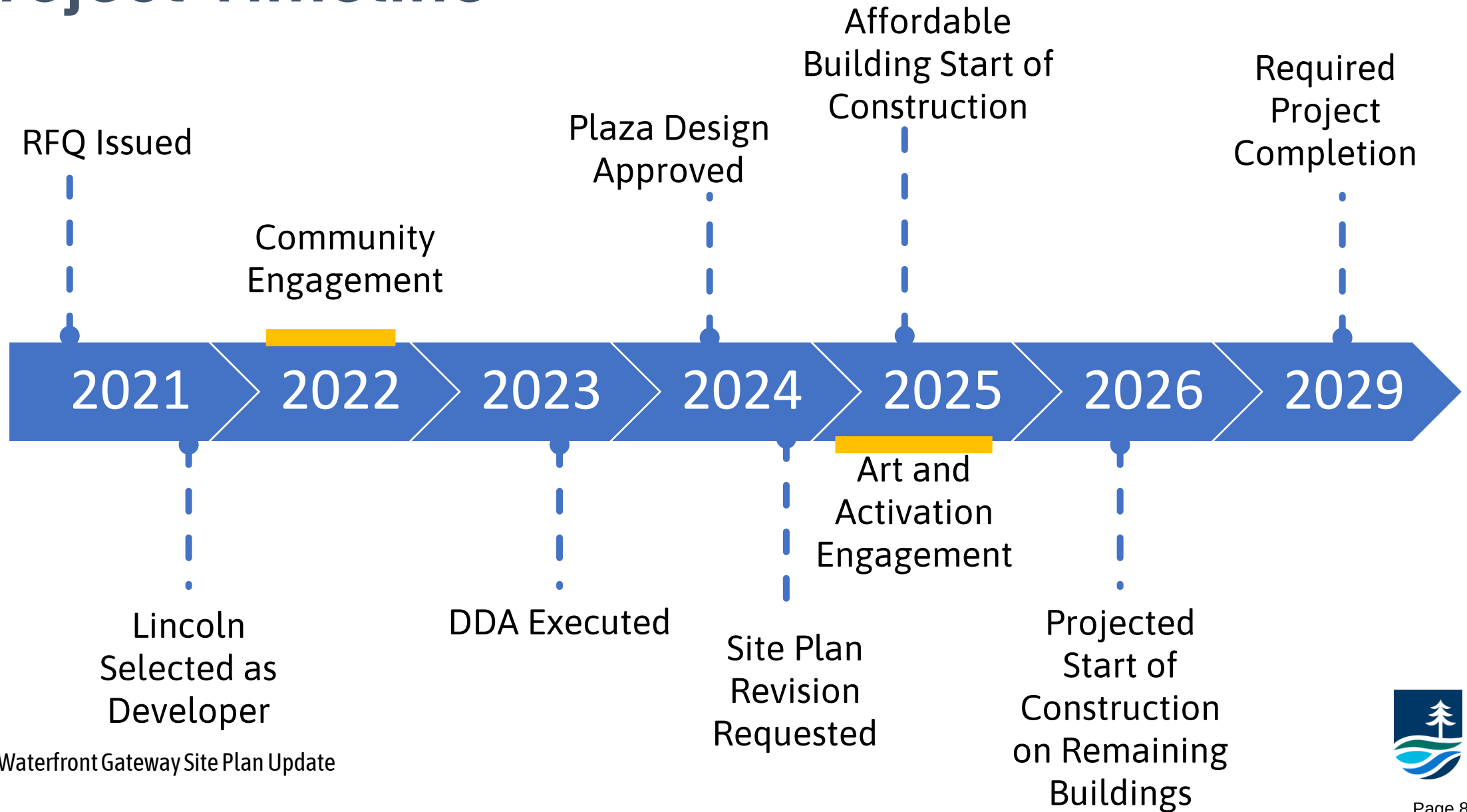


Agenda

- Project Timeline
- Waterfront Gateway Update
- Proposed Site Plan Changes
- Office Market Update
- Downtown Office Capacity
- Next Steps
- Discussion



Project Timeline



Plaza Update

- Staff partnering with NAYA on an engagement plan to determine community priorities for public art and cultural amenities
- Estimated timeline
 - Q4 2025 Complete public engagement
 - Q2 2026 – Complete design and construction drawings
 - Q4 2026 – Complete contractor selection and contracting
 - Q1 2027 – Start Construction



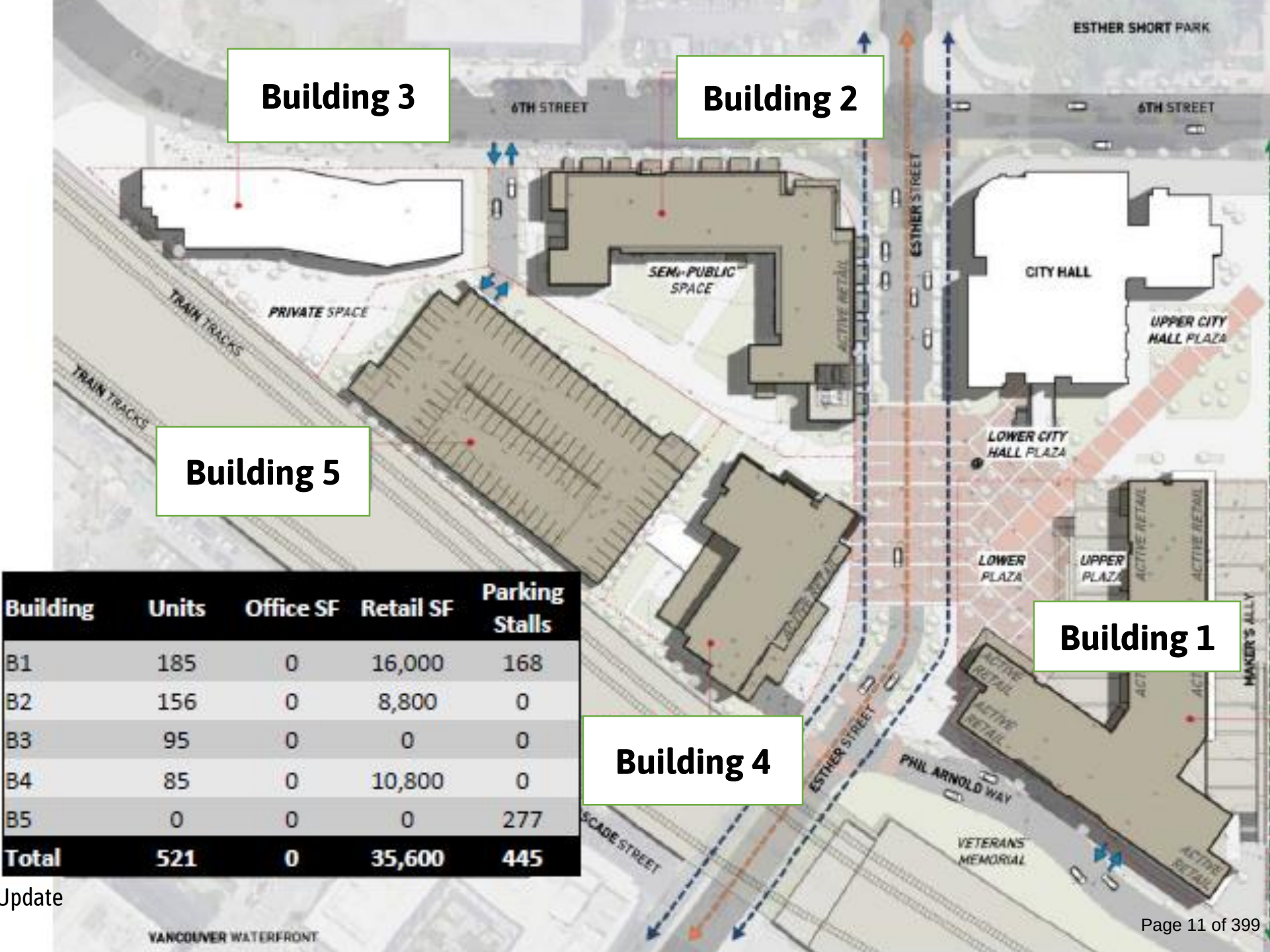
Affordable Housing Project Update

- Building plans are being reviewed by permitting
- Finalizing funding sources and agreements and the purchase and sale agreements
- Estimated construction start in April 2025



Proposed Site Plan Change

- Replace office building with 85-unit residential building (Building 4)



Building	Units	Office SF	Retail SF	Parking Stalls
B1	185	0	16,000	168
B2	156	0	8,800	0
B3	95	0	0	0
B4	85	0	10,800	0
B5	0	0	0	277
Total	521	0	35,600	445

Proposed Change in Project Program

40% Increase in Residential Units

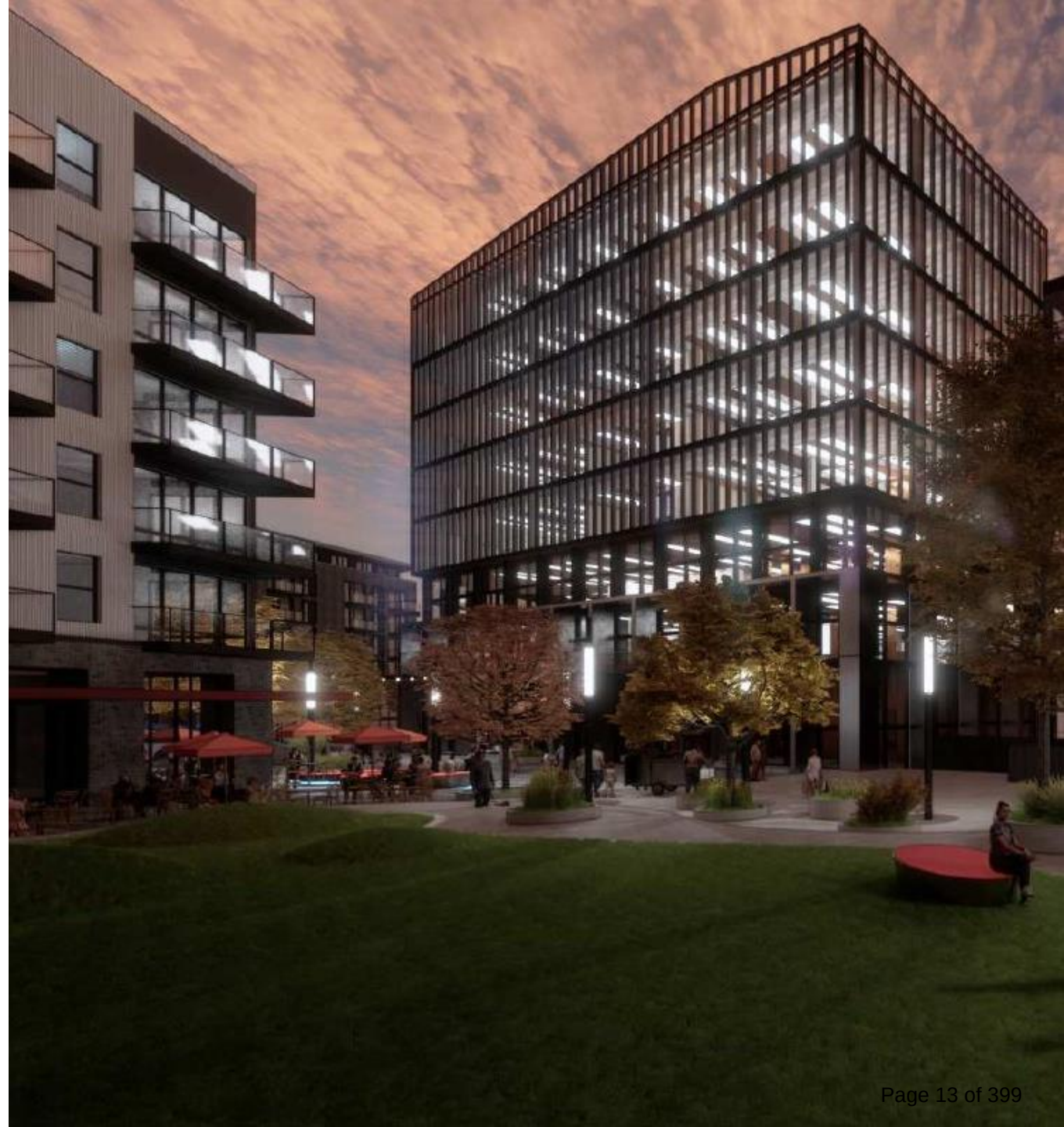
	Previous Plan				Updated Plan			
	Units	Office*	Retail*	Parking	Units	Office*	Retail*	Parking
Building 1	155	0	22,000	152	185	0	16,000	168
Building 2	125	0	5,800		156	0	8,800	
Building 3	95	0	0		95	0	0	
Building 4	0	110,000	6,600		85	0	10,800	
Building 5	0		3,200	436	0	0	0	277
TOTAL	375	110,000	37,600	588	521	0	35,600	445
Difference					+146	-110,000	-2,000	-143

*in square feet



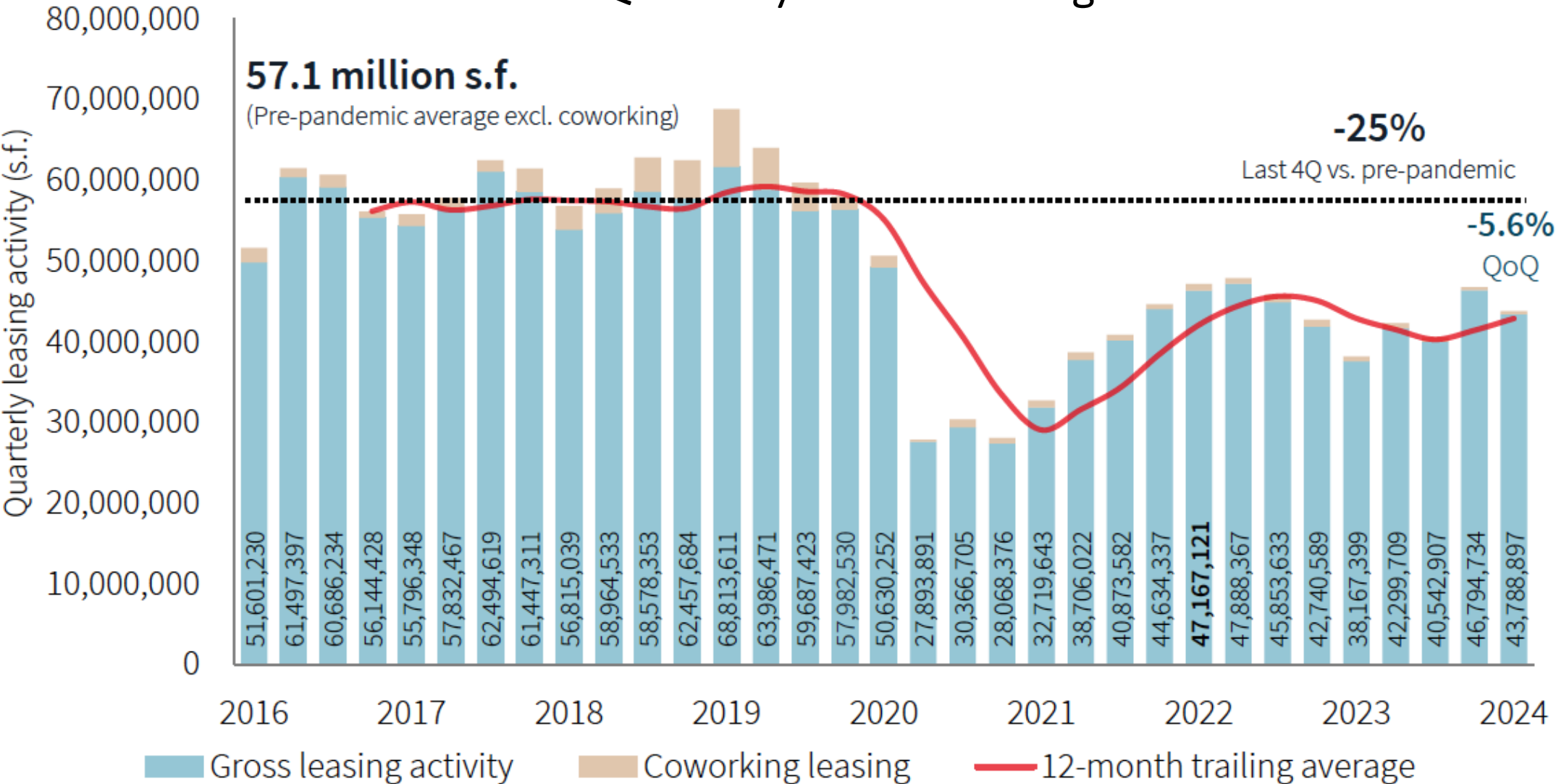
Project Challenges

- No demand and lack of financing for new office buildings
- Increased shared parking costs and underutilization of site hinders access to financing
- Uncertain financing makes overall project timeline unpredictable



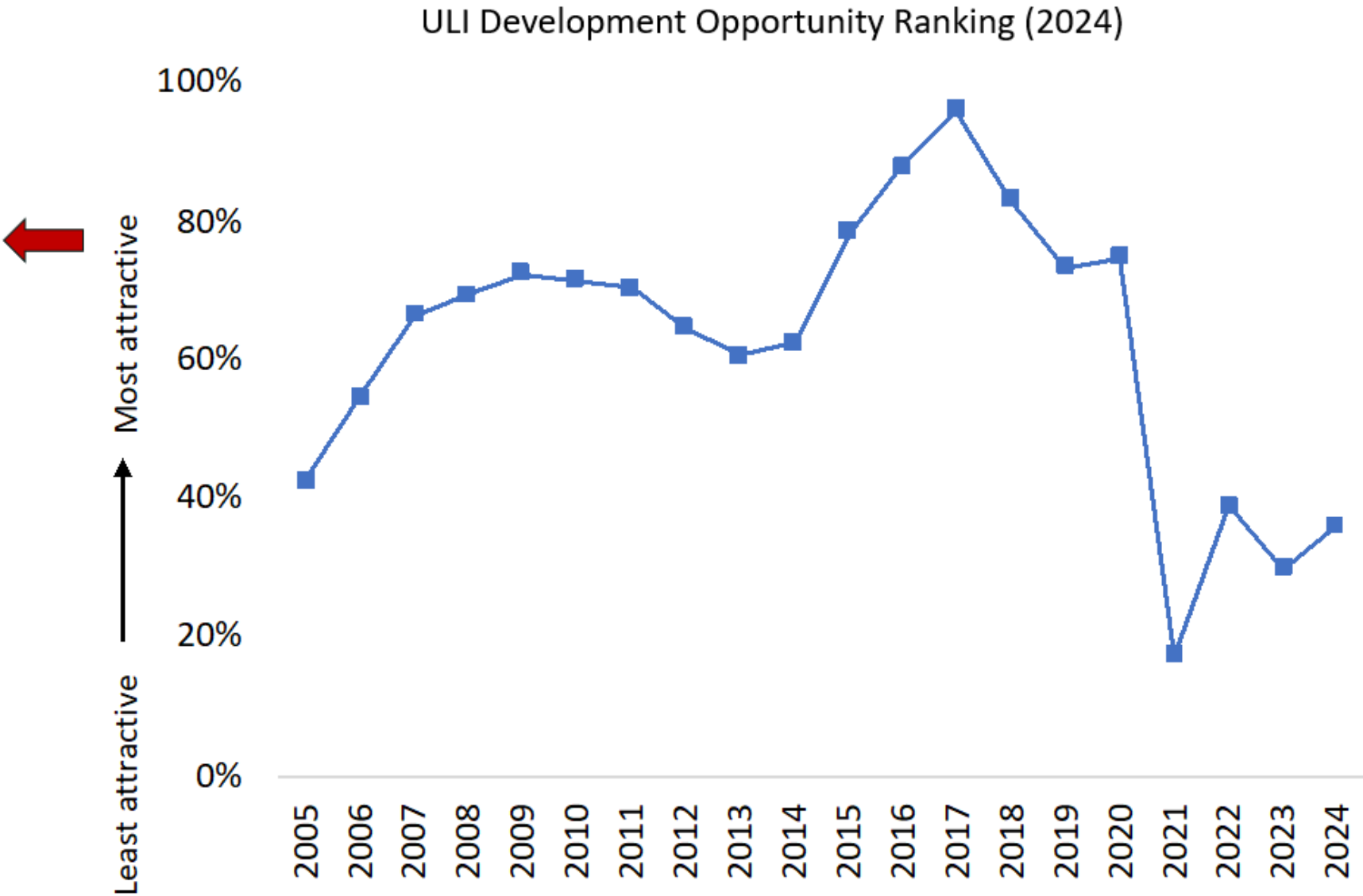
Uncertain Future of Office Market

National Quarterly Office Leasing Volume



National Perception of Region Limits Financing

1 Nashville	41 Boise
2 Phoenix	42 Pittsburgh
3 Dallas/Fort Worth	43 Norfolk
4 Atlanta	44 Cape Coral/Fort Myers/Naples
5 Austin	45 Washington, DC-MD suburbs
6 San Diego	46 Jersey City
7 Boston	47 Sacramento
8 San Antonio	48 St. Louis
9 Raleigh/Durham	49 Greenville, SC
10 Seattle	50 Baltimore
11 Houston	51 Portland, OR
12 Denver	52 Westchester, NY/Fairfield, CT
13 Charlotte	53 Columbus
14 Miami	54 San Francisco
15 Northern New Jersey	55 Birmingham
16 Washington, DC-Northern VA	56 Memphis
17 Los Angeles	57 Charleston
18 Tampa/St. Petersburg	58 Tacoma
19 Orlando	59 Tallahassee
20 Las Vegas	60 Cleveland
21 Fort Lauderdale	61 Knoxville
22 Indianapolis	62 Milwaukee
23 Washington, DC-District	63 Louisville
24 Orange County	64 Omaha
25 Inland Empire	65 Oklahoma City
26 Minneapolis/St. Paul	66 Cincinnati
27 Philadelphia	67 New Orleans
28 Brooklyn	68 Chattanooga
29 Chicago	69 Des Moines
30 Salt Lake City	70 Providence, RI
31 Manhattan	71 Honolulu
32 Richmond	72 Deltona/Daytona
33 San Jose	73 Buffalo
34 Kansas City	74 Portland, ME
35 Palm Beach	75 Albuquerque
36 Jacksonville	76 Tucson
37 NYC Other	77 Spokane, WA/Coeur d'Alene, ID
38 Long Island	78 Gainesville
39 Detroit	79 Madison
40 Oakland/East Bay	80 Hartford



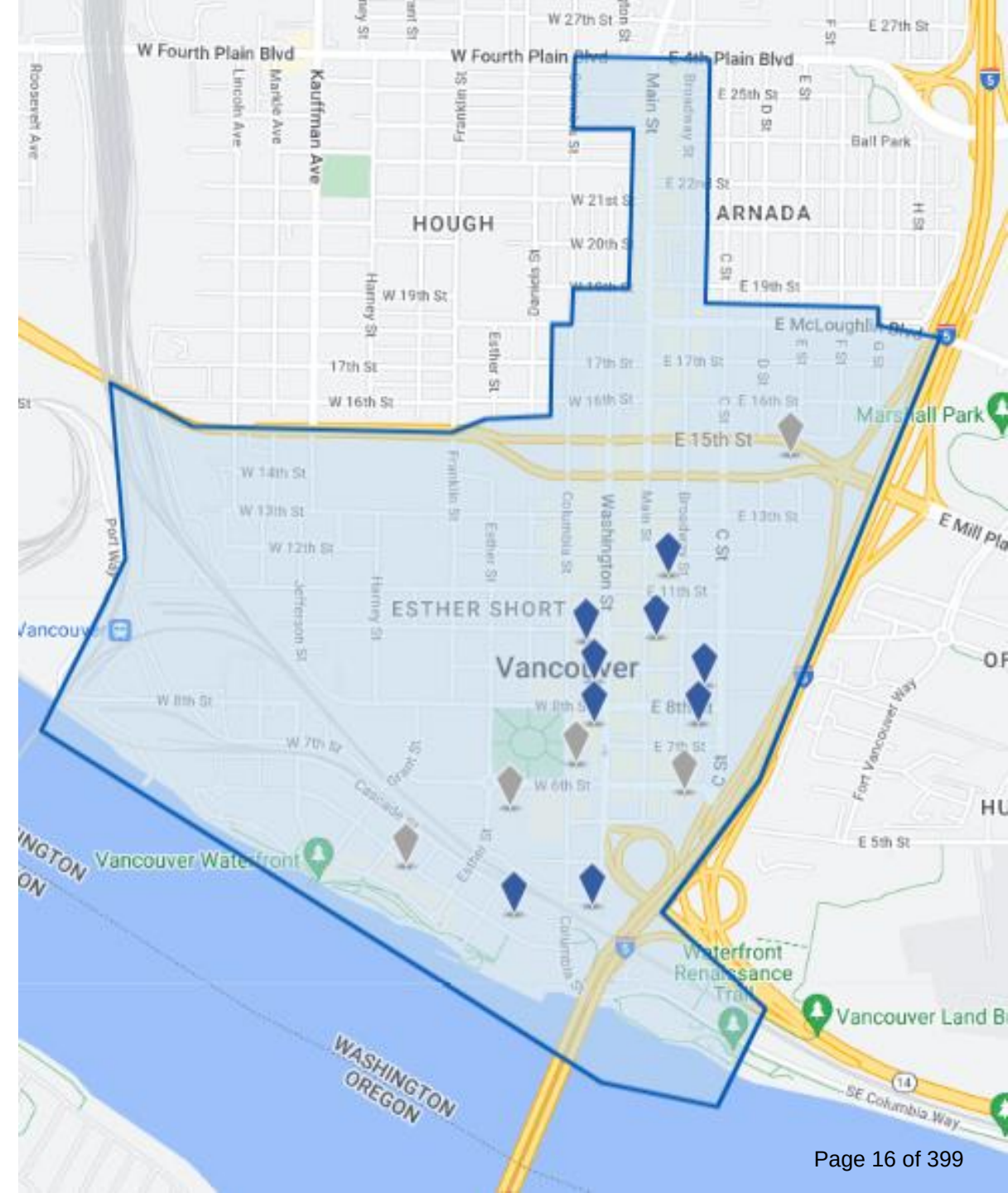
Existing Office Inventory

Total Office Stock

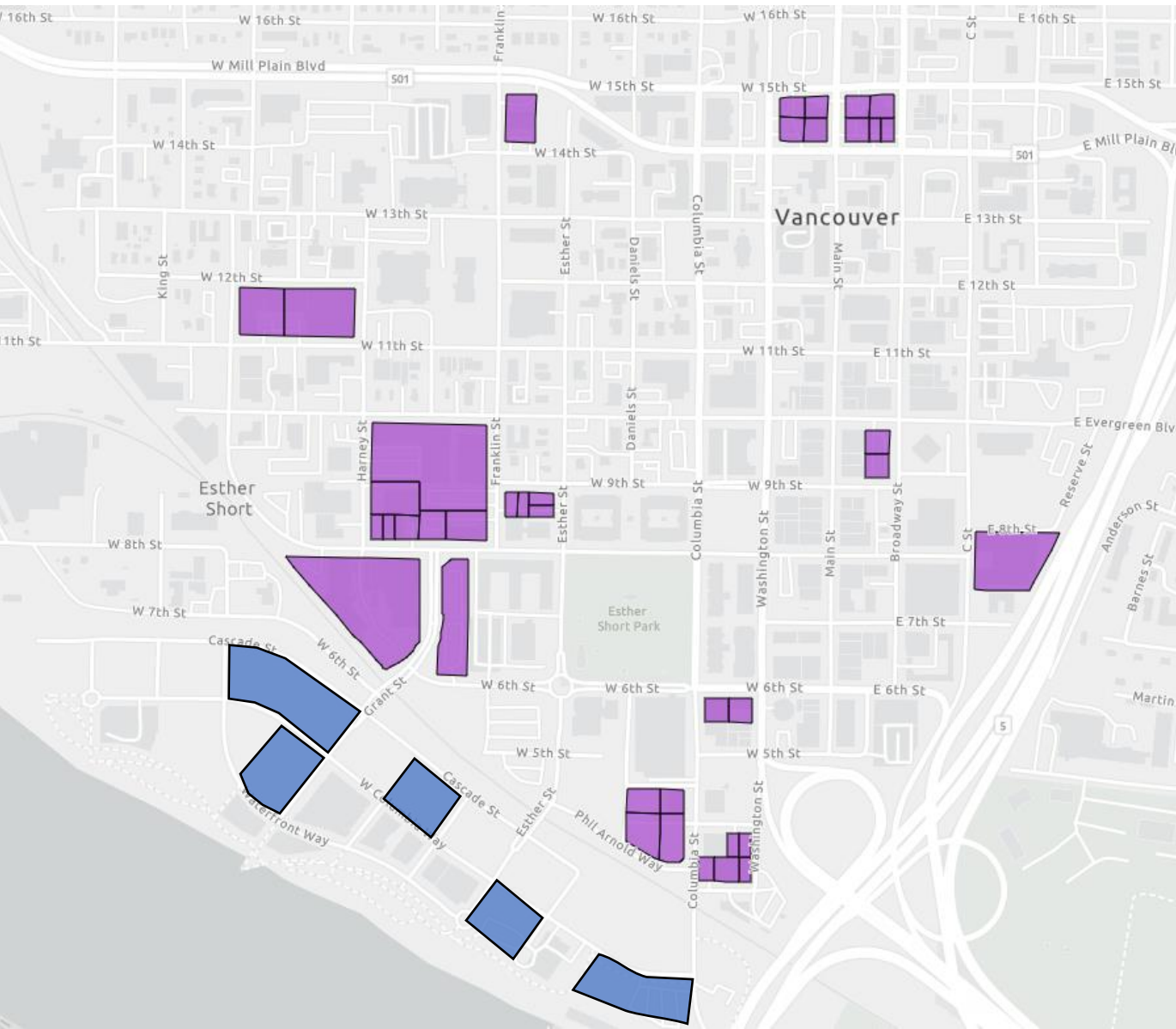
- 3.5M SF of inventory
- 12.9% available (6.4% vacant)
- 8.5% Cap rate

Class A Only (map showing locations)

- 1.6M SF of inventory (45.7% of total)
- 19.1% available (5.2% vacant)
- 8.6% Cap rate



Potential Downtown & Waterfront Office Sites



- Approximately 1.15M SF (26.5 Acres)
- Can support:
 - 3.65M SF of additional office space
 - 14.6K new jobs
- Waterfront sites = 650,000 SF of potential new office space and 2,600 new jobs

 Downtown

 Waterfront

*Assumes new Zoominfo building density (FAR of 3.5)



Considerations

Pros

- Project can obtain financing and start construction in 2026
- More certainty for site activation and other project elements (e.g., City Hall Plaza)
- Additional housing supply to meet City's housing goal and density to support downtown retail

Cons

- Significant change from RFQ response and rationale for developer selection
- More concentration of residential development near Waterfront and City Hall
- Loss of opportunity to add job creating activity on site



Proposed Next Steps

- CCRA and staff would negotiate necessary changes to the DDA to accommodate the change in uses
- The revised DDA be brought to Council for approval at a future date





Discussion

- Does Council support the proposed site plan and program change?
- What additional information should the project team provide prior to requesting Council action on necessary changes to the Disposition and Development Agreement?

December 16, 2024

Workshops: 5:00 -5:30 p.m.

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

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

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

https://www.cvtv.org/vid_link/36981?startStreamAt=0&stopStreamAt=2058

Green Building Program Update

(Approximately 30 minutes)

Rebecca Small, Senior Policy Analyst, rebecca.small@cityofvancouver.us

Staff led Council through a discussion of the Green Building Program Update.

Council Dinner / Executive Session Re: Potential Litigation RCW 42.30.110 (1)(i)(iii) (approximately 30 minutes)

Mayor McEnerny-Ogle announced the Council would be entering into executive session from 5:41-6:11 p.m. to discuss Potential Litigation.

Regular Council Meeting

6:30 PM

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

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

Agenda items and under the Community Forum were also facilitated in person and via the GoToMeeting conference call.

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

https://www.cvtv.org/vid_link/36983?startStreamAt=0&stopStreamAt=9003

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

Pledge of Allegiance

Call to Order and Roll Call

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

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

Absent: None

Approval of Minutes

Minutes - November 22, 2024

Motion by Councilmember Hansen, seconded by Councilmember Stober, and Yes: 6, No: 0, Abstaining: 1, to approve the meeting minutes of November 22, 2024. Absent from vote: Councilmember Paulsen.

Minutes - November 25, 2024

Motion by Councilmember Hansen, seconded by Councilmember Fox, and Yes: 5, No: 0, Abstaining: 2, to approve the meeting minutes of November 25, 2024. Absent from vote: Councilmembers Paulsen and Harless.

Minutes - December 2, 2024

Motion by Councilmember Paulsen, seconded by Councilmember Perez, and Yes: 6, No: 0, Abstaining: 1, to approve the meeting minutes of December 2, 2024. Absent from vote: Councilmember Harless.

Minutes - December 9, 2024

Motion by Councilmember Paulsen, seconded by Councilmember Stober, and Yes: 7, No: 0, Abstaining: 0, to approve the meeting minutes of December 9, 2024.

Proclamations

Community Service Week

Mayor McEnerny-Ogle read and presented a proclamation to Elijah Olin, President of the Student Service Corps, proclaiming November 30, 2024, as Community Service Week.

Homeless Persons' Memorial

Mayor McEnerny-Ogle read and presented a proclamation to Jamie Spinelli, Homeless Response Manager for the City of Vancouver, proclaiming December 21, 2024, as Homeless Persons' Memorial Day.

Community Communication

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

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

- *Kimberlee Goheen Elbon, La Center, WA*
- *Cathryn Chudy, Vancouver*
- *Carmen DeLeon, Vancouver*
- *Kathy Stanley, Vancouver*
- *Mark Stanley, Vancouver*
- *Ty Stanley, Vancouver*
- *Katie Lehner, Vancouver*
- *Shannon Stamps, Vancouver*
- *Jason Paggett, Vancouver*
- *Steve Herman, Vancouver*
- *Matthew Trevino, Vancouver*
- *Ren Autrey, Vancouver*
- *Monica Zazueta, Vancouver*

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

Consent Agenda

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

Council pulled items 2, 8, 9, 12, and 13 for discussion.

Motion by Councilmember Stober, seconded by Councilmember Hansen, and Yes: 7, No: 0, Abstaining: 0, to approve items 1, 3-7, 10, 11, 14-16 on the Consent Agenda.

Motion by Councilmember Stober, seconded by Councilmember Perez, and Yes: 7, No: 0, Abstaining: 0, to approve item 2 on the Consent Agenda.

Motion by Councilmember Stober, seconded by Councilmember Paulsen, and Yes: 7, No: 0, Abstaining: 0, to approve item 8 on the Consent Agenda.

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

Motion by Councilmember Fox, seconded by Councilmember Paulsen, and Yes: 7, No: 0, Abstaining: 0, to approve item 12 on the Consent Agenda.

Motion by Councilmember Fox, seconded by Councilmember Paulsen, and Yes: 7, No: 0, Abstaining: 0, to approve item 13 on the Consent Agenda.

1. Bid Award - Office Furniture and Design Services - C-101822

Staff Report: 260-24

Request: Approve the attached contract for office furniture and design services to HMI Oregon Dealership, Inc. (d/b/a Pacific WRO) for a five-year period beginning 1/1/2025.

Linda Carlson, Property Management Specialist,
linda.carlson@cityofvancouver.us

Motion approved the request.

2. Bid Award - Agreement Between the City of Vancouver and Scott Edwards Architecture for Architectural Services for the Bridge Shelter - C-101824

Staff Report: 261-24

Request: Professional Services Contract approval

John Kearns, Capital Projects Project Manager,
Kevin.Kearns@cityofvancouver.us

Motion approved the request.

3. Contract Increase - Houston-Galveston Area Council AM10-23 for Purchase of Ambulance, EMS, and Other Special Services Vehicles - C-101461

Staff Report: 262-24

Request: Approve an increase in the contract threshold from \$300,000 to \$400,000 to accommodate the construction of one mobile command unit for Police for crime scene negotiations.

Jacob Mahan, Senior Management Analyst,
jacob.mahan@cityofvancouver.us

Motion approved the request.

4. Contract Amendment - Fourth Plain Commons Operator - C-101345

Staff Report: 263-24

Request: Approve contract amendment for the Fourth Plain Commons Operator Contract C-101345 to extend the term through December 31, 2026.

Shannon Williams, Senior Planner,
shannon.williams@cityofvancouver.us

Motion approved the request.

5. Contract Amendment - Thrive2Survive Service Provider 2025 Contract Renewal - C-101457

Staff Report: 264-24

Request: On Monday, December 16, 2024, approve the 2025 amendment for Thrive 2 Survive as the Service Provider at Safe Park for a second year.

Jamie Spinelli, Homeless Response Manager,
jamie.spinelli@cityofvancouver.us

Motion approved the request.

6. Contract Amendment- Professional Services Agreement for Community Court Services- C-20241212

Staff Report: 271-24

Request: On Monday, December 16, 2024, approve a Second Amendment to the Professional Services Contract for Community Court Services to extend the term through December 31, 2028.

Jamie Spinelli, Homeless Response Manager,
jamie.spinelli@cityofvancouver.us

Motion approved the request.

7. Lease Agreement - 2025 Fixed Base Operator

Staff Report: 265-24

Request: Authorize the City Manager, or designee, to sign a new lease agreement with Aero Maintenance Inc. for the use of facilities at Pearson Field Airport.

Meredith Fox, Airport Manager, meredith.fox@cityofvancouver.us

Motion approved the request.

8. Approval of Real Property Purchase and Sale Agreement for 5313 NE 94th Avenue

Staff Report: 266-24

Request: Approve the real property purchase and sale agreement for the property at 5313 NE 94th Avenue in substantially the form attached with the intention of siting the bridge shelter at that location. Direct and authorize the City Manager, or designee, to waive administrative City of Vancouver land use development and building permit fees for design and construction of a bridge shelter at this site.

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

Motion approved the request.

9. Ratification of Emergency Order 2024-01

A RESOLUTION ratifying Emergency Order No. 2024-01, issued by the Vancouver City Manager on December 12, 2024.

Staff Report: 272-24

Request: Adopt a resolution ratifying Emergency Order 2024-01.

Jamie Spinelli, Homeless Response Manager,
jamie.spinelli@cityofvancouver.us

Motion adopted Resolution M-4314 to approve the request.

10. 2025 Public, Educational and Governmental Grants

A RESOLUTION relating to cable television and to the award of Public, Educational and Governmental (“PEG”) capital contribution funds to The Vancouver Educational Telecommunications Consortium (“TV ETC”) and Clark Vancouver Television (“CVTV”) respectively, the designated educational and government access providers for the City of Vancouver.

Staff Report: 267-24

Request: Approve the resolution for the 2025 Public, Educational and Governmental Grants for CVTV and TV ETC.

Kerry Peck, Administrative Assistant, Kerry.Peck@cityofvancouver.us

Motion adopted Resolution M-4315 to approve the request.

11. 2025 Affordable Housing Fund Administrative and Financial Plan Updates

A RESOLUTION relating to low-income housing; providing amendments to the 2024 – 2033 Affordable Housing Financing Plan adopted in 2022 for the collection and use of monies authorized by RCW 84.52.105 to fund very low-income housing; providing for Severability; and an Effective Date

Staff Report: 268-24

Request: Approve the execution of the resolution adopting revisions to the Affordable Housing Fund (AHF) Administrative and Financial Plan.

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

Motion adopted Resolution M-4316 to approve the request.

12. Construction Sales Tax Deferral Program

A RESOLUTION declaring the intent of the City of Vancouver to adopt legislation to authorize a limited sales and use tax deferral incentive program for affordable housing on underdeveloped lands in accordance with Substitute Senate Bill 5755 (Chapter 241, Laws of 2022), and other matters related thereto.

Staff Report: 269-24

Request: Approve the resolution to proceed with the drafting of an ordinance establishing a sales and use tax deferral program.

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

Motion adopted Resolution M-4317 to approve the request.

13. Heights Business Improvement District

A RESOLUTION to initiate a Business Improvement Area to be known as the Heights Business Improvement Area (Heights BIA).

Staff Report: 270-24

Request: Approve a resolution to initiate the process for establishing a Business Improvement Area to be known as the Heights Business Improvement Area.

Amy Stewart, Real Estate Project Manager,
amy.stewart@cityofvancouver.us

Motion adopted Resolution M-4318 to approve the request.

14. Approval of Claim Vouchers

Request: Approve claim vouchers for December 16, 2024.

Motion approved claim vouchers in the amount of \$12,193,158.80.

Public Hearings

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

15. Vancouver Housing Authority 121st Ave Annexation

AN ORDINANCE relating to approval of an annexation pursuant to RCW 35.13.125; establishing the geographic extent, defining the Comprehensive Plan and land use designations, and determining the assumption of all or any portion of existing City indebtedness; accepting the certified petition supporting annexation; and providing for an effective date for the VHA 121st Avenue annexation.

Staff Report: 258-24

Request: On Monday, December 16, 2024, upon second reading and public hearing, adopt the ordinance to annex subject property into the City of Vancouver.

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

Bryan Monroe, Associate Housing Project Coordinator, provided an overview of the Vancouver Housing Authority 121st Ave Annexation.

Council discussed the item briefly with staff.

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

- *Carmen DeLeon, Vancouver*
- *Kimberlee Goheen Elbon, La Center, WA*

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

Motion by Councilmember Stober, seconded by Councilmember Hansen, and Yes: 7, No: 0, Abstaining: 0, to approve Ordinance M-4491.

16. 2024 Second Supplemental Budget

AN ORDINANCE relating to the 2023-24 Biennial Budget and making various appropriations in various funds; declaring an emergency.

Staff Report: 259-24

Request: On Monday, December 16, 2024, upon second reading and public hearing, approve the ordinance.

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

Shannon Olsen, Budget Manager, provided an overview of the 2024 Second Supplemental Budget.

Council discussed the item briefly with staff.

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

- *Carmen DeLeon, Vancouver*
- *Kimberlee Goheen Elbon, La Center, WA*

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

Motion by Councilmember Stober, seconded by Councilmember Hansen, and Yes: 7, No: 0, Abstaining: 0, to approve Ordinance M-4492.

Communications

A. From the Council

B. From the Mayor

C. From the City Manager

Boards and Commissions Program Update

Lisa Brandl, Deputy City Manager, discussed the Boards and Commission Program Update.

2024 Comprehensive Plan and Zoning Code

Bryan Snodgrass, Principal Planner, discussed the 2024 Comprehensive Plan and Zoning Code.

Community Forum

This is the place on the agenda where the public is invited to speak to Council regarding any matter. Members of the public addressing Council are requested to give their name and city of residence for the record. Speakers are to limit their testimony to a total of three minutes. Up to 90 minutes will be allotted for the Community Forum.

Mayor McEnerny-Ogle opened the Community Forum and received testimony from the following community members regarding any matter:

- *Ron Rasmyssen, Vancouver*

- Michael Shaw, Vancouver
- Joseph Arndt, Vancouver
- Laurie Arndt, Vancouver
- Matthew Trevino, Vancouver
- Carmen DeLeon, Vancouver

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

Adjournment

9:30 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.

The Four Needed Mitigation Strategies

to Provide Support and Protection for All

It is our belief that every individual deserves to feel safe, regardless of their circumstances. The city is advocating for individuals facing complex challenges on the streets, serving as their voice. We acknowledge and support this mission, recognizing the critical need for it.

Here at KIDSPACE, we are championing the voices of young children and educators who also require advocacy. Our two primary aims are to provide a secure playground for children to thrive and play, and a safe park with safe passage to and from for our weekly nature school experiences. Our intention was never to oppose the construction of the shelter because it is a useless fight; rather, we seek to ensure that our vulnerable population — including children and families — are respected and safeguarded in our neighborhood.

Throughout our discussions with the city, we have urged collaboration in implementing mitigation measures to minimize the risks of traumatic incidents and harm to our community, including KIDSPACE parents, students, staff, and shelter residents.

We are proposing four key measures to be included in the city's plans to uphold the safety of all the community, including those at KIDSPACE:

1. Trained 24-hour security guard to:

- Patrol the area within a 1000–1500-foot radius of the shelter.
- Monitor the park to deter loitering and illegal activities.
- Provide assistance in case of emergencies or concerning behavior.

2. Park clean-up crew:

- Regularly inspect and clear the park of unsanitary waste to maintain a safe environment for all.

3. Sidewalk construction:

- Install a sidewalk on the opposite side of 94th Avenue between the park and the existing sidewalk across from KIDSPACE.
- Include two crosswalks for safe passage, benefiting both KIDSPACE and shelter residents.

4. A bus stop near the shelter:

- To minimize foot traffic on 94th Avenue past KIDSPACE

These four proposed initiatives are designed to uphold the well-being and safety of our community, encompassing KIDSPACE families, staff, and all residents (including shelter residents) within the neighborhood.

From: [Cathryn Chudy](#)
To: [City Council](#)
Subject: Public Comment for Workshop 12/16/24 Green Building Program
Date: Monday, December 16, 2024 6:57:01 AM
Attachments: [ACE COV 2066 Lawsuit Support Letter.pdf](#)

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

Hello Mayor and City Council Members,

Please find attached a letter of support from Alliance For Community Engagement for the City to join current legal action to prevent Initiative 2066 from becoming Washington state law.

Thank you for your consideration.

Sincerely,

Cathryn Chudy and Heidi Cody

Alliance for Community Engagement SW WA (ACE)

December 16, 2024

Alliance for Community Engagement (ACE) SW WA

Dear Vancouver City Council and staff,

Alliance for Community Engagement (ACE) SW WA supports the City of Vancouver joining current legal action to prevent Initiative 2066 from becoming Washington state law.

The lawsuit argues Initiative 2066 is unconstitutional because it runs afoul of a provision limiting citizen initiatives to no more than one subject and requiring them to contain the full text of the portion of state laws they would alter.¹

I-2066 contained misleading language. Folks who signed onto this ballot initiative were told there was a proposed “gas ban” in buildings. There was and is no proposed gas ban.

I-2066 would wreak havoc with the Washington State Building Codes, which were adopted to incentivize building electrification and dramatically reduce greenhouse gas emissions (GHGs). I-2066 would negate parts of HB 1589, a law that encourages green energy in new construction and provides rebates to make energy efficient building upgrades.

Washington needs to retain our State Building Codes. Without them, Vancouver will not be able to achieve—or even come close to—meeting the goals of our City’s Climate Action Framework.

Washington’s Clean Energy Transformation Act (CETA) commits the state to an electricity supply free of greenhouse gas emissions by 2045. That is 20 years from now. Vancouver’s Climate Action Framework calls for carbon-neutrality by 2040. 2040 is only 15 years away. It is not remotely realistic to meet targets like these without making big changes to how energy is used in buildings. Retaining our State Building Codes is our best chance to reduce building GHG emissions.

Because I-2066 will inhibit Vancouver’s efforts to reach our goals, ACE encourages the City to join the lawsuit to find I-2066 unconstitutional. Thank you for your consideration.

Sincerely,

Alliance for Community Engagement (ACE) SW WA

¹ [*Washington’s Voter Approved Natural Gas Measure Snared in Two Lawsuits*](#), Jerry Cornfield, Washington State Standard, Dec. 11, 2024

From: [Katie Lehner](#)
To: [City Council](#)
Subject: Letter regarding the proposed Bridge Shelter at 5313 NE 94th Ave. Please enter into record for upcoming council meeting
Date: Saturday, December 14, 2024 10:08:07 AM

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

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

Katie Lehner

[REDACTED]
Vancouver, WA 98682

12/14/2024

Dear Mayor McEnerny-Ogle and City Council Members,

I want to start off by acknowledging that homelessness is a serious issue that demands our compassion and collective action. I support the seeking of solutions to address the problem and to help this vulnerable population. But I am writing to you regarding an even more vulnerable population—our youngest community members. It is clear the decision to move forward with the proposed bridge shelter is imminent, so I am writing not to ask, but to plead, for you to implement mitigation strategies to minimize the risks of traumatic incidents and harm to our community.

If you are not already aware, Kidspace Child Enrichment Center is yards away from the proposed location of the bridge shelter. For many families, KIDSPACE provides a sanctuary. My oldest daughter Ruby struggled at another preschool that was chaotic and compliance based. If you have ever met a 3- or 4-year-old, you know compliance is, illusive. After some of the hardest months we have had as parents so far, my spouse and I were at a loss on how to help Ruby. We saw a child psychologist that recommended a change in environment. That the chaotic, academically focused, compliance-based approach is not what has been proven to be best for young children—It was after a lot of research that we found Kidspace and by some miracle, there was a spot available. There was an immediate change in Ruby and she has been thriving since the impact Kidspace and her teachers there had on her in a short 6 months before she went to Kindergarten. The transition could not have been smoother and we owe all of that to her experience at Kidspace. We are fortunate that now, Quinn, our youngest daughter, gets to experience the safe and nurturing environment that Kidspace offers. Kidspace is not just a preschool. It is ironically “a bridge,” a safe space for children and families. It’s mission centers on creating a safe and loving environment where kids can grow, learn, and feel secure. It prepares them to go into elementary school and the world with a loving, open, curious heart.

The proposed mitigation strategies put forth by KIDSPACE are essential to safeguarding the well-being of children, families, and the entire community. These measures include:

1. Trained 24-hour security guard
 - To patrol a 1,000–1,500-foot radius of the shelter, ensuring that the park and surrounding area remain safe for children to play and families to gather.
 - To deter harmful activities and respond swiftly in emergencies.
2. Park clean-up crew
 - To regularly remove waste and unsafe materials, creating a clean and inviting environment where children can run, laugh, and explore freely.
3. Sidewalk construction
 - To build sidewalks and crosswalks along 94th Avenue, protecting children and families as they navigate between the park, KIDSPACE, and the shelter.
4. Bus stop near the shelter
 - To redirect pedestrian foot traffic away from areas where children play, reducing risks and disruptions near KIDSPACE.

These proposals are not about opposition to the shelter; they are about ensuring that all members of our community—especially children—can coexist safely. Without these measures, we risk exposing our children to dangers and uncertainties that no parent should have to face. And while I recognize that the city and the project have financial limitations, the cost of implementing these safety measures is an investment in the safety and well-being of our community, particularly our children and those that care for them. The safety of children is not a choice. Failing to include these strategies in the budget could lead to much greater long-term costs—financially and in terms of public trust. Our children depend on us to make decisions that protect them. By working together, we can uphold our shared commitment to creating a community that supports everyone, from shelter residents to KIDSPACE families. The mitigation strategies proposed by KIDSPACE are not just practical; they are essential. They reflect a commitment to protecting our children while also supporting the needs of shelter residents and the broader community.

I kindly and desperately urge you to adopt these proposals and work closely with KIDSPACE to ensure that we create a community where children can thrive in safety and where families can find peace of mind. Our children are counting on us to make decisions that protect their futures.

Thank you for your attention to this critical matter. I look forward to your support and action.

Sincerely,
Katie Lehner

[REDACTED]
[REDACTED]

From: [Kim Linden](#)
To: [City Council](#)
Subject: December 16, 2024 comments re: removal of our local Safeway 13719 SE Mill Plain Blvd, Vancouver, WA
Date: Monday, December 16, 2024 11:14:54 AM

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

Dear Honorable Council Members:

I wrote to you previously two weeks ago (see letter below please) and was unable to get signed up to speak at your meeting due to an issue with no form being available.

I have included that letter below. No one has responded to any comment nor notified me about this being placed on a future agenda. I am trying to sign up for any type of notification of next steps since the community was not informed and we've been told there is nothing on the books that states community needs to be notified of any project like this.

I would like to request increased transparency and sign-up notifications for this project so that interested parties can sign up.

As of 12/16/24, our local Safeway has been completely gutted of food and grocery items and pharmacy between Thanksgiving and Christmas/Holiday.

I wrote to you to get on the record about this devastating event. Neighbors/community members are now "on our own."

Thousands of community members have depended on this local store.

Community members who are elderly, disabled, and who do not drive. This is no oversight. It is an unethical planning and zoning process.

The store was walkable and a community locale.

Long time (decades) staff stated they were informed they would be moved to an unknown location at another store.

Gossip is that Mercedes is coming in and that Lexus is going in the last open space across Mill Plain.

Is this why the C-Tran has been expanded? So that elites can travel to car dealerships up and down Mill Plain?

These gaps in City planning and zoning and climate "planning" is an affront to the integrity of any climate sustainability planning that could be being discussed.

I am a long-term environmental activist and have been involved in this process before in another locale with planning/climate/sustainability projects and environmental reviews.

The City of Vancouver is not giving a consistent message.

Rents continue to escalate, elderly and disability community and low socioeconomic community being disenfranchised and forced out, while City of Vancouver celebrates housing homeless in sheds due to the lack of any reasonable common sense rent control and planning/ zoning integrity.

We are not a neighborhood for car dealerships.

The sprawl here is unbelievable. Now that our Safeway has been demolished, community members here have lost their meeting place, pharmacy and food source.

This has been completely devastating for this neighborhood.

It could have been avoided with a sensible planning/zoning policy that recognizes climate positive areas of the City and works to enhance these.

Our neighborhood is not a car dealership.

Sincerely,

Kim Linden



Kim Linden

Mon, Dec 2, 11 31 AM

to City, adacoordinator



Honorable Members of Vancouver City Council:

I spent a considerable amount of time speaking to your community representative Anna after spending 1/2 hour trying to sign up on the city website via the form specified by written instructions.

There is no form. Other instruction listed is to call CMO office to register by 12pm this day.

I called the CMO and after a lengthy hold time, was shepherded to voicemail. It's now 11 21AM and it appears that I am being blocked from commenting today since there has been no return phone call.

I was instructed that community meetings in our neighborhood as of last Monday, 11/25/24 do not allow virtual participation. Since the meeting is during nighttime hours, I am unable to attend due to the deteriorating safety in our neighborhood. This is not public access.

I was told that I cannot address the city council at a regular meeting unless an item is on the agenda. I just waded through today's agenda to see if there is any opportunity to speak.

I've been told that there was a decision to hold community meetings apart from city council community forum so that people can speak in person without being recorded. I understand this concern. However I want to be recorded and I want community members to hear my concerns and have this be reflected in the minutes. This is the definition of community.

There should be time to speak at every city council meeting to express concerns not on the agenda. Have you seen today's agenda? You are very busy.

Last time I wrote to the council twice to request an item placed on the agenda, I did not receive a response. I received nothing.

This is an example of barriers to participation and transparency in government.

For the below item that I have concerns about: I have already emailed planners and community development to try to gather information and have this be reflected on the public record. This is my reason for contacting Vancouver WA City Council today and last week.

Reason for contacting the City of Vancouver

Climate Action Plan

Planning and Zoning-Sustainability

Disability/Senior access to community essentials-grocery

We in the neighborhood just learned- just last week- that our community Safeway, 13719 SE Mill Plain Blvd, Vancouver, WA is closing, is being gutted as of day after Thanksgiving, and will close on January 4th 2025.

Apparently the building has been sold last year and plans were submitted to your council/planners for a Mercedes Sprint Van dealership last Spring 2024.

Lexus dealership is planned for **the only last open space** in our neighborhood.

Our community Safeway is a lifeline for thousands of community members, especially Seniors and People with Disabilities and those who cannot afford transportation.

This Safeway also employed people in the disability community and Seniors.

There was no notification of closing, no posting, nothing from the City of Vancouver.

If people were fortunate enough to have computers or paid subscription to Columbian newspaper, they possibly saw the few articles about this.

The Attorney General of WA is I believe currently in an anti-trust lawsuit against this corporations' merger that is causing these closures of community grocery stores.

I am writing to the AG WA and Disability Rights WA separately on this issue and it's systemic effects on communities.

Everyone I've spoken with in our neighborhood is devastated.

I thought to attend a council meeting however there is no community time to speak at the city council meetings if item is not on the agenda.

There is no form to complete to sign up to speak.

There is no one responding to CMO phone call to request accommodations to sign up.

This type of process being witnessed is an example of total lack of insight into what sustainability/climate conservation plans means, and insiduously discriminatory of protected classes in the planning/zoning processes to support sustainability in community planning and development.

I've seen this type of process before: it's called gentrification.

Please let me know when this is going to be on the agenda and please let me know when the form to sign up on the COV website is fixed, or that someone can pick up the phone or return my call before noon so I can register. The Safeway is actively being gutted right as the seasons' holidays are in process.

I am requesting a written response.

Thank you.

Kim Linden

From: [PETER BRACCHI](#)
To: [City Council](#)
Cc: [Martinelli, Dominique](#)
Subject: Council 12/16 WA Ecology Enforcing the Shoreline Management Act in Critical Areas & No Net Loss
Date: Thursday, December 12, 2024 8:50:18 AM
Attachments: [Ecology SMA act enforcement.pdf](#)
[No NetLoss.pdf](#)
[14B9CA81-33EB-48A0-879E-C4D94A38DC18_1_105_c\(1\).jpeg](#)
[AP1GczNW6EcEQmp4qfZiJtUfuP0y-VtAI_3tcyDIS-STay2iQ87FFaWMp92wuY58zhfvcjYw3KK7nHw-cphnvZ4i0QNGxtkRL8g67608iDxAcEcQMTbgYb17=w600-h315-p-k.png](#)

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

Please use these 2 Documents from the Washington Department of Ecology to understand how to Stop the No Net Loss in Critical Areas along 303d list, Fecal Coliform Contaminated Burnt Bridge Creek.

Enforcing the Shoreline Management Act

No Net Loss of Shoreline Ecological Functions

The Below Critical Area Incident was reported to the COV on December 3 2024



Frequently Flooded Area Camp with Feces
Problem Andresen Rd / GMA Critical Area 303d
List Burnt Bridge Creek
[app.goo.gl](#)



Enforcing the Shoreline Management Act

Guidance for Local Government Administrators



Publication No. 95-101
Revised July 1998

 *printed on recycled paper*

Enforcing the Shoreline Management Act

Guidance for Local Government Administrators

**Prepared by:
Huckell/Weinman Associates, Inc.**

**For:
Washington Department of Ecology
Shorelands and Environmental Assistance Program**

Revised July 1998
Publication No. 95-101

Note to the Reader

It is the policy of the Washington Department of Ecology to provide quality technical assistance to local governments. We welcome any comments on how we can improve the usefulness of this manual. Please send your written comments to: Shorelands Enforcement Coordinator, Washington Department of Ecology, PO Box 47600, Olympia, WA 98504-7600.

For additional copies of this manual, contact: Washington Department of Ecology, Publications Office, PO Box 47600, Olympia, WA 98504-7600, telephone (360) 407-7472.

This manual was funded in part by the National Oceanic and Atmospheric Administration. The views expressed herein are those of the authors and do not necessarily reflect the views of NOAA or any of its sub-agencies.



The Department of Ecology is an equal opportunity agency and does not discriminate on the basis of race, creed, color, disability, age, religion, national origin, sex, marital status, disabled veteran's status, Vietnam Era veteran's status or sexual orientation. If you have special accommodation needs, please contact Tim Gates at (360) 407-7256 (voice) or (360) 407-6006 (TDD).

Table of Contents

Chapter 1 – Introduction	3
Purpose	3
Organization.....	3
SMA Enforcement Steps	5
Finding out about a violation	5
Investigation	5
Evaluating the violation	5
Legal tools and options.....	5
Legal follow-up	5
Overview: Enforcement and the Shoreline Management Act.....	6
The Shoreline Management Act	6
Local and State Roles under the SMA	6
Local Enforcement Programs	7
What is Enforcement	8
Common Shoreline Violations	9
Abuse of exemptions	10
Violations of permit conditions.....	10
Chapter 2 – Learning About Violations.....	11
Intake: Recording & Evaluating Complaints	12
Telephone Complaints	12
Written Complaints.....	14
Reports from Agencies	14
Reports from City/County Inspectors.....	15
Complaint Follow-up	17
Evaluating Complaint Information.....	17
Setting up Case Files	17
Acknowledging the Complaint	18
Chapter 3 – Investigating a Violation	21
Importance of the Investigation.....	21
The Site Inspection	21
Inform Interested Parties of Your Activities	23
Bring Help If You Need It.....	23
Pre-Inspection Reconnaissance.....	25
Entering the Site	25
Physical Site Assessment — What To Do.....	25
Physical Site Assessment — What To Look For.....	26
Interviewing.....	30
Some Interview Tips.....	30
The Team Approach To Interviewing	31
Photography as Documentation.....	31
The Closing Conference	33
Site Inspection Follow-up, Reporting and Record Keeping.....	34
Follow-up to the Site Inspection.....	34

Reporting.....	34
Record Keeping.....	35
Chapter 4 - Assessing the Violation.....	39
SMP Enforcement Guidance.....	39
SMA Policy Guidance.....	39
Other Considerations	45
Chapter 5 - Legal Tools and Options.....	47
Local Government Enforcement Procedures	48
Legal Tools under the SMA: What's Available	49
Considerations in Selecting Enforcement Options	49
Techniques for Reaching Voluntary Compliance	53
Alternative Dispute Resolution Techniques	53
Negotiation.....	53
Mediation	54
Joint Ecology/Local Government Action.....	55
Assistance from the Department of Ecology	55
Joint Enforcement Actions	55
Coordination with Other Agencies.....	56
Chapter 6 - Legal Follow-up	59
Appeals	59
Appeals to Local Government.....	60
Appeals to the Shoreline Hearings Board.....	60
Appeals to Superior Court.....	61
Going to Court.....	62
Appendix 1 – Sample Forms and Letters.....	65
Appendix 2 - The Shoreline Management Act and Regulations	75
Appendix 3 - References.....	81
Appendix 4 - Other Shoreline Related Programs, Regulations & Permits	83

Chapter 1 – Introduction

This chapter describes the purpose and organization of the manual; the steps involved in responding to a violation; Shoreline Management Act (SMA) jurisdiction; state and local roles; elements of local enforcement programs; and common shoreline violations.

Purpose

Limited resources, competing priorities, a lack of specialized environmental expertise, local political pressure, and concerns about costly litigation may all be constraints to effective shoreline enforcement. Despite these constraints, many tools are available to improve enforcement programs. This manual offers ideas about enforcement techniques that are cost effective even for small communities with limited enforcement capabilities.

This manual is directed to shoreline program administrators who have enforcement responsibilities. The manual takes the reader step by step through the enforcement process and describes techniques and suggestions for investigating and determining appropriate enforcement action. In addition, the manual provides practical information and approaches for setting up and implementing enforcement programs to address multiple violations in a more efficient manner. This manual may also be useful as a guide for training inspectors, code enforcement staff, or other personnel involved in shoreline complaints or enforcement.

This manual is intended to complement the 1994 Shoreline Management Guidebook (Ecology Publication No. 94-104). Whereas the Shoreline Guidebook serves as an excellent general reference on a broad range of shoreline program management issues, (including a chapter on administration and enforcement), the SMA Enforcement Manual provides detailed “how to” information specific to shoreline enforcement.

Organization

The SMA Enforcement Manual is organized according to the steps an administrator would typically follow once a complaint or potential violation is reported. Figure 1, which depicts these steps, can be used as a quick reference to chart the course of a specific enforcement action. Practical information and “how to” techniques and procedures — including tips, reminders and checklists for each of the steps — are provided.

Within each chapter, the step by step “how to” discussion is supplemented by a section called: 💡 *ideas—Improving Your Program*. This section provides suggestions for improving the overall effectiveness of local shoreline enforcement programs.

Manual topics include:

- learning about violations via complaints and inspections;
- effective investigation techniques, including pre-planning, initial contact and interviewing, documentation, photography and reporting;
- coordinating enforcement efforts with agencies;
- evaluating the seriousness of a shoreline violation under the SMA;
- determining the most appropriate compliance strategy;
- legal tools and procedural options, including voluntary compliance;
- issues to consider if cases are appealed or litigated; and
- legal, administrative, and technical support available from the Department of Ecology.

SMA Enforcement Steps

Finding out about a violation

- Complaints
- Local and agency reports

Investigation

- Research
- Site Inspection
- Building a case

Evaluating the violation

- SMA guidance
- Facts to consider

Legal tools and options

- Local actions
- Joint Local-Ecology enforcement
- Voluntary compliance
- Coordination with resource agencies

Legal follow-up

- Appeals
- Going to court

Enforcement provisions of the Shoreline Management Act (Chapter 90.58 RCW), and SMA regulations (Chapter 173-27 WAC), are included as an appendix for easy reference. Sample forms, sample notification letters, and other reference materials are also included in the appendix.

IMPORTANT:

This manual attempts to be comprehensive and inclusive. You may not have the time to accomplish all of the steps or the resources to complete the recommended, detailed review and documentation .

If you need to take a shortcut — or you can only do some of the steps — focus on how you might best accomplish the primary goal — protection of the shoreline resource. Highlights to remember:

- Make a site inspection as soon as possible;
- Have your paperwork for violations set up (get your OK from your supervisor and/or attorney) so that you can move quickly; and
- Know who you can contact in other agencies such as the state Department of Ecology, the Department of Fish and Wildlife, the U.S. Army Corps of Engineers, or U.S. Environmental Protection Agency (EPA) for necessary technical support.

Overview: Enforcement and the Shoreline Management Act

The Shoreline Management Act

The Shoreline Management Act (SMA), enacted by the state legislature in 1971, is intended to protect valuable shoreline resources, to plan for and manage uses, to increase opportunities for the public to enjoy state shorelines, and to assure public involvement in decisions about shoreline resources. The SMA regulates most shorelines of the state including marine waters, streams and rivers (with a mean annual flow of 20 cfs or more), lakes and reservoirs or water areas of the state (larger than 20 acres), associated wetlands, and portions of the flood plain. During the past 20 years, the SMA has proven to be an effective tool in protecting and managing shoreline environments.

Local and State Roles under the SMA

The SMA establishes shoreline management as a cooperative effort between the state and local government, with specific roles for each entity.

Local governments are given the primary responsibility for administering the SMA through local Shoreline Master Programs (SMPs). Every county in the state as well as

many cities and towns have adopted SMPs to implement the SMA at the local level. Primary responsibilities for enforcement also falls to cities and counties as part of local administration of the SMA.

The Department of Ecology acts in a supportive and review capacity with primary emphasis on providing assistance to local governments and to ensuring compliance with the SMP and SMA. Ecology typically defers lead on enforcement actions to local government, but is interested in consistent enforcement of similar violations throughout the state.

Most frequently, Ecology's role in shoreline enforcement is to assist local government. However, it should be noted that the State (through the Attorney General's Office and the Department of Ecology's Shorelands and Environmental Assistance Program) is authorized to enforce shoreline programs if local government is unable or unwilling to take action. In all cases, Ecology informs local government of any action the department is considering concerning shoreline violations within that jurisdiction.

Local Enforcement Programs

Enforcement plays a crucial role in assuring protection of fragile and unique shoreline environments, in preserving public use and enjoyment of shorelines, and in assuring implementation of shoreline use decisions. As in other areas of land use regulation, adoption of shoreline regulation and policies provides no guarantee of public compliance. Landowners and developers may be unaware of SMA or SMP requirements, permit conditions may be ambiguous, leading to unwitting violations, or people may simply choose to proceed with development in disregard of regulations.

Because the SMA is administered by local governments and is implemented through local permitting actions, strong local government enforcement programs are essential to achieving SMA goals and objectives. Local governments invest considerable time and public resources in developing and applying shoreline policies, plans, and regulations. A strong local enforcement program is the insurance policy on this investment in planning.

The size and organization of local shoreline enforcement programs varies widely among cities and counties, as does the division of responsibility among departments. Responsibilities may be divided among planning, permitting, building or code enforcement departments as well as the city attorney or county prosecutor's office.

Local enforcement programs typically encompass a number of functions:

- complaint response;
- field inspection;
- investigating violations;
- determining SMA/SMP compliance;
- documenting and record keeping;
- inter-agency coordination;

- determining corrective action or restoration;
- negotiating with violators;
- pursuing enforcement actions;
- providing support for appeals; and
- education of the public and regulated community

Local government responsibility for shoreline enforcement offers a number of advantages.

First, a regulatory role in shoreline protection is consistent with the traditional emphasis on local land use control in Washington State. Other land use and environmental laws such as the State Environmental Policy Act (SEPA) and the Growth Management Act also emphasize local decision-making and regulation.

Second, local government is usually in the best position to evaluate compatibility of shoreline use and development with community goals and values. Local government is typically more knowledgeable about the local shoreline environment, development activities, and shoreline use issues, and can better evaluate potential community impacts. Proximity may allow local government to respond more quickly.

Third, the SMA provides local government the opportunity to retain control and to exercise considerable discretion and flexibility in how they attain compliance and meet enforcement obligations of the SMA. If results can be achieved through voluntary informal agreement — assuming consensus among affected parties — there may be no need to pursue formal legal action.

What is Enforcement

“Enforcement” includes all actions necessary to assure that shoreline uses and activities comply with the intent of the SMA and the local Shoreline Master Program (SMP). A variety of tools — including civil and criminal penalties, cease and desist orders, corrective action orders, requiring that a permit be obtained (after the fact), and permit rescission — are available to local administrators pursuant to SMA statutory authority. SMA enforcement authority can be used independently or in combination with other state or local enforcement authority and procedures. Local SMPs are also important tools, in that they define community goals, policies, and performance standards that should be used to determine the existence or severity of a violation.

Effective enforcement may also involve use of informal methods such as negotiation, mediation, and/or settlements. Depending on circumstances, these methods may be more effective in obtaining voluntary compliance in a reasonable time frame.

Proactive and preventive efforts should also play a role in a shoreline enforcement strategy. A well-designed shoreline master program and clearly written shoreline permits can be helpful in minimizing violations.

Public education also has a role. For example, information programs targeting contractors, developers, and property owners can promote compliance and reduce

misunderstandings about the existence or meaning of regulations. Educating citizens about shoreline goals is also important in building community support for shoreline programs. In addition, community awareness that shoreline regulations are consistently and equitably enforced promotes compliance.

Common Shoreline Violations

Local shoreline administrators frequently encounter a variety of enforcement cases. Violations encompass a wide range of activities, factors and issues.

Shoreline violations may be substantive, procedural, or both

Examples of substantive violations include physical harm to the environment, impacts to public shoreline use, and violations of any performance criteria or standard within the SMA or SMP. Substantive violations may be minor, significant or critical.

Examples of procedural violations include failure to obtain a permit, abuse of permit exemptions, failure to comply with requirements for public notice, or improper processing of a permit. Procedural violations are of concern because of the emphasis the SMA places on the public review process. Compliance strategies need to consider both substantive and procedural issues.

In general, SMA violations typically fall into three categories:

- The shoreline activity or development occurs without an SMA permit; the development, use or activity (all or part) may or may not be legal; or
- The shoreline activity or development is exempt from the procedural requirement to obtain an SMA permit (permit exempt), but the activity or development fails to comply with substantive policies or regulations of the Shoreline Master Program; or
- An SMA permit has been obtained for the shoreline use, activity or development, but SMA permit condition(s) are violated.

Commonly encountered violations

Examples include illegal placement of fill in wetlands or waterbodies; improper bulkhead placement or construction; unlawful restriction of public access; illegal timber harvest or rechanneling of a stream or creek. Changes in use or activity may also result in a violation. Examples include changing a mobile home to an RV park, cutting a bank for view or access, obstruction of a floodway or flood plain, or removal of protected vegetation. As summarized above, in addition to potential procedural violations (failure to obtain the SMA permit), the development or activity may involve substantive violations in that the use or activity may not be permissible, or the SMA and SMP provisions may place restrictions and conditions on the use or activity.

Abuse of exemptions

Abuse or improper claim to permit exemptions (e.g.; single family residential, emergency repair, or agricultural permit exemptions) is another commonly encountered shoreline violation. Examples include construction of a non-owner occupied single family residence or conversion of a garage into a rental cabin; “repair or maintenance” that results in a structure larger than the original structure; and fabrication of emergencies to compensate for poor planning.

Examples of agricultural activities improperly asserted as normal and (permit) exempt farming practices include construction too close to the shoreline, diversions of streams, or encroachment of setbacks. Misuse of permit exemption criteria involves a procedural violation that may be remedied by applying for a permit and observing proper public notice. However, permit exemption abuse may also involve a substantive violation (i.e., the use or activity may not be legal).

Violations of permit conditions

Enforcement action may also be required to address violation(s) of SMA permit conditions. The most common complaint of this type occurs when development does not conform with approved construction plans. However, also of concern, is failure to comply with SMA permit conditions established during the public review and hearing process. Major shoreline projects (residential, industrial, commercial facilities) are frequently approved contingent on compliance with special construction and operational conditions — many applicable for the life of the project or the duration of the permit. Special permit conditions are often established as a means of implementing mitigation measures identified during the SEPA review process. Examples of these permit conditions include mitigation for lost habitat (habitat construction, monitoring, and maintenance); use of best management practices during construction and operation; and dedication, construction, and maintenance of public access improvements.

Violation of SMA permit conditions may occur years after permit issuance and project completion. Periodic review and inspection may be necessary to assure ongoing compliance.

Chapter 2 – Learning About Violations

This chapter gives suggestions for responding to complaints and for collecting the information needed to make decisions regarding the potential violation. The chapter also provides recommendations for complaint follow-up, and identifies common policy issues and staff training needs.

In this first step, the administrator's job is to acknowledge the complaint, record reported information, seek additional information if necessary (usually through telephone interview), and verify whether a violation has occurred. Information will be used to make an initial assessment of whether a violation exists, if response is necessary, and most important, to determine if there is an immediate or significant threat to shoreline resources.

Intake: Recording & Evaluating Complaints

YOUR FIRST PRIORITY:

Determine if there is an immediate or serious threat to the shoreline environment or to public health or safety.

YOUR SECOND PRIORITY:

Get Answers To The Five Basic Questions:

Who? What? Where? When? Why?

The shoreline administrator usually hears about potential violations through citizen complaints or from local or resource agency inspectors.

Complaints originate from:

- neighboring land owners
- business competitors;
- neighborhood or environmental groups; and
- employees of violators

Reports are usually received from:

- federal or state resource agencies; and
- local building/development inspectors

Telephone Complaints

The majority of complaints are received by telephone. Keep in mind that the knowledge, bias, and sophistication of callers will vary. As a result, it may be difficult to evaluate the situation solely on the basis of the caller's statements. Remember also that people making a complaint may want to remain anonymous.

In taking a telephone complaint, your goal is to obtain as much detailed information as possible about the alleged problem. Conduct your interview efficiently. Callers may not be able to (or want to) spend a lot of time on the telephone. Having a telephone checklist can help you systematically record information, focus on key questions, and take full advantage of the caller's knowledge. Remember, your primary job is to listen.

TELEPHONE CHECKLIST:

use as a checklist

The following questions will help elicit a more complete response. Use the checklist to verify that you've obtained necessary information. Careful listening may suggest additional questions.

- **Who is the caller?** (Note: Take care early on to determine if they want to remain anonymous or want the report to remain confidential.) Find out their name, address, phone number, and the best time to contact them.
- **What is going on at the site?** What is the activity? What exactly is the complaint or problem? What does he/she think will happen? How does he/she think the shoreline environment is being harmed? Why does the caller think it's a problem?
- **Where is the site located?** What is the site address? What waterbody is affected? If address is not known, ask for information about cross streets, local landmarks, and the best route for reaching the site. It may be helpful to sketch a map or note directions on the reverse side of the complaint form. (Note: Verify that the site is in your jurisdiction. If not, you may be able to direct the caller to the appropriate agency.)
- **When did it happen (date and time observed)?** How long has it been going on? Is there work in progress? How quickly is work progressing? How much work is completed? Is this an ongoing operation or activity?
- **Who does the caller believe is responsible for the violation?** Can the caller identify the person(s) or know where you might contact them (phone number or address)? Is there someone at the site?
- **Other Assistance** — Would the caller be willing to serve as a witness? If the complaint is serious or time critical, can the caller take photographs or a video? Can he/she suggest other contacts with knowledge or other sources of information about the site or problem?
Ask if the caller knows if a permit has been issued, or if there has been public notice or a public hearing on the project. (Remember, the work may be entirely legal, i.e., work may be occurring under a shoreline permit or exemption).

Written Complaints

Many of the suggestions for handling telephone complaints also apply to written complaints. The advantage of a written complaint is that the complaint is right in front of you. Unfortunately, written complaints only provide information deemed important by the author and may leave out important facts. In all probability, you will need to do a telephone interview (see above), and follow-up work (see Complaint Follow-up, the next section) to determine if further action is warranted. Written complaints may or may not be time critical.

Use your telephone checklist to translate written complaints into a helpful summary of the issue, and to identify the information you will need to obtain in your complaint follow-up. Check to see if a written complaint was sent to other persons or agencies. If so, you may want to contact other parties to determine their reactions and intended response.



Reports from Agencies

State and federal resource agencies often share jurisdiction and inspection responsibilities with local government, especially on major shoreline development projects. If an agency notifies you of a potential violation, use your telephone checklist to make sure you get a full report. In addition, ask your agency contact the following questions:

QUESTIONS FOR AGENCIES:



use as a checklist

- How important or serious is this case? What is the compliance goal for this problem? Do they have specific suggestions for corrective action or penalties?
- If the agency inspector is at or near the site, can they assist you in documenting and photographing the violation?
- How do they perceive their jurisdiction in this issue? Will they be doing any follow-up? Do they want to stay involved or informed? Will they be taking enforcement action? How can you work together, if you so chose?
- Can they provide you copies of their permit, field notes, photographs, or any other pertinent documentation they may possess?

Reports from City/County Inspectors

Local inspectors are in a good position to observe violations because of the time they spend in the field and their knowledge of local terrain and development. Inspectors can serve as your front line in proactive enforcement. Routine inspection can reveal a number of less obvious compliance issues. Examples are exceeding building height limits, encroachment of fill beyond approved boundaries, or public view impact. Close coordination is important, especially if shoreline development projects are inspected by a separate department, for example by building or subdivision inspectors. Inspectors should be trained in environmental investigation techniques in order to recognize shoreline and environmental violations in the field. Make sure your inspectors are familiar with and understand SMP and SMA requirements.

If a potential violation is noted, inspectors should phone in or submit a basic inspection report. At a minimum, the inspector's report should cover the same information as the telephone checklist. If the inspector calls you with an emergency or time critical problem, ask for her/his assistance in photographing and documenting the problem.

When you are investigating a complaint, work with the inspector to review the violation and to assure a mutual understanding of the problem and roles and responsibilities.

ideas—Improving Your Program

A telephone complaint form or checklist helps ensure you get all important information. Use the suggested checklist or prepare your own. Distribute the telephone complaint form for use among shoreline program staff, to your inspectors, and to other departments that might receive complaints about shoreline violations.

Confidentiality can be a major concern. Some people want to remain anonymous, particularly if a complaint involves neighbors. What, if any, assurances can you give the caller that complaint files are confidential and access is limited? Discuss and define your policy with your city/county attorney.

ideas—Improving Your Program

Review the Washington State Public Disclosure Act (RCW 42.17) to understand what type of information can be kept confidential and what must be disclosed. Make sure that all staff understand your policy on confidentiality of complaints. It may help if all complaints are logged in a central file or notebook and kept separate from case files to minimize inadvertent disclosure.

Take time to establish contacts with agencies and with local Tribes. Set aside time to meet with agencies to address the issue of coordination and to develop a plan for coordinating enforcement actions. Develop a meeting agenda. Discuss roles and responsibilities, areas of assistance, exchange names, addresses, phone and fax numbers. It may be helpful to review a range of cases in your jurisdiction to determine special areas

of expertise, level of interest, and assignment of lead agency. Provide agencies with your enforcement policies, checklists, contacts and so on. Talk about a division of labor and commitment for use of their expertise. Ask for copies of their procedures. Solicit their ideas.

Develop a standard field checklist to help inspectors identify and document violations. Provide your inspection team with current copies of applicable Shoreline Master Program requirements for work on permit exempt activities (e.g., residential construction, maintenance activities). Building inspectors play a critical role in assuring that shoreline permit exempt activities substantively comply with Shoreline Master Program requirements.

Establish a routine to meet with your inspectors to review projects after permit approval, but prior to construction. On major shoreline development projects, help your inspector by reviewing unusual or complicated shoreline permit conditions. Inspectors may be unfamiliar with issues that arose during the earlier phases of the project and project permitting. Let your inspectors know if the project was controversial. Alert them to special areas of environmental concern.

Review current “best management practices” (BMPs) with your inspection and administrative staff. Many long accepted construction and operational practices may violate current SMA policy and regulations. Detailed BMPs are available from the Department of Ecology for construction projects, storm water control, agriculture and logging practices, and for a variety of commercial and industrial operations. BMPs can provide a useful performance yardstick during compliance inspections.

ideas—Improving Your Program

A good training program in SMA fundamentals can help to make the most of your inspection staff. Local governments have incurred extensive legal fees and have even assumed financial responsibility for costly removal of illegal construction and shoreline resource restoration when they failed to use sufficient care in training staff and advising the public of their rights and responsibilities under the SMP/SMA.

Violations or non-compliance issues often result from vague permit conditions or from a lack of knowledge about SMP provisions. Make sure you have an evaluation and a review process to periodically review misunderstandings over unclear or ambiguous permit conditions.

Complaint Follow-up

Evaluating Complaint Information

Following initial contact, review your information to see if you can fully answer the five basic questions: **Who? What? Where? When? Why?**

Review available information to determine what else you need to know to define follow-up action. Be aware that additional investigation — in particular a site visit — is typically required to fully respond to these questions. At this early stage, the basics you want to be able to convey include:

- the type and nature of the alleged violation (for example, illegal fill or grading operation, habitat or water quality impact, setback or structural violation, public access or view problem, and so on);
- the magnitude of the problem (critical, significant, minor) or no problem;
- how quickly you need to respond; and
- preliminary recommendations for follow-up, including abatement or corrective action, staff assignment, and time frame.

Site inspections are generally essential to meaningful enforcement. However, since staff and resource constraints may delay or even preclude a site visit or follow-up, your primary concern at this stage is identifying and assuring response to situations that significantly threaten the shoreline environment, or that will likely be irreversible.

Situations likely requiring immediate action include wetland or shoreline fills, illegal construction or construction of buildings inconsistent with plans or local SMPs, in-water construction during fisheries spawning or out migration, or uncontrolled construction that is causing a water quality violation.

Setting up Case Files

Keeping good records of complaints and information is essential. Set up a file, notebook or log to help you record all calls, letters or reports of violations. You may want to start a separate case file once you have documented that a specific violation exists. The specific file can be cross referenced in your general log or notebook. Make sure you include any detailed notes such as copies of the complaint and telephone checklist. If you determine no violation exists or that no action is warranted, make a brief note to the file outlining your rationale. You may need to refresh your memory several years later. Well-organized records can save you time and difficulties in the future.

Acknowledging the Complaint

It's good practice and good public relations to follow up complaints with a telephone call to acknowledge the complaint and identify what steps you are taking to investigate or resolve the complaint. If you can't make phone contact, send a short note acknowledging the complaint. A form letter can be created for this purpose to save time. You can also use this opportunity to request additional information. See *INTERVIEWING* in Chapter 3 for suggested questions that may assist you with follow-up inquiries.

During follow-up discussions with the individual reporting the violation, limit your comments to factual information and observation. Avoid stating conclusions or opinions until the issue has been fully resolved to the satisfaction of all parties (local government, agencies, neighbors, and violator), or you've determined there is no violation. Expressing an opinion or conclusion at this time may raise unwarranted expectations in the complainant or prejudice your case if a party later pursues legal action.

IMPORTANT — In responding to complaints and reports, keep in mind:

At this point, ask questions, discuss process, but avoid making conclusions. It's premature to discuss potential enforcement action or your interpretation of liability or fault.

ideas—Improving Your Program

To avoid delays and confusion, the shoreline administrator needs to be aware of complaints involving shoreline management issues. Make sure your system for handling complaints is set up to give you the necessary information efficiently and accurately.

Determine the public contact person for your jurisdiction. Preferably, you can select an experienced person who has good public communication skills. Alternatively, you may need to train someone. As appropriate, coordinate with your code enforcement people. Is there a public relations person in your jurisdiction? They can be a source of advice and assistance. Get the word out to appropriate county or city departments, elected officials, key agencies, and important community groups on how to best make contact.

Find out how complaints are directed within your jurisdiction. Do citizens know how to direct complaints? Consider conducting a survey of callers to determine how well your jurisdiction handles complaints. Ask about problems. Ask for recommendations.

You may want to prepare a generic handout to assist in your complaint follow-up. The handout can explain the process and time frame for dealing with shoreline violations and include information about opportunities for formal and informal appeals.

Develop a system to report and track all complaints and reports regardless of whether you take action. This system may be as simple as keeping a master notebook or file with geographic cross references. Review complaints periodically. Inventory the type, number and seriousness of complaints, and how you responded to them.

ideas—Improving Your Program

A tracking system can help you document demands and commitments on staff time and resources. This information can also be useful during program budget development and can help identify areas where more enforcement support is needed.

Given staff and resource constraints, it's often necessary to set priorities for response and follow-up. It's usually easy to identify critical situations (and to justify the staff time and resources necessary to respond). Setting priorities among the less obvious or less critical cases, and determining the appropriate level of investigation and response is more difficult.

Recognize that setting priorities is an iterative process. As information becomes available, you'll need to reevaluate priorities and revisit individual cases.

Remember — a site visit is usually essential to fully evaluate a situation. Include time for site visits in your scheduling. For less critical situations, it may be helpful for inspectors to incorporate the follow-up site investigation as part of their routine area inspection. Keep in mind it's important to document your reasons for not taking action.

In setting enforcement program priorities, periodic review of historical cases can help you identify the most likely violations in your jurisdiction and the areas of concern. The priorities (and prohibitions) expressed in your SMP, critical resource designations, and precedent are also useful criteria.

Chapter 3 – Investigating a Violation

Chapter 3 discusses techniques for conducting a substantive investigation. Topics include initial site research, site inspection, evidence gathering, and building a case through use of interviews, photography, and reporting.

During the investigation, the administrator's job is to conduct fact finding, to determine whether a violation exists, to document the impact of the violation, and to begin identifying necessary corrective actions.

Importance of the Investigation

Your investigation — especially your site inspection — will help you judge if a problem exists and how serious it is. Keep in mind that your investigation must provide legally defensible evidence should you need to pursue legal action. Although it takes time, early and thorough documentation is worthwhile. A well documented case can provide considerable leverage in later negotiations and reduce the likelihood of appeal or litigation.

Enforcement experts stress how difficult it is to anticipate which cases will be difficult. A small operation may have caused a significant fish kill; a home builder, cooperative at first, may later refuse to correct a problem; or other agencies may view the case more seriously than you did. Since you can't always foresee what might happen, a careful, systematic approach to investigation is good strategy.

REMEMBER:



Your first visit may be your best — and only — chance to document the violation and the impacts to shoreline resources.

The Site Inspection

The site visit provides the best opportunity to learn first hand about physical site conditions, the use or activity, and the nature of the alleged violation. Careful preparation including review of available information will result in a more productive site visit. Develop a list of questions and concerns you want to address during your site inspection. Think about what you still need to know. Spend enough time to thoroughly prepare for your visit.

Research and preparation tips are provided in the checklist on the next page.

RESEARCH AND PREPARATION:



use as a checklist

- Check with other departments and review relevant files to learn what you can about the site and shoreline activity. Talk with other staff who have knowledge of the project, the site, or vicinity.
- Is the shoreline activity occurring pursuant to a permit? If so, review site plans, structural drawings, and permit conditions. Evaluate site conditions and drainage relative to the affected waterbody.
- Review appropriate maps (e.g., zoning maps, assessor's maps, SMP maps, critical areas maps). Aerial photographs, USGS maps, and other published maps such as Kroll maps can be helpful.
- Identify and review SMP provisions relevant to potential substantive violations. Note the shoreline environmental designation, permitted uses and any significant restrictions.
- Review area planning studies, special environmental studies, and previous permit actions applicable to the site or vicinity. Previous shoreline permits, enforcement actions, rezones, subdivisions, and utility and road plans also can be helpful.
- What other federal, state and local permits and approvals might be required? Check to see if other agencies or programs might be involved, and if you have time, call them.
- Determine if you want to meet with the owner or neighbors and whether to contact them in advance. Think about what questions you want to ask. You may want to prepare a list of questions or put together information to leave with the property owner.
- How large is the site? If the site is much larger than several acres, is densely wooded or your access might be obstructed by natural features or structures, use aerial photographs to identify your route and the areas you want to and will be able to inspect.

Inform Interested Parties of Your Activities

Prior to your site inspection, inform your supervisor and/or attorney about the nature of the alleged violation. Clarify procedures and the extent of your authority, especially if the situation is likely to require immediate decisions in the field. Discuss issues of concern, your objectives, and your investigation schedule.

Call your agency contacts if they also have jurisdiction on the site. If an agency has jurisdiction, interest, or expertise, ask if they want to do a joint inspection. Ask if they expect to do follow-up. Notifying other agencies promotes good working relationships and avoids decisions based on incomplete information.

You may want to meet the owner or operator at the site to discuss their reasons for the actions being questioned. A meeting with the owner or operator assures they are immediately aware of a (potential) problem, and may speed up the process of resolving the problem. However, if the violation presents a serious threat to the environment, or you believe work must be stopped immediately, a timely meeting with the owner may not be possible.

Bring Help If You Need It

Consider setting up a team inspection in these circumstances:

- Bring special expertise to help assess impacts to fishery and wildlife resources, wetlands, water quality, or the impact of toxic substance release.
- Invite the building inspector if the investigation requires a difficult structural assessment.
- Bring your attorney (or get advice on how best to handle the situation) if the alleged violator is bringing an attorney.
- If the situation has potential to be adversarial or you will be talking to a large group, team members can help keep discussions balanced and neutral.
- Invite agency representatives to attend if the problem is serious; a joint meeting conveys a high level of concern and may bring about more immediate compliance.
- A team approach is also prudent if the site is isolated or hazardous, or if presence of animals, weather conditions, difficult access, or similar factors raise issues of safety.

WHAT SHOULD YOU BRING WITH YOU:



use as a checklist

- Put together a file or notebook of site information. Suggested items to include (if available): site maps, the complaint form, a field checklist, copies of the plans, permits, aerial photos, copies of the SMP and other pertinent regulations, and your list of questions, concerns and information needs.
- Write down important phone numbers in case you need to make a phone call from the field. If one is available, bring a cellular telephone.
- Bring your identification, business cards, boots and appropriate weather gear.
- Bring a measuring tape and other instruments to evaluate distance, size or volume if needed.
- Bring a your camera kit and film, a clipboard, notebook paper, and a sketch pad or a clean site plan you can draw on to mark observations and field conditions. A tape recorder can also be useful.
- Make sure you have a good local map and clear directions to the site.

Pre-Inspection Reconnaissance

Drive by and check the site and vicinity before starting your inspection. The site is often not as you envisioned when you reviewed site information in the office. Think about safety issues, especially if you are alone.

Now that you are at the site, a quick review of maps, aerials and site plans will help you get oriented and confirm your route and features you want to inspect. Review your list of concerns and questions to confirm what you want to include in your tour and/or meeting. Make sure your camera is loaded with appropriate film. Fill out as much of your field checklist as possible before entering the site.

Entering the Site

Remember that you are here as a government official. You are looking for something that is likely to make life more difficult for the owner, operator or developer. Use your authority with tact and diplomacy.

If the owner or operator is on the site, identify yourself immediately. Giving the person your business card can be a good way to introduce yourself. Be friendly, but professional.

Let the owner or person in charge know you are there, who you are, why you are making this site visit, what you plan to do and how long you expect to be on the site. Explain how you plan to document your inspection. For example, you may want to talk to employees, take notes to record conversations and observations, or take photographs (or use a video camera).

If you are threatened, or you believe you are in danger, leave immediately! Call the police if necessary. If you are denied entry or are physically threatened, make detailed notes of the circumstances. If the activity that you are investigating poses an immediate public or environmental hazard, you may want to call your attorney or even the police.

Physical Site Assessment — What To Do

It may be helpful to sketch your observations as you conduct your site inspection. Take time to complete field notes as you proceed, making notes as clear and complete as possible.

Observe and compare actual site conditions with that indicated on maps, plans, drawings, and aerial photographs.

Quick notations or abbreviations whose meaning seemed obvious when you were on the site can be difficult to interpret once you're back in the office. You might want to use a tape recorder to record your observations.

Remember, good observation skills are critical to your field assessment. Take time and look around carefully.

Physical Site Assessment — What To Look For

On the following pages, you'll find checklists that provide general guidance for conducting a site inspection. Checklists cover “what to look for” and are divided into three topics:

- *GENERAL OBSERVATIONS OF THE SITE & VICINITY*
- *OBSERVATIONS ABOUT SITE ACTIVITY OR DEVELOPMENT*
- *ASSESSMENT OF THE ALLEGED VIOLATION*

GENERAL OBSERVATIONS OF THE SITE & VICINITY:

use as a checklist

As appropriate, consider the following:

- Determine your compass orientation (i.e., north, south, east, and west). If you are on a large or wooded site, confirm your route across the site.
- What is the character and pattern of adjacent development and nearby lands? Is the neighborhood residential, rural, industrial, or forested? How does the actual development pattern compare with the SMP shoreline or land use designation for the area? How recent is development in the area?
- What part of the site is actually within shoreline jurisdiction? Verify or sketch the area of shoreline jurisdiction relative to site boundaries. Is the shoreline natural or built? Describe shoreline characteristics, including shoreline bathymetry (submerged shoreline conditions) - if visible.
- Measure and sketch the location of the OHWM, low tide lines or top of bank as appropriate. If the site is on a lake, stream or river, note visible or seasonal indications of flooding, floodway or flood plain limits. Note direction, rate and volume of flow of streams, rivers, or other drainage. Identify significant elements of shoreline process such as feeder bluffs, spits, etc.
- Describe site topography, drainage or observable hydrology. Do you see steep slopes, wetlands, streams, seeps or drainage not previously noted or located incorrectly? Where is the water coming from and where is it going? Is site drainage directed by manmade structures?
- Note weather conditions. What stage of the seasonal cycle are you observing and how typical is it?
- Are there indications of wetlands? Document those indications. Sketch and describe boundaries and wetland conditions or verify information if the wetland was previously mapped or documented. Is the wetland an associated wetland or an isolated wetland?
- What are general habitat conditions on the site? What specific shoreline habitat conditions do you observe? What plant communities are present? (Trees, shrubs, grass, native, invasive, none at all) What animals are likely to be present, if any?

OBSERVATIONS ABOUT SITE ACTIVITY OR DEVELOPMENT:



use as a checklist

As appropriate, evaluate the following:

- What uses, operations or activities are occurring on the site? What activities are affecting the area of shoreline jurisdiction?
- How does development compare with proposed (or approved) plans and drawings? Review location, size, dimensions, and setback.
- How does the use, activity or operation compare with that allowed under the SMP and/or described on permit approvals?
- Are access roads as depicted on maps or plans? Are access roads paved, recently cleared and/or constructed?
- Are structures existing or under construction? What are they? What is their function? Where are they located?
- Do you see signs of illegal and/or recent construction within shoreline jurisdiction?
- If construction is underway, describe site grading, clearing, logging or other site disturbance. Note extent and location of cuts and fills, stockpiles of dirt or presence of other construction materials if they pose an erosion hazard to the waterbody or are within shoreline jurisdiction. Are erosion control or stormwater controls in place? Are they functioning?
- What are the limits of clearing? How does this compare with setbacks or vegetation protection easements?
- If the owner or operator is on the site during your field assessment, discuss what you are observing with them. Request explanation or clarification of any of your observations. Discuss what you are observing. However, avoid expressing legal conclusions or site remediation strategies, as they are often premature at this stage, and may establish expectations which are difficult to change as the investigation evolves.

ASSESSMENT OF THE ALLEGED VIOLATION:

use as a checklist

As appropriate, consider the following:

- Sketch, describe, and photograph your observations of the alleged violation. Describe the physical problem, including dimensions, distances, volumes, size, and area of impacted area relative to the site boundaries, and description of affected wetlands and shoreline areas.
- What, if any, environmental impacts do you observe? What functions are impacted? Are there indications of (potential) water quality violations? Are there indications of habitat damage?
- Are conditions temporary or permanent? What potential problems might occur if the use or activity continues? What resources might be harmed? Describe your observations and any visual evidence that might indicate when the violation happened or how long the problem has been going on.
- Is public access currently or potentially an issue? Is public access impeded in any way? Is view protection a consideration? Does the use or activity impair or block neighboring views? Document with sketches or photographs. (View blockage is best illustrated from the perspective of the view to be protected).
- If new construction is the subject of the inspection, note what specific construction activity is involved (e.g., grading, filling, or residential, bulkheads, piers, commercial, industrial, utility, road construction).
- Compare the location, size, setbacks, and height of structures with what is shown on plans. If a fill or grading violation is involved, estimate the volume and extent of work. Sketch and photograph any variances. Indicate where measurements were taken.
- Do your observations or conversations suggest that the action may have been intentional or the result of negligence? Has the problem been caused or exacerbated by a natural event?
- If you speak with the owner or operator, ask what contacts he/she has had with government agencies regarding this project. Get specifics. When did discussions occur? What directions or comments were provided?

Interviewing

Information gained through interviews can greatly assist your investigation. Interviews can give you new information or help you fill in gaps in the record. If it is later determined that a violation occurred, interviews with the owner or operator can be valuable in defining your enforcement strategy, and in helping you assess intent or negligence on the part of the violator.

Keep in mind that interviews must be conducted systematically and documented carefully, or information may not be accepted as evidence. Remember that information you receive through an interview may be incomplete and may lack objectivity. Be sensitive to the possibility of bias on the part of the persons you interview.

Certain interviewing techniques help put the person at ease and help elicit a more informative response. Being comfortable (and making others feel at ease) in an interview is usually a matter of experience. Experience also teaches you when to keep the discussion focused on specifics and when to let the other person talk in more general terms.

Some Interview Tips

- Try to have privacy for the interview. Respect the other person's personal space. Be flexible to the situation and personality of the person being interviewed.
- Ask simple, direct, neutral questions. Avoid double negatives and other complex phrases. Avoid multiple subjects in your questions. Give the person time to answer.
- Listen. Make sure you understand the response. A restatement of the response can often help ensure that you understand the answer.
- Keep an open mind. The purpose of the visit is fact finding.
- Emphasize that you want the full truth — not just the bad stuff. Show that you are recording positive statements as well as those which may be at issue.
- Don't emphasize your note taking, it can be intimidating. Explain that you need to take notes in order to do your job well.
- Don't mix past, present, and future when interviewing. Work from the known to the unknown and from the general to the specific. Use standard references for time, distance, size, and volume. Avoid jargon and specialized technical terms. Don't try to sound like an attorney or a police officer.

- Avoid accusations. Don't be judgmental. Don't make promises of confidentiality or protection.
- If the interview gets tense or uncomfortable, take a break. Excuse yourself to take a phone call or confer with a colleague, or ask another staff person to come in. Remember, you're in charge of the interview. Know when to quit. If the discussion becomes confrontational or angry, calmly close the interview. If possible, leave options open to continue the discussion at some other time.
- Use the interview as an opportunity to explain why shoreline protection laws exist and why they are so important.

The Team Approach To Interviewing

If you are part of a team, the following strategies may be helpful:

- One team member asks questions and the other takes notes.
- One team member leads the questioning and the other injects questions only when they see a line of questioning that needs follow up.
- Different topics are addressed by different team members depending on expertise.
- One person can be the “good news” guy — another team member can be the “bad news” guy.

Photography as Documentation

You may be asked to recall details of what you saw at the site some months or years after the site visit. Nothing will refresh your memory as well as a good photograph. Photographs provide excellent evidence, and are one of the least challenged tools used to document a case.

Take a lot of pictures. The most common problem is too few photographs. Photographs should be of high quality and should illustrate the facts of the site and potential violation as accurately as possible. Know what the issue is that you're trying to document. Photographic documentation should tell the story with as little need for narrative as possible.

Remember, size and distance of objects in photographs can often be deceiving. Think about including a reference point in your photographs — a person, a notebook, a pen, or ruler are examples of common objects that can give a sense of scale to other objects in the picture. Remember too that photographs can also distort or understate conditions. Try to be objective in making your visual record. It is helpful to take a series of photos from varying perspectives as described below.

- Establish a reference: Take photos from a distance to establish perspective. Show the subject in reference to one or more permanent landmarks. If helpful, show the compass orientation of the subject.
- Medium shots: Take multiple photos to depict the object or event in context of the immediate surroundings. Shoot a series from all angles.
- Tight or Detail shots: Focus on the issue under review; photos should identify the specific item or event in question.

YOUR BASIC PHOTO-DOCUMENTATION KIT should include the following basic supplies:

- | | |
|--|--------------------------------------|
| – a camera: in good working order | – extra camera and flash batteries |
| – extra film: outdoor &
high speed indoor | – “post-its” to identify the subject |
| | – a notebook, paper, and pen |

Extra equipment might include a wide angle and/or zoom lens. Remember that wide angle lenses make things look farther apart; telephoto lenses compress distances and make things look closer together.

Video photography is a viable alternative to film photography. Video offers color, sound, compactness and instant replay. Be aware that you may need permission to record someone.

The Closing Conference

If the owner or operator has been present during your site investigation, before you leave the site, take time to review and confirm your observations. Identify potential problems or questions that remain. Request any clarification that might offer a more complete or accurate picture of the event or subject. The fact that you made this request may be important in later stages of enforcement actions.

If you ask the owner to provide specific information, state how long the owner has to get information to you and identify the person who should receive it.

Remember your role at this point is generally limited to fact finding (except as described below). Refer to your observations and the regulations without reaching specific regulatory conclusions. Don't make any statements that could be misleading, misinterpreted, or could prejudice your case if legal action is required.

If it's within your expertise and authority, and environmental damage is imminent, continuing and/or severe, it may be appropriate to discuss concepts for necessary corrective or restorative actions, or to stop work. You may give verbal warning to the owner or developer at this time. (See Chapter 5, Legal Tools and Options). To the extent of your understanding, explain to the owner or operator what will happen next, and what their options will be.

IMPORTANT: If you interview someone or hold a closing conference, record the following information in your notebook:



use as a checklist

- Your case reference name and number, and the date and time;
- Who you were talking to (name and position) and how you can contact them (address and phone number);
- What you asked them, key discussion points, and any directives concerning corrective action, abatement and the time frame for compliance, and
- A summary of their answers and/or commitments.

Site Inspection Follow-up, Reporting and Record Keeping

Follow-up to the Site Inspection

If the owner or operator were not present during your site inspection you will need to locate them and inform them immediately, and in detail, of the situation. Both telephone and written communication are recommended in this situation.

If you met with the owner, or other responsible party during your investigation, a follow-up letter may encourage cooperation and immediate attention to the problem. This letter may be a written warning and may reference any previous verbal warnings (See Chapter 5). The tone of the letter should reflect the character of the discussions. Form letters can be helpful, but may need to be tailored to fit the circumstances.

Sending a certified letter to assure that the party is properly notified is good practice and gives you a record that they were informed. However, be aware that delivery of certified mail can be delayed if the party is not present to receive the certified letter. Sending an additional copy of your letter via normal mail service addresses this potential concern. You may want to send copies of follow-up letters (or written warnings) to other agencies with jurisdiction.

Reporting

As you proceed with your site inspection and investigation, prepare detailed reports of your findings, observations, and interviews. A standardized outline can be helpful to organize your thoughts, save you time, and provide consistency among reports over time. If possible, prepare your reports immediately. Part of your job may be to inform members of the community as well as make observations related to compliance. If so, your report should be tailored to address this aspect specifically.

Reporting supports your investigation and is critical to case development. Good reports are a narrative of what happened at a specific time. Avoid unnecessary jargon and technical terms. Clear, direct writing that states the facts and issues in a straightforward manner helps readers understand the problem, draw conclusions and make appropriate decisions.

The recommended approach is to write the report as you did the inspection or as the interview proceeded. For example, say, “I inspected the bulkhead, I asked Joe Dokes, I took photos, I measured the distance from the shoreline, Mary Dokes said...,” and so on. Use the active voice, “I did,” not the passive voice, “it was determined.” The less translation between the report and possible future testimony, the better.

Avoid drawing conclusions, especially about subjective matters. Write the facts so that readers can reach their own conclusions. “Joe was hostile,” is a conclusion. “Joe began swearing and punching holes in the wall” is a statement of events from which the reader can draw their own conclusions.

Poor choice of words can sometimes limit the choices open to the agency by appearing to pre-judge the issue or show bias. Certain phrases should be avoided when writing a report because they imply more knowledge than the inspector was likely to have, may be ambiguous, or can not be substantiated.

Phrases to Avoid:

- “All,” “always,” “never” — these absolute terms can often be challenged if any exceptions exist. On the other hand, if you're sure of your facts, these terms can be appropriately used.
- “Violations” as in “there were violations,” or “that was a violation,” may be a premature conclusion. Your documentation may not be adequate to substantiate a violation, or you may be making a decision without using the system of checks and balances built into the program.
- “No violations” is also reaching a conclusion. Be sure you know that all issues have been explored. Changes in interpretations of regulations and policies or the effect of some other regulations can affect whether a violation has occurred or not.
- “It was determined,” is vague and doesn't say who made the decision. If you made the judgment call, say so. However, be sure you are qualified to make that determination, and that there is a clear legal basis and relevance for making that judgement.
- “They said,” is also vague. Who said? Be precise in attributing comments. Documentation about who said what can be critical to a case.

Record Keeping

Careful record keeping is essential if you need to pursue formal enforcement action. Good records can serve as a strong incentive to voluntary compliance, and are your best defense against later disputes.

Your records should include copies of the initial complaints or report (remember to protect anonymity, if requested), the site or project description, project or permit reference numbers, site plans, maps, photographs, a description of all telephone communication, and all written communication. Most important, your records should document the scope and timing of your investigation and indicate the thoroughness of your investigation procedures.

ideas—Improving Your Program

Consider holding a staff training session in field inspection techniques. It may be beneficial to coordinate with other agencies and jurisdictions having similar needs, and to sponsor a joint training program. Local or agency experts may be available to serve as instructors. Focus on common situations or conditions. Examples of topics might include wetland or habitat identification, structural or bulkhead inspection, assessment of drainage and hydrology, and identification and measurement of field indicators such as the OHWM, inter tidal areas, steep slopes, and top of bank.

Develop a series of field inspection checklists that reflect violations and site conditions typically encountered in your jurisdiction. Identify staff with special expertise within your jurisdiction. Develop guidelines for calling in an outside agency with special expertise.

Work with management, legal counsel and other departments to develop a system for notifying key staff of potential violations that require investigation and possible field decisions. Discuss priorities for investigation. Work on developing a mutually agreed upon understanding of what constitutes critical, significant, and minor violations within your jurisdiction.

Define your working relationship with legal counsel. What authority is delegated to the shoreline administrator? Do you have authority to access sites, especially if there is no permit? Do you have authority to stop work if the situation so warrants? Talk with your city attorney or county prosecutor to establish basic ground rules for investigation and enforcement.

ideas—Improving Your Program

Legal issues, such as denial of entry, proper evidence and documentation, liability and record keeping are likely to arise. These legal issues have multiple dimensions and deserve special attention. A session with legal counsel and management to review your internal procedures and policies on site inspection and investigation-related issues is important to ensure your enforcement efforts are on a solid legal base.

Shoreline Hearings Board decisions are published and indexed. These decisions may assist you and your legal counsel in identifying key legal issues, and in evaluating the strength of your arguments in similar factual contexts.

Note: Parts of this section were incorporated verbatim or adapted from the EPA Region 10 manual Conducting Compliance Inspections, 3rd Edition, authored by Douglas Smith. The EPA manual gives excellent and concise guidance on compliance inspections. The EPA manual covers many of the complexities of inspection such as denial of entry, level of care, and evidence gathering and other legal issues. The EPA manual is geared to facility violations involving hazardous substances. Changes and omissions within this manual reflect the more typical shoreline violations and the legal framework of the SMA.

Chapter 4 - Assessing the Violation

This chapter discusses factors you should consider in assessing the seriousness of the violation, including degree of harm, risk, intent, precedent, economic factors, and timing issues. This discussion assumes you have determined a violation exists.

In this step, the administrator will use Shoreline Master Program (SMP) policies and regulations, and SMA enforcement policy to assess the seriousness of the violation — a major consideration in choosing the appropriate enforcement strategy. (Note: enforcement actions and penalties are discussed in Chapter 5).

SMP Enforcement Guidance

In most cases, your SMP will be the starting point in your assessment. SMPs specifically discuss permitted uses and development standards for regulated shorelines in your jurisdiction. SMPs designate shoreline environments (typically as: natural, conservancy, rural and urban); define the purpose and general types of land use allowed (or prohibited) within these environments, and establish goals, objectives and policies. SMPs also include procedures for review and approval of permits, administration and enforcement.

SMPs include regulations and standards — often quite detailed — for permitted uses. Specific activities likely to be regulated include clearing and grading, dredging, landfills, moorage, docks, bulkheads, use of herbicides, roads, fences, landscaping, parking, and signs. In addition, standards for location, length, height, design, and setbacks of structures may be included in SMPs.

Several key questions to consider: What is the type and nature of the use or activity? Is it allowed under the SMP? Is some aspect of the activity permitted and others are not? If the use is permitted under the SMP, does the use or activity meet required standards? If there's a question about the nature of the activity or how measurements (i.e., height, setbacks, ordinary high water mark, etc.) are taken, the definition section of your SMP may provide useful guidance. You may also need to verify whether the violation is legally non conforming (i.e., “grandfathered”) or is an exempt activity.

Remember the SMP contains policies as well as regulations. In most cases, regulations address significant aspects of the policies. However, if regulations are unclear or don't address a particular problem, policies may help clarify the intent and purposes. Also, review how the SMP was applied to past enforcement decisions or related permit decisions on similar cases.

SMA Policy Guidance

The Shoreline Management Act rules (Chapter 173-27-260 WAC) provide the following guidance:

“The choice of enforcement action and the severity of any penalty should be based on the nature of the violation and the damage or risk to the

public or to public resources and/or the existence or degree of bad faith of the persons subject to the enforcement action.”

This SMA enforcement policy provides a useful framework for evaluating the seriousness of the violation in that it describes a number of factors that should be considered. You will find that although certain impacts can be quantified (for example, acres of wetland filled), many factors require professional judgment and qualitative assessment. Note that under the SMA, you can consider the intent and attitude of the violator as well as the impact or potential for harm.

The SMA enforcement policy does not assign a weight or importance to any particular factor, rather it suggests the situation should be assessed in its entirety and within the context of impacts to community and shoreline resources. Review of local SMP policies may help you by expressing community values or identifying significant resources. Further elaboration of the specific factors is provided below. It may be helpful to use the following discussion as a conceptual checklist during your assessment.

NATURE OF THE VIOLATION AND SEVERITY OF RISK:

use as a checklist

Examples of what you might consider include the type and degree of harm (or threat of harm) to the natural environment, and the magnitude of impact (or potential impact) to public use or enjoyment of shoreline resources. This checklist also encompasses common SMP violations including procedural violations, and violations such as setbacks, height limits, and issues of shoreline land use compatibility.

- Has the action affected a shoreline of statewide significance? Note the guidance and preference established for such shorelines under 90.58.020.
- *Shoreline Designation:* Is the use or activity consistent with the shoreline designation within the applicable SMP (industrial, urban, residential, conservancy)?
- *Fills or Disruption of Habitat:* Review SMP policies and critical areas ordinances relative to environmentally sensitive habitats which include fish breeding, rearing or feeding areas, critical salt water habitats, wildlife habitat, estuaries, and wetland habitats and their buffers. Can the habitat be restored? How quickly? Is the impact temporary or permanent?
- *Release of Pollutants:* What is the type and magnitude of the release? Is the pollutant persistent, bio-accumulative or highly toxic? Can it be cleaned up? Is the substance hazardous under state or federal law?
- *Public Health:* Is public health threatened? Consider physical safety as well as potential toxic exposure. Is the impact short or long term?
- *Impact to Use of Waters:* Does the use or activity impact navigability of the water body? Are tribal fishing rights impacted? Are existing water rights impacted? Does the use or activity impact hydrology, for example, impacts to a stream, river, or important headwater, or impede flow within a flood plain or floodway?

NATURE OF THE VIOLATION AND SEVERITY OF RISK:



use as a checklist (continued)

- *Public Use of the Shoreline:* Is there existing (de facto) public access? Will public use be impacted? Is the impact temporary or permanent? Are public views destroyed? What's the duration of the impact?
- *Preservation of Setbacks:* Is the action permanent (e.g., a structure)? What is the function and importance of the setback (e.g., floodway, vegetative buffer, etc.)?
- *Permit Issues, Procedural and Substantive:* Was the use or activity pursued without required permits? Is there a permit? Is the use or activity a violation of shoreline permit conditions? Was the use or activity shoreline permit exempt? Would the use be legal under the existing SMP and other relevant regulations? Is the violation substantive, procedural or both?
- *Cumulative Impacts:* Would (or has) repetition of similar activities or similar development result(ed) in increasing or critical impact upon the shoreline resource? Are such impacts adverse? Is the use or activity consistent with neighboring uses? Is the use or activity, together with past, existing, or planned uses or activities, protective of area natural resources?

EXISTENCE OF BAD FAITH:

use as a checklist

Bad faith refers to the intent and the attitude of the violator, and generally refers to actions intended to deceive, or that involve a knowing disregard of some duty. A willful, deliberate violation may warrant higher penalties or escalation of enforcement action. Because a finding of bad faith can give rise to severe penalties, exercise care in reaching such conclusions. Remember, actions can be open to different interpretations and motives are not always clear. Differences in values or philosophy are not sufficient to determine that someone acted in bad faith. Factors to consider in determining whether a person acted in bad faith include the following:

- Are there indications that the action was willful and deliberate?
- Is there a history of (similar) violations or a pattern of violations indicating a general disregard of environmental regulations? Have there been past efforts to acquaint the violator with the law?
- Should the violator have known better? How sophisticated is the violator regarding such matters? Is the violator in a position to repeat the violation? How likely do you believe that to be?
- Was the violation due to negligence? Were precautions taken to prevent the problem? Consider the degree of negligence, regardless of whether the violation may have also been intentional.
- Did the violator apply for, or obtain a permit, from you or from other agencies? Was a permit granted, but conditions ignored? If the activity was permit exempt, is the use or activity in compliance with substantive provisions of the SMP?
- Was the violator ignorant or unclear about requirements? Were requirements clearly conveyed and understood? Difficult to understand?
- How cooperative is the violator? Are they proposing or willing to undertake corrective action? Are they taking initiative to abate or correct the problem on their own? How quickly is the violator responding?
- Was the violation so intentional or the environmental impacts so great that criminal prosecution ought to be considered?

ECONOMIC CONSIDERATIONS:



use as a checklist

The fact that corrective action is costly is not a legitimate reason for excusing corrective action or a penalty. However, you may consider the relative costs of compliance in your decision in choosing *among* corrective actions. That is, you may consider the incremental cost of various options relative to their additional benefit to the shoreline resource.

Other points to keep in mind:

- Weigh the benefits that may accrue to the violator. The public should not suffer the loss of resources solely for the benefit of the violator.
- Corrective action must adequately compensate for the impact on shoreline resources. Coordinate with other resource agencies and Tribes to assure consistency in approach.
- Be sensitive to the fact that enforcement decisions may affect the economic viability of the regulated community and that all violations need to be pursued equitably.
- Strive to avoid unwarranted economic impacts on individuals or on a particular class of activities.
- It is important to convey to the owner or applicant that you have heard, and are considering, their point of view.

Other Considerations

Remember that your response to violations (or lack of response) sends a message to the community. What message are you sending? For enforcement to be effective, the community needs to be aware that rules will be applied consistently and equitably over time.

Coordinate with resource agencies to ensure your actions and decisions are mutual and consistent, or at least complementary on sites where there is multiple jurisdiction. You may want to take the initiative to assure the project complies with applicable local, federal or state regulations.

ideas—Improving Your Program

A team approach can be helpful when evaluating a violation. Meet with management, staff, and your attorney to jointly review the findings of your investigation and to determine the most appropriate course of action. Team reviews can help assure consistency in interpreting and applying the SMP. It may also be beneficial to invite agency representatives to hear their perspective and assessment of the violation.

Review of Shoreline Hearings Board decisions may help you in determining appropriate action and the seriousness of the violation.

Some enforcement cases stem from vague or ambiguous SMP policies and regulations, or from poorly written permit conditions. If you repeatedly encounter the same violation within the regulated community and the issue remains controversial, SMP policies, regulations and procedures may need to be reassessed. Repeated misunderstanding or misinterpretation by the regulated public may also indicate a need to rewrite (and clarify) regulations and policies. Formal feedback should be conveyed to planning and permitting programs to assure that policies and regulations are understandable, practical, and reasonable.

Violations may also result from incorrect, incomplete, or unclear information or advice from government officials. You may want to review interpretation and procedures with appropriate staff, or better communication of your requirements to sister agencies.

If repeated violations of a specific regulation occur, target the appropriate audience for a concerted public education effort.

Chapter 5 - Legal Tools and Options

This chapter outlines legal authorities and enforcement mechanisms that local government can use pursuant to the SMA; describes options for cooperative or joint enforcement actions that local government may pursue in conjunction with the Department of Ecology; and summarizes jurisdictions of other agencies that may be involved.

At this step, the administrator will be determining (or recommending) a strategy for achieving compliance. The compliance strategy may combine methods, or include a phasing or escalation of enforcement action as warranted.

Local Government Enforcement Procedures

Under state law, local government has been given the mandate to take all actions necessary to make sure no shoreline uses or activities conflict with the SMA and local SMP (Chapter 90.58.210 RCW). At the same time, state regulations also give local government discretion and flexibility in determining the appropriate type and level of enforcement action.

Under the SMA, local government has the option of adopting its own separate rules to implement the SMA enforcement provisions. As a first step, it's important to know the range of enforcement options and the legal support available to you. Check with the city attorney/county prosecutor and discuss your objectives and concerns. Competing demands for time and resources may mean that legal support is limited except for very important issues.

SMPs are often written to be complementary to other local land use regulations, such as zoning regulations. Critical areas ordinances adopted by many local governments to meet state Growth Management Act requirements may also interact with shoreline regulations. Development within regulated shorelines must comply with other applicable land use regulations as well as the SMP. If there is a conflict, usually the more restrictive regulation controls.

Familiarity with other applicable regulations can be very helpful in determining your enforcement strategy. You may have a greater possibility of resolving the problem through enforcement of another local ordinance. Remember too, that SMA authority can be used in addition to, or in combination with local rules and procedures. Also, as discussed below, local government can pursue a joint enforcement action with the Department of Ecology. Each case needs to be assessed individually; however, integrated enforcement actions can often be very effective.

Local enforcement tools and procedures for addressing shoreline violations are usually the same as those used in pursuing other local land use violations, and frequently parallel state SMA enforcement tools procedures. Examples of such tools are stop work orders, revocation of permits, and monetary penalties are common enforcement tools. In some extreme cases, criminal prosecution is undertaken.

REMEMBER:



Provisions of the SMA can be used in addition to, or in combination with local rules and procedures.

Legal Tools under the SMA: What's Available

This chapter includes a table summarizing the menu of legal tools provided for in the SMA and within its enforcement regulations (90.58 RCW and Chapter 173-27 WAC; see Appendix B for complete text).

Use these enforcement tools as necessary to achieve compliance. The appropriateness of a particular action depends on the violation. You may want to combine one or more methods, or plan on escalating your legal action if informal requests are not achieving desired, timely results, or if a resource is being threatened. If you are uncertain about the best course of action, consult your legal counsel for advice on which tool is most appropriate in a given situation.

Considerations in Selecting Enforcement Options

As shoreline administrator, your goal is to select (or recommend) specific enforcement measures that will resolve the problem in the most effective and efficient manner. Select those options which will bring the results you want with the least expenditure of resources. Remember, most cases are resolved in negotiations prior to the appeal. Except in cases warranting immediate action, your strategy should allow time and resources for discussion and negotiation.

If the violator is likely to appeal your decision, your strategy should also consider how the appeal process may affect the schedule and outcome of abatement or corrective action. Negotiation and subsequent resolution frequently occur during the appeal process. The appeal process may provide leverage in negotiations, and an opportunity to reach more rapid resolution of the problem. Chapter 6 discusses appeal processes in more detail.

You may find it helpful to phase your enforcement actions. In the first phase, abate the problem (prevent it from getting any worse). In the second phase, determine how best to restore the specific site or mitigate the damages. Keep in mind that the primary goal is compliance and that enforcement is only one tool. Enforcement actions may be also phased in order to escalate the penalties as necessary to achieve compliance

Menu of SMA Enforcement Tools

Tool	What It Is / How You Use It	Comments
Warning Notice <i>Oral</i>	Use a verbal warning to give the violator an opportunity to comply voluntarily and to communicate actions that may appropriately abate or correct the problem.	Used for minor actions or as a step in preparing for further enforcement action. Use to request more information. Documentation of a verbal warning is recommended (date, problem, person contacted, content of warning).
Warning Notice <i>Written</i>	A written warning is a letter or other notice sent to the violator, identifying the violation, citing relevant sections of the SMP, explaining how to correct the problem, and setting a time for compliance. A written warning can be used as a follow-up to a verbal warning. It gives the violator an opportunity to comply voluntarily and may help you determine how cooperative the individual will be.	A warning letter usually carries more weight than a verbal warning and provides documentation of enforcement actions. A letter from the city attorney/county prosecutor is likely to be seen as more serious than one from the shoreline administrator. Letters should reference prior verbal warning (if any), describe the problem and the action to be taken by the recipient. Include options for appeal if there are any, a deadline for responding, and further enforcement measures that will be pursued if the warning is ignored. Sending by certified mail is a good practice.
Cease & Desist (Stop Work Order): <i>RCW 90.58.210</i> <i>WAC 173-27-270</i>	Construction work or other activities are prohibited until compliance with regulations has been achieved. Stop work orders can be issued directly by a site/building inspector (or other administrative staff) and do not require a hearing. The order must describe the specific nature, extent, damage (or potential damage) and time of the violation; a statement that the violation must stop; describe the specific corrective action to be taken; and state the time allowed for correcting the violation. Stop work orders are effectively immediately upon receipt by the person(s) responsible for the activities in question. Civil penalties (fines) can be issued in combination with a stop work order.	A stop work order may be necessary to prevent continued environmental damage. It can also be important in setback or height disputes, because of the political and practical difficulties of ordering the removal or demolition of a structure after completion. A stop work order has greatest impact if the violator faces seasonal work constraints, if a contractor faces costs if schedules are not met, or other circumstances where delays create financial hardship. Because of the potential for serious financial harm, a stop work order should be used only where warranted.

Tool	What It Is / How You Use It	Comments
Civil Penalties: <i>90.58.210 RCW</i> <i>WAC 173-27-280</i>	State law allows local governments to impose fines of up to \$1000 per day per violation for persons who fail to get necessary permits for work or activities in the shoreline or who ignore a stop work order. A person who assists or helps in the commission of a violation can also be fined. Each day the violation continues is subject to the fine. Written notice must be given by either certified mail or by delivering it to the individual in person. The notice must describe the violation and the date (approximate date is adequate), and order the violation stopped. Corrective action can also be requested. Appeal processes should be described. A civil penalty can be appealed within 30 days of notice.	Monetary penalties or fines can be an effective disincentive for disregarding shoreline regulations. Costs must be high enough to outweigh the potential benefits of violating the regulations. If not, some persons may find it economically beneficial to run the risk of the violation being discovered and paying the fine. The potential of fines can encourage settlement in many cases. Because local government or Ecology can remit or mitigate the penalty if the person involved can demonstrate extraordinary circumstances, (including new information), imposition of penalties often provides a strong negotiating tool.
Liability for Restoration & Corrective Action <i>90.58.230 RCW</i>	A person who violates shoreline regulations is liable for all damages to public and private property and can be required to pay for the costs of restoration or other corrective action. This is a type of civil penalty that could be separate or in addition to fines or other penalties.	This provision is helpful when shoreline resources and associated wetlands are involved. More than one avenue of enforcement may be available. Other state and federal authorities for resource damage under MTCA and CERCLA (Superfund) provide for very strong penalties as well as for costs of restoration.
Revocation or Revision of SMA Permit <i>90.58.140(8)RCW</i>	A permit can be revoked or modified if permit conditions are not being met or the permit was obtained by fraud. Documentation of the violation is needed to support a report to the city or county legislative body requesting revocation or modification of the permit. A public hearing is required with standard requirements for public notice. Written notice must be given to the holder of the permit. The decision can be appealed to the SHB.	Revocation actions are both a form of punishment for the person who violated regulations and a technique to stop or remove harmful shoreline activities. Because such actions involve action by local elected officials, they may also have political overtones. In general, there is often resistance to revoking a properly issued permit except in cases of egregious or flagrant violations. Initiation of revocation proceedings can also be used as a negotiating tool. When considering such action, make sure that the initial permit was properly issued and that the conditions were clear and unambiguous.

Tool	What It Is / How You Use It	Comments
Performance Assurance Devices <i>Shoreline Handbook</i>	Performance bonds, letters of credit, or other financial devices to assure compliance with the SMA, the SMP and any permit conditions can be imposed as a condition of approval on a shoreline permit. These are intended to provide financial resources to allow the jurisdiction to complete work on some aspect of a project if it is left unfinished by the owner or developer.	Bonds are commonly used as conditions of construction and building permits for landscaping, streets, sidewalks and similar site improvements. There are established procedures for imposing and enforcing a bond. Considerations for using bonds include the cost, whether the improvement or construction is specifically described (such as landscaping or construction of a pathway), and whether the triggering device for using the bond is clearly defined.
Attorney Fees/Costs <i>90.58.230 RCW</i>	Local jurisdictions or the state can file a legal action against a person who has violated shoreline regulations. In addition to other penalties, the court can award attorney's fees and costs of the litigation to the prevailing party.	The potential of paying the court costs and attorney fees of the other party if you lose in a legal battle can be a powerful incentive to resolve problems of shoreline violations through negotiated settlements.
Property Lien	A lien is an encumbrance or charge against a property. In the event that a person who has been fined for shoreline violations does not pay, a lien can be placed upon the affected property. The lien is imposed by filing legal documents that establish the basis for the claim against the property at the office of the County Assessor. The lien is removed when the violator pays the fine. If not, the amount of the lien is paid to the jurisdiction who filed the lien when the property is sold.	Liens can be a useful tool to encourage payment of penalties. Because liens encumber a property, they can be an impediment to sale of property or its use as collateral to borrow money, and may give an owner incentive to pay the fine. Local jurisdictions may be reluctant to impose liens unless it involves a serious offense or the violation has resulted in costs that must otherwise be borne by the public. Legal advice as to procedures and requirements is important if liens are to be part of your enforcement strategies.
Criminal or General Penalties <i>90.58.220 RCW WAC 173-27-300</i>	Criminal acts as used in the SMP concern willful violations of shoreline regulations. Willful violations are defined as gross misdemeanors (penalties include fines and the possibility of imprisonment). Violators are subject to a fine of not less than \$100 nor more than \$1000 and/or time in the county jail for up to 90 days for each separate offense. Subsequent violations within 5 years increase the range of fines from \$500 to \$10,000.	Criminal prosecutions for shoreline violations are uncommon. In part, this is because the burden of proof is more substantial (i.e., it can be difficult to prove that an action resulting in a violation was done willfully). "Willful" in the context of criminal actions generally means an act done with a bad purpose, or with a careless disregard of whether an action can legally be taken. Most local governments would prefer to work toward resolution of violations without pursuing criminal penalties. However, the potential is there for use in extreme cases.

Techniques for Reaching Voluntary Compliance

In most situations, it is worthwhile to seek voluntary compliance before proceeding with other enforcement approaches. Meetings between the permit violator and the shoreline administrator are usually the first step in an effort to reach agreement (Note: remember to keep the property owner informed of these negotiations if the permit violator and the property owner are different people). Bringing such meetings to successful completion can require a great deal of skill and patience. Many of the techniques used in mediation and negotiation (see discussion below) are applicable to these less formal processes as well.

Alternative Dispute Resolution Techniques

Other options to legal processes include a variety of alternative dispute resolution techniques such as mediation and negotiation. These techniques are gaining wider acceptance in land use and environmental disputes. When and which of these options may be appropriate depends on a variety of factors, including the complexity of the issues, the number and interests of people and agencies involved, time and resources available, and whether the nature of the dispute is such that a mutually acceptable outcome seems possible. Even if a formalized mediation or negotiation process is not appropriate, an understanding of the basic principles can be useful in your efforts to achieve voluntary compliance.

Negotiation

Negotiation can be informal or formal and can use a variety of processes, strategies and tactics. Negotiations can involve the use of a neutral facilitator, structured agendas, and organized meetings, or they can simply involve meetings between two parties trying to resolve a dispute. A basic purpose of negotiation is to reach a durable settlement agreement that is satisfactory to all those involved.

There are a number of things to consider before your meeting. Remember — your role will not be that of the enforcer, but will be the more complex role of the negotiator. Can you be objective about the needs and interests of the property owner? Do you have a good understanding of the policy objectives of the affected provisions of the SMP? What are the key environmental interests that you need to protect? Look for areas where both your interests and those of the property owner may coincide and think about solutions that will meet both your objectives and the property owner's interests. Your general objective will be to achieve voluntary compliance with certain provisions of the SMP (reducing time and resources expended on enforcement) while minimizing adverse environmental impacts.

TIPS FOR NEGOTIATING:

- Identify where you can and can't be flexible. Know your bottom line and communicate the basic performance standards that you must achieve.
- Give the violator the opportunity to suggest solutions that may be more timely and cost effective.
- Make sure you are aware of interests and needs of affected parties, including agencies with jurisdiction and the affected parties.
- Listen actively to the information and explanation offered by the other parties.

Mediation

Mediation is a voluntary process by which the parties in a dispute agree to work together to reach an informed and mutually acceptable settlement of specific issues. A mediator, a neutral person, facilitates communication between the parties to the dispute and assists them to develop a mutually agreeable solution. The mediator has no authority to decide issues. Successful mediation processes often result in settlements or recommendations that include solutions different from those proposed by either party. A written agreement is used to embody the solutions. A successful mediation is one where all of the parties believe that they have negotiated a result that is better than that they could otherwise have obtained even though each may have given up something in the process.

Information about mediation and negotiation techniques is available from a wide range of sources. One basic text that is very useful is *Getting to Yes; Negotiating Agreement Without Giving In* by Roger Fisher and William Ury. Another useful resource is a videotape and report on *Negotiating And Mediating Land Use Disputes* produced by the American Institute of Certified Planners. More information about mediation in Washington State including training programs can be obtained from the University of Washington School of Law Continuing Education Program, the Snohomish-Island County Dispute Resolution Center, and the Thurston County Dispute Resolution Center. In addition, the Department of Community Development maintains a roster of people who work as facilitators and mediators.

Joint Ecology/Local Government Action

Assistance from the Department of Ecology

The SMA rules and regulations call for a cooperative program between local government and the Department of Ecology. Upon request, the Shoreline Management Program at Ecology can assist local government in SMA enforcement with investigation, interagency coordination, and legal and technical support during the enforcement action. Ecology can also serve as a third party to help facilitate agreement on a particularly contentious issue.

UPON REQUEST ECOLOGY WILL:

- Provide technical assistance, (e.g. clarifying boundaries of SMA jurisdiction, determinations regarding wetlands or location of the ordinary high water mark, and evaluations of relevant hydrology);
- Assist in gathering evidence, making site inspections, supplying photos;
- Assist in preparing needed documentation such as administrative orders;
- Co-signing enforcement actions such as orders and penalties; and
- Coordinating legal support from the State Attorney General's Office.

Joint Enforcement Actions

Under the SMA, the Department of Ecology has the authority to pursue joint enforcement action with local governments. Alternatively, local governments or Ecology have equal authority to enforce the SMA independently. The Ecology Shorelands Program typically gets involved in shoreline enforcement cases when:

- Local government requests technical assistance (for example, assistance from wetland experts).
- Local government expects an appeal, and sees an advantage for that appeal to go the Shoreline Hearings Board. In this case, local government pursues enforcement action jointly with the Department of Ecology. By law, the appeal of a joint Ecology-local government order is routed through the Shoreline Hearings Board rather than through the local legislative body.
- Local government is unable or unwilling to achieve voluntary compliance.

- When complainants or citizens convince Ecology that they are not getting or will not be able to obtain a fair hearing from local government.

Coordination with Other Agencies

As discussed in previous chapters, many shoreline uses and activities require permits and approvals from other state or federal agencies. Note that compliance with the local government Shoreline Master Program does not preclude any requirements to obtain permits, certificates, licenses, or approval from other governments.

Depending on the nature of the violation, consider whether use of SMA enforcement authority will be as effective as use of other environmental regulations. Consider also whether local government should serve as lead agency on the enforcement action. A joint or coordinated enforcement action with other agencies may be appropriate in situations where:

- the violation is serious and more stringent penalties are available and warranted;
- the violation requires special expertise to investigate and or to develop an appropriate restoration or correction plan; or
- other agencies are already involved and committed to pursuing enforcement.

For example, stronger sanctions exist within the Section 404 provisions of the federal Clean Water Act to address draining and fill of wetlands. The Washington State Pollution Control Act (Chapter 90.48 RCW) includes a number of very strong provisions for addressing water quality violations, including use of unilateral administrative orders with fines of up to \$10,000 per day for non-compliance.

REMEMBER:

- If you defer enforcement lead to other agencies, you still need to ensure your enforcement duties are met, and that resolution of the problem is consistent with your SMP.
- Check to ensure your enforcement solution meets other laws and regulations.

The Appendix includes a list of other laws and programs that commonly apply to shoreline use or development. Agencies most frequently involved in shoreline projects include the Department of Ecology, the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, Indian Tribes with jurisdiction (typically determined by river basin), and the Washington State Department of Fish & Wildlife.

Areas of regulatory overlap with SMA authorities typically include:

- any in-water construction in streams, rivers, lakes, or marine waters
- dredging and dredge material disposal
- use or construction involving fisheries and wetland habitat
- contaminated sediments
- water quality, including storm water and industrial discharges and accidental release of pollutants or debris;
- handling or release of solid or hazardous wastes or hazardous substances
- critical or environmentally sensitive areas (for example: unstable slopes, erosion hazard areas, wetlands, or marine habitat);
- natural resources damage from release of toxic substances.

Chapter 6 - Legal Follow-up

This chapter describes the appeal process and discusses the different jurisdictional levels and agencies that hear appeals. This chapter also offers advice for the shoreline administrator should the case be appealed. The focus is on going to court, but the basic recommendations apply to quasi-judicial bodies as well.

Appeals

There are various ways to appeal enforcement actions under the SMA. *Where* an appeal is heard depends upon *who* (which agency) issued the order. There are also several levels of appeals.

Appeals of administrative shoreline enforcement decisions can occur at three different levels. The appeal is made to the agency issuing the order and include:

- Local: Hearing examiners, city/county councils or commissions
- State: Shoreline Hearings Board
- Judicial: Washington State Superior Court

The initial level of appeal is simply to ask the agency that issued the penalty to reconsider its decision. This is called a “request for remission” or “mitigation” or a “request for relief.” Generally, a person receiving a penalty has 30 days from the date of receipt to request relief (it’s always good practice to verify appeal periods). If the enforcement action was taken solely by local government, the request for relief is usually to the local legislative body (the council or commission). Sometimes these legislative bodies delegate the responsibility for hearing appeals to a hearings examiner. Specific procedures for local appeals are established by local government rules.

If an enforcement action is taken by Ecology (or jointly by Ecology and local government), requests for relief are directed to the agencies that issued the penalty. If the penalty is jointly issued, any decision to remit or mitigate the penalty must be agreed to by both Ecology and local officials.

If a request for relief from penalties issued by Ecology (including joint enforcement actions) is denied, an appeal can be made to the Shoreline Hearings Board.

Parties dissatisfied with a decision of the Shoreline Hearings Board can seek review in superior court. Such judicial appeals are not “de novo,” but are limited to a review of the administrative record. This means that the court *will not* take a new look at the witnesses and exhibits, but *will only* examine the findings of fact and determinations of law made by the Shoreline Hearings Board to determine if the Board’s decision was in error.

In most instances, appeals must be heard either by local government or the Shoreline Hearings Board before the court will accept a matter for judicial review. Appeals can involve a complex array of procedural requirements that vary among jurisdictions. Familiarity with the requirements and time periods for the appeal processes of their local jurisdiction as well as those of the Shoreline Hearings Board will be very helpful to local shoreline administrators.

Appeals to Local Government

Although appeal procedures differ among jurisdictions, the requirements and processes are generally similar. At this level, primary responsibilities for processing appeals will likely fall to the local shoreline administrator. Appeal of administrative decisions may be to a hearing examiner (if one is used by the jurisdiction) or to city/county legislative body. Appeals of hearing examiner or planning commission decisions on shoreline matters are heard by the local government council or commission. Generally, appeals can be filed only by someone who participated in the public hearing as a party (i.e., they were the applicant, own the property or gave testimony at the hearing). Requirements for notice, notification of parties and other procedural aspects of the hearing are usually established by ordinance. Depending upon the rules of the jurisdiction, hearings can be either on the record or *de novo* (i.e., a new hearing). Appeal hearings must meet the due process and procedural standards for quasi-judicial hearings.

“Quasi-judicial” is a term applied to the actions of public bodies when they are required to hold public hearings, consider evidence for or against a proposal, and when their decisions affect specific parties. As part of their deliberation, they must make decisions based on a determination of the facts and consideration of applicable law. In general, they exercise discretion of a judicial nature similar to a court of law. Local government councils or commissions are primarily legislative bodies, but are considered to be quasi-judicial bodies when they hold hearings on shoreline appeals. If the state joins in local SMA enforcement actions, the actions of a city council or board of county commissioners on a shoreline appeal can be appealed further to either the Shoreline Hearings Board or to the courts. However, a person who wishes to appeal a joint state/local enforcement action must first seek review by the Shoreline Hearings Board before being entitled to judicial review.

Appeals to the Shoreline Hearings Board

The Shoreline Hearings Board (SHB) was created by the Shoreline Management Act. It is a quasi-judicial body (see the preceding discussion of quasi-judicial), which means that standards of due process and procedural rules apply to the conduct of the hearings. The Board is an independent agency, not affiliated with any other unit of government. Of the six members of the Board, three are members of the Pollution Control Hearings Board; two are representatives from the Washington State Association of Counties and Association of Washington Cities; and one member is the Commissioner of Public Lands or his designee.

The SHB hears appeals of SMA enforcement actions if such enforcement was initiated by the Department of Ecology or jointly by Ecology and local government. When local governments alone enforce the SMA, appeals are to local government legislative bodies, and not to the SHB. The Board also has jurisdiction to hear appeals of shoreline substantial development permits, conditional use permits, and variances, as well as local government appeals of rules or regulations approved by Ecology. There is no longer a requirement that permit appeals be “certified” to go to the board. Appeal of Shoreline Master Program amendments are not to the SHB but to the Regional Growth Management Hearings Board.

Appeals to the Shoreline Hearings Board involving local government actions are usually handled by the legal staff. However, the local shoreline administrator will likely be asked to provide background information about the case and may be required to give a deposition or give testimony at the hearing. Pre-hearing conferences are often held prior to scheduling of the hearing. A pre-hearing conference has two main purposes: to provide the parties an opportunity to reach a settlement, and to prepare the case for hearing if a settlement is not reached. A pre-hearing conference is the place to articulate legal issues for hearing, to identify witnesses and exhibits, and to schedule the date and time for the actual hearing and pre-hearing activities (e.g., motions). If no settlement is reached, the matter will go before the Board in a formal hearing, similar to court proceedings. The hearing held by the Board is not restricted to the record developed by local government or Ecology. New information can be presented and the Board typically makes a visit to the site. In most cases, the burden of proof is on the party making the appeal. However, in an appeal of an SMA enforcement action, the burden of proof shifts to the Department of Ecology (or to both Ecology and the local jurisdiction in the case of a joint enforcement action). The Board bases its decision on the evidence presented to it (e.g., written testimony, exhibits, and legal arguments). Particular emphasis is placed on the enforcement order and the specific language of the applicable SMP. The Board's decision, which is issued in writing and contains the reasons for their decision, can be appealed to Superior Court within 30 days from the date of the order. A petition for reconsideration can also be filed with the Board within 10 days of the date the order was issued.

Appeals to Superior Court

Decisions of local government and the Shorelines Hearings Board on enforcement, permits, master programs, rules, regulations, guidelines and designations are subject to judicial review. The time in which the appeal must be filed, the place where the appeal can be filed, and who must be included within the legal action are all governed by state or local regulations. Judicial review of decisions of the Shorelines Hearing Board must be filed within 30 days of the Board's action. A party who wishes to bring suit against the Board's decision on a permit can file in the Superior Court of Thurston County; in the county where he/she lives; or the county in which the property is located. However, judicial review of the Board's decision on appeals of master programs, rules, regulations, guidelines or designations must be filed in the Superior Court of Thurston County.

Rules of procedure for Washington courts require that the person requesting the shoreline permit, the property owners of record, and government agencies which have regulatory authority over the matter must be included in any lawsuit concerning shoreline permits and master programs.

Going to Court

Well-documented cases tend to settle out of court without the added expense of a lengthy defense. However, if the case goes to court, you will likely be called as a witness. This section provides tips and reminders for witnesses. These recommendations may also be helpful in quasi-judicial hearings (such as those before the Shorelines Hearings Board). Careful preparation before giving testimony will help establish roles and greatly increase your level of comfort.

Under most circumstances the administrator or inspector will be called as a “fact witness” to testify about matters that they have personal knowledge of. Your basis for having that knowledge will be established prior to your testimony.

The three most common attacks on a witness are competency, credibility, and impeachment. The following is a brief discussion of each:

- **Competency** concerns questions of whether you have sufficient qualifications to give adequate testimony. It is determined by the judge case by case. In most cases, a person who serves as a shoreline administrator would likely be considered to be a competent witness.
- **Credibility** refers to the reliability and trustworthiness of your testimony. Were you in a position to make the observation? Do you have the experience necessary to substantiate your testimony? Is there any reason for disbelieving your account of the facts? There are many subtleties here. A lack of composure under fire can tarnish your credibility in the view of a jury or judge. Do not elaborate beyond your direct knowledge or you may provide unexpected opportunities for the defense to attack your credibility as well as other aspects of the case.
- **Impeachment** occurs when the defense detects a flaw in your testimony such as inconsistent statements, contradictions of fact, a poor reasoning process, or bias about the case and/or the opposing party. Opposing counsel will use such flaws to challenge the truthfulness and credibility of your entire testimony. The defense can use a chink in your credibility to discredit you and the body of your testimony in the eyes of a judge or jury.

Your principal responsibility will be to give a truthful accounting of the facts. In most cases, your attorney should help prepare you for giving testimony in court or giving a deposition (depositions are a way of taking testimony under oath outside of a courtroom).

Your attorney should review the strength and weakness of your knowledge, refresh your memory and help make you more comfortable with the court proceedings. Your attorney should review the questions they intend to ask and may review your answers as well. In contrast, the defense may try to create doubt or insecurity in the witness's mind by asking the question, "Did you discuss this with your attorney before you came here?" suggesting there may be something improper about it (there isn't). You would answer, "yes." The defense might then ask you, "Were you told how to answer?" Your answer would be, "I was told to tell the truth."

The more you say, the more opportunity the defense has to find areas of weakness in your testimony. Listen carefully to the questions asked of you. Answer only the question asked and then shut up. Don't ramble. A common problem is to answer a question that is anticipated, but has not been asked. You may think you know where the defense is going, but they may have another agenda or may not have thought of the question at all until you volunteered an answer. The issues you bring up may or may not be relevant and could create unforeseen or undesirable consequences.

You cannot accurately answer a question that you do not fully understand. If you don't understand a question, pause and think about it. You may ask the judge to allow you to refer to your field notes, photographs, or inspection report. You can ask that the question be repeated if you have not heard it clearly or have trouble understanding it. It is usually permissible for you to ask that a question be rephrased, or that a complicated or compound question be broken up. Some aggressive defense counsels may press you for answers by establishing a rhythm of easy "yes or no" questions and then abruptly change pace with a complicated question in hopes of getting a poorly considered answer or disrupting your composure. Pausing and thinking before giving your answer will allow you time to reflect, to maintain your demeanor, and stay in control of your testimony.

Don't let silence by the defense counsel motivate you to fill the void by talking. Asking leading questions (those which suggest an answer), efforts to intimidate, assaults on your credibility, or twisting interpretations are all techniques used by attorneys and that are allowed within certain ethical boundaries. Some defense attorneys may tend to test these boundaries if these techniques work to their client's favor. Don't allow actions by the defense to affect your emotions or behavior. Your attorney is allowed to object to possible breaches of protocol and your calm composure will only reflect your professionalism.

Trials are by nature adversarial — recognize it, stick to what you know, and answer only the questions put before you. Remember, you are there only as a witness of fact. Relate what you did and what you know and always tell the truth.

Appendix 1 – Sample Forms and Letters

Shoreline Enforcement Form Inserts

1. Local jurisdiction:
2. Full legal name of violator:
(QUERY: as individual? marital community? partnership? or corporation?)
3. Docket No.: (From Ecology if joint order)
4. Name and address of violator:
5. Amount of penalty:
6. Street Address of location of violation:
7. Legal description of location of violation:
(e.g., quarter section, section, township, range)
8. Date of investigation:
9. What investigation disclosed:
(Nature, location, dimensions or scope of violation)
10. Shorthand phrase describing violating activity:
(e.g., “bulkheading waterward of the ordinary high water mark”)
11. Shoreline Master Program provisions being violated:
(remember to note the shoreline designation within the SMP)
12. Water body:
(QUERY: Shoreline of statewide significance?)
13. Date of signature:
14. Local Shoreline Administrator:



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600 • (206) 407-6000 • TDD Only (Hearing Impaired) (206) 407-6006

CERTIFIED MAIL

[13]

[4]

Re: Shoreline Violation, Order No. [3]

Dear [2]:

Enclosed is an original Ecology Enforcement Order No. [3] from the Department of Ecology (and [1] if joint).

A form entitled "Acknowledgement of Service" is also enclosed. Please sign this form and return it to this office.

This order is being issued by ([1] (if joint and) the Washington State Department of Ecology under provisions of RCW 90.58.210, WAC 173-27 and the applicable shoreline master program.

All correspondence and questions relating to these documents should be directed to the undersigned, at the Department of Ecology and to [14] of [1].

Sincerely,

James D. Anest
Enforcement Coordinator
Shorelands and Environmental
Assistance Program
(360) 407-6529

JA:
Enclosure

cc:

[1] (if joint)
and
THE DEPARTMENT OF ECOLOGY

IN THE MATTER OF COMPLIANCE BY [2]	)	
WITH THE SHORELINE MANAGEMENT ACT AND	)	ACKNOWLEDGEMENT OF SERVICE
THE [1] SHORELINE MASTER PROGRAM	)	ENFORCEMENT DOCKET NO. [3]
	)	

TO: Department of Ecology
State of Washington
P.O. Box 47600
Olympia, WA 98504-7600

Attention: Jim Anest
Enforcement Coordinator
Shorelands and Environmental Assistance Program

Receipt is acknowledged of Shorelands Enforcement Order No. [3]

Dated this _____ day of _____, 199_.

(Signature)

(Title)

Company/agency (if applicable)

[1] (if joint enforcement)
and
Washington State
Department of Ecology

IN THE MATTER OF THE	)	
COMPLIANCE BY [2] WITH CHAPTER	)	DOCKET NO. [3]
90.58 RCW AND THE RULES AND	)	ORDER AND NOTICE
REGULATIONS ADOPTED THEREUNDER	)	OF PENALTY INCURRED
INCLUDING THE [1] SHORELINE	)	
MASTER PROGRAM	)	

To: [4]

NOTICE IS HEREBY GIVEN that you have incurred, and there is now due and payable from you, a penalty in the amount of [5] thousand dollars (\$ [5],000) for undertaking an activity on the shorelines of the state in violation of Chapter 90.58 RCW and the [1] Shoreline Management Master Program. OPTIONAL; if all of the following requirements, terms and conditions of this order are fully satisfied in a timely manner by [2], the penalty will be waived in full. This Order and Penalty is based upon the following allegations of fact and law:

ALLEGATIONS OF FACT

1. That [2] own(s) or control(s) certain real property located at [6] and within Section [7], Township [7], Range [7] of W.M. within [1].
2. That on [8], enforcement staff from the Shorelands and Environmental Assistance Program of the Department of Ecology conducted (or from [1] if joint enforcement the city or county) a site inspection of the above described property.
3. That the above described site inspections disclosed that [9].

ALLEGATIONS OF LAW

4. The above described real property is in relevant part within shoreline jurisdiction, RCW 90.58.030 (2). QUERY; Shoreline of statewide significance?
5. That the above described [10] constitutes substantial development under RCW 90.58.030.
6. RCW 90.58.140 states that a development shall not be undertaken on the shorelines of the state unless it is consistent with the policy of this chapter and after adoption or approval, as appropriate, the applicable guidelines, rules, or master program governing that shoreline.

Shoreline Order [3]

[2]
[13]

7. RCW 90.58.140(2) states that "A substantial development shall not be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter."
8. RCW 90.58.210 (2) provides that once substantial development is permitted within shoreline jurisdiction, that such development must be conducted in a manner that is consistent with the terms and conditions of said permit.
9. RCW 90.58.020 requires that permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.
10. WAC 173-27-270 provides that local government and/or the Department of Ecology shall have the authority to serve an order upon a person if an activity being undertaken on shorelines of the state is in violation of chapter 90.58 RCW or the applicable local master program.
11. [Add Local Master Program Plan Provisions]
QUERY; Specific shoreline designation in master program?

In view of the foregoing and in accordance with the provisions of WAC 173-27 (the Washington Administration Code).

IT IS ORDERED THAT [2] and any other person acting as his employee or agent shall, upon receipt of this Order, immediately cease and desist from all further [10] activities within 200 feet of the ordinary high water mark of the [11], or within associated wetlands on the above referenced parcel, unless and only to the extent such work is specifically authorized by a currently valid shoreline permit issued by [1] or authorized by an enforcement order from both the Department of Ecology and [1] for the purpose of restoring the site.

IT IS FURTHER ORDERED THAT [2] shall within twenty (20) days of your receipt of this Order, respond specifically whether you admit or deny or lack sufficient knowledge to admit or deny each of the numbered Allegations of Fact or Allegations of Law contained in this Order.

IT IS FURTHER ORDERED THAT [2] submit a plan within thirty (30) days of his receipt of this Order to the Shorelands and Environmental Assistance Program of the Department of Ecology (P.O. Box 47690, Olympia, WA 98504-7690) in which he describes in detail his plans to restore to the maximum extent feasible, the shoreline of [12].

Failure to comply with the terms of this order shall result in further actions by the Department of Ecology, including, but not limited to, the issuance of further civil penalties of up to one thousand dollars per day and criminal prosecution pursuant to 90.58.210 RCW.

Shoreline Order [3]
[2]
[13]

The penalty herein described is due and payable by you within thirty (30) days of your receipt of this Notice of Penalty. Please remit the penalty fee payable to Department of Ecology, Cashiering Section, P.O. Box 5128, Lacey, WA 98503.

If, however, for any reason you believe that the violation herein described did not occur or you have an explanation as to why it occurred, or any other fact which you believe the Department should consider with regard to this penalty and you desire to submit an "Application of Relief from Penalty," set forth these facts and return it to this Department within thirty (30) days. Your statement must be signed under oath before a notary public or any other person authorized to take oaths.

Upon receipt of an "Application for Relief from Penalty" the Department will consider the same and will either reduce the penalty, cancel the penalty, or allow it to remain as originally stated. You will be duly notified of our decision. Ecology's decision regarding your "Application for Relief" is appealable to the Shorelines Hearings Board pursuant to RCW 90.58.210 and WAC 173-27-290.

Signed in Olympia, Washington
this [13] day of [13] 199_

[Regional Supervisor]
Shorelands and Environmental
Assistance Program

Signed in _____, Washington
this [13] day of [13] 199_

for [1]



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600 • (206) 407-6000 • TDD Only (Hearing Impaired) (206) 407-6006

[13]

CERTIFIED MAIL

[4]

Subject: Shoreline Warning and Investigation

Dear Mr. or Ms.: [2]

The Revised Code of Washington (RCW 90.58.140, the State Shoreline Management Act) provides that a development shall not be undertaken on the shorelines of the state unless it is consistent with the policy of this Chapter and the guidelines, rules, and master programs established under that law. A substantial development shall not be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.

Representatives of [and/or] [1] the Department of Ecology have reason to believe that you are responsible for substantial development within Shoreline Management jurisdiction in violation of the provision of Chapter 90.58 and provisions of the [1] Shoreline Master Program. Specifically we have seen [10].

This letter is primarily intended to gather the information necessary to determine whether or not a violation has occurred, and if so, what kind of enforcement action is appropriate under the circumstances. This determination does not constitute an order or directive under RCW 90.58.210. However, the Department has authority to issue an administrative order and penalty (of up to one thousand dollars per day) on this matter. We are prepared to do so, unless within thirty days from the receipt of this letter, you file a full report with the department which provides detailed responses to the following questions:

1. Describe in detail what work was done in and along the shoreline of [12] on your property during the past three years.
2. Identify to the best of your recollection specifically when such work was done.
3. Describe the purpose of the work done and the future plans and final results you hope to achieve at that location.

Shoreline Warning and Investigation Letter
[2]
[13]

4. Identify those individuals or organizations who were physically and/or financially involved in the work performed. Include equipment owners, operators, and others.
5. Was the work performed on your property done with your permission? If not, explain any actions you have taken or will take with regard to the work done.
6. Identify specific government permits or authorization secured from any level of government, and identify those individuals contacted to secure such permits or other authorizations necessary.

Upon receipt of this report, [1] [and/or if joint] the Department shall determine its response in light of the facts and applicable law, and shall notify [2] by certified mail. Any questions or correspondence regarding this letter should be directed to Jim Anest, the Shorelands Enforcement Coordinator, phone (206) 407-6529 (and to [14] if joint enforcement).

Dated at _____ this _____ day of _____, 1994.

Regional Supervisor
Shorelands and Environmental
Assistance Program

TM:JA:
swai.wp

Appendix 2 - The Shoreline Management Act and Regulations

SMA ENFORCEMENT SECTIONS

RCW 90.58.210 Court actions to insure against conflicting uses and to enforce -- Civil penalty -- Review.

(1) The attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions and programs of this chapter, and to otherwise enforce the provisions of this chapter.

(2) Any person who shall fail to conform to the terms of a permit issued under this chapter or who shall undertake development on the shorelines of the state without first obtaining any permit required under this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation.

Each permit violation or each day of continued development without a required permit shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Within thirty days after the notice is received, the person incurring the penalty may apply in writing to the department for remission or mitigation of such penalty. Upon receipt of the application, the department or local government may remit or mitigate the penalty upon whatever terms the department or local government in its discretion deems proper. Any penalty imposed pursuant to this section by the department shall be subject to review by the shorelines hearings board. Any penalty imposed

pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the shorelines hearings board. [1986 c 292 § 4; 1971 ex.s. c 286 § 21.]

RCW 90.58.220 General penalty. In addition to incurring civil liability under RCW 90.58.210, any person found to have wilfully engaged in activities on the shorelines of the state in violation of the provisions of this chapter or any of the master programs, rules, or regulations adopted pursuant thereto shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than twenty-five nor more than one thousand dollars or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment: Provided, That the fine for the third and all subsequent violations in any five-year period shall be not less than five hundred nor more than ten thousand dollars: Provided further, That fines for violations of RCW 90.58.550, or any rule adopted thereunder, shall be determined under RCW 90.58.560. [1983 c 138 § 3; 1971 ex.s. c 286 § 22.]

RCW 90.58.230 Violators liable for damages resulting from violation -- Attorney's fees and costs. Any person subject to the regulatory program of this chapter who violates any provision of this chapter or permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to violation. The attorney general or local government attorney shall bring suit for damages under this section on behalf of the state or local governments. Private persons shall have the right to bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party. [1971 ex.s. c 286 § 23.]

Shoreline Management Act
Chapter 173-27 WAC
Sections 240 – 310

WAC 173-27-240 Authority and purpose.
WAC 173-27-250 Definitions.
WAC 173-27-260 Policy.
WAC 173-27-270 Order to cease and desist.
WAC 173-27-280 Civil penalty.
WAC 173-27-290 Appeal of civil penalty.
WAC 173-27-300 Criminal penalty
WAC 173-27-310 Oil or natural gas exploration--Penalty.

WAC 173-27-240 Authority and purpose. This part is adopted under RCW 90.58.200 and 90.58.210 to implement the enforcement responsibilities of the department and local government under the Shoreline Management Act. The act calls for a cooperative program between local government and the state. It provides for a variety of means of enforcement, including civil and criminal penalties, orders to cease and desist, orders to take corrective action, and permit rescission. The following should be used in addition to other mechanisms already in place at the local level and does not preclude other means of enforcement.

[Statutory Authority: RCW 90.58 140(3) and [90.58] 200. 96-20-075 (Order 95-17), § 173-27-240, filed 9/30/96, effective 10/31/96.]

WAC 173-27-250 Definitions. The definitions contained in WAC 173-27-030 shall apply in this part also except that the following shall apply when used in this part of the regulations:

(1) "Permit" means any form of permission required under the act prior to undertaking activity on shorelines of the state, including substantial development permits, variances, conditional use permits, permits for oil or natural gas exploration activities, permission which may be required for selective commercial timber harvesting, and shoreline exemptions; and

(2) "Exemption" means authorization from local government which establishes that an activity is exempt from substantial development permit requirements under WAC 173-27-040, but subject to regulations of the act and the local master program.

[Statutory Authority: RCW 90.58 140(3) and [90.58] 200. 96-20-075 (Order 95-17), § 173-27-250, filed 9/30/96, effective 10/31/96.]

WAC 173-27-260 Policy. These regulations should be used by local government in carrying out enforcement responsibilities under the act, unless local government adopts separate rules to implement the act's enforcement provision.

Enforcement action by the department or local government may be taken whenever a person has violated any provision of the act or any master program or other regulation promulgated under the act. The choice of enforcement action and the severity of any penalty should be based on the nature of the violation, the damage or risk to the public or to public resources, and/or the existence or degree of bad faith of the persons subject to the enforcement action.

[Statutory Authority: RCW 90.58 140(3) and [90.58] 200. 96-20-075 (Order 95-17), § 173-27-260, filed 9/30/96, effective 10/31/96.]

WAC 173-27-270 Order to cease and desist. Local government and/or the department shall have the authority to serve upon a person a cease and desist order if an activity being undertaken on shorelines of the state is in violation of chapter 90.58 RCW or the local master program.

(1) Content of order. The order shall set forth and contain:

(a) A description of the specific nature, extent, and time of violation and the damage or potential damage; and

(b) A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under WAC 173-27-280 may be issued with the order.

(2) Effective date. The cease and desist order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed.

(3) Compliance. Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

[Statutory Authority: RCW 90.58 140(3) and [90.58] 200. 96-20-075 (Order 95-17), § 173-27-270, filed 9/30/96, effective 10/31/96.]

WAC 173-27-280 Civil penalty. (1) A person who fails to conform to the terms of a substantial development permit, conditional use

permit or variance issued under RCW 90.58.140, who undertakes a development or use on shorelines of the state without first obtaining a permit, or who fails to comply with a cease and desist order issued under these regulations may be subject to a civil penalty by local government. The department may impose a penalty jointly with local government, or alone only upon an additional finding that a person:

(a) Has previously been subject to an enforcement action for the same or similar type of violation of the same statute or rule; or

(b) Has been given previous notice of the same or similar type of violation of the same statute or rule; or

(c) The violation has a probability of placing a person in danger of death or bodily harm; or

(d) Has a probability of causing more than minor environmental harm; or

(e) Has a probability of causing physical damage to the property of another in an amount exceeding one thousand dollars.

(2) In the alternative, a penalty may be issued to a person by the department alone, or jointly with local government for violations which do not meet the criteria of subsection (1)(a) through (e) of this section, after the following information has been provided in writing to a person through a technical assistance visit or a notice of correction:

(a) A description of the condition that is not in compliance and a specific citation to the applicable law or rule;

(b) A statement of what is required to achieve compliance;

(c) The date by which the agency requires compliance to be achieved;

(d) Notice of the means to contact any technical assistance services provided by the agency or others; and

(e) Notice of when, where, and to whom a request to extend the time to achieve compliance for good cause may be filed with the agency.

Furthermore, no penalty shall be issued by the department until the individual or business has been given a reasonable time to correct the violation and has not done so.

(3) Amount of penalty. The penalty shall not exceed one thousand dollars for each violation. Each day of violation shall constitute a separate violation.

(4) Aiding or abetting. Any person who, through an act of commission or omission

procures, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

(5) Notice of penalty. A civil penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department and/or the local government, or from both jointly. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, or, in appropriate cases, require necessary corrective action within a specific time.

(6) Application for remission or mitigation. Any person incurring a penalty may apply in writing within thirty days of receipt of the penalty to the department or local government for remission or mitigation of such penalty. Upon receipt of the application, the department or local government may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty.

When a penalty is imposed jointly by the department and local government, it may be remitted or mitigated only upon such terms as both the department and the local government agree.

[Statutory Authority: RCW 90.58 140(3) and [90.58] 200. 96-20-075 (Order 95-17), § 173-27-280, filed 9/30/96, effective 10/31/96.]

WAC 173-27-290 Appeal of civil penalty.

(1) Right of appeal. Persons incurring a penalty imposed by the department or imposed jointly by the department and local government may appeal the same to the shorelines hearings board. Appeals to the shorelines hearings board are adjudicatory proceedings subject to the provisions of chapter 34.05 RCW. Persons incurring a penalty imposed by local government may appeal the same to the local government legislative authority.

(2) Timing of appeal. Appeals shall be filed within thirty days of receipt of notice of penalty unless an application for remission or mitigation is made to the department or local government. If such application is made, appeals shall be filed within thirty days of receipt of local government's and/or the department's decision regarding the remission or mitigation.

(3) Penalties due.

(a) Penalties imposed under this section shall become due and payable thirty days after receipt of notice imposing the same unless application for remission or mitigation is made or an appeal is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty days after receipt of local government's and/or the department's decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable upon completion of all review proceedings and upon the issuance of a final decision confirming the penalty in whole or in part.

[Statutory Authority: RCW 90.58 140(3) and [90.58] 200. 96-20-075 (Order 95-17), § 173-27-310, filed 9/30/96, effective 10/31/96.]

(b) If the amount of a penalty owed the department is not paid within thirty days after it becomes due and payable, the attorney general, upon request of the department, shall bring an action in the name of the state of Washington to recover such penalty. If the amount of a penalty owed local government is not paid within thirty days after it becomes due and payable, local government may take actions necessary to recover such penalty.

(4) Penalty recovered. Penalties recovered by the department shall be paid to the state treasurer. Penalties recovered by local government shall be paid to the local government treasury. Penalties recovered jointly by the department and local government shall be divided equally between the department and the local government unless otherwise stipulated in the order.

[Statutory Authority: RCW 90.58 140(3) and [90.58] 200. 96-20-075 (Order 95-17), § 173-27-290, filed 9/30/96, effective 10/31/96.]

WAC 173-27-300 Criminal penalty.

The procedures for criminal penalties shall be governed by RCW 90.58.220.

[Statutory Authority: RCW 90.58 140(3) and [90.58] 200. 96-20-075 (Order 95-17), § 173-27-300, filed 9/30/96, effective 10/31/96.]

WAC 173-27-310 Oil or natural gas exploration--Penalty. Persons violating the provisions of RCW 90.58.550 or chapter 173-15 WAC shall be subject to a civil penalty issued by the department in an amount of up to five thousand dollars a day. The procedures for oil or natural gas exploration penalties shall be governed by RCW 90.58.560.

Appendix 3 - References

1. Anest, Jim. 1992. Presentation Materials for SMA Enforcement Workshops.
2. Deusen, Millard. 1994. Telephone conversation with Millard Deusen, Habitat Management Division, Washington Department of Fisheries, March 25, 1994.
3. Farr, Ann. 1994. Telephone conversation with Ann Farr. Contributing Author Shoreline Master Program Handbook, April 12, 1994.
4. Huckell/Weinman Associates, Inc. 1994 Telephone Survey of Local Government Shoreline Administrators, Unpublished, February, 1994.
5. Katich, Peter. 1994 Telephone conversation with Peter Katich, City of Tacoma Building and Land Use Division, April, 11, 1994.
6. MacAuliffe, Chris. 1994. Telephone conversation with Chris MacAuliffe, U.S. Army Corps of Engineers, March 11, 1994.
7. Smith, Douglas. 1994. Telephone conversations with Douglas Smith, U.S. Environmental Protection Agency, Region 10 March 7 & 9, 1994.
8. Washington State Department of Ecology. 1994. Shoreline Master Program Guidebook, Volume I and Volume II, Second Edition, Publication No. 93-104.
9. Washington State Department of Ecology. 1990. Ecology Enforcement Manual, Guidelines and Procedures. Central Programs/Enforcement Unit, July, 1990.
10. Washington State Department of Ecology. 1990. Commonly Required Environmental Permits for Washington State. Document No. 90-29, September 1990.
11. U.S. Environmental Protection Agency, Region 10. 3rd Edition, Conducting Compliance Inspections. Environmental Services Division, Technical Support Branch EPA 910/9-91-047.
12. Wright, Steve. 1994. Meeting with Steve Wright, U.S. Army Corps of Engineers, March 16, 1994.

Appendix 4 - Other Shoreline Related Programs, Regulations & Permits

Permit/program/ or Regulatory Approval	Primary Subject Area	Primary Jurisdiction	Enabling Legislation (federal, State, Local)
Section 10 Permit	Dredging	Corps of Engineers	Rivers & Harbor Act
Section 404 Permit	Placement of Fill	Corps of Engineers	Clean Water Act 33 USC Section 1251 et. seq.
Section 401 Certification	Regulate Water quality Impacts	Dept. of Ecology	Clean Water Act
Hydraulics Project Approval	Water habitat impacts	Dept. of Fish & Wildlife	75.20 RCW
NEPA	Process for assuring public/environmental review of proposals	Corps of Engineers or other federal lead agency	National Environmental Policy Act 40 CFR Part 1500
SEPA	Process for assuring public/environmental review of proposals	Dept. of Ecology; other state/local lead agency	State Environmental Policy Act 42.21C RCW
CZM Consistency	consistency with federal coastal zone policy requirements	Dept. of Ecology	Coastal Zone Mgt. Act 16 USC Section 1451 et seq.
NPDES Program/Permit	Water quality; industrial/ stormwater discharges	Dept. of Ecology/Local Utility	Clean Water Act 33 USC Section 1251 et. seq. Water Pollution Control Act 90.48 RCW
PSWQA Plan	Puget Sound protection/basin water quality framework	Dept. of Ecology/Local	Puget Sound Water Quality Authority Act 90.70 RCW
DNR Open Water	dredge disposal	Dept. of Natural Resources	33 USC Section 1251 et.seq.
DNR Tidelands	public use of tidelands	Dept. of Natural Resources	
GMA/Critical Area Ordinance	Growth management provisions	City or County	36.70A RCW

Permit/program/ or Regulatory Approval	Primary Subject Area	Primary Jurisdiction	Enabling Legislation (federal, State, Local)
	including resource protection		
Zoning		City or County	
Tribal Review	Tribal resource protection	Individual Tribes	MOA w/EPA/Ecology
Sediment Mgt. Standards	sediment quality	Dept. of Ecology	Chapter 173-204 WAC implementing 70.105, 90.48, and 90.70 RCW
Air Quality	air quality standards	EPA, Dept. of Ecology Regional Authority	
Dangerous Waste Mgt.	state hazardous waste	Dept. of Ecology, local health dept.	70.105 RCW Chapter 173-303
Hazardous Waste Mgt.	federal hazardous waste	EPA	
Contaminated Sites	Cleanup and management of historically contaminated sites	EPA (federal sites), Dept of Ecology (state sites)	CERCLA/SARA 42 USC Section 9601 et seq./PL NO. 99-499 Model Toxics Control Act
Natural Resource Damage	contamination impacts to upland, wetland or marine habitat, to air and water quality and to, land resources	NOAA (federal) Dept. of Ecology (state) and other "Trustees"	CERCLA Model Toxics Control Act (see above)

Chapter 4

No Net Loss of Shoreline Ecological Functions

All phases Shoreline Master Program Planning Process

Introduction

The Shoreline Management Act (SMA) provides a broad policy framework for protecting the natural resources and ecology of the shoreline environment. The SMP Guidelines establish the standard of “no net loss” of shoreline ecological functions as the means of implementing that framework through shoreline master programs. [WAC 173-26-186\(8\)](#) directs that master programs “include policies and regulations designed to achieve no net loss of those ecological functions.” (The specific sections of the Guidelines addressing the NNL requirement are included at the end of this chapter.)

RCW 90.58.020: The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation...This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life...

The SMP Guidelines, adopted in 2003, constitute the first actual rule (WAC) in Washington State to incorporate the no net loss requirement. The concept of no net loss in this State originated with earlier efforts to protect wetlands. In 1989, Governor Booth Gardner signed an Executive Order establishing a statewide goal regarding wetlands protection. "It is the interim goal...to achieve no overall net loss in acreage and function of Washington's remaining wetlands base. It is further the long-term goal to increase the quantity and quality of Washington's wetlands resource base." (E.O. 89-10).

What does no net loss mean?

Over time, the existing condition of shoreline ecological functions should remain the same as the SMP is implemented. Simply stated, the no net loss standard is designed to halt the introduction of new impacts to shoreline ecological functions resulting from new development. Both protection and restoration are needed to achieve no net loss. Restoration activities also may result in improvements to shoreline ecological functions over time.

Local governments must achieve this standard through both the SMP planning process and by appropriately regulating individual developments as they are proposed in the future. No net loss

should be achieved over time by establishing environment designations, implementing SMP policies and regulations that protect the shoreline, and restoring sections of the shoreline. Based on past practice, current science tells us that most, if not all, shoreline development produces some impact to ecological functions. However, the recognition that future development will occur is basic to the no net loss standard. The challenge is in maintaining shoreline ecological functions while allowing appropriate new development, ensuring adequate land for preferred shoreline uses and public access. With due diligence, local governments can properly locate and design development projects and require conditions to avoid or minimize impacts.

No net loss incorporates the following concepts:

- The existing condition of shoreline ecological functions should not deteriorate due to permitted development. The existing condition or baseline is documented in the shoreline inventory and characterization. (See Chapter 7.) Shoreline functions may improve through shoreline restoration.
- New adverse impacts to the shoreline environment that result from planned development should be avoided. When this is not possible, impacts should be minimized through mitigation sequencing.
- Mitigation for development projects alone cannot prevent all cumulative adverse impacts to the shoreline environment, so restoration is also needed.

Practices that help achieve no net loss

The following SMP update practices will help to meet the no net loss requirement:

- **Locate, design and mitigate development within a watershed context.** During the SMP update process, use the characterization of ecosystem processes and functions to identify the best areas for future development and mitigation. The characterization can provide important information regarding areas that have a high potential for restoration and can be used for offsite mitigation. Such an approach can use a combination of onsite and offsite mitigation that helps restore critical processes and generates a greater “lift” in ecosystem functions.
- **Prohibit uses** that are not water-dependent or preferred shoreline uses. For example, office and multi-family housing buildings are not water-dependent or preferred uses. There is no requirement to provide a place for all types of uses within shoreline jurisdiction.
- **Require that all future shoreline development**, including water-dependent and preferred uses, is carried out in a manner that limits further degradation of the shoreline environment. No uses or activities, including preferred uses, are exempt from the requirement to protect shoreline ecological functions.
- **Require buffers and setbacks.** Vegetated buffers and building setbacks from those buffers reduce the impacts of development on the shoreline environment.
- **Establish appropriate shoreline environment designations.** The environment designations must reflect the inventory and characterization. A shoreline landscape that is relatively unaltered should be designated Natural and protected from any use that would

degrade the natural character of the shoreline. (In practice, this would avoid future impacts, the first objective of no net loss.) New shoreline development in such environs is limited, resulting in avoidance of new impacts.)

- **Establish strong policies and regulations.** Policies and regulations will define what type of development can occur in each shoreline environment designation, determine the level of review required through the type of shoreline permit, and set up mitigation measures and restoration requirements.
- **Develop policies and requirements for restoration.** These should be consistent with the shoreline restoration plan prepared during the SMP planning process.
- **Recommend actions outside shoreline jurisdiction.** The master program or an SMP supporting document can recommend actions for properties that are outside shoreline jurisdiction but have impacts on shorelands. For example, the SMP could call for improved stormwater treatment of runoff from roads, or replacement of septic systems with sewers. Recommending these actions could help create awareness of problems and provide support for them, although outside the authority of the SMP. Such recommendations could be included in the shoreline management strategy or in a brief chapter within the SMP. This would also satisfy the SMA adjacent lands policy (RCW 90-58.340) that local governments are obligated to meet.
- **In all cases, require mitigation sequencing.** The SMP must include regulations that require developers to follow mitigation sequencing: avoid impacts, minimize impacts, rectify impacts, reduce impacts over time, compensate for impacts, monitor impacts and take corrective measures. Avoiding impacts means not taking an action or part of an action in order to prevent impacts to ecological functions. Impacts can be avoided in many different ways: structures may be sited further from properly functioning shoreline areas; different landscaping plants or techniques may be used; a less impactful use may be substituted; or a proposal may be redesigned altogether.

How to demonstrate no net loss

Local governments demonstrate no net loss at two levels -- through the comprehensive SMP update planning process and over time, during the project review and permitting processes (in other words, during SMP implementation).

No net loss in the SMP planning process

The following graphic provides a visual description of the role of the SMP update in achieving no net loss. Through mitigation and restoration, a jurisdiction would achieve no net loss of shoreline ecological functions.

SMP updates: Achieving no net loss of ecological function

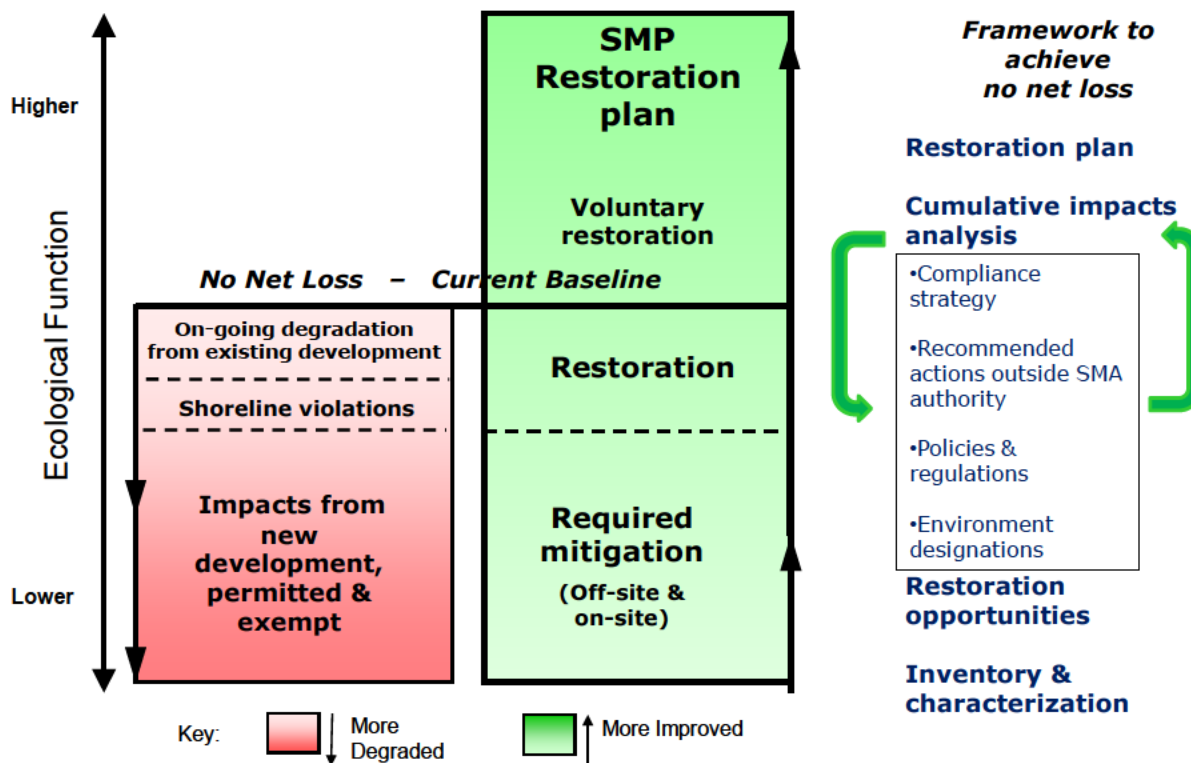


Figure 4-1: During the SMP update process, local governments should use existing shoreline conditions as the baseline for measuring no net loss of shoreline ecological functions.

Local governments show that their updated SMP will result in no net loss of ecological function by completing several tasks in the comprehensive SMP update process, including:

- **Shoreline inventory and characterization.** The shoreline inventory documents shoreline baseline conditions and the characterization analyzes shoreline functions and processes. (See SMP Handbook Chapter 7.
- **Shoreline use analysis.** The use analysis estimates the future demand for shoreline space and potential use conflicts over a minimum 20-year planning period and projects future trends.
- **Shoreline management recommendations.** Management recommendations translate the inventory and characterization findings into SMP policies, regulations, environment designations and protection strategies for each shoreline planning unit.
- **Restoration plan.** The restoration plan includes restoration opportunities, priorities and timelines for shoreline restoration.
- **Cumulative impacts analysis.** This analysis assesses the cumulative impacts on shoreline ecological functions from “reasonably foreseeable future development” allowed by the SMP, considering at a minimum habitat, hydrology and water quality functions.

Analyzing cumulative impacts is necessary to identify and compensate for the total predictable, incremental effects on shoreline functions after applying mitigation measures and restoration.

- **No net loss summary.** This narrative provides an overall picture of how the jurisdiction will meet the NNL requirement. This “executive summary” will explain how information from the supporting documents listed above was applied in developing and revising policies and regulations within the updated SMP. The summary should compare the conclusions of the supporting documents with the environment designations and use regulations to demonstrate how these provisions avoid, reduce, and mitigate reasonably foreseeable impacts in order to achieve NNL. This summary should provide a general chronology of the update while providing reference to the specific chronology captured in the SMP checklist. The purpose of this summary and other supporting documents is to ensure that the SMP environment designations, policies, regulations and shoreline restoration plan are based on the findings of the inventory and characterization and the cumulative impacts analysis and will achieve NNL. Documentation of this information will also provide a record of the jurisdiction’s decisions on SMP policies and regulations in relation to NNL.

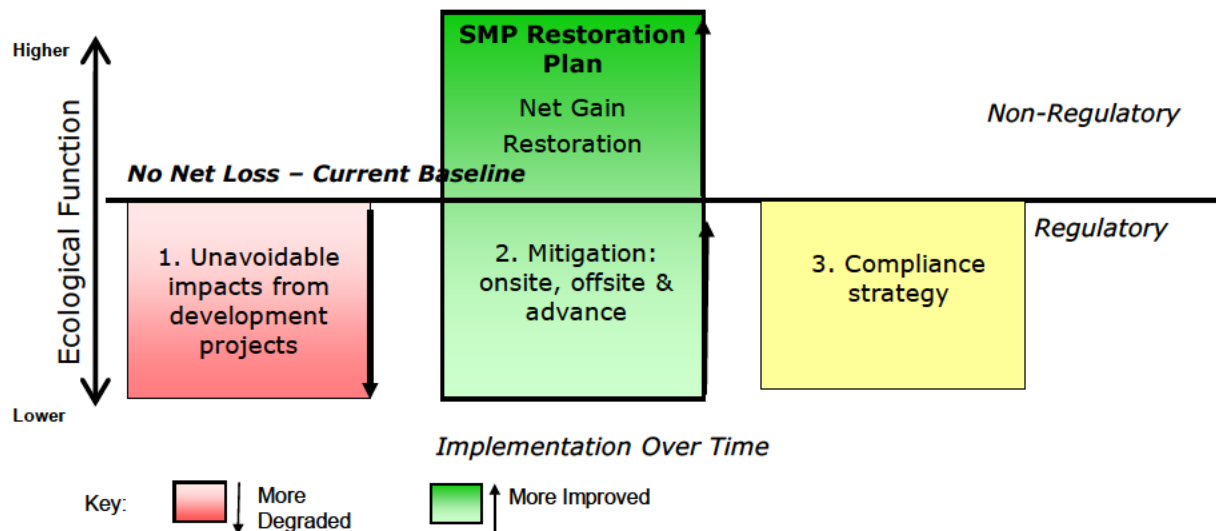
To approve a comprehensive SMP update, Ecology’s Director must formally conclude that the proposed SMP, when implemented over its planning horizon, typically 20 years, will result in “no net loss of ecological functions necessary to sustain shoreline natural resources.” This conclusion will be based upon the documents listed above, a completed SMP submittal checklist and supporting map portfolio.

No net loss in the permit process

When the SMP goes into effect, careful and thorough implementation will be necessary to achieve no net loss. For example, if the SMP prohibits office buildings and condominiums in the Conservancy environment, then your jurisdiction should not approve these uses in that environment. The cumulative impacts analysis would have shown that no net loss would be achieved if office buildings and condominiums are prohibited in the Conservancy environment. Allowing offices and condominiums under this scenario would result in a loss of shoreline functions.

When implementing the updated SMP, no net loss principles (first avoiding, then minimizing and compensating for ecological impacts) are applied again as individual shoreline project applications are reviewed and approved, conditioned, or denied. The following graphic demonstrates how the no net loss requirement is partially achieved during the permit process.

Achieving no net loss of ecological functions at the project level



1. Impacts from shoreline development projects, after mitigation and restoration measures. SMP should encourage appropriate use of innovative measures such as clustering, TDRs, site specific BMPs, etc. to reduce impacts.

2. On-site, off-site and advance mitigation. SMPs should lay out the conditions when off-site mitigation will be allowed or preferred. Innovative techniques such as wetland banking (advance mitigation) should be addressed in SMPs. SMP restoration plans should help identify priority sites and types of sites for the most effective off-site restoration activities.

3. A compliance strategy should include a mechanism to document project review actions and a method to periodically evaluate the cumulative effects of authorized shoreline development. The compliance strategy should include inspection of development projects, and identify priorities for enforcement to improve protection of the most significant shoreline features and functions.

Figure 4-2: SMPs must include regulations that require developers to follow mitigation sequencing. Restoration will also be needed in order to achieve no net loss.

During the planning process, incomplete information about a potential future development and its impacts limits your ability to address no net loss. To close this information gap, unanticipated development impacts are identified through more detailed, site-specific information received at the permit review level.

Project review completes the Guidelines' combined planning and permit review framework for achieving no net loss. It assures that unanticipated impacts will still be subject to a cumulative impacts evaluation as applications for shoreline exemptions, conditional uses, and shoreline permits are reviewed.

One way to comply with the SMP Guidelines requirement is to apply an established mitigation sequence such as that in the State

WAC 173-26-201(3)(d)(iii): For development projects that may have unanticipated or uncommon impacts that cannot be reasonably identified at the time of master program development, the master program policies and regulations should use the permitting or conditional use permitting processes to ensure that all impacts are addressed and that there is no net loss of ecological function of the shoreline after mitigation.

Environmental Policy Act (*SEPA* - WAC 197-11-768) on a case-by-case basis during project review.

Another way is through a conditional use permit (CUP). CUPs are automatically required for unanticipated types of development (“unclassified” uses). The SMP also may require CUPS for developments in which the impacts cannot be fully known at the planning level. Through the CUP review process, “consideration shall be given to the cumulative impact of additional requests for like actions in the area” [WAC 173-27-160(2)].

Potential no net loss indicators

Local planners working on SMP updates have asked for a tool to measure no net loss. In response, Ecology staff scientists and planners, with input from several state agencies and local governments, developed a list of potential No Net Loss indicators for Shoreline Master Programs (Table 4-1, below). This table of indicators can be used by local governments to help track the status of shoreline functions. Tracking several indicators can help to meet the “no net loss” of shoreline ecological functions standard of the SMP Guidelines.

The table shows 15 potential indicators and the type of measurement for each, such as acres, linear feet, number, percent cover, etc. The table shows the shoreline functions – water quality, water quantity and habitat – that are affected by the indicator, as well as specific impairments related to the indicator. Other columns include limitations for using the indicators, where the indicators are best used, and the availability of data. The indicators are limited to the area within shoreline jurisdiction where SMP regulations are implemented.

Measuring and continuing to track these indicators can give you a picture of shoreline conditions and ecological functions. The indicators can be measured to track loss or gain. For example, the length of shoreline stabilization may increase or decrease, or the acreage of riparian vegetation may increase or decrease. As conditions change over time, you may need to make changes to your SMP if tracking the indicators shows that your community is not achieving “no net loss” of shoreline ecological functions.



Figure 4-3: The linear length or area of bulkheads may be used as an indicator of no net loss of shoreline ecological functions. Photo by Hugh Shipman.

TABLE 4-1: POTENTIAL NO NET LOSS INDICATORS for SHORELINE MASTER PROGRAMS

Indicator (all in shoreline jurisdiction)	Functions affected – key categories – water quality, water quantity and habitat	Type of Impairment**	Limitations of indicator	Where	Is data available or reasonable to obtain
Forest cover: <u>Acres</u> converted from forest land to other land uses.	Water quality-sediment, nutrients & toxic filtration, conversion, and/or retention; temperature regulation. Water quantity-flow regulation. Habitat-structure for habitat life needs; input of organics & LWM*.	Reduces forest buffers and decreases filtering, conversion, and/or retention of pollutants from surface & subsurface flow; increases quantity of pollutants to aquatic habitats. Alters the delivery and timing of water to aquatic areas, increasing quantity of water delivered to aquatic habitats during high and low flows, which affects habitat structures. Increases water temperature. Loss of nesting sites, rearing, refuge & foraging areas.	Doesn't identify future land use. May be difficult to determine acres in shoreline jurisdiction without finer scale analysis.	Rural.***	Details of application available from DNR and local government. Class IV forest practice applications. CCAP data.
Shoreline stabilization: <u>Linear length</u> or area of bulkheads, revetments, bioengineering, seawalls, groins, retaining walls,	Habitat-Riparian and aquatic habitat, sediment supply. Input of organics, prey base, & LWM. Structure for habitat life needs.	Interrupts habitat-forming processes, such as beaches & channel migration, by impacting sediment supply and transport. Loss of nesting sites, rearing, refuge & foraging areas. Loss of prey base with	Combines different types of stabilization measures into one general category; impacts may vary.	Rural, urban.	Is data available from local government, including permits & SDP exempt projects? Can locals track over time? HPA information can supplement other data, but is not sufficient on

TABLE 4-1: POTENTIAL NO NET LOSS INDICATORS for SHORELINE MASTER PROGRAMS

Indicator (all in shoreline jurisdiction)	Functions affected – key categories – water quality, water quantity and habitat	Type of Impairment**	Limitations of indicator	Where	Is data available or reasonable to obtain
gabions. (Includes decrease in length, change to soft structure.)		associated loss of riparian vegetation.			its own. Detailed aerial photos may also show stabilization changes.
Marine & freshwater riparian vegetation: <u>Linear measurement</u> of mature native riparian vegetation of a given width (buffer width) or <u>percent cover</u> of different vegetation classes.	Water quality-sediment, phosphorus & toxic filtration, conversion, and/or retention; temperature regulation. Water quantity-flow regulation. Habitat-input of organics, prey base, & LWM. Structure for habitat life needs.	Removes capacity of riparian vegetation to filter surface flows, sediment, phosphorous and toxics; subsurface removal or conversion of nitrogen, pathogens. Increases overland and subsurface flows. Increases water temperature. Reduces prey base. Loss of LWM that provides instream structure. Loss of nesting sites, rearing, refuge & foraging areas.	No permit, so no record of change. Focused project needed to track. Useful only if a baseline exists. Methodology needs to be able to measure change. May be difficult to measure over short time frame.	Rural, urban.	Can locals measure and track? Use sample areas, aerial photos. Puget Sound LIDAR consortium has some data.
<u>Acres</u> of permanently protected areas, with no or limited development: Public ownership, current use/PBRS, conservation	Water quality-sediment, phosphorus & toxic filtration, conversion, and/or retention; temperature regulation. Water quantity-flow regulation.	Loss of nesting sites, rearing, refuge & foraging areas.	How measure degree of protection? Limit to protected areas with no development? Difficult to connect with specific functions.	Rural, urban.	Need info on ownership, PBRS, easements. Other info available from county auditor and assessor? Land trusts. NRCS and state agencies are also

TABLE 4-1: POTENTIAL NO NET LOSS INDICATORS for SHORELINE MASTER PROGRAMS

Indicator (all in shoreline jurisdiction)	Functions affected - key categories - water quality, water quantity and habitat	Type of Impairment**	Limitations of indicator	Where	Is data available or reasonable to obtain
easements, fee ownerships, NGOs.	Habitat- Riparian and aquatic habitat, sediment supply. Input of organics, prey base, & LWM. Structure for habitat life needs.				sources for permanently protected lands.
Piers/docks/floats, overwater structures: <u>Number</u> of structures, <u>square footage</u> of new and replacement. Or track grating, piling, construction materials.	Habitat. Water quality-toxics.	Increase in predation, reduction in light and aquatic vegetation and simplification of food web.	All docks not same - i.e. grating, materials vary, location affects impacts. New docks partially mitigate impacts.	Rural, urban.	Is data available from local government, including permits and SDP exempt projects? Can locals track over time? Use DNR data - number of and area over water. HPA information can supplement other data, but is not sufficient on its own. Good to monitor late spring/early summer.
Road lengths (<u>feet</u>) within 200 feet of water body.	Water quantity. Water quality. Habitat- connectivity.	Intercepts and changes timing of flows to aquatic habitat. Increases sediment and toxics.	Is there much new road development in shoreline jurisdiction?	Rural, urban.	Data available from DNR, local governments and WSDOT. CCAP data needs analysis to provide relevant information.
<u>Number</u> of road crossings of water bodies -bridges, culverts.	Habitat - Instream functions. Water quality.	Simplifies stream habitat structure, increases channel confinement and interrupts habitat forming processes.	Is there much new road development in shoreline jurisdiction? Distinguishing between fish friendly crossings	Rural, urban.	Culvert inventories vary in quality. WDFW has fish passage barrier data, but it is incomplete. Remote sensing data? SHIAPP

TABLE 4-1: POTENTIAL NO NET LOSS INDICATORS for SHORELINE MASTER PROGRAMS

Indicator (all in shoreline jurisdiction)	Functions affected – key categories – water quality, water quantity and habitat	Type of Impairment**	Limitations of indicator	Where	Is data available or reasonable to obtain
		Increases delivery of pollutants.	and others. Combining broad range of activities.		data? CCAP data needs analysis to provide relevant information.
Water quality: 303(d) <u>list</u>. All water quality parameters such as temperature, dissolved oxygen, fecal coliform, heavy metals, toxics, organics and biological indices (e.g., Biological Index of Biotic Integrity). Shellfish listings <u>closures</u>.	Water quality.	Impairment is specific to type of listed 303(d) issue (e.g. increased temperature, low dissolved oxygen, increased fecal coliform, heavy metals and toxic organics.)	How relate to functions? Some impacts from outside shoreline jurisdiction. Only impaired waters are listed & measured; no WQ improvement project in place. No criteria to remove from list. Sampling methodology changes, not always comparable. Marine & fresh water lists updated in alternating 2-year cycles. Some impacts from outside shoreline jurisdiction and municipality. Emergency closures updated regularly. Uneven data. Changes may be too frequent for>NNL purposes. Limited to	Rural, urban.	Accessible data from Ecology. Is water body on or off list? In some cases, only a portion (e.g., reach) of a water body is listed. 303(d) – comprehensive, Dept of Health Shellfish Program.

TABLE 4-1: POTENTIAL NO NET LOSS INDICATORS for SHORELINE MASTER PROGRAMS

Indicator (all in shoreline jurisdiction)	Functions affected - key categories - water quality, water quantity and habitat	Type of Impairment**	Limitations of indicator	Where	Is data available or reasonable to obtain
			fecal coliform. Reflects impacts on human health, not shellfish health.		
Levees/dikes: <u>Linear feet</u> , floodplain area gained from levee setbacks.	Water quality -sediment removal, temperature regulation. Water quantity-water storage, flooding. Habitat-structure for habitat life needs (e.g., low LWM, stream bed aggradation, river mouth progradation).	Impairs natural flooding regime. Reduces floodplain sediment retention, denitrification and hyporheic functions. Decreases groundwater storage and base flows. Interferes with formation of habitat structure such as distributary channels in tidal and riparian and in-channel and off-channel habitat in freshwater settings. Removes habitat structure for nesting, rearing, refuge and foraging.	Can change in habitat quality as a result of levee/dikes be easily measured? Various types and locations of levees & dikes are lumped together. Types of openings in levees and dikes vary; impacts may vary.	Rural, urban.	Measure increase/decrease in lineal feet, quality of levee related to riparian vegetation & slope. Is data from local governments or FEMA?
Floodplain area: <u>Acres</u> allowed to flood -tidal and river (lack of flood control and lack of other structures such as houses.)	Water quality - removal of toxics, sediment, phosphorous and pathogens through adsorption, filtration and retention. Removal of nitrogen through	Impairment similar to that for levees & dikes with loss of floodplain from diking & filling.	Availability of data, maintenance of data.	Rural, urban.	Do local governments measure this for shoreline inventory? FEMA floodplain info available.

TABLE 4-1: POTENTIAL NO NET LOSS INDICATORS for SHORELINE MASTER PROGRAMS

Indicator (all in shoreline jurisdiction)	Functions affected - key categories - water quality, water quantity and habitat	Type of Impairment**	Limitations of indicator	Where	Is data available or reasonable to obtain
	denitrification. Temperature regulation. Water quantity - water storage and flow regulation and reduction in downstream flooding. Habitat - formation of habitat structure from LWM, vegetation communities and sediment type/channel configuration that support habitat life needs. Input of organics and prey base.				
<u>Number of bald eagle & osprey nests & roosts & great blue heron rookeries.</u>	Habitat - structure for habitat life needs.	Indicator of impaired habitat.	More suitable for counties than cities.	Rural.	WDFW data - most up- to-date for eagles.
<u>Percent cover of invasive species in riparian zones.</u>	Habitat - Riparian and aquatic habitat, sediment supply. Input of organics & LWM. Structure for habitat life needs.	Overwhelms native plants, compromising ecosystem. Potential effect on physical structure and food web dynamics.	Requires field work. May be useful if data set is available. Use Noxious Weeds list to define invasive species?	Rural, urban.	Is data available? Conservation districts? WA Invasive Species Council? (working on baseline assessment due in May 2011)
<u>Impervious surface area.</u>	Water quality - removal of toxics, sediment, phosphorous and	Reduces vegetative buffers and decreases filtering of	Covered by other indicators? Percentage increase in developed	Urban	Aerial photos or other remote sensing techniques show

TABLE 4-1: POTENTIAL NO NET LOSS INDICATORS for SHORELINE MASTER PROGRAMS

Indicator (all in shoreline jurisdiction)	Functions affected - key categories - water quality, water quantity and habitat	Type of Impairment**	Limitations of indicator	Where	Is data available or reasonable to obtain
	pathogens through adsorption, filtration and retention. Removal of nitrogen through denitrification. Temperature regulation. Water quantity - water storage and flow regulation and reduction in downstream flooding. Habitat - formation of habitat structure from LWM, vegetation communities and sediment type/channel configuration that support habitat life needs. Input of organics.	pollutants from surface & subsurface flow. Alters the delivery and timing of water to aquatic areas, increasing quantity of water and pollutants delivered to aquatic habitats during high and low flows, which affects habitat structure. Increases water temperature Reduces prey base (by associated removal of vegetation) Loss of nesting sites, rearing, refuge & foraging areas.	urban areas would be small and may not be useful indicator. Some land surface cover layers are inaccurate, e.g. showing impervious for clearcut forest.		impervious cover. Local governments require new impervious information in permit applications.
<u>Wetlands acreage:</u> Fill of natural wetlands and constructed or engineered wetlands. This includes nearshore tidal estuaries.	Water Quality - Wetlands filter pollutants and store sediment. Water Quantity - Affect groundwater storage and flow regulation. Habitat - Affects habitat structure, results in loss of wetland vegetation	Changes to natural hydrological, chemical, and physical regimes affect the production and succession of a wetland's ecology, and therefore its functions and values.	Difficult to track. Could be covered in other indicators (impervious surface and water quality), however other indicators don't get at wetland conversion to non-impervious land use such as landscaping or	Rural, urban	Is data available? Local permit tracking? Ecology? Core of Engineers?

TABLE 4-1: POTENTIAL NO NET LOSS INDICATORS for SHORELINE MASTER PROGRAMS

Indicator (all in shoreline jurisdiction)	Functions affected - key categories - water quality, water quantity and habitat	Type of Impairment**	Limitations of indicator	Where	Is data available or reasonable to obtain
	communities that support habitat life needs.		agriculture. May require field work.		
<u>Area</u> of seagrasses, kelp and emergent aquatic vegetation.	Habitat - structure for habitat life needs, including food and shelter for many species.	Decreases in aquatic vegetation such as eelgrass and kelp results in loss of food and shelter for many species.	Multiple factors affect growth and sustainability of aquatic vegetation.	Aquatic	Seagrass, kelp and emergent aquatic vegetation data along shoreline available from DNR Shorezone. (1994- 2000) More recent local data available at those sites that are among the stratified randomly sampled sites.

* LWM - Large Woody Material

** For some indicators, decreasing the length or area of the indicator would result in a benefit to shoreline functions (e.g., shoreline stabilization, piers & docks.) For other indicators, increasing the length or area of the indicator would result in a benefit to functions (e.g. forest cover, riparian vegetation.)

*** Rural includes rural residential, agricultural and forestry areas.

CCAP - Coastal Change Analysis Program

NGO - Non-government organization

PBRS - Public Benefit Rating System

NRCS - National Resource Conservation Service

Inventory provides baseline

A baseline of shoreline ecological conditions is necessary in order to use indicators. You need a starting point. Fortunately, the shoreline inventory and characterization provide the baseline for measuring no net loss. The best time to collect data related to the indicators is during the shoreline inventory.

Some local governments have completed their inventory, and don't plan on collecting new data in the near future. Existing inventory data should provide good information for some of the indicators – impervious surfaces, levees and dikes, shoreline stabilization, floodplains, vegetation, overwater structures – as they are required as part of the inventory, to the extent that such information is available.

If you are working on the inventory now or will be in the future

Look at the indicators list. Consider what you now know about your shorelines. Are you aware of extensive riparian vegetation, a large number of eagle nests, water quality problems or limited shoreline armoring? Would these indicators be able to be counted as part of the inventory and tracked over time? What about other indicators? As you work on the inventory, keep the potential indicators in mind. If you find out there aren't any eagle nests, they would not be a good indicator for your community. If you learn there are many feet of roads in shoreline jurisdiction, and there are also long-term plans to remove some road lengths, road length may be a good indicator. Keep in mind that data about the indicators needs to be available now and in the future.

If your inventory is complete

Look at the indicators list. Consider your shoreline conditions and the inventory information that you have available. Are several of the indicators on the list reflected in your inventory? Does your inventory include the amount of shoreline stabilization or overwater structures such as piers and docks (this information is commonly included in inventories.) If so, you can choose several indicators from the list. If Ecology's potential indicators are not applicable to your shorelines, what inventory information could be useful as one or more indicators?

Selecting other indicators

If Ecology's potential indicators are not appropriate for your shoreline, you may develop your own. Your local government may have data specific to your shorelines that could be useful for indicators. These indicators should be relevant to the regulatory authority that your local government has over factors that affect the indicators. If an upstream city's activities have significant effects on water quality along your shoreline, then water quality is not an appropriate indicator to measure net loss or gain that can be attributed to your local government's actions. When determining what indicators to use, consider the following criteria:

- Data are available, reliable and can be gathered in a consistent manner over time.
Note that data may be specific for some areas and not available for other areas

within your jurisdiction. Example, current eelgrass data are available for some nearshore areas and not others.

- The data selected for measurement provide an indication of ecological function within shoreline jurisdiction.
- Indicators are relevant to implementation of local policies and regulations. The number of orcas that pass by offshore is not a reflection of your local SMP's effectiveness, as orcas can range through the waters of many jurisdictions, even going out of state or country.
- Data have the potential to show change over a relatively short time period.
- Indicators are used by other agencies such as the Puget Sound Partnership.

An indicator may be present throughout your shoreline jurisdiction, such as impervious surfaces in urban areas, or limited to one or several shoreline reaches, such as freshwater riparian vegetation. A small percent reduction of impervious surfaces throughout shoreline jurisdiction could have significant positive effects on shoreline functions. On the other hand, the loss of riparian vegetation in one or several reaches could have significant detrimental impacts on shoreline functions. You could choose one or two indicators that occur throughout shoreline jurisdiction and several other indicators that occur in one or several reaches where a gain or loss represents a substantial change to shoreline functions.

Choosing appropriate indicators

Choose indicators that represent habitat, water quantity and water quality in your community. For example, shoreline stabilization affects habitat; forest cover affects habitat, water quantity and water quality; and the 303(d) list reflects water quality. This combination of indicators, if they adequately represent your shorelines, would be good to track.

The indicators you choose should take into account the anticipated future development along your shorelines. Projecting “reasonably foreseeable future development and use of the shoreline” is part of the Cumulative Impacts Analysis. If you expect that urban, suburban or high intensity development will occur along the shoreline, consider indicators related to such development. These may include impervious surface area, shoreline stabilization, overwater structures, riparian vegetation, road lengths or invasive species, among others.



Figure 4-4: Riparian vegetation, overwater structures and impervious surfaces are potential indicators of no net loss.

Keep in mind any restoration that you expect to occur. If your plans call for removing bulkheads and restoring habitat, appropriate indicators might be riparian vegetation, eagle and osprey nests, and the length of shoreline armoring.

Avoid choosing an indicator that does not represent your shoreline, for example, forest cover if forest cover would not occur naturally. Avoid choosing several indicators that may represent the same impacts on ecological function – e.g., riparian vegetation in a relatively undeveloped area, and acres of permanently protected areas in the same location.

Tracking indicators

Develop a process and method to track the indicators. The SMP Guidelines state, “Master programs or other local permit review ordinances addressing shoreline project review shall include a mechanism for documenting all project review actions in shoreline areas. Local governments shall also identify a process for periodically evaluating the cumulative effects of authorized development on shoreline conditions. This process could involve a joint effort by local governments, state resource agencies, affected Indian tribes, and other parties” [WAC 173-26-191(2)(a)(iii)(D)].

Tracking your indicators can help you determine whether you are achieving no net loss. Determine how often you will measure your indicators – annually, when you update your SMP, or something in between? What do the indicators tell you compared with the baseline? How will the information be analyzed? Figure out early what you will be looking for, how it will be measured, and what it might mean.

Some options for tracking indicators:

- Track through the permit process. This may work for some development features, such as impervious surface coverage, length of bulkheads, and vegetation clearing. Developments that are exempt from the requirements for a Shoreline Substantial Development permit usually need local building or other permits. How often will these be checked? Can you keep a running tally, or run a software program annually?
- Track through local data that is updated regularly.
- Track through state or federal or other data sources. Who in your department will follow up, and when should that happen? (Refer to the indicators table for potential data sources.)
- Track changes through aerial photos or shoreline field visits, on land and water. Identify the process you will use.

Reporting use of indicators

The SMP Guidelines require local governments to show how NNL will be achieved, although specific indicators are not required. However, you are required to show in the Cumulative Impacts Analysis and No Net Loss report how the SMP will achieve no net loss when implemented over time. Your choice of indicators, rationale for choosing them, and explanation of how they will be tracked and evaluated should be discussed in these reports. Your SMP also can discuss how you will use indicators to show whether you are achieving no net loss.

Shoreline Master Program Guidelines

SMP Guidelines specifically addressing No Net Loss

WAC 173-26-186

(8) Through numerous references to and emphasis on the maintenance, protection, restoration, and preservation of "fragile" shoreline "natural resources," "public health," "the land and its vegetation and wildlife," "the waters and their aquatic life," "ecology," and "environment," the act makes protection of the shoreline environment an essential statewide policy goal consistent with the other policy goals of the act. It is recognized that shoreline ecological functions may be impaired not only by shoreline development subject to the substantial development permit requirement of the act but also by past actions, unregulated activities, and development that is exempt from the act's permit requirements. The principle regarding protecting shoreline ecological systems is accomplished by these guidelines in several ways, and in the context of related principles. These include:

(a) Local government is guided in its review and amendment of local master programs so that it uses a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by affected shorelines.

(b) Local master programs shall include policies and regulations designed to achieve **no net loss** of those ecological functions.

(i) Local master programs shall include regulations and mitigation standards ensuring that each permitted development **will not cause a net loss** of ecological functions of the shoreline; local government shall design and implement such regulations and mitigation standards in a manner consistent with all relevant constitutional and other legal limitations on the regulation of private property.

(ii) Local master programs shall include regulations ensuring that exempt development in the aggregate **will not cause a net loss** of ecological functions of the shoreline.

SMP Guidelines generally addressing environmental protection and related to No Net Loss

Scientific and technical information

WAC 173-26-201(2)(a)

(a) **Use of scientific and technical information.** To satisfy the requirements for the use of scientific and technical information in RCW [90.58.100\(1\)](#), local governments shall incorporate the following two steps into their master program development and amendment process.

First, identify and assemble the most current, accurate, and complete scientific and technical information available that is applicable to the issues of concern. The context, scope, magnitude, significance, and potential limitations of the scientific information should be considered. At a minimum, make use of and, where applicable, incorporate all available scientific information, aerial photography, inventory data, technical assistance materials, manuals and services from reliable sources of science....

Second, base master program provisions on an analysis incorporating the most current, accurate, and complete scientific or technical information available. Local governments should be prepared to identify the following:

- (i) Scientific information and management recommendations on which the master program provisions are based;
- (ii) Assumptions made concerning, and data gaps in, the scientific information; and
- (iii) Risks to ecological functions associated with master program provisions. Address potential risks as described in WAC [173-26-201](#) (3)(d).

Shoreline ecological functions

WAC 173-26-201(3)(d)(i):

(C) Shoreline ecological functions include, but are not limited to:

In rivers and streams and associated flood plains:

Hydrologic: Transport of water and sediment across the natural range of flow variability; attenuating flow energy; developing pools, riffles, gravel bars, recruitment and transport of large woody debris and other organic material.

Shoreline vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, sediment removal and stabilization; attenuation of flow energy; and provision of large woody debris and other organic matter.

Hyporheic functions: Removing excessive nutrients and toxic compound, water storage, support of vegetation, and sediment storage and maintenance of base flows.

Habitat for native aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish: Habitat functions may include, but are not limited to, space or conditions for reproduction; resting, hiding and migration; and food production and delivery.

In lakes:

Hydrologic: Storing water and sediment, attenuating wave energy, removing excessive nutrients and toxic compounds, recruitment of large woody debris and other organic material.

Shoreline vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, attenuating wave energy, sediment removal and stabilization; and providing woody debris and other organic matter.

Hyporheic functions: Removing excessive nutrients and toxic compound, water storage, support of vegetation, and sediment storage and maintenance of base flows.

Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish: Habitat functions may include, but are not limited to, space or conditions for reproduction, resting, hiding and migration; and food production and delivery.

In marine waters:

Hydrologic: Transporting and stabilizing sediment, attenuating wave and tidal energy, removing excessive nutrients and toxic compounds; recruitment, redistribution and reduction of woody debris and other organic material.

Vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, attenuating wave energy, sediment removal and stabilization; and providing woody debris and other organic matter.

Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish: Habitat functions may include, but are not limited to, space or conditions for reproduction, resting, hiding and migration; and food production and delivery.

Wetlands:

Hydrological: Storing water and sediment, attenuating wave energy, removing excessive nutrients and toxic compounds, recruiting woody debris and other organic material.

Vegetation: Maintaining temperature; removing excessive nutrients and toxic compound, attenuating wave energy, removing and stabilizing sediment; and providing woody debris and other organic matter.

Hyporheic functions: Removing excessive nutrients and toxic compound, storing water and maintaining base flows, storing sediment and support of vegetation.

Habitat for aquatic and shoreline-dependent birds, invertebrates, mammals; amphibians; and anadromous and resident native fish: Habitat functions may include, but are not limited to, space or conditions for reproduction, resting, hiding and migration; and food production and delivery.

(D) The overall condition of habitat and shoreline resources are determined by the following ecosystem-wide processes and ecological functions:

The distribution, diversity, and complexity of the watersheds, marine environments, and landscape-scale features that form the aquatic systems to which species, populations, and communities are uniquely adapted.

The spatial and temporal connectivity within and between watersheds and along marine shorelines. Drainage network connections include flood plains, wetlands, upslope areas, headwater tributaries, and naturally functioning routes to areas critical for fulfilling life history requirements of aquatic and riverine-dependent species.

The shorelines, beaches, banks, marine near-shore habitats, and bottom configurations that provide the physical framework of the aquatic system.

The timing, volume, and distribution of woody debris recruitment in rivers, streams and marine habitat areas.

The water quality necessary to maintain the biological, physical, and chemical integrity of the system and support survival, growth, reproduction, and migration of individuals composing aquatic and riverine communities.

The sediment regime under which aquatic ecosystems evolved. Elements of the sediment regime include the timing, volume, rate, and character of sediment input, storage, and transport.

The range of flow variability sufficient to create and sustain fluvial, aquatic, and wetland habitats, the patterns of sediment, nutrient, and wood routing. The timing, magnitude, duration, and spatial distribution of peak, high, and low flows, and duration of flood plain inundation and water table elevation in meadows and wetlands.

The species composition and structural diversity of plant communities in river and stream areas and wetlands that provides summer and winter thermal regulation, nutrient filtering, appropriate rates of surface erosion, bank erosion, and channel migration and to supply amounts and distributions of woody debris sufficient to sustain physical complexity and stability.

(E) Local governments should use the characterization and analysis called for in this section to prepare master program policies and regulations designed to achieve **no net loss** of ecological functions necessary to support shoreline resources and to plan for the restoration of the ecosystem-wide processes and individual ecological functions on a comprehensive basis over time.

Precautionary principle

WAC 173-26-201(3)(g)

The level of detail of inventory information and planning analysis will be a consideration in setting shoreline regulations. As a general rule, the less known about existing resources, the more protective shoreline master program provisions should be to avoid unanticipated impacts to shoreline resources. If there is a question about the extent or condition of an existing ecological

resource, then the master program provisions shall be sufficient to reasonably assure that the resource is protected in a manner consistent with the policies of these guidelines.

Mitigation sequencing

WAC 173-26-201(2)

(e) Environmental impact mitigation.

(i) To assure **no net loss** of shoreline ecological functions, master programs shall include provisions that require proposed individual uses and developments to analyze environmental impacts of the proposal and include measures to mitigate environmental impacts not otherwise avoided or mitigated by compliance with the master program and other applicable regulations. To the extent Washington's State Environmental Policy Act of 1971 (SEPA), chapter [43.21C](#) RCW, is applicable, the analysis of such environmental impacts shall be conducted consistent with the rules implementing SEPA, which also address environmental impact mitigation in WAC [197-11-660](#) and define mitigation in WAC [197-11-768](#). Master programs shall indicate that, where required, mitigation measures shall be applied in the following sequence of steps listed in order of priority, with (e)(i)(A) of this subsection being top priority.

(A) Avoiding the impact altogether by not taking a certain action or parts of an action;

(B) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

(C) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(D) Reducing or eliminating the impact over time by preservation and maintenance operations;

(E) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and

(F) Monitoring the impact and the compensation projects and taking appropriate corrective measures.

(ii) In determining appropriate mitigation measures applicable to shoreline development, lower priority measures shall be applied only where higher priority measures are determined to be infeasible or inapplicable.

Consistent with WAC [173-26-186](#) (5) and (8), master programs shall also provide direction with regard to mitigation for the impact of the development so that:

(A) Application of the mitigation sequence achieves **no net loss** of ecological functions for each new development and does not result in required mitigation in excess of that necessary to assure that development will result in **no net loss** of shoreline ecological functions and not have a significant adverse impact on other shoreline functions fostered by the policy of the act.

(B) When compensatory measures are appropriate pursuant to the mitigation priority sequence above, preferential consideration shall be given to measures that replace the impacted functions directly and in the immediate vicinity of the impact. However, alternative compensatory mitigation within the watershed that addresses limiting factors or identified critical needs for shoreline resource conservation based on watershed or comprehensive resource management plans applicable to the area of impact may be authorized. Authorization of compensatory mitigation measures may require appropriate safeguards, terms or conditions as necessary to ensure **no net loss** of ecological functions.

Shoreline inventory and characterization

WAC 173-26-201(3)(c)

Local government shall, at a minimum, and to the extent such information is relevant and reasonably available, collect the following information:

(i) Shoreline and adjacent land use patterns and transportation and utility facilities, including the extent of existing structures, impervious surfaces, vegetation and shoreline modifications in shoreline jurisdiction. Special attention should be paid to identification of water-oriented uses and related navigation, transportation and utility facilities.

(ii) Critical areas, including wetlands, aquifer recharge areas, fish and wildlife conservation areas, geologically hazardous areas, and frequently flooded areas. See also WAC [173-26-221](#).

(iii) Degraded areas and sites with potential for ecological restoration.

(iv) Areas of special interest, such as priority habitats, developing or redeveloping harbors and waterfronts, previously identified toxic or hazardous material clean-up sites, dredged material disposal sites, or eroding shorelines, to be addressed through new master program provisions.

(v) Conditions and regulations in shoreland and adjacent areas that affect shorelines, such as surface water management and land use regulations. This information may be useful in achieving mutual consistency between the master program and other development regulations.

(vi) Existing and potential shoreline public access sites, including public rights of way and utility corridors.

(vii) General location of channel migration zones, and flood plains.

(viii) Gaps in existing information. During the initial inventory, local governments should identify what additional information may be necessary for more effective shoreline management.

(ix) If the shoreline is rapidly developing or subject to substantial human changes such as clearing and grading, past and current records or historical aerial photographs may be necessary to identify cumulative impacts, such as bulkhead construction, intrusive development on priority

habitats, and conversion of harbor areas to nonwater-oriented uses.

(x) If archaeological or historic resources have been identified in shoreline jurisdiction, consult with the state historic preservation office and local affected Indian tribes regarding existing archaeological and historical information.

WAC 173-26-201(3)(d)

Analyze shoreline issues of concern. Before establishing specific master program provisions, local governments shall analyze the information gathered in (c) of this subsection and as necessary to ensure effective shoreline management provisions, address the topics below, where applicable.

(i) Characterization of functions and ecosystem-wide processes.

(A) Prepare a characterization of shoreline ecosystems and their associated ecological functions. The characterization consists of three steps:

(I) Identify the ecosystem-wide processes and ecological functions based on the list in (d)(i)(C) of this subsection that apply to the shoreline(s) of the jurisdiction.

(II) Assess the ecosystem-wide processes to determine their relationship to ecological functions present within the jurisdiction and identify which ecological functions are healthy, which have been significantly altered and/or adversely impacted and which functions may have previously existed and are missing based on the values identified in (d)(i)(D) of this subsection; and

(III) Identify specific measures necessary to protect and/or restore the ecological functions and ecosystem-wide processes.

Use analysis

WAC 173-26-201(3)(d)

(ii) **Shoreline use analysis and priorities.** Conduct an analysis to estimate the future demand for shoreline space and potential use conflicts. Characterize current shoreline use patterns and projected trends to ensure appropriate uses consistent with chapter [90.58](#) RCW and WAC [173-26-201](#) (2)(d) and 173-26-211(5).

If the jurisdiction includes a designated harbor area or urban waterfront with intensive uses or significant development or redevelopment issues, work with the Washington state department of natural resources and port authorities to ensure consistency with harbor area statutes and regulations, and to address port plans. Identify measures and strategies to encourage appropriate use of these shoreline areas in accordance with the use priorities of chapter [90.58](#) RCW and WAC [173-26-201](#) (2)(d) while pursuing opportunities for ecological restoration.

Cumulative Impacts

WAC 173-26-186

(d) Local master programs shall evaluate and consider cumulative impacts of reasonably foreseeable future development on shoreline ecological functions and other shoreline functions fostered by the policy goals of the act. To ensure **no net loss** of ecological functions and protection of other shoreline functions and/or uses, master programs shall contain policies, programs, and regulations that address adverse cumulative impacts and fairly allocate the burden of addressing cumulative impacts among development opportunities. Evaluation of such cumulative impacts should consider:

- (i) Current circumstances affecting the shorelines and relevant natural processes;
- (ii) Reasonably foreseeable future development and use of the shoreline; and
- (iii) Beneficial effects of any established regulatory programs under other local, state, and federal laws.

It is recognized that methods of determining reasonably foreseeable future development may vary according to local circumstances, including demographic and economic characteristics and the nature and extent of local shorelines.

(e) The guidelines are not intended to limit the use of regulatory incentives, voluntary modification of development proposals, and voluntary mitigation measures that are designed to restore as well as protect shoreline ecological functions.

Restoration Planning

WAC 173-26-186(8)

(c) For counties and cities containing any shorelines with impaired ecological functions, master programs shall include goals and policies that provide for restoration of such impaired ecological functions. These master program provisions shall identify existing policies and programs that contribute to planned restoration goals and identify any additional policies and programs that local government will implement to achieve its goals. These master program elements regarding restoration should make real and meaningful use of established or funded nonregulatory policies and programs that contribute to restoration of ecological functions, and should appropriately consider the direct or indirect effects of other regulatory or nonregulatory programs under other local, state, and federal laws, as well as any restoration effects that may flow indirectly from shoreline development regulations and mitigation standards.

WAC 173-26-201(2)(f)

Shoreline restoration planning. Consistent with principle WAC [173-26-186](#) (8)(c), master programs shall include goals, policies and actions for restoration of impaired shoreline ecological functions. These master program provisions should be designed to achieve overall improvements in shoreline ecological functions over time, when compared to the status upon adoption of the master program. The approach to restoration planning may vary significantly among local jurisdictions, depending on:

- The size of the jurisdiction;

- The extent and condition of shorelines in the jurisdiction;
- The availability of grants, volunteer programs or other tools for restoration; and
- The nature of the ecological functions to be addressed by restoration planning.

Master program restoration plans shall consider and address the following subjects:

- (i) Identify degraded areas, impaired ecological functions, and sites with potential for ecological restoration;
- (ii) Establish overall goals and priorities for restoration of degraded areas and impaired ecological functions;
- (iii) Identify existing and ongoing projects and programs that are currently being implemented, or are reasonably assured of being implemented (based on an evaluation of funding likely in the foreseeable future), which are designed to contribute to local restoration goals;
- (iv) Identify additional projects and programs needed to achieve local restoration goals, and implementation strategies including identifying prospective funding sources for those projects and programs;
- (v) Identify timelines and benchmarks for implementing restoration projects and programs and achieving local restoration goals;
- (vi) Provide for mechanisms or strategies to ensure that restoration projects and programs will be implemented according to plans and to appropriately review the effectiveness of the projects and programs in meeting the overall restoration goals.

Specific Shoreline Activity and Use Standards

Numerous additional specific references exist in the SMP Guidelines, requiring SMP regulations resulting in **no net loss** of shoreline ecological functions. Specific shoreline activity standards referencing NNL are located at:

WAC 173-26-221(2)(c)(ii)(C) and (D): Geologically hazardous areas.

WAC 173-26-221(2)(c)(iii)(C): Critical saltwater habitats

WAC 173-26-221(2)(c)(iv)(C): Critical freshwater habitats

WAC 173-26-221(3): Flood hazard reduction

WAC 173-26-221(4)(d): Public access

WAC 173-26-221(5): Shoreline vegetation conservation

WAC 173-26-221(6): Water quality, storm water and nonpoint pollution

WAC 173-26-231: Shoreline modifications, including shoreline stabilization, piers and docks, fill, breakwaters, jetties, groins and weirs, beach and dunes management, dredging and dredge material disposal, shoreline habitat and natural systems-enhancement projects.

Specific shoreline use standards referencing NNL are located at:

WAC 173-26-241(2)(a)(iv), addressing the following uses:

- Agriculture
- Aquaculture
- Boating facilities
- Commercial development
- Forest practices
- Industry
- In-stream structural uses
- Mining
- Recreational development
- Residential development
- Transportation and parking
- Utilities

From: [PETER BRACCHI](#)
To: [City Council](#)
Subject: Council 12/16 Continual Insurrection of Govt by VPD - We will never arrest our way out of homelessness, nor should we
Date: Monday, December 16, 2024 10:35:34 AM
Attachments: [Screenshot 2024-12-16 at 9.58.31 AM.png](#)

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.

The City outside Habitation Laws are compliant with all Supreme court rulings, but the city refuses to enforce the laws ignoring Public Safety and the Environment.

We don't need a Police Department Employees Speaking like this, They are Hired to Enforce the Law.

"We will never arrest our way out of homelessness, nor should we," Nilsen said. "That is not the way that we should deal with it as a society, and it's definitely not the way we deal with it as a city."

columbian.com



News / Clark County News

‘We will never arrest our way out of homelessness’: Vancouver panel discusses criminalization

Panelists at Share forum say housing, long-term solutions needed to help the homeless, not arrests or citations

By Mia Ryder-Marks, Columbian
staff reporter

Published: October 25, 2024,
1:54pm

Share:



From: PETER BRACCHI <[REDACTED]>
Sent: Sunday, December 15, 2024 9:01 AM
To: City Council
Subject: Council 12/16 Tracking Fecal DNA in City Run Camps -Done by apartments/dog parks for Pets

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

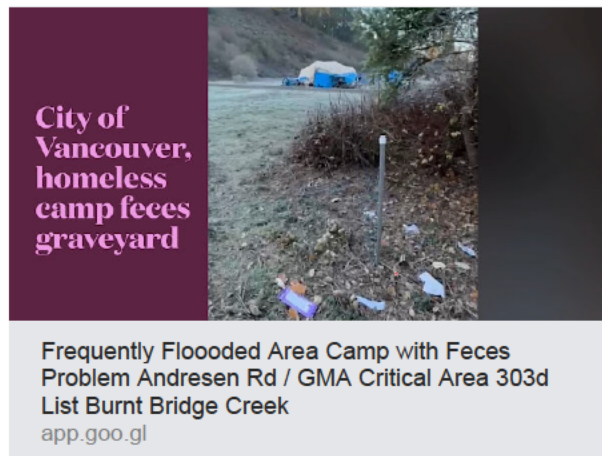
Hi, Human Fecal waste on the ground because the occupants in your camps refuse to use Portable Outhouses is NOT Acceptable.

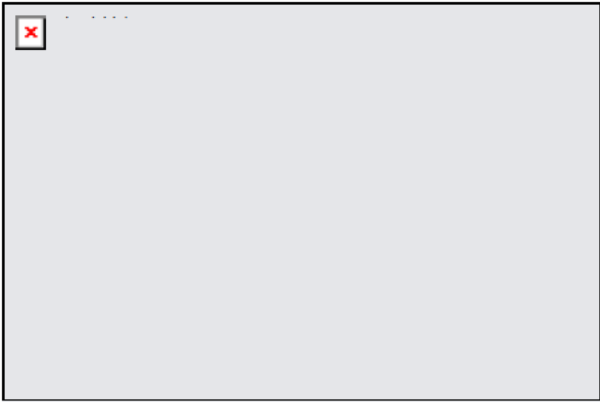
We have had to many events where massive amounts of Fecal Material have appeared.

Can DNA type of program be implemented for the Unhoused in your City Sponsored Camps, specifically along Burnt Bridge Creek to stop Fecal Coliform Pollution by campers not using the portable outhouse you provide?

Some home owner associations, apartment complexes and dog parks now require owners to register their dogs' DNA before moving in or using public amenities.

When un-scooped poop is found, a sample is collected and the specimen is sent to the lab. The poop is then matched to the offending dog by their DNA. In many cases, the owner is fined.





Dog Poop DNA 101: Welcome to the future of pet-waste management
pasadenahumane.org

<http://managementpasadenahumane.org>



City Environmental Terrorism Camp Cleanup
app.goo.gl

From: [Peter Bracchi](#) >

To: [Anna Quintrell](#) >

Cc: [Anne](#) > [Eric](#) > [Peggy Sheehan](#) > [Chad Eik](#)

Earth day plans & Will fecal col Vancouver this summer

January 23, 2020 at 4:33 PM

✈ Found in AOL Sent Mailbox

Hi Anna,

Can you schedule me a meeting with the
and how we need to start taking care of k

Staff Report: 001-25

To: Mayor and City Council
From: City Manager
Date: January 6, 2025

Subject

Professional Services Agreement - Columbia River Mental Health Mobile Medication Assisted Treatment Program

Key Points

- Despite the City's funding of housing development, development incentives, eviction prevention, diversion, rental assistance, shelter, and other supportive services, chronic unsheltered homelessness has increased to a level that has become unmanageable utilizing standard City processes and existing tools.
- On November 6, 2023, the Vancouver City Council ratified an emergency declaration related to homelessness in Vancouver.
- Our city continues to host 78% of the total Clark County unsheltered population.
- The number of deaths among the homeless community increased by 26% from 2023 to 2024, and 50% of deaths in both years have been due to overdose.
- One of the key strategies for addressing the declared emergency is the establishment of a bridge shelter with on-site MAT/OTP (Medication Assisted Treatment/Opioid Treatment Program) services provided by Columbia River Mental Health (CRMH).
- CRMH currently provides a variety of mobile support services for individuals living in encampments, including medical care, mental health and behavioral health evaluations, and housing case management from street to housing.
- Staff is recommending approval of this agreement to support the launching of CRMH's Mobile OTP for the purposes of providing life-saving medication assisted treatment to individuals living unsheltered in Vancouver, and to:
 - Provide stabilizing treatment and services to individuals in encampments in preparation for the bridge shelter opening.
 - Ensure continuity of care for individuals already receiving CRMH services and/or moving from unsheltered to sheltered, whether in the bridge shelter or other shelter setting.

Strategic Plan Alignment

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

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

Present Situation

Despite significant City investments in housing development, incentives, eviction prevention, diversion programs, rental assistance, shelters, and supportive services, chronic unsheltered homelessness in Vancouver has escalated to levels that cannot be managed with standard processes and existing tools. On November 6, 2023, the Vancouver City Council ratified an emergency declaration related to homelessness to address this critical issue. Based on data from the

annual Clark County Point in Time Count and HART's unsheltered count, Vancouver has hosted around 78% of the Clark County total unsheltered population for at least the last two years. Additionally, the number of deaths among the homeless community rose by 26% from 2023 to 2024, with 50% of these deaths each year attributed to overdose. This alarming trend underscores the urgent need for innovative and life-saving solutions.

A key strategy in addressing this crisis is the establishment of a bridge shelter, which will include on-site MAT/OTP (Medication Assisted Treatment/Opioid Treatment Program) services provided by Columbia River Mental Health (CRMH). Utilizing a mobile program ensures services can easily be provided on-site at the bridge shelter as well as elsewhere in the community, ensuring people are served where they are at (at/near encampments, other shelters, etc.) in alignment with recognized best practices. CRMH is uniquely positioned to fulfill this role, as they currently provide a variety of mobile support services, including medical care, mental and behavioral health evaluations, and housing-focused case management, serving individuals in encampments and transitioning them from the streets to housing.

Staff is recommending approval of a professional services agreement with CRMH to launch a Mobile MAT program to deliver critical treatment to individuals living unsheltered in Vancouver. This partnership will address the immediate behavioral health and addiction needs of the unsheltered population, as well as provide daily opioid treatment services at the bridge shelter once opened, reducing overdose risks and preparing individuals for sustainable stability and housing.

Advantage(s)

1. Provide life-saving and stabilizing treatment and services to individuals in encampments in preparation for the bridge shelter's opening, which also supports future encampment decommissioning efforts.
2. Ensure continuity of care for individuals transitioning from unsheltered to sheltered environments, whether in the bridge shelter or other shelter settings.

Challenge(s)

None

Budget Impact

The city has received \$2,541,609.09 from Opioid Settlement funds that will be used for Year 1 of this project in the amount of \$1,659,671.93. Budget appropriation will be submitted in Spring Supplemental 2025.

Prior Council Review

November 6, 2023 – Council meeting 2024 – monthly situation reports
December 9, 2024 – Homeless Emergency Response Update workshop

Action Requested

On Monday, January 6, 2025, approve the Professional Service Agreement with Columbia River Mental Health for the establishment and operation of a Mobile Medication Assisted Treatment/Opioid Treatment Program (MAT/OTP).

Staff Contact

Jamie Spinelli, Homeless Response Manager, jamie.spinelli@cityofvancouver.us

Attachments:

1. Services Agreement



**CITY OF VANCOUVER
SERVICES AGREEMENT
No. C-101839
Mobile Opioid Treatment Program**

This Services Agreement (the "Agreement"), effective on the date last signed below (the "Effective Date") is entered by the City of Vancouver, Washington, a municipal corporation organized under the laws of the State of Washington (the "City") and Columbia River Mental Health Services a nonprofit corporation organized under the laws of the State of Washington (the "Contractor"). The City and Contractor are collectively referred to as the "Parties" or individually as a "Party".

RECITALS

- A. The City desires to engage the Contractor to perform Services as described in this Agreement; and

AGREEMENT

In consideration of the terms and conditions in this Agreement, the Parties agree as follows:

- 1. SCOPE OF SERVICES:** The Contractor agrees to provide the City with all services and materials provided in the Scope of Services, attached as Exhibit "A", and in the City's Solicitation, if any, and the Contractor's responsive proposal to the City's Solicitation, if any (the "Services"). Contractor shall obtain City Project Manager's written approval prior to starting the Services.
- 2. COMPENSATION:** Payment to the Contractor for the Services described in this Agreement shall not exceed \$ 1,659,671.93 USD for year 1.

This payment shall be the maximum compensation for all Services including labor, materials, supplies, equipment, and incidentals necessary to complete the Services. And it shall not be exceeded without the City's prior written authorization in the form of a negotiated and executed amendment. Contractor agrees this compensation is

adequate and sufficient for the timely provision of all Services under this Agreement.

- 3. PAYMENT FOR CONTRACTOR SERVICES:** The Contractor shall submit monthly invoices to City covering both professional fees and project expenses, if any, from the previous month. Invoices must be submitted to the Project Manager, Jamie Spinelli, by email to jamie.spinelli@cityofvancouver.us and accpay@cityofvancouver.us or by mail to City of Vancouver, PM Name, PO Box 1995, Vancouver, WA 98668.

City shall pay Contractor within 30 days of receipt of Contractor's invoice. *The City will pay Contractor pursuant to Exhibit "B."* The City may correct any invoice overpaid in error.

During the life of this Agreement, 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 supported by the Consumer Price Index for the Seattle-Tacoma-Bellevue area for the previous four quarters. 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.

The Parties agree that any amount paid in error by City does not alter the fee schedule. City's contract/purchase order (PO) number on the notice to proceed must be referenced on any invoice submitted for payment.

- 4. TERM OF AGREEMENT:** The term of this Agreement begins on the February 1, 2025 and continues until January 30, 2026. The Parties may agree in writing to renew the Agreement up to 4 additional years. The term and any renewal term are collectively the "Term."

5. CITY DATA; DATA SECURITY

- 5.1 City Data.** Contractor may obtain and process City Data in connection with the Services. "City Data" means the data City provides to Contractor in connection with the receipt of the Services and any data generated by Contractor in connection with providing the Services to City. City owns all City Data. City licenses City Data to

Contractor solely for the purposes of providing the Services to City or improving the Services for City. Contractor shall not use City Data for any other purpose, including as artificial intelligence training data. Contractor acknowledges that compliance with Applicable Laws under Section 31 of the Agreement includes compliance with all applicable federal, state, and local data protection laws in its provision of the Services.

5.2 Data Security. If Contractor maintains City Data on Contractor systems it will comply with the following data security requirements.

5.2.1 Security Practices. Contractor shall develop, implement, and maintain appropriate administrative, physical, and technical safeguards that are designed to ensure the confidentiality, integrity and availability of City Data. Contractor will enact safeguards that are compliant with industry best practices for the specific City Data obtained by Contractor in connection with the Services.

5.2.2 Location of City Data. Contractor shall maintain City Data solely in data centers located in the United States.

5.2.3 Security Breaches. A “Security Breach” is any suspected or actual unauthorized access to or use of City Data in Contractor’s possession.

- a. Notice. Contractor will notify City within 24 hours of any Security Breach. Notice will include details regarding the Security Breach including impacted parties, specific data, and mitigation. Contractor will call 360.487.8888 (if after hours, follow prompt to connect to on-call personnel); email City with a read receipt to help.desk@cityofvancouver.us; and email to the City personnel contact for the Agreement.
- b. Coordination. Immediately after Contractor provides notification of a Security Breach the Parties will begin working together to contain, mitigate, investigate, respond to and remediate the Security Breach. Contractor will cooperate with all City requests in relation to the Security Breach in compliance with Applicable Law.
- c. Root Cause Analysis. As soon as possible following the Security Breach, Contractor will complete a root cause analysis and will provide a plan to City for remediation and prevention.
- d. Third-Party Notice. Contractor will work together with City to ensure compliance with RCW 19.255.010 if necessary and will make no statement or send notice to any third party regarding the Security Breach without City’s prior written consent.
- e. Costs. In addition to its indemnification obligations, Contractor will reimburse City for all costs City incurs associated with any Security Breach,

including forensic investigation, costs of providing notice to impacted parties, call centers and credit monitoring as applicable. Contractor will pay or reimburse City for all regulatory fines and other legal costs the City incurs associated with the Security Breach.

- 6. DELIVERABLES - INTELLECTUAL PROPERTY** Contractor may create documents or other work product in connection with providing the Services (“Deliverables”). Contractor assigns and will assign to City all right, title, and interest in and to any Deliverables it creates in connection with providing the Services. Contractor may retain a copy of any Deliverable for its internal business purposes. Contractor’s know-how, methodologies and processes are Contractor intellectual property. Contractor grants City a perpetual, irrevocable, royalty-free, worldwide license to use all Contractor intellectual property in connection with the Deliverables for any City purpose.
- 7. AUDIT RIGHTS:** Contractor shall maintain records of all matters related to this Agreement in accordance with generally accepted accounting principles. Contractor shall provide the records to City or any other governmental agency with jurisdiction for audit, at such reasonable times and places as City designates.
- 8. PUBLIC DISCLOSURE COMPLIANCE:** Records relating to Agreement are subject to the following:
 - 8.1 Confidential Information.** Any record of City business, including this Agreement, related records, and City Data, is a public record under the Washington Public Records Act, codified at chapter 42.56 RCW (“PRA”). City may be required to disclose this Agreement or related records, including records in Contractor’s possession, pursuant to a public disclosure request. City will provide third-party notice to Contractor before disclosing records. Public records may be subject to exemptions from disclosure under the PRA. City agrees to withhold its release of the requested records in dispute for a reasonable amount of time (approximately 10 days) to allow Contractor an opportunity to seek judicial protection pursuant to RCW 42.56.540 as adopted or amended.
 - 8.2 Public Disclosure Compliance.** City will comply with the PRA in its receipt of and response to any public disclosure request for responsive records related to this Agreement, subject to applicable exemptions. Under RCW 42.56.060, City will have no liability to Contractor for disclosure of Contractor information acting in good faith pursuant to its obligations under the PRA.
 - 8.3 Subpoenas.** If either Party receives a subpoena requiring the disclosure of the other Party’s information, that Party will notify the other party and provide a reasonable

time for the affected party to obtain a protective order prior to disclosing information. If a Party is prohibited by a court with jurisdiction over the matter from disclosing the subpoena, that Party will provide only the specific information required to be released under the subpoena on the advice of counsel.

8.4 City Data Confidentiality. Notwithstanding Section 8.1-3, Contractor will maintain the confidentiality of all City Data in its possession in conformance with Section 8.

9. STANDARD OF CARE: Contractor shall exercise the degree of skill and diligence normally employed by consultants in the same industry, performing the same or similar services. Contractor will re-perform any Services that breach this provision at no cost to City.

10. DISPUTE RESOLUTION: City and Contractor agree to negotiate in good faith for a period of 30 days from the date of notice of all disputes between them prior to exercising their rights under this Agreement or under law. All disputes between City and Contractor not resolved by negotiation between the Parties may be mediated only by mutual agreement of both Parties. If not mutually agreed to resolve the claim by mediation, the claim will be resolved by legal action. The Parties agree that if litigation is necessary to enforce any of the provisions of this Agreement, each party shall pay all of their own attorney fees and costs related to the litigation.

11. TERMINATION FOR CONVENIENCE: City may terminate this Agreement at any time for convenience. City will pay Contractor for all Services completed up to the date of termination for convenience. A decision by City to terminate for convenience does not waive any legal rights City has to enforce the Agreement.

12. INDEMNIFICATION: Contractor shall indemnify, defend, and hold harmless City and its officers, councilmembers, commissioners, employees, volunteers, and agents, from any claim, liability, loss, cost, expense, suit, and damages, including attorney's fees and consulting fees relating to (a) a third party claim for intellectual property infringement relating to the Contractor's Services or the Deliverables; (b) Contractor's negligence or willful misconduct; (c) Contractor's material breach of the Agreement; (d) Contractor's non-compliance with applicable law; (e) a third-party Washington Public Records Act claim involving Contractor information; and (f) Contractor's court action to enjoin release of Contractor information under the Washington Public Records Act.

City will promptly notify Contractor of a claim under this Section 13 and will provide reasonable cooperation to Contractor in the defense of the claim. Contractor will

have control over defense and settlement of the claim, except that Contractor will not enter any settlement or related agreement without City's prior written consent. Notwithstanding the preceding sentence, City may participate in the defense or settlement of any claim with counsel of its own choosing.

Solely for negligence indemnification claims under (b) above, if Contractor is providing architectural, landscape architectural, engineering, or land surveying services as the Services under this Agreement, and Contractor and City are concurrently negligent, then Contractor will be required to indemnify City only to the extent of Contractor's negligence and will have no obligation to indemnify City for City's sole negligence, pursuant to RCW 4.24.115.

If Contractor or Contractor's employee is a licensed architect, professional engineer, land surveyor, or landscape architect and the Services are related to a construction project, Contractor expressly waives its industrial insurance immunity under the Washington Industrial Insurance Act Title 51 RCW. Contractor acknowledges this waiver has been mutually negotiated and the Parties desire to incorporate this waiver pursuant to RCW 4.24.115(1)(b).

- 13. INSURANCE:** Contractor shall maintain liability insurance for all claims for damages to the City, persons or property that arise from Contractor's performance during the Term of this Agreement.

Contractor shall maintain the following insurance coverage.

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 arising from the performance of 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. Profession Liability	
Policy shall include coverage for all claims for damages to person or property arising from the performance of this Agreement.	\$1,000,000

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

- a. Compliance with other Insurance Policies - Contractor will remain compliant with all other insurance obligations it may have pursuant to its personnel or applicable law.
- b. Coverage Trigger - Contractor's insurance must be on an "occurrence" basis rather than claims made. This type of coverage must be indicated on the Certificate of Insurance.
- c. Additional Insured Requirement - The City of Vancouver, its Agents, Representatives, Officers, Directors, Elected and Appointed Officials, and Employees must be named as additional insureds where permissible under applicable law. 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.
- d. Certificates - The City of Vancouver shall be listed on the Certificate of Insurance as the Certificate Holder. Contractor will provide the Certificate of Insurance to City upon request on an ACORD or comparable form.

All policies shall be issued by an insurance company authorized to do business as an insurance company in the State of Washington.

14. RELATIONSHIP OF THE PARTIES. The relationship of the Parties under this Agreement is that of independent contractors. Contractor is solely responsible for the manner, method, and means of providing the Services. Contractor and its employees are not City employees and will not be entitled to or receive any benefits

under this Agreement. Contractor will pay all Contractor personnel and pay all taxes, contributions, and benefits that may be required related to its personnel. Neither Party may bind the other except as expressly stated in this Agreement.

- 15. SUBCONTRACTING:** Contractor may subcontract for Services with City's prior written approval in its sole discretion. Contractor is solely responsible for its subcontractors' compliance with this Agreement and will pass through the terms of this Agreement to all subcontractors.
- 16. COMPLIANCE WITH APPLICABLE LAW:** Contractor shall comply with all applicable federal, state, and local laws, rules, and regulations ("Applicable Laws"). Contractor shall modify the Services as necessary to comply with Applicable Laws.
- 17. E-VERIFY:** Contractor shall enter into and register a Memorandum of Understanding with the Department of Homeland Security E-Verify program within 60 days of executing this Agreement. Contractor shall ensure all Contractor employees and any subcontractors assigned to perform Services under this Agreement are eligible to work in the United States. Contractor shall provide compliance verification upon City's request.
- 18. TITLE VI COMPLIANCE:** Depending on the Services Contractor provides, the City may use federal funds to compensate Contractor. If federal funds are used, the City, Contractor, and any approved subcontractor must comply with the provisions of Title VI of the Civil Rights Act of 1964, (78 Stat. 252, 42 U.S.C. 2000d to 2000d-4) (CRA) and the Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28 (1988) (CRRRA). Contractor must confirm with City whether Title VI is applicable under this Agreement.
- 19. EQUAL EMPLOYMENT OPPORTUNITY:** The City is an equal opportunity employer. Contractor shall not discriminate against any of its employees or applicants for employment on the basis of race, color, creed, religion, sex (including gender identity, sexual orientation, and pregnancy), national origin, citizenship or immigration status, age (40 or older), the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person with a disability, genetic information, honorably discharged veteran or military status, or any other class protected by federal, state, or local employment discrimination laws.

20. ANTI-KICKBACK. City officers and employees shall not have or acquire an interest in the Agreement or solicit, accept, or give any item of value from a person or entity with an interest in this Agreement.

21. PERMITS, LICENSES, AND CERTIFICATIONS. Contractor is solely responsible for any license, permit or certificate that may be required by any federal, state or local law in connection with the performance of Contractor's obligations under this Agreement, including any business license. Contractor may contact the State of Washington Business License Service (BLS) at: 800-451-7985, www.bls.dor.wa.gov/cities/vancouver.aspx or visit the City's website found at www.cityofvancouver.us/businesslicense for assistance with the determination.

22. COOPERATIVE PURCHASING: The Washington State Interlocal Cooperation Act, chapter 39.34 RCW, authorizes public agencies to cooperatively purchase goods and services if all parties agree. By executing this Agreement, Contractor agrees that other public agencies may purchase goods and services under this Agreement at their own cost. City will have no liability or obligation related to Contractor related to that separate agency agreement. Therefore, City agrees to allow other public agencies to purchase services under this Agreement so long as City is not held financially or legally liable for any separate agency services received pursuant to the Agreement, and that any public agency purchasing under this Agreement file a copy of it in accordance with RCW 39.34.040.

23. DEBARMENT: Contractor certifies 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.

24. NOTICES: All notices will be hand delivered, certified mail, or sent by electronic mail if agreed by the Parties. Notice will be effective when received if hand delivered, on the delivery date if certified mail, or when an email is sent. Notice must be addressed to the Parties at:

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:
Kevin Fischer, MDE
Columbia River Mental Health Services
6926 NE Fourth Plain Blvd
Vancouver WA 98661
Email: KevinF@crmhs.org

Either Party may update its address for notice by giving written notice to the other Party.

25. ASSIGNMENT. Contractor shall not assign this Agreement without the express written consent of City. Any assignment in violation of this subsection is void. All terms of this Agreement are binding on any assignee.

26. ORDER OF PRECEDENCE: If there is a conflict between the terms of any document, the order of precedence is as follows: Amendments to this Agreement; this Agreement; Contractor's responsive proposal to City's solicitation; and City's solicitation. The Parties agree that terms included on any Purchase Order or other document provided by Contractor are not part of this Agreement.

27. SURVIVAL. Sections 15 - 35 will survive any termination of this Agreement.

28. WAIVER. A Party's waiver of any term of this Agreement must be in writing and signed by the Party waiving compliance.

29. THIRD PARTY BENEFICIARIES. There are no third-party beneficiaries under this Agreement.

30. GOVERNING LAW: This Agreement is governed by the laws of the State of Washington without regard to its conflicts of laws provisions. Venue for any action arising under this Agreement will be the state or federal courts for Clark County, Washington. The Parties waive any claim of inconvenient forum.

31. SEVERABILITY. If a court with jurisdiction over the matter determines any clause of this Agreement is unenforceable, it shall revise the clause to reflect the intent of the Parties as closely as possible. If revision is not possible, the Court shall strike the clause and the remainder of the Agreement will remain in full force and effect.

32. AMENDMENTS: Any amendments to this Agreement must be in writing and signed by all Parties to this Agreement.

33. ENTIRE AGREEMENT: This Agreement, together with any amendments, is the entire agreement between the Parties, and supersedes any other agreement or discussion between them, whether written or oral in nature.

34. COUNTERPARTS. This Agreement may be signed in counterparts. Each counterpart will be deemed an original and together the separate parts will form one Agreement.

City and Contractor enter the Agreement as of the Effective Date.

CITY OF VANCOUVER
A municipal corporation

CONTRACTOR:
Columbia River Mental Health
Services

Lon Pluckhahn, City Manager

Signature

Date

Printed Name /Title

Attest:

Date

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

EXHIBIT "A": Scope of Work

Columbia River Mental Health Services (CRMHS) will provide a Washington State licensed Mobile Opioid Treatment Program (OTP) on-site at a housing facility/shelter being built by the City of Vancouver. Services that CRMHS will offer either from the Mobile OTP or in-connection with the Mobile OTP include: new patient intakes and medical evaluations occurring (5) five days a week, Monday through Friday; 1:1 counseling, groups, peer services, and case management occurring five to six (5-6) days per week; medication dispensing occurring on-site six to seven (6-7) days per week at a standing, agreed upon time, recommended during the hours of 10:00 am to 2:00 pm; basic screenings for diabetes, heart disease, hypertension, hepatitis, HIV, and sexually transmitted infections; and referral coordination for mental health and other community services. Services will be provided via a Mobile OTP unit, purchased by CRMHS with funds provided by the City through this Agreement. Services will be provided by appropriately licensed or credentialed staff. The semi-permanent housing structure built by the City of Vancouver will be utilized by CRMHS staff to provide individual 1:1 counseling, groups, peer services, and case management.

CRMHS will manage all licensing, site inspections, auditing, and reporting requirements for a Mobile OTP, which will include communication and approval from the federal Substance Abuse and Mental Health Services Administration (SAMHSA), the federal Drug Enforcement (DEA), Washington State Department of Health Board of Pharmacy, and Washington State Department of Health for behavioral health services. CRMHS will support clients to connect to insurance providers and will appropriately bill for Mobile OTP services including Medicaid Management Care Organizations (MCOs).

Physical space needs for a Mobile OTP:

- Covered parking for unit when at site which would reduce need for staff to set-up canopies when raining.
- 60 amp plug-in for mobile unit at parking site for power to operate the Mobile OTP and reduce noise pollution that would be caused by a generator.
- Two (2) rooms within shelter/facility for CRMHS staff to utilize for 1:1 counseling, groups, case management, and peer support services.
- Bathroom access for staff and clients. Federal regulations require at least 8 UAs per year for each client enrolled in an OTP.

CRMHS steps prior to operation:

- Licensing: CRMHS will coordinate licensing and approval to operate the Mobile OTP from SAMHSA, DEA, DOH Board of Pharmacy, DOH Behavioral Health
- Purchase of Mobile Unit: CRMHS anticipates that the purchase and set-up for the Mobile OTP will take approximately 9 months. The unit must meet strict federal security and safety requirements prior to approval from licensing agencies.
- Hiring of Staff: CRMHS will recruit and onboard staff to ensure a timely and smooth start to OTP services.
- Secure parking after hours at CRMHS location: Federal regulations require that all Mobile OTP units be parked in a secure location at the Main licensing site.
- Security: State and federal regulations require that the Mobile OTP have security to reduce the risk of diversion and/or theft. CRMHS will utilize appropriately trained security staff as apart of the Mobile OTP team.
- Equipment & Medications Purchased: CRMHS will purchase all equipment needed for a Mobile OTP, which will include pumps to dispense medication, UA cups, medication, office supplies (laptops, cell phones, jet packs), OTP specific software, etc.

Deliverables:

To license and operate the first Mobile OTP in Southwest Washington and City of Vancouver. This approach will offer a low-barrier, low-threshold access to life-saving medication Assisted Treatment (MAT) services to residents of the City of Vancouver. CRMHS has a “no wrong door” policy which allows staff to offer immediate treatment regardless of an individual’s ability to pay, race, ethnicity, gender, socioeconomic status, sexual orientation, or geographical location or if they are currently sober, which is culturally competent in that it adapts to meet the needs of the clients.

CRMHS will provide treatment to as many as 50 individuals at any given moment, with an estimated reach of 150 unique individuals within a 12-month period.

Services provided will be evidenced based practices and appropriate for unhoused individuals. In addition to MAT services, the Mobile OTP will incorporate Cognitive Behavior Therapy (CBT), Motivational Interviewing, Living Balance, and Seeking Safety programs. Client success is evaluated by tracking each person’s progress in three main areas, but in no particular order: 1: substance use/sobriety, 2) employment/income and housing stability, 3) mental health and social functioning. Staff are trained in client-driven, strengths-based, goal-oriented individualized care and treatment. Comprehensive assessment of each participant are completed using validated tools

to understand each person's strengths, needs, and challenges. Case Managers collaborate with each patient to assist in seeking stable housing, income assistance, employment services, and family social support. Peer Support Specialists work directly with patients to identify individual goals and assist them in attaining recovery support services, such as vocational, educational, and transportation services designed to improve access and retention to services.

All clients will receive education on ways to prevent and reduce the risk of overdose and will be offered the opioid reversal medication Narcan. The NorthStar Registered Nurse (RN) or Licensed Practical Nurse (LPN) is responsible for distributing opioid reversal medication and delivering overdose prevention education to all clients. All clients that receive an assessment are also offered Narcan and clients can receive additional Narcan if needed by asking a nurse at the dispensing window.

Initial screenings consist of Hepatitis C, HIV, diabetes, heart disease, hypertension, sexually transmitted infections, smoking cessation needs, and a urine analysis for opioids, other narcotics, and pregnancy. If a person is found to be pregnant, additional health and prenatal resources and counseling are all offered immediately. CRMHS supports the patient, if identified in the screening, in coordinating care to treat any areas of concern. Through intake screening questions patients are identified as needing a smoking cessation kit. Both counseling on smoking cessation and the kits themselves are provided by the medical staff overseeing the initial client intake screenings.

**EXHIBIT "B":
Fee Schedule**

Cost to the City of Vancouver will be front loaded due to the cost of acquiring a mobile medication dispensing unit in year zero. CRMHS will bill Washington State Medicaid providers for much of the services provided, but the cost of staffing, medication, equipment, supplies, and administrative support will likely exceed revenue.

	2025 Budget		2026 Budget		2027 Budget	
	City of Vancouver Funding	Anticipated Revenue	City of Vancouver Funding	Anticipated Revenue	City of Vancouver Funding	Anticipated Revenue
Personnel Budget						
Salaries	\$ 611,432.46	\$ -	\$ 642,004.08	\$ -	\$ 674,104.28	\$ -
Benefits	\$ 169,158.21	\$ -	\$ 177,616.12	\$ -	\$ 186,496.92	\$ -
Operating Costs						
Supplies/Materials	\$ 15,440.00	\$ -	\$ 15,594.40	\$ -	\$ 15,750.34	\$ -
Postage/Mailing	\$ 600.00	\$ -	\$ -	\$ 606.00	\$ -	\$ 612.06
Copying/Printing	\$ 900.00	\$ -	\$ -	\$ 909.00	\$ -	\$ 918.09
Travel	\$ 31,413.00	\$ -	\$ 31,727.13	\$ -	\$ 32,044.40	\$ -
Insurance	\$ 6,000.00	\$ -	\$ -	\$ 6,060.00	\$ -	\$ 6,120.60
Contracted Services	\$ 63,921.00	\$ -	\$ 31,544.25	\$ 33,015.96	\$ 32,477.70	\$32,728.11
Equip & software	\$ 17,328.00	\$ -	\$ 17,501.28	\$ -	\$ 17,676.29	\$ -
Other Costs						
Training/Workshops	\$ 21,000.00	\$ -	\$ -	\$ 21,210.00	\$ -	\$21,422.10
Space/Rental	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Start-up costs	\$ 571,600.00	\$ -	\$ -	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL	\$ 1,508,792.66	\$ -	\$ 915,987.26	\$ 61,800.96	\$ 958,549.95	\$61,800.96
10% Indirects	\$ 150,879.27	\$ -	\$ 91,598.73	\$ -	\$ 95,854.99	\$ -
OVERALL PROJECT COST	\$ 1,659,671.93	\$ -	\$ 1,007,585.98	\$ 61,800.96	\$ 1,054,404.94	\$61,800.96

Staff Report: 002-25

To: Mayor and City Council
From: City Manager
Date: January 6, 2025

Subject

Memorandum of Agreement - Vancouver Farmers Market Association and the City of Vancouver

Key Points

A 5-year Memorandum of Agreement (MOA) with the Vancouver Farmer's Market (VFM) that will allow it to continue to use City-owned space on Esther and 8th Streets for operation of the Market

Strategic Plan Alignment

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

Culture and Heritage – celebrating culture and heritage

Present Situation

The Vancouver Farmer's Market (VFM) has operated at its current location on Esther, between 6th and 8th streets in downtown Vancouver, since 2000. In 2019, due to construction, and to allow for access to the apartment building that was built on 6th Street, the Vancouver Farmers Market was asked to relocate its vendors from 6th Street to 8th Street. The Market has operated in this new configuration since March 2019 with great success and general approval of both neighbors and vendors alike.

The Market is a major attraction downtown with more than 250 vendors and thousands of customers, making it one of the largest farmer's markets in the region and state. The City's previous agreement with VFM for the use of Esther Street (from 8th to 6th) expired December 31, 2024. In 2024, VFM staff and City staff reviewed the Memorandum of Agreement (MOA) and made minor, non-significant updates. The proposed MOA is for 5-years, 2025-2029. VFM also has a separate agreement with the City that allows use of the City Hall parking lot on the southwest corner of Esther and 6th Streets for customers and vendors. That agreement will continue into the first half of 2025 until construction begins on the Waterfront Gateway development project.

Advantage(s)

1. Allows one of downtown's premier attractions to continue to be available to the public.
2. Supports small businesses including encouraging the availability of locally grown agricultural products.

Challenge(s)

Portions of Esther and 8th Streets are not available for vehicular traffic on every Saturday and Sunday, April through October, and every Saturday, January through March, and November through

December.

Budget Impact

None

Prior Council Review

None

Action Requested

On Monday, January 6, 2025, authorize the City Manager, or designee, to sign a Memorandum of Agreement with the Vancouver Farmer's Market for use of portions of Esther and 8th Streets for operation of the Market for 2025-2029.

Staff Contact

Chris Harder, Deputy Economic Development Director , chris.harder@cityofvancouver.us

Attachments:

1. Vancouver Farmer's Market 2025-2029 Agreement Final
2. Exhibits 1-6

**Memorandum of Agreement
Between the City of Vancouver and
Vancouver Farmers Market Association
For the 2025-2029 Farmers Market**

BACKGROUND

The City of Vancouver (“City”), a municipal corporation formed under the laws of the State of Washington, allows the Vancouver Farmers Market Association (“Market”), a Washington non-profit corporation, to operate on City-owned streets, parking lots and right-of-way near Esther Short Park in downtown Vancouver. The Market is a valued downtown amenity drawing thousands of visitors on an annual basis. The Market is interested in renewing their agreement with the City for use of streets and other city-owned facilities for the operation of the market. The City has determined that the Market has complied with the conditions in the 2019-2024 Memorandum Agreement for the operation of the Farmer’s Market.

The Market must comply with the terms and conditions of this Agreement and any and all City-issued permits as well as the requirements of other agencies with jurisdiction regarding Market operations including, but not limited to, the Clark County Health Department. It is understood that the City reserves the right to change the terms and conditions of this Agreement at the time of the annual review as described herein in order to provide for public health, safety and welfare.

The City of Vancouver and the Vancouver Farmer’s Market agree to the following:

A. TERM

1. Subject to the conditions and provisions set forth in this Agreement and in the Right-of-Way Use Permit, the City will allow the Market to continue to use City-owned streets and facilities for its operations for 2025-2029. During this period, the Market may continue to utilize the same locations as described herein, subject to modification or partial revocation pursuant to VMC 11.60.150 if the area for which the permit has been granted is needed for a public purpose due to constraints by construction projects adjacent to and in the general vicinity of this location. In the event that construction projects reduce or restrict the Market’s use of City right-of-way, the City will work cooperatively with the Market to find alternatives for their space needs.
2. The Market “season” is defined as every Saturday and Sunday April through October and every Saturday January through March and November through December. The Market may operate special seasonal or holiday markets, in the same locations described herein, outside of the specified timeframe with 30 days advance notification to the City.

3. The City and the Market will meet annually, prior to January 1, to facilitate and review the agreement. The Market agrees to discuss any concerns relating to this agreement with the City's liaison to the Market either at the annual meeting between the City and Market or as concerns arise. The designated representative of each party, for purposes of such meeting and for other necessary contact, is:

City:

Chris Harder
Deputy Director, Economic Prosperity & Housing
City of Vancouver
415 W. 6th St.
P.O. Box 1995
Vancouver, WA 98668-1995
(360) 356-0250
Chris.Harder@cityofvancouver.us

Market:

Jordan Boldt
Executive Director
Vancouver Farmers Market
605 Esther St
PO Box 61638
Vancouver, WA 98666-1638
(360) 737-8298
j.boldt@vancouverfarmersmarket.com

B. RIGHT OF WAY USE PERMIT

1. Prior to use of City right-of-way pursuant to this Agreement, the Market will apply to the City's Public Works Department for a Type C Right-of-Way Use Permit for the Market, pursuant to the requirements of VMC Chapter 11.60. VMC Chapter 11.60 and the appropriate application form are attached hereto as Exhibits 1 and 2. The required application must be filed not later than January 1 of each year under which the MOA is effective. The City will process the application within sixty (60) days, as required by VMC 11.60.110(E)(1)(a). The permit may be renewed on an annual basis through 2029, pursuant to the conditions of VMC 11.60.140. The Market must apply for renewal of the permit each year, and must pay the fees as outlined in VMC 11.60.160 and VMC 20.180.070. The Right-of-Way Use Permit will establish the City's conditions for approval of the use of Esther Street ending to the North approximately halfway between 8th Street and 9th Street. (The street closure will end before the entrance to the Heritage Place parking lot and the Dolle Building parking lot) and to the South ending at the south edge of the crosswalk at 6th Street. Additionally, the Right-of-Way Use Permit covers the use of 8th Street from the East side of the east crosswalk at Franklin to the West side of the

crosswalk to Esther Short Park (approximately halfway between Esther and Columbia). The use is granted from 5 a.m. on Saturday to 6 p.m. on Sunday. A map of the intended street use area covered by the Right-of-Way Use Permit is attached hereto as Exhibit 3. It is understood that there are ongoing construction projects adjacent to and in the general area of the Farmers Market and that such projects may conflict with the Market's operation on the above-described areas. City and Market agree to work cooperatively to avoid or minimize such conflicts but Market acknowledges that it may not be able to fully utilize the above described areas during such construction periods. In the event of such conflict, the City reserves the right to modify or partially revoke the Market's Right-of-Way Use Permit pursuant to VMC 11.60.150 as necessary, if the area for which the permit has been granted is needed for a public purpose due to the construction projects.

3. Pursuant to VMC 11.60.090(D), the City requires proof that the applicant has notified property owners and tenants within 200 feet of the edge of the proposed use or occupation whose access may be affected by the proposed use. The notice shall consist of a declaration signed by the applicant that the required notice was issued within 28 days prior to submittal of the permit application, a list of property owners and tenants notified, and a sample of the message of notification.
4. The City agrees to allow the Market to remain set up overnight between Saturdays and Sundays on Esther Street and 8th Streets, in the footprint approved for the Market through the Right-of-Way Use Permit, on the condition that overnight security is provided.
5. To make the park available to other community organizations and the public, Market vendor activity will be limited to Esther Street adjacent to Esther Short Park between 6th Street and 8th Street. The permitted area is bounded by the west curb of Esther Street to the east edge of the sidewalk on the west side of Esther Short Park, and on 8th Street the Market's use will be limited to the area from the north curb on 8th Street to the southern edge of the sidewalk on the north side of Esther Short Park as described in the attached Right-of-Way Use Permit. Driving over curbs on either Esther Street or 8th Street is not allowed. No other commercial activity will be permitted in the stated boundary during the hours of the Market operation, and a 5-foot path of the sidewalk will be kept clear for ADA accessibility purposes.
6. As required by VMC 11.60.090(E)(6), the Market will submit to the City for review and approval a Traffic Control plan in compliance with VMC Chapter 11.40. The appropriate application form is attached hereto as Exhibit 4. The required application must be filed not later than January 1 of year during which the MOA is effective. The City will process the application within sixty (60) days, as required by VMC 11.60.110(E)(1)(a). Barricade placement is the responsibility of the Market; RCW 46.55.113 requires barricades with signage establishing a tow away zone be placed on the street a minimum of 24 hours in advance of the opening of the Market. Signs and barricades are to be stored offsite by the Market when not in use.

7. Any proposed additional signage must be authorized by the City's Public Works Department as part of the Traffic Control plan.
8. Given the unique nature of the Market as a regular weekly event that supports the City's long range strategic goals for Downtown, the City will waive the daily meter hood fee for use of the on-street parking spaces in the designated Market area. The Market will work with the Public Works department to secure new signage that indicates the dates and times when the street parking in the designated Market area will be unavailable for public use.
9. The Market shall not cause or permit any Hazardous Materials as defined by RCW 70.36.020(1) to be spilled, leaked, disposed of, or otherwise released on or under streets or parks. In the event that such an incident occurs, the Market shall report it to the Vancouver Fire Department and shall comply with its requirements concerning required response. VMC 2.32.060-.070.

C. PARK USE

1. If Esther Short Park is not reserved for a special event, the Market may use it free of charge one day per month. The request must be made thirty (30) days prior to the proposed date. Use will be approved if the park is not reserved and the request meets park use requirements under VMC Chapter 15.04. This free use is intended enhance the Market and may not be donated, traded or sold to other organizations. To request use, the Market will contact the City Events Manager. In addition to the one free day per month, the City will consider use of the park by the Market on a case-by-case basis and has the option to charge a fee for any such additional use.
2. The Market may use the hard surface area between the Slocum House and the restrooms for Market patron seating, educational activities and light entertainment. Light entertainment is described as entertainment designed as "background" music or entertainment designed to accommodate small gatherings on the hard surface area.
3. Additional seating, demonstrations and entertainment is allowed only in the hard surface area north of the Slocum House. The Market may use the public sidewalk on the West Side of the park north of Slocum House for additional table seating. Tables must be placed to comply with ADA regulations and allow a minimum of a four-foot clear walkway on the sidewalk. This clearway must be maintained at all times. The City reserves the right to rescind use of the sidewalk for tables or seating if safety or access issues occur.
4. Vendor overflow is not permitted into the park. Vendors must set up within the area from the west curb of Esther Street to the east edge of the sidewalk on the west side of Esther Short Park or in the approved areas on 8th Street and the approved area on Esther Street north of 8th Street.

5. The Market understands that in some cases Esther Short Park will be fenced to accommodate special events, construction, or other reasons. The City Events Manager will notify the Market thirty (30) days in advance if fencing is to occur.
6. The Market and the City will jointly foster a compatible environment with all renters of the park. It is the responsibility of the Market and community event users of the park to coordinate possible partnerships of events and the Market.

D. UTILITIES

1. Garbage.
 - a. The Market may make use of the City's dumpsters behind the pump house in Esther Short Park including sharing the existing garbage, recycling and food waste containers. The Market and the City will coordinate closely, including arranging for extra service days, depending on the special events planned for the park. It is expected that although the containers will be shared, the Market will maintain an individual account with Waste Connections for its services.
 - b. Responsibility for litter and garbage cans. It is the Market's responsibility to keep the area subject to the Right-of-Way Use Permit and this Agreement free of litter and debris when the Market is operating, and to clean up litter and garbage at the end of each Market weekend. This responsibility shall include emptying City-provided trash cans adjacent to the Market area on the west side of Esther Short Park as necessary to keep the area free of garbage.
2. The grey water, defined as wastewater having the consistency of residential domestic type wastewater- generated by vendors at the Vancouver Farmer's Market shall be either hauled away from the site and properly managed, or discharged to the City sanitary sewer system. At the time of the annual review, the Market shall provide the City with information concerning its arrangements for disposal of grey water, which the City may review and approve or disapprove. Discharge of grey water to the storm sewer is not authorized.
3. The Market is required to provide portable toilets and hand-washing facilities in appropriate locations (away from vehicular traffic, not blocking access to sidewalks or aisle ways, at least 20 ft. away from all storm drains and on level ground that provides unobstructed access for users on each Market weekend. Not less than four (4) portable toilets must be provided so that the capacity of the permanent restroom facilities is not stressed. The toilets may be delivered no earlier than the day before the Market and must be removed at the end of each Market weekend. The Market is responsible for ordering portable toilets and making sure they are removed as required in this agreement.
4. Clark Public Utilities (CPU) bills the Market for electricity used by the electrical boxes and the streetlights. The City reimburses the Market for the streetlight electrical usage.

5. The City will provide basic maintenance, including cleaning and restocking of supplies, for the permanent restrooms and the area surrounding the restrooms on a daily basis. However, it is the Market's responsibility to keep the area surrounding the restrooms, as shown on Exhibit 5, free of litter and debris when the Market is operating. The restroom space is available to the public and events within the park and is not for the sole use of Market patrons.
6. The City will provide and maintain at least three potable water connections for the Market's use. It will be the Market's responsibility to provide for a Clark County Public Health Department approved means of distribution to vendors. A distribution system which leaks and/or adds other safety concerns will not be allowed. The City reserves the right to discontinue access to water if any of the conditions are not met.

E. OTHER CITY SERVICES

1. The Market agrees to work with the Slocum House operator, Esther Short Park Neighborhood Association, adjacent businesses and other users of the park to ensure good neighbor relationships.
2. It is understood that Market patrons will not be allowed to use Slocum House restrooms.

F. LIMITED PUBLIC FORUM AREA

The City of Vancouver recognizes that individuals and/or groups may wish to disseminate information at the Vancouver Farmer's Market. The City has granted the Market an exclusive Right-of-Way Use Permit to operate within the boundaries described in Section B of this Agreement, the Right-of-way Use Permit, and on other City property as described herein. In the interest of public safety and to ensure the smooth flow of pedestrian traffic within the Market area and Esther Short Park, the following areas, as shown in Exhibit 6, have been reserved for the use as a limited public forum for groups or individuals who wish to use a fixed location to disseminate information:

- The southern side of the sidewalk on the north side of Esther Short Park along 8th Street beginning at the east side of the northwest entrance to Esther Short Park and continuing mid-park to the Pioneer Mother Statue.
- The area directly in front of the gates and landscaping at the northwest entrance to Esther Short Park.
- The west side of the sidewalk on the east side of the Slocum House beginning at the Esther Short Park gazebo and continuing to the south side of the restrooms at Esther Short Park.

To facilitate use of the area, each group is limited to one table, two chairs and a pop-up awning or umbrella with a maximum size of 10'X10'. When in close proximity to others, the awning must be treated with fire retardants. To keep the sidewalk clear, the awing or tent may extend over the grass planting area and it must not hamper Market vendors or pedestrian access.

Establishment of this limited public form area is not intended to restrict the free speech rights of individuals or groups who wish to disseminate information without use of a fixed location within the area subject to the Farmer's Market Right-of-Way Use Permit.

G. CALLS FOR ASSISTANCE

The Market is to call (360) 487-8177 for facilities needs that cannot wait until regular business hours (the following Monday). If the Market requires additional police services beyond routine downtown coverage, the Market should coordinate directly with the Vancouver Police Department. For all public safety concerns, the Market is to call 9-1-1.

H. INDEMNIFICATION, INSURANCE, AND LIABILITY

1. Indemnification. The Market 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, of whatsoever kind or nature, arising out of, or in connection with, or incident to, the performance or failure to perform pursuant to this Agreement.

In the event that any suit based on such a claim, demand, loss, damage, cost, or cause of action is brought against the Market, the City retains the right to participate in said suit if any principal of public law is involved.

This indemnity and hold harmless shall include any claim made against the City by an employee of Market, vendor, subcontractor, agent, or attendees of the Market, even if Market is thus otherwise immune from liability pursuant to the workers' compensation statute, Title 51 RCW, except to the extent that such liability arises from the sole negligence of the City. Market specifically acknowledges that the provisions contained herein have been mutually negotiated by the parties and it is the intent of the parties that Market provide the broadest permitted scope of indemnity.

2. Insurance.

a. Prior to the commencement of the permitted use, the Market shall provide the City with satisfactory evidence in writing that the Market has in force, and will maintain in force throughout the duration of the permitted use, commercial general liability insurance satisfactory in form and substance to the City, duly issued by an insurance company authorized to do business in Washington.

b. The policy shall name the City of Vancouver as an additional insured, and apply as primary insurance, regardless of any insurance the City may carry. Also, the policy must include:

i. A "cross-liability" (severability of interest) clause; and

ii. A provision that the City be notified not less than 30 days prior to cancellation of the policy, except in the case of non-payment, when less than 10 days prior notice is required; and

iii. \$1 million comprehensive general liability insurance for bodily injury or death to any one person; and

iv. \$2 million comprehensive liability insurance for bodily injury or death resulting from one accident; and

v. \$1 million comprehensive general liability insurance for property damage resulting from any one accident.

3. Liability. The City will not be liable for actual damages or consequential damages to the Market, vendors, subcontractors, or agents if the Market must be closed for public health, safety or welfare purposes.

I. TERMINATION

The terms of this Agreement are incorporated into the Market's Right-of-Way Use permit, and are conditions of that Permit. This Agreement and the Right-of-Way Use permit authorize the Market to conduct only such use as is described in this Agreement and in the permit and in accordance with the terms and conditions of the Agreement and the permit. It is unlawful for the applicant to violate the terms and conditions of the permit, or to continue with the use if the permit has been revoked or has expired. Pursuant to VMC 11.60.200, enforcement of this provision shall be governed by Title 22.

The City reserves the right to terminate the Agreement, for any public purpose, at the end of any Market season at its sole discretion provided the Market is notified in writing by December 31st of that year.

J. INDEPENDENT CAPACITY

At all times and for all purposes of this Agreement, each party shall act in an independent capacity and not as an agent or representative of the other parties.

K. NO ASSIGNMENT

Neither party shall sell, assign, sublet, transfer, or in any manner encumber the rights and privileges granted herein, nor allow such assignment, subletting, transfer, or any other encumbrance to occur by operation of law or otherwise without the prior consent of the other parties.

L. AMENDMENT

The City reserves the right to amend this agreement for public health, safety, or welfare reasons subject to 60 day's notice to the Market and an opportunity for the parties to negotiate any proposed

changes prior to implementation. No additions to, or alterations of, the terms of this Agreement shall be valid unless made in writing.

M. GOVERNING LAW AND DISPUTES

This Agreement 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 Executive Director (for Market) shall meet with each other and attempt in good faith to resolve the disagreement. Venue for any action hereunder shall be brought in the Superior Court of Clark County, Washington.

This agreement dated this _____ day of _____, 2025

CITY OF VANCOUVER

Lon Pluckhahn, City Manager

VANCOUVER FARMERS MARKET

Jordan Boldt, Executive Director

Approved as to form:

Jonathan Young, City Attorney

Attest:

Natasha Ramras, City Clerk

EXHIBIT 1
VMC Chapter 11.60

VMC Chapter 11.60 available at:
<https://vancouver.municipal.codes/VMC/11.60>

EXHIBIT 2
Right of Way Use Permit Application

Right of Way Use Permit application available at:
<https://www.cityofvancouver.us/government/community-development/engineering-services/street-use-permits/right-of-way-permit-request/>

EXHIBIT 3
Map of Vancouver Farmer's Market
Right of Way Use Permit Area

Exhibit 3
Right of Way Use Permit Area

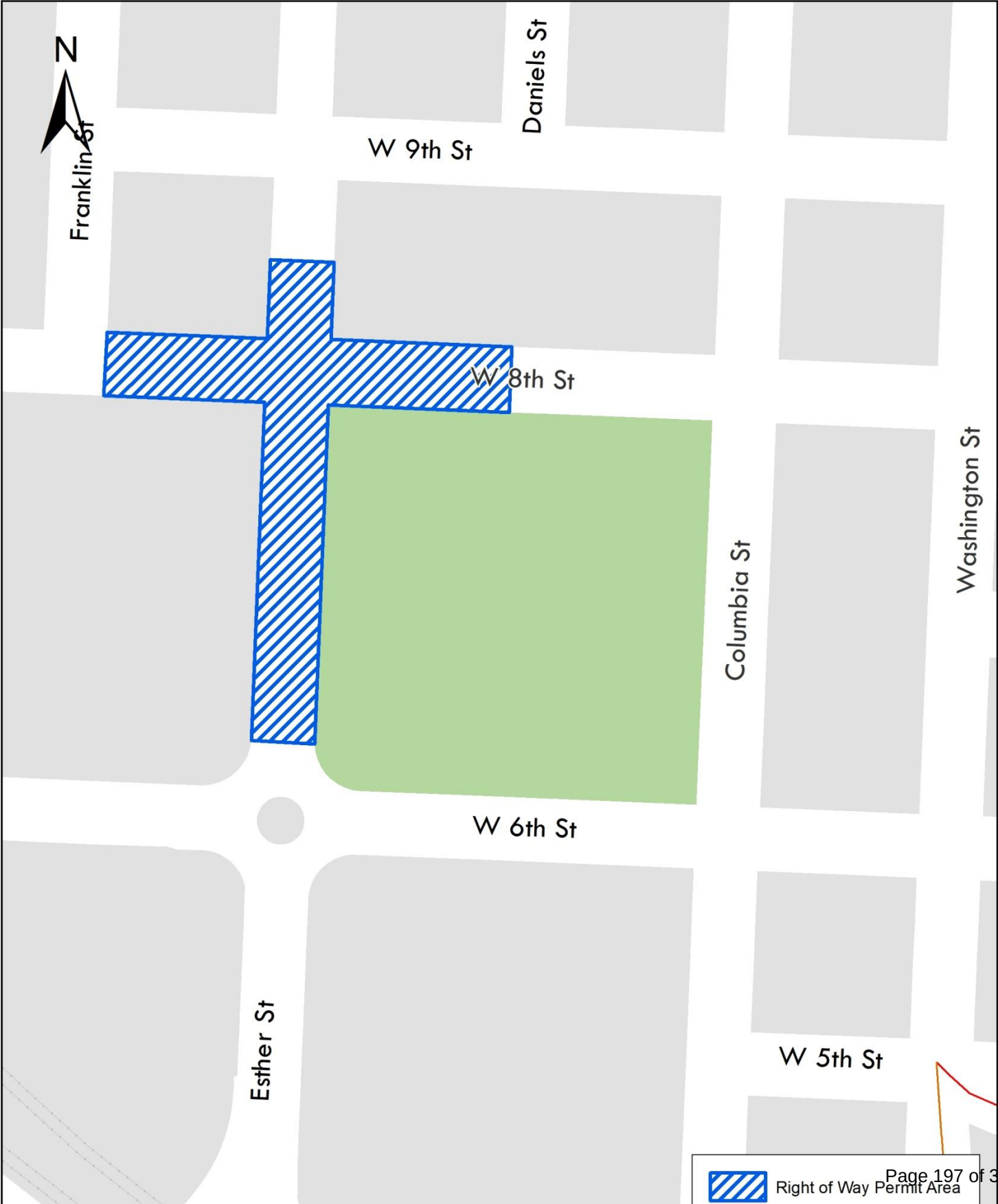


EXHIBIT 4
Application Form for a Traffic Control Plan

Application form for a Traffic Control Plan available at:
<https://www.cityofvancouver.us/wp-content/uploads/2023/06/TCP-Application.pdf>

EXHIBIT 5
Map of the Vancouver Farmer's Market
Restroom Surrounding Area

Exhibit 5
Permanent Restroom Surrounding Area

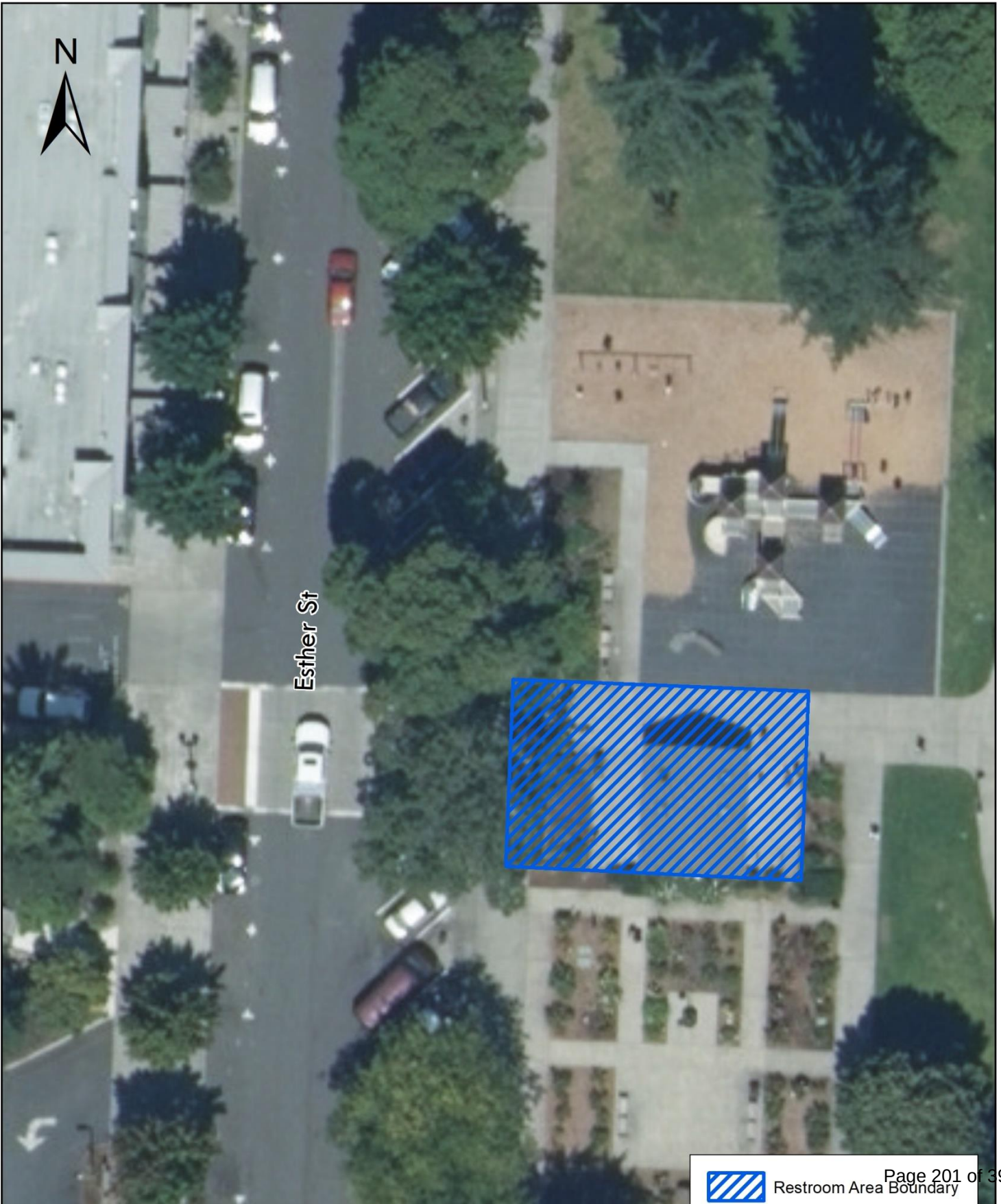
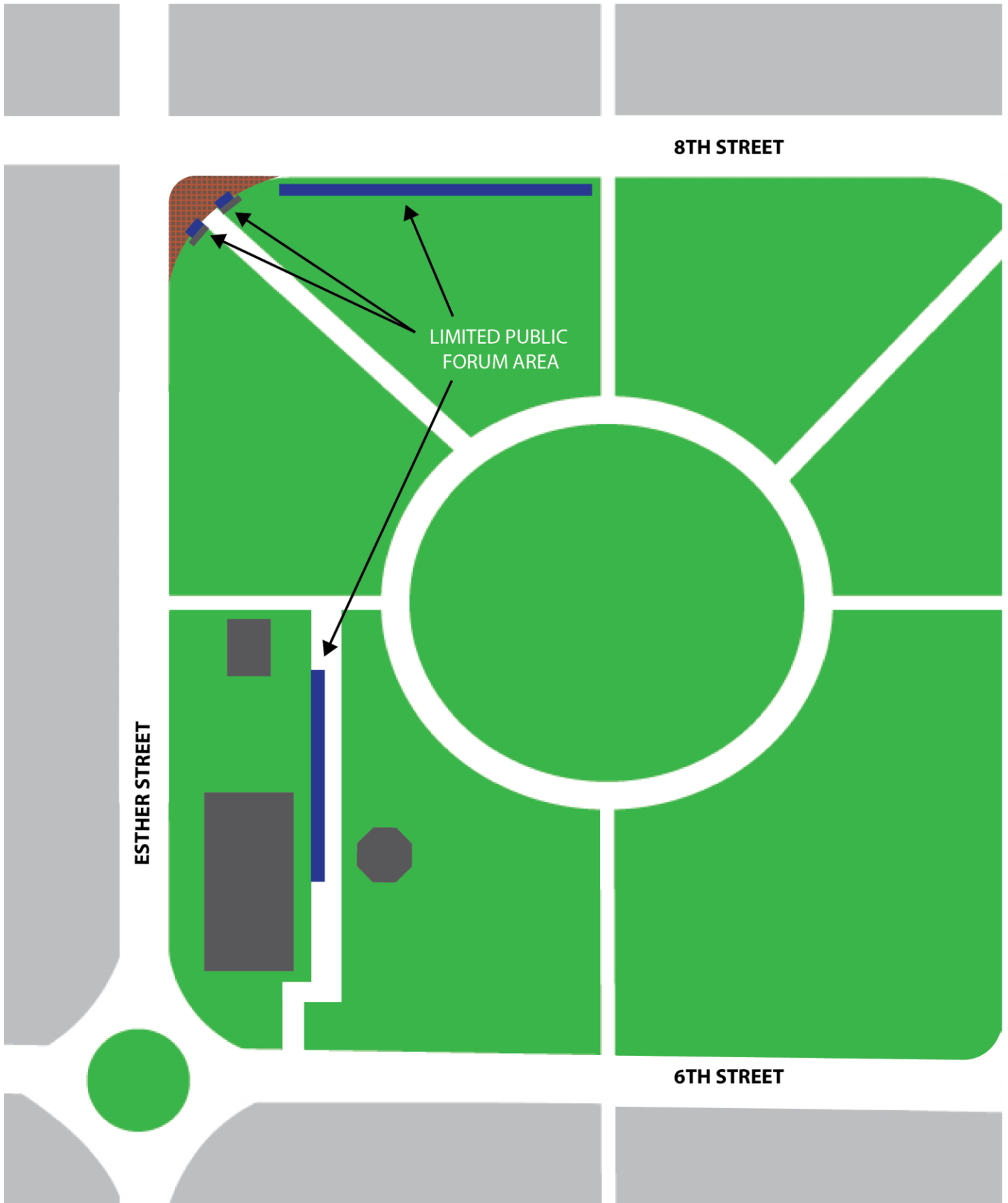


EXHIBIT 6
Map of the Vancouver Farmer's Market
Limited Public Forum Area at northwest corner of
Esther Short Park

Exhibit 6
Limited Public Forum Area at northwest corner of Esther Short Park



A Resolution delegating authority for allocating funds for Public, Educational, and Governmental access equipment repair and replacement, and establishing a process for such allocations.

Staff Report: 003-25

To: Mayor and City Council
From: City Manager
Date: January 6, 2025

Subject

Resolution for the Adoption of the Grants from Public, Educational, and Governmental Capital Support Repair and Replacement Fund

Key Points

- Under the terms of the City's new cable franchise agreement, Comcast "shall provide to one percent (1%) of Gross Revenues...for Public, Educational, and Governmental Access....". These funds can be used for grants to support capital equipment purchases by the designated Public, Education and Government (PEG) access providers and reimbursement for repair and replacement costs for items purchased by PEG Grants.
- The City Council is being asked to approve an updated PEG capital repair and replacement resolution.

Strategic Plan Alignment

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

Present Situation

The recently adopted franchise agreement between the City of Vancouver (City), Clark County (County), and Comcast Corporation (Comcast) requires that Comcast pay the City 1% of gross revenues for use by PEG providers on capital equipment as designated by the City or County.

In 2013, the Telecommunication Commission passed a resolution (2013-09) to allow for PEG funds to be used for repair and replacement for equipment that was purchased by PEG Grants. At the time:

- Cable office staff were authorized to approve repair expenditures up to \$2,500. Approval of repair expenditures of over \$2,500 required the approval of the PEG Subcommittee. The cost of equipment replacement was capped at \$1,000 per request.
- Cable Office staff were authorized to approve these repairs. The Cable Office provided an annual report on the repair and replacement of equipment using PEG funds to the PEG Subcommittee.

In 2024, we entered into a new franchise agreement and wanted to update the resolution to reflect more current equipment and replacement costs and redesignate authorized staff to approve expenditures.

- The City Manager's Office is authorized to approve repair expenditures up to \$5,000 per piece of equipment. Repair expenditures over \$5,000 per piece of equipment require that staff consult with the PEG Subcommittee prior to approval.
- The total amount of equipment replacement expended on each PEG recipient in any calendar year cannot exceed \$25,000 without additional approval from the PEG Subcommittee.
- The City Manager's Office will provide an annual report on the repair and replacement of equipment using PEG funds to the PEG Subcommittee.

Advantage(s)

1. Provides more capital funds for repair and replacement of equipment purchased with PEG Grant funds, which will enhance local access programming on the Vancouver/Clark County Comcast Cable system.
2. Allowing the City Manager's Office staff to authorize this expenditure will allow for quicker responses to our PEG providers since the TCC meets twice a year starting in 2025.

Challenge(s)

None

Budget Impact

None, there is a sufficient appropriation in the fund for grants and other expenditures. To the extent the PEG Capital Support Fund allocates annual funds for repair and replacement cost, less funds will be available for grants. If the funds are not used, they will roll back into the general PEG Capital Support Fund. The PEG Capital Support Fund is completely funded by Comcast per the franchise agreement.

Prior Council Review

None

Action Requested

On Monday, January 6, 2025, adopt the Public, Educational, and Governmental (PEG) capital repair and replacement resolution.

Staff Contact

Kerry Peck, Administrative Assistant, Kerry.Peck@cityofvancouver.us

Attachments:

1. Resolution
2. 2024-05 Use of PEG Funds for Equipment Repair - signed

[Meeting Date]

RESOLUTION NO. M- [Resolution Number]

A resolution delegating authority for allocating funds for Public, Educational, and Governmental access equipment repair and replacement, and establishing a process for such allocations.

WHEREAS, the City of Vancouver (“City”), Clark County (“County”) and Comcast Cable Communications Management, LLC (“Comcast”), approved a new franchise in 2024 which included continuation of a fund to support Public, Educational and Governmental (“PEG”) Access capital costs; and

WHEREAS, section 9.8 “Support for Access Capital Costs” requires Comcast to provide to the City 1% of gross revenues for PEG, including but not limited to PEG access facilities and equipment, which includes repair of equipment; and

WHEREAS, pursuant to VMC 5.19.320(7) and Clark County Code 36.04A.155, the Clark Vancouver Telecommunications Commission (“Commission”) has authority to recommend allocation of PEG funds to designated PEG providers; and

WHEREAS, City staff, working with representatives of the designated PEG Access providers and PEG Subcommittee as appropriate, will allocate certain PEG funds for equipment repair and replacement each year; and

WHEREAS, the Commission adopted Resolution 2024-05 at its December 4, 2024 meeting recommending that City Council adopt this Resolution; and

WHEREAS, This Resolution is intended to continue in effect through the duration of the Comcast franchise, including any agreed upon extensions.

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

Section 1. Findings. The City Council adopts the above recitals and the information in SR_____ as findings.

Section 2. The City Council delegates authority to the City Manager to allocate PEG funds to PEG providers previously approved by City Council for the purpose of repair or replacement of equipment that was originally purchased with PEG capital funds. To accomplish this task, City Council approve the following procedures for such allocations:

- a. Up to 5% of the combined City/County PEG capital fund may be allocated on an annual basis for repair and replacement of equipment that was originally purchased with PEG capital funds.
- b. Equipment repair/replacement funds not expended by the end of the calendar year will be included in the funds available for the annual PEG grants.
- c. City Manager's Office is authorized to approve repair expenditures up to \$5,000 per piece of equipment. Repair expenditures over \$5,000 per piece of equipment requires that staff consult with the PEG Subcommittee prior to approval.
- d. Total amount of equipment replacement expended for each PEG recipient in any calendar year cannot exceed \$25,000 without additional approval from the PEG Subcommittee.
- e. The City Manager's Office will provide an annual report on the repair and replacement of equipment using PEG funds to the PEG Subcommittee.

Section 3. This Resolution is effective immediately upon approval by City Council.

ADOPTED at a Regular Meeting of the Vancouver City Council this 6th, of January 2025.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Nena Cook, City Attorney

Vancouver Clark Telecommunications Commission

RESOLUTION 2024-05

A Resolution Forwarding the Recommendations of the Vancouver Clark Telecommunications Commission for Use of PEG Capital Support Funds for Equipment Repair and Replacement

Section 1. Recitals

- 1.1 The City of Vancouver (“City”), Clark County (“County”) and Comcast Cable Communications Management, LLC (“Comcast”), approved a new franchise in July 2024 which included continuation of a fund to support Public, Educational and Governmental (“PEG”) Access capital costs.
- 1.2 Section 9.8 “Support for Access Capital Costs” requires Comcast to provide to the City 1% of gross revenues for Public, Access, and Governmental Access (“PEG”) including but not limited to PEG access facilities and equipment, which includes repair of equipment.
- 1.3 Pursuant to VMC 5.19.320(7) and Clark County Code 36.12.160, the Clark Vancouver Telecommunications Commission (“Commission”) has authority to recommend allocation of PEG funds to designated PEG providers.
- 1.4 City staff, working with representatives of the designated PEG Access providers and PEG Subcommittee as appropriate, will allocate certain PEG funds for equipment repair and replacement each year.
- 1.6 This Resolution is intended to continue in effect through the duration of the Comcast franchise, including any agreed upon extensions.

Now, therefore, be it resolved as follows:

Section 2.

- 2.1 The Commission recommends that the Vancouver City Council and Clark County Council approve the following procedures for allocating PEG funds on equipment repair and replacement:
 - a. Up to 5% of the combined City/County PEG capital fund may be allocated on an annual basis for repair and replacement of equipment that was originally purchased with PEG capital funds.
 - b. Equipment repair/replacement funds not expended by the end of the calendar year will be included in the funds available for the annual PEG grants.
 - c. City Manager’s Office is authorized to approve repair expenditures up to \$5,000 per piece of equipment. Repair expenditures over \$5,000 per piece of equipment requires that staff consult with the PEG Subcommittee prior to approval.

- d. Total amount of equipment replacement expended for each PEG recipient in any calendar year cannot exceed \$25,000 without additional approval from the PEG Subcommittee.
- e. The City Manager's Office will provide an annual report on the repair and replacement of equipment using PEG funds to the PEG Subcommittee.

2.2 The Commission requests that staff forward this Resolution to the Vancouver City Council and the Clark County Council, and further requests that each entity approve the process set forth in Section 2.1, above for allocating PEG funds for equipment repair and replacement.

Recommendation approved by a majority of the Commission on December 4, 2024.



Paul Dicker, Chair,
Vancouver Clark Telecommunications Commission

A RESOLUTION providing approval, solely for purposes of section 147(f) of the Internal Revenue Code, of the issuance of revenue obligations by the Housing Authority of the City of Vancouver in the principal amount of not to exceed \$12,250,000, to refinance the existing Fourth Plain Commons multifamily housing project that provides 106 units of housing for low-income persons.

Staff Report: 004-25

To: Mayor and City Council
From: City Manager
Date: January 6, 2025

Subject

Resolution for the Approval of Vancouver Housing Authority Bond for Fourth Plain Commons

Key Points

- The Housing Authority of the City of Vancouver (VHA) is seeking to refinance Fourth Plain Commons, a 106-unit multifamily housing development located at 2200 Norris Road in Vancouver, Washington 98661.
- In order to refinance this project, VHA is seeking approval from the City to issue a tax-exempt bond in the amount of \$12.25 million.
- While the City's approval is required for VHA to issue bonds under the Internal Revenue Code, this approval does not create any responsibility for the City regarding the issuance and debt service for the bond.
- City Housing Program staff requests on behalf of the VHA that City Council approve the execution of the enclosed certificate indicating the City's approval of the issuance of the bond for the project.

Strategic Plan Alignment

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

Present Situation

The Housing Authority of the City of Vancouver (VHA) operates Fourth Plain Commons, a 106-unit multifamily housing project located at 2200 Norris Road in Vancouver, Washington 98661.

VHA is seeking approval for the issuance of a tax-exempt bond in the amount of \$12.25 million to refinance the project. VHA will issue the bond and provide a loan to 2200 Norris LLLP, of which VHA is the sole general partner, to refund tax-exempt obligations issued for the construction of Fourth Plain Commons. This approval is required by the City but does not imply any financial responsibility on the part of the City.

Section 147(f) of the Internal Revenue Code necessitates approval by the applicable elected representative for qualified private activity bonds, which includes this Bond. The Mayor of the City of Vancouver, as the chief elected executive officer of the City, is treated as the applicable elected representative to approve the Bond. Approval by City Council will satisfy both the "issuer" approval for the Bond and the "jurisdiction" approval.

A public hearing regarding the project and the bond was held on December 10, 2024, and no public testimony was provided.

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

Advantage(s)

Allow for the refinance of Fourth Plain Commons, a multifamily complex of 106 units of housing for households experiencing low-income.

Challenge(s)

None

Budget Impact

None

Prior Council Review

None

Action Requested

On Monday, January 6, 2025, approve the resolution indicating the City's approval of the issuance of the bond for the project.

Staff Contact

Samantha Whitley, Housing Programs Manager, samantha.whitley@cityofvancouver.us

Attachments:

1. Resolution
2. Fourth Plain Commons - TEFRA Hearing Packet

January 6, 2025

RESOLUTION NO. _____

A RESOLUTION providing approval, solely for purposes of section 147(f) of the Internal Revenue Code, of the issuance of revenue obligations by the Housing Authority of the City of Vancouver in the principal amount of not to exceed \$12,250,000, to refinance the existing Fourth Plain Commons multifamily housing project that provides 106 units of housing for low-income persons.

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

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

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

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

WHEREAS, the Authority has advised the City that the Authority intends to issue revenue bonds (the “Obligations”) in the maximum aggregate principal amount of \$12,250,000 pursuant to chapter 35.82 RCW and a plan of financing (the “Plan of Financing”) for the refinancing of a 106-unit housing project known as Fourth Plain Commons (the “Project”), which will be owned for federal tax purposes by 2200 Norris LLLP (the “Borrower”), a Washington limited liability limited partnership of which the Authority is the sole general partner;

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

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

WHEREAS, the Authority has advised the City that, following timely notice thereof being posted on the Authority’s primary public website in the space customarily used by the Authority to give notice of public hearings, a public hearing was held on December 10, 2024 in person at the Authority’s offices and telephonically, on the proposed issuance of the Obligations pursuant to the Plan of Financing for the Project, in accordance with the requirements of Section 147(f) of the Code;

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

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

Maximum Principal Amount of \$12,250,000

Obligations:

Principal User of Project: 2200 Norris LLLP, a Washington limited liability limited partnership of which the Authority is the sole general partner

Description of Project: Refinance of a 106-unit housing project known as Fourth Plain Commons, located at 2200 Norris Road in Vancouver, Washington 98661

WHEREAS, the Authority has advised the City that the Obligations to be issued by the Authority for the Project pursuant to the Plan of Financing consist of long-term revenue bonds to provide permanent financing for the Project and will not exceed an aggregate principal amount of \$12,250,000;

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

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

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

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

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

ADOPTED by the City Council of the City of Vancouver, Washington at an open public meeting this 6th day of January 2025.

CITY COUNCIL, CITY OF VANCOUVER,
WASHINGTON

By: _____
Anne McEnery-Ogle, Mayor

ATTEST:

Natasha Ramras, City Clerk

Jonathan Young, City Attorney



December 12, 2024

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

Re: Housing Authority of the City of Vancouver – Fourth Plain Commons

Dear Mayor McEnerny-Ogle:

The Housing Authority of the City of Vancouver (the “Authority”), a housing authority created under chapter 35.82 of the Revised Code of Washington (the “Housing Authorities Law”), is planning to refinance the multifamily housing complex known as Fourth Plain Commons (the “Project”) located at 2200 Norris Road in Vancouver, Washington. The Project provides 106 units of housing for low-income persons.

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

The financing sources for the Project include low-income housing tax credits, the Bonds, and other loans. The Authority will issue the Bonds and use the proceeds to make a loan to 2200 Norris LLLP (the “Borrower”), a Washington limited liability limited partnership of which the Authority is the sole general partner.

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

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

The approval of the applicable elected representative must be made “after a public hearing following reasonable public notice.” The Treasury Regulations state that notice is presumed reasonable if published no fewer than seven days before the hearing. The Authority published a notice of a public hearing with respect to the Project and the Bonds on December 2, 2024, on its website, a permissible method of publication. A copy of the affidavit of publication of this notice is enclosed. The Authority held a hearing regarding the proposed Bonds and the Project on December 10, 2024. As shown in the enclosed hearing minutes, no one from the public appeared to present testimony or provided written testimony in advance of the hearing.

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

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

Sincerely,

HOUSING AUTHORITY OF THE CITY OF
VANCOUVER

By 
Andy Silver, Chief Executive Officer

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

The Housing Authority of the City of Vancouver (the “Authority”) conducted a hybrid public hearing on Tuesday, December 10, 2024, at 3:00 PM. Members of the public were invited to attend the public hearing in person at the Authority’s main office located at 2500 Main Street, Vancouver, Washinton 98660 in the Community Room or virtually using the following telephone dial-in instructions:

TOLL-FREE CALL-IN NUMBER: 1-347-690-2327

ACCESS CODE: 435-047-839#

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

Maximum Principal Amount of \$12,250,000
Obligations:

Project Principal User: 2200 Norris LLLP, a Washington limited liability limited partnership of which the Authority is the sole general partner

Project Description: Refunding bonds for a 106-unit multifamily housing complex known as Fourth Plain Commons

Project Location: 2200 Norris Road Vancouver, Washington 98661

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

By: 
Name: Andy Silver
Title: Chief Executive Officer

NOTICE OF PUBLIC HEARING

The Housing Authority of the City of Vancouver (the “Authority”) will hold an open public hearing for the purpose of considering the proposed issuance by the Authority of one or more series of tax-exempt revenue bonds (the “Bonds”) the proceeds of which will to be loaned to 2200 Norris LLLP, a Washington limited liability limited partnership, to refund tax-exempt obligations issued for the construction and equipping of a 106-unit multifamily housing facility described below and located in the Authority’s area of operation. Each apartment is a complete and separate dwelling unit consisting of living, eating and sanitation facilities. A portion of the units will be reserved for persons or households with low incomes.

The public hearing will be held starting at 3:00 p.m., December 10, 2024 in the Community Meeting Room at the offices of the Authority located at 2500 Main Street, Vancouver, Washington 98660-2676. Participants wishing to join telephonically in the United States, please dial 1-347-690-2327 Passcode 435-047-839# (U.S. toll-free).

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

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

Project:	Fourth Plain Commons
Project Address:	2200 Norris Road Vancouver, Washington 98661
Total Estimated Project Cost:	\$43,806,387
Estimated Maximum Bond Amount:	\$12,250,000

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

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



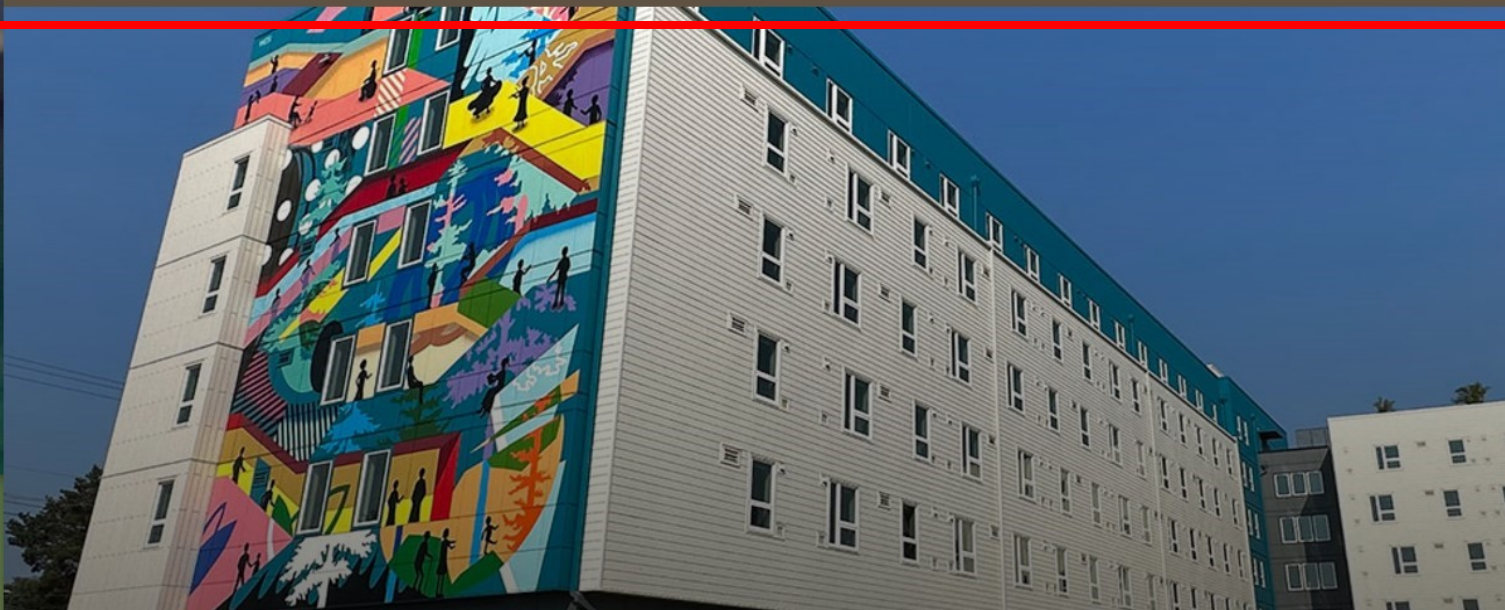
VANCOUVER
HOUSING AUTHORITY

Search this site



[Home](#) [HOUSING](#) [ABOUT](#) [RESIDENTS](#) [LANDLORDS](#) [BUSINESS](#) [CONTACT](#)

Newsflash: NOTICE OF PUBLIC HEARING FOR PROPOSED ISSUANCE OF BONDS FOR THE FOURTH PLAIN COMMONS PROJECT ... [Read more](#)



Vancouver Housing Authority x +

vhausa.org

Paylocity HOME // WC box Zoom Grants WSHFC Portal ePlans WSHFC Developer P... DocuWare Lieser School Redev... HEROS CPD Grants Portal Intralinks VIA All Bookmarks

HOUSING ABOUT RESIDENTS LANDLORDS BUSINESS CONTACT

Newsflash: NOTICE OF PUBLIC HEARING FOR PROPOSED ISSUANCE OF BONDS FOR THE FOURTH PLAIN COMMONS PROJECT ... [Read more](#)

APPLICANT PORTAL LANDLORD PORTAL OPEN WAIT LISTS BOARD MEETINGS

3:41 PM 12/10/2024

AN ORDINANCE adopting a Construction Sales and Use Tax Deferral Program under chapter 82.92 RCW; enacting new section VMC 5.98.070; and providing for severability and an effective date.

Staff Report: 005-25

To: Mayor and City Council
From: City Manager
Date: January 6, 2025

Subject

Ordinance Establishing a Construction Sales Tax Deferral Program

Key Points

- Ordinance for the creation of a new construction sales tax deferral program incentivizing affordable housing.
- State legislation (SSB5755) allows cities to implement a sales and use tax deferral incentive program for new affordable housing development on underdeveloped urban land used for parking lots.
- The tax deferral is for the use and sales taxes associated with development and construction of new affordable housing where 50% of the new units are income restricted for very low, low and moderate income households.
- If the project owner maintains the program requirements and affordability component for 10 years, the deferred construction related taxes are not required to be repaid.

Strategic Plan Alignment

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

Present Situation

The City of Vancouver continues to experience high housing rental and ownership costs. In 2022 the Washington State legislature recently passed SSB-5755 (codified under RCW 82.92) allowing Washington cities the ability to create a retail sales and use tax deferral program as a tool to support affordable housing production. The purpose of the program is to encourage housing projects on underdeveloped property being used for off-street parking that can help increase affordable housing, employment opportunities, and accomplish other city planning and livability goals. This citywide program will provide owners of underdeveloped surface parking land with an opportunity to achieve the highest and best use of their property and enable the City to increase its affordable and overall housing stock.

Generally, a successful application will allow the project property owner to defer retail sales and use taxes related to the construction costs of residential projects providing affordable housing units. If the project maintains the affordability requirements for 10 years after completion, then the deferred taxes need not be repaid. The City and Department of Revenue will monitor the projects for compliance annually for 10 years.

The program allows for both rental and homeownership options, where at least 50% of the rental or ownership units created with the development must be affordable. Affordable rental units must be

leased to households with very-low or low income (up to 80% of the median family income) whose monthly housing costs, including utilities other than telephone, do not exceed 30% of the household's monthly income. Affordable homeownership units must be sold as owner occupancy, to low or moderate-income households (up to 115% of the median family income) whose monthly housing costs, including basic essential utilities, excluding phones, do not exceed 30% of the household's monthly income.

The program process is similar to the City multifamily tax exemption program. The process generally includes:

- An initial conditional certificate review by the City and Department of Revenue.
- A 3-year construction period during which the applicant can defer eligible project cost sales taxes. A one-time 24-month extension is available for unforeseen circumstances beyond the control of the applicant.
- A final certificate review by the City and the Department of Revenue.
- A 10-year compliance monitoring period.

A flow chart graphic of the Construction Sales Tax Deferral program process timeline is attached for reference. The initial application review is proposed as follows:

For the initial conditional certificate, the review will be considered and issued by a review committee composed of the City's Economic Prosperity and Housing Director and the Chief Financial Officer. The committee must issue an approval or denial of an application, to be confirmed by City Council through resolution, within 90 days after receipt of a complete application. The certificate application decision date starts the three-year construction period. Once approved, the applicant must enter an agreement with the City of Vancouver that details the conditions to receive the conditional certificate. The City will then issue a conditional certificate that will be recorded along with the signed agreement with the Clark County Auditor. If the committee denies an application, the review committee must provide the applicant with the reasons for denial within 10 days. Upon receiving a denial, an applicant may appeal the denial decision to the City Council. The appeal must be based upon the record made before the city with the burden of proof on the applicant to show that there was no substantial evidence to support the city's decision. The decision of the City Council on the appeal is final.

Following the City review, the applicant will then apply to the Department of Revenue. The Department of Revenue has 60 days to review the application and issue a certificate of tax exemption. Following the issuance of the tax exemption certificate, the applicant may receive building permits and begin active construction. The applicant has three years to complete the project and receive a certificate of occupancy.

Within 30 days of receiving a certificate of occupancy, the applicant must submit evidence of compliance with the City's conditional certificate agreement conditions. If the conditions of the conditional certificate are met, the City will provide a written affirmative decision that the applicant will present to the Department of Revenue to schedule a final audit of the deferred taxes. If the conditions are not met, the City will issue a denial notifying both the applicant and the Department of Revenue.

Following the completion of the process, the City will monitor the development for affordability compliance annually for 10 years. The City will report on deferral certificates to the Department of Revenue annually. If the applicant maintains the conditions of the tax deferral agreement the deferred taxes will not need to be repaid.

Proposed conditional certificate approval requirements include:

- Applications for the initial certificate must be received, reviewed, and approved by both the City of Vancouver and the Department of Revenue before building permits are issued for the project.
- The subject property must be "underdeveloped" land used as a surface parking lot for off-street parking of motor vehicles that is open to public use as of June 9, 2022.
- Property must be appropriately zoned for residential or mixed-use development. If the project is mixed use, only the bottom floor of the project can be utilized as commercial space.
- Property cannot be acquired through condemnation.
- If approved, the applicant must execute an agreement with the City that will be recorded with the County auditor.
- The project must comply with all building codes, zoning, and other applicable regulations.
- The project must have a unit mix requirement under which the affordable units must be comparable to the market rate units in terms of size, features, and number of bedrooms.
- For mixed-use projects, only the ground floor of a building may be used for commercial purposes with the remainder dedicated to multifamily housing units.
- Applicants must include a marketing plan on how they will advertise affordable units.
- All projects receiving the tax deferral will need to meet applicable City climate action policies.
- The applicant must complete the construction phase within 3 years of the conditional certificate issuance by the City.

Financial impacts on the City and other taxing districts will vary based on the size of the projects that apply for the deferral. The year over year foregone tax amount will also vary depending on how many projects apply. Currently, the state sales tax collected is 6.5% and the local retail sales tax is 2.25% for a combined 8.75%. As an example, for a construction project with \$6 million in eligible materials costs, the resulting estimated sales tax at 8.75% would be \$525,000. This would be the total amount of forgone taxes. The breakdown of forgone sales taxes by destination is as follows:

Taxing District	Sales Tax %	Tax Amount
State of Washington	6.50%	\$390,000
City of Vancouver	1.15%	\$69,000
C-Tran	.70%	\$42,000
Clark County	.40%	\$24,000
Total	8.75%	\$525,000

The restrictions on program eligibility (former parking lots) will limit the number of potential projects that apply for this program. Approximately 3–5 affordable housing projects totaling 250 units are built within the City of Vancouver each year. Most of those projects are built on either greenfield (i.e., undeveloped) or infill lands. Relatively few projects are ever built on public surface parking lots. As a result, even under the most optimistic production scenarios, the City's liability is likely less than \$600,000 in a given year.

Advantage(s)

- Supports the addition of housing units within the City.
- Supports short term affordable housing units within the City.

- Activates under-utilized parking lot land.

Challenge(s)

1. Loss of sales tax revenue from City portion of sales and use taxes.
2. Loss of sales tax revenue to the State, C-Tran, and Clark County.

Budget Impact

The program has the potential for material reductions in City's General Fund sales tax revenue and increase future budget deficits. Currently, the City relies on sales tax revenue from new construction activity to fund the city's basic services, such as fire, police, parks and streets. The financial impact on the City and other taxing districts will vary based on the size, number, and timing of the projects that ultimately apply for the deferral. The site eligibility restriction of development to former parking lot properties will help limit the number of potential applications. Based on typical affordable housing unit production, the City's liability is likely to be less than \$600,000 in a given year. In addition, City Council will have the opportunity to review and approve each project to limit the financial burden to the City. The City Council has the ability to repeal the ordinance at any time. The associated RCW has set a sunset date for the program of July 2032. The current 2025-26 budget does not incorporate the impact from this proposed program.

Prior Council Review

City Council Resolution hearing December 16, 2024

Action Requested

On Monday, January 6, 2025, advance the ordinance for the creation of a new affordable housing incentive program, setting a second reading and public hearing on January 13, 2025.

Staff Contact

Bryan Monroe, Associate Housing Project Coordinator, Patrick Quinton, Economic Development Director, bryan.monroe@cityofvancouver.us, patrick.quinton@cityofvancouver.us

Attachments:

1. Presentation
2. Ordinance
3. Memo
4. Exhibit



CITY OF
Vancouver
WASHINGTON

Construction Sales and Use Tax Deferral Program

Patrick Quinton

Director
Economic Prosperity & Housing

Bryan Monroe

Associate Housing Coordinator
Economic Prosperity & Housing

January 6, 2025 | January 13, 2025



Agenda

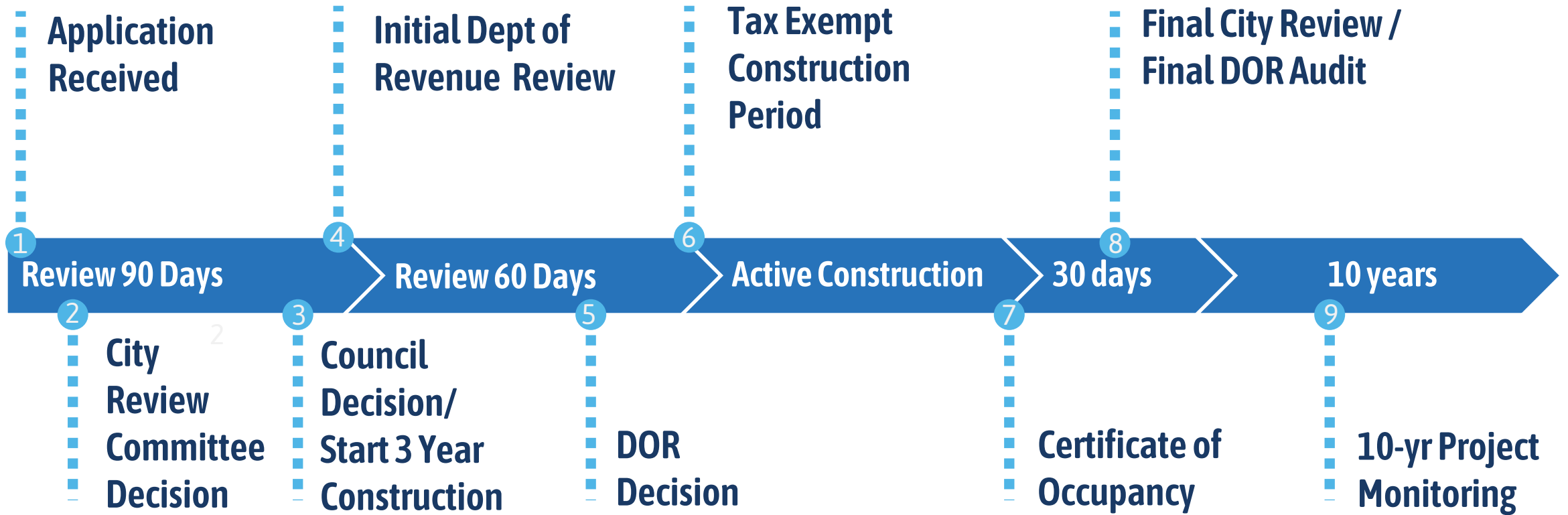
- Program Overview
- Process Timeline
- Process Steps
- Financial Implications
- Next Steps
- Discussion /Questions

Program Overview

- New affordable housing incentive tool available for strategic projects
- Optimization of underutilized parking lot land
- Incentives for rental and ownership opportunities
- 50 percent of the units must be:
 - affordable rental housing (80% MFI) or
 - affordable homeownership (115% MFI)
- Helps add affordable units to the city's housing supply and helps leverage scarce public funds



Application Process Timeline



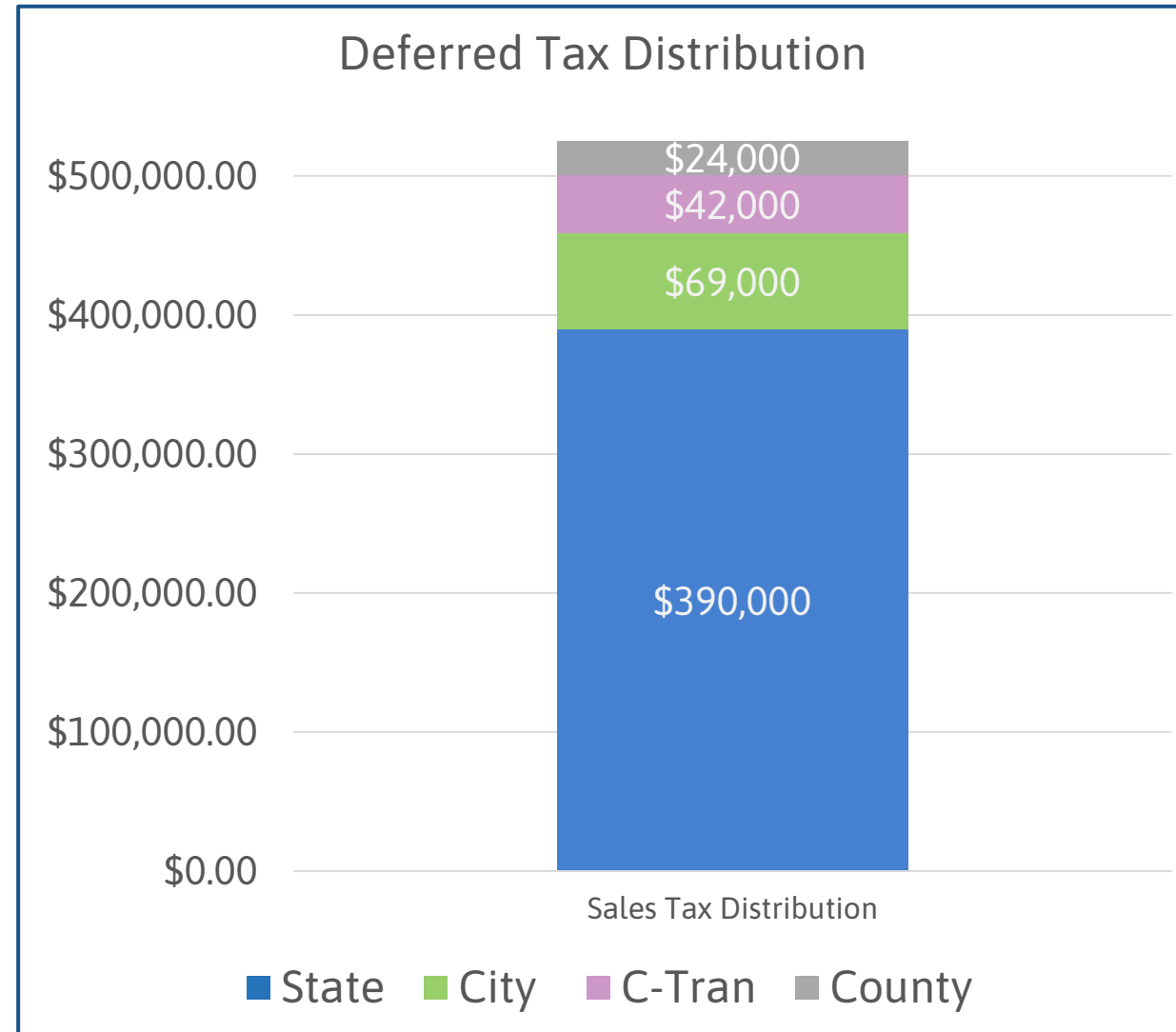
CSTD Financial Implications

Example:

- 45-unit development
- \$6 million in eligible construction costs
- Waived taxes \$525,000

Sales Tax Distribution:

State	6.5%
City	1.15%
C-Tran	0.7%
County	0.4%
Total	8.75%



Hypothetical CSTD Revenue Impacts

	Per Unit	100 units	200 units	400 units
Total Tax Deferral	\$11,667	\$1,166,667	\$2,333,333	\$4,666,667
COV Tax Deferral	\$1,533	\$153,333	\$306,667	\$613,333

Cost to City of Vancouver for each affordable unit = \$3,066 (assuming 50% of all units are affordable)

Estimated Parking Lot Inventory*

	West	Central	East	Total
Parcels	192	63	10	265
Acreage	39.94	43.84	14.05	97.83
Estimated Capacity for New Housing Units	1,997	438	281	2,761

*Based on County data that doesn't distinguish between public and private lots; actual number of public lots is likely substantially less



Potential Annual Demand for CSTD

	2020	2021	2022	2023	2024	Avg
New Multifamily Units	1040	1959	1597	1320	1344	1479
New MFTE Units	482	84	515	529	374	397
Income-Restricted MFTE Units	45	8	20	99	38	42
Units in Income-Restricted MFTE Projects	222	36	96	489	186	206
Affordable Units (<= 60%)	122	121	255	257	207	192
Units in Affordable Projects	153	151	319	321	259	241
Potential Annual Demand for CSTD*	375	187	415	810	445	447

*Assumes all income restricted MFTE and permanently affordable projects are eligible for CSTD benefit



Sample Tax Summary

40 Unit | Multiple Building | 2 story | 12 Year Income-Based

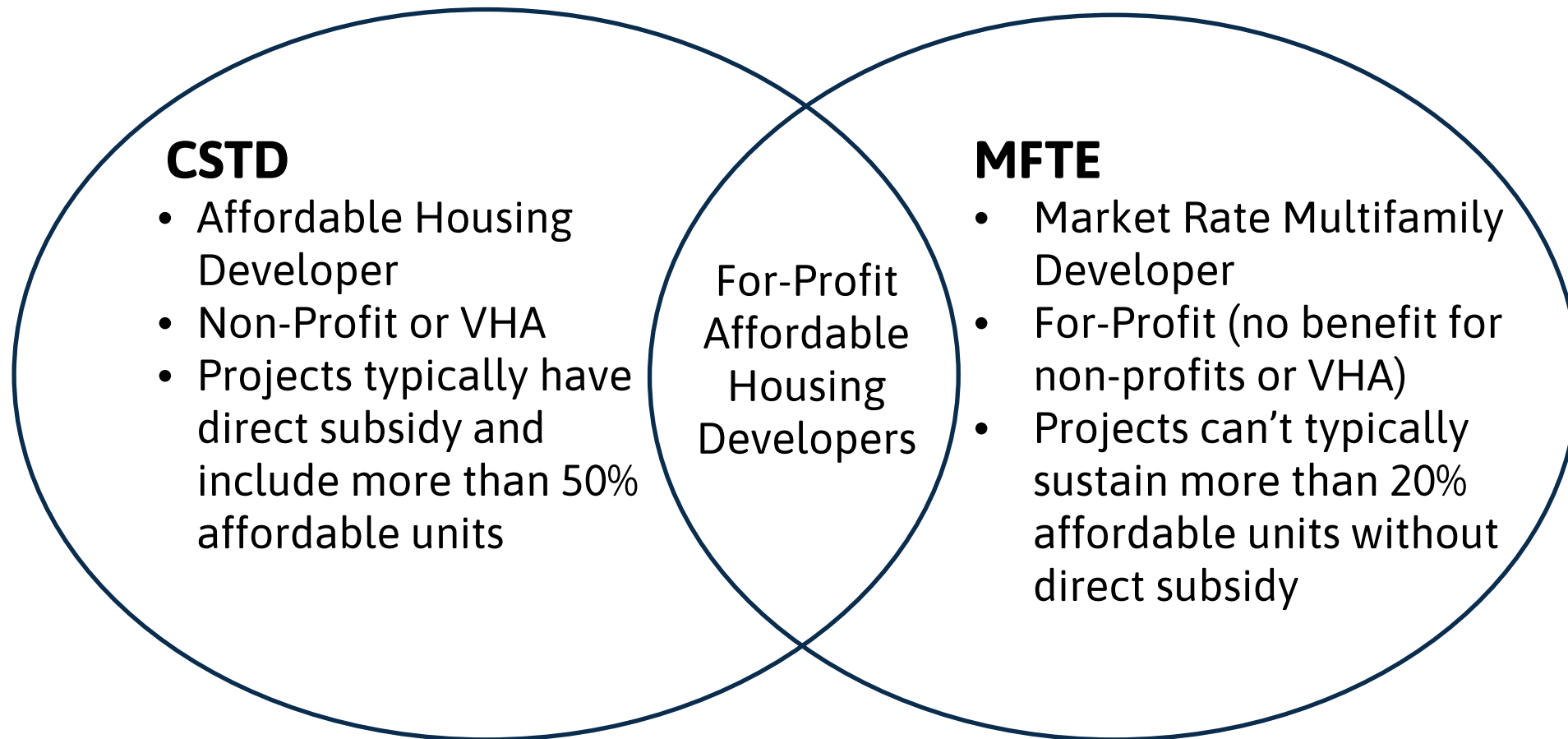
MFTE Impact (20-yr)	All Taxing Districts	City of Vancouver
Net Present Value of Future Revenue (Including Construction Sales taxes)	\$1,378,000	\$577,000
Net Present Value Forgone Tax Revenue	\$426,000	\$160,000
NET PRESENT 20 YEAR Value BENEFIT	\$952,000	\$417,000

MFTE and CSTD Impact (20-yr)	All Taxing Districts	City of Vancouver
Net Present Value of Future Revenue (Construction Sales taxes Exempted)	\$974,000	\$519,000
Net Present Value Forgone Tax Revenue	\$426,000	\$160,000
NET PRESENT 20 YEAR Value BENEFIT	\$548,000	\$359,000

Combining MFTE and CSTD Program incentives result in an additional \$58,000 in forgone taxes for 12 additional income restricted units (\$4,833 per unit).



CSTD and MFTE Developer Profiles



Project economics of these two developer types will make overlap rare





Next Steps

- VMC Ordinance Adoption Hearing



Discussion & Questions



Thank You



bryan.monroe@cityofvancouver.us | 360-487-7958 | cityofvancouver.us



01/06/2025 (Date of First Reading)
01/13/2025 (Date of Public Hearing)

ORDINANCE NO. M- [Ordinance Number]

AN ORDINANCE adopting a Construction Sales and Use Tax Deferral Program under chapter 82.92 RCW; enacting new section VMC 5.98.070; and providing for severability and an effective date.

WHEREAS, in 2022 the Washington State Legislature enacted Engrossed Second Substitute Senate Bill 5755, now codified as chapter 82.92 RCW, “to encourage the redevelopment of underdeveloped land in targeted urban areas, thereby increasing affordable housing, employment opportunities, and helping accomplish the other planning goals of Washington cities”; and

WHEREAS, chapter 82.92 RCW permits the City Council of the City of Vancouver “to ... authorize a sales and use tax deferral for an investment project within the city if the legislative authority of the city finds that there are significant areas of underdeveloped land and a lack of affordable housing in areas proximate to the land”; and

WHEREAS, the City Council finds that creating such a sales and use tax deferral program would further the City’s goals of increasing affordable housing, employment opportunities, and other planning goals; and

WHEREAS, as reflected in SR____, Staff recommends that the City Council create a Sales and Use Tax Deferral Program;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. A new section is enacted and added to chapter 5.98 VMC, to be codified at VMC 5.98.070, and shall read as follows:

5.98.070 Construction Sales and Use Tax Deferral

- A. **Purpose.** The City of Vancouver is experiencing high housing rental and ownership costs. The purpose of the Construction Sales and Use Tax Deferral (CSTD) program is to encourage housing development on underdeveloped property in targeted urban areas to increase affordable housing, employment opportunities, and help accomplish other city planning and livability goals. The CSTD program allows for a deferral on the sales and use taxes related to the development and building costs for constructing new housing projects that include an affordability component on underdeveloped surface parking lots within the city. This deferral is authorized under chapter 82.92 RCW.
- B. The definitions in this subsection apply throughout VMC 5.98.070 unless the context clearly requires otherwise:
 - 1. **“Affordable homeownership”** means housing intended for owner occupancy for low or moderate-income households whose monthly housing costs, including utilities other than telephone, do not exceed 30% of the household's monthly income.
 - 2. **“Affordable rental housing”** means housing intended for very low or low-income households whose monthly housing costs, including utilities other than telephone, do not exceed 30% of the household's monthly income.
 - 3. **“Applicant”** means an owner of underdeveloped property.
 - 4. **“Conditional recipient”** means an owner of underdeveloped property granted a conditional certificate of program approval, which includes any successor owner of the property.

5. **“County median sales price”** means the most recently published quarterly data of median home prices by the Washington Center for Real Estate Research. (wcrer.be.uw.edu).
6. **“CSTD”** means Construction Sales and Use Tax Deferral.
7. **“Eligible investment project”**: means an investment project that is located in a city and receiving a conditional certificate of program approval.
8. **“Fair market rent”** means the estimates of 40th percentile gross rents for standard quality units within counties as published by the federal department of housing and urban development.
9. **“Household”** means a single person, family, or unrelated persons living together.
10. **“Initiation of construction”** means the date that a building permit is issued under the building code adopted under RCW 19.27.031 and VMC Title 17 for construction of the qualified building if the underlying ownership of the building vests exclusively with the person receiving the economic benefit of the deferral. Initiation of construction does not include soil testing, site clearing and grading, site preparation, or any other related activities that are initiated before the issuance of a building permit for the construction of the foundation of the building. If the investment project is a phased project, initiation of construction applies separately to each phase.
11. **“Investment project”** means an investment in multifamily housing, including labor, services, and materials incorporated in the planning, installation, and construction of the project. “Investment project” includes investment in related facilities such as playgrounds and sidewalks as well as facilities used for business use for mixed-use development.
12. **“Low-income household”** means a single person, family, or unrelated persons living together whose adjusted income is more than 50% but is at or below 80% of the median family income adjusted for family size, as reported by the United States department of housing and urban development.
13. **“Moderate-income household”** means a single person, family, or unrelated persons living together whose adjusted income is more than 80% but is at or below 115% of the median family income adjusted for family size, as reported by the United States department of housing and urban development.

14. **“Multifamily housing”** means a building or a group of buildings having two or more dwelling units not designed or used as transient accommodations and not including hotels and motels. Multifamily units may result from new construction or rehabilitation or conversion of vacant, underutilized, or substandard buildings to multifamily housing.
15. **“Owner occupied”** means when a person who holds the title (or owns the property) uses the home as their primary residence more than six months out a calendar year.
16. **“Underdeveloped property”** means land used as a surface parking lot for parking of motor vehicles off the street or highway, that is open to public use with or without charge, as of June 9, 2022.
17. **“Very low-income household”** means a single person, family, or unrelated persons living together whose adjusted income is at or below 50% of the median family income adjusted for family size, as reported by the United States department of housing and urban development.

C. **Program Approval Requirements.** In order for the city to grant approval of the tax deferral the following criteria shall be met:

1. The applicant must be the property owner, and the CSTD application must be received by the Department of Revenue before initiation of construction.
2. The subject property must meet the definition of underdeveloped property and be located in an area zoned for residential or mixed-use development.
3. The project site cannot be acquired through condemnation.
4. The project must be for multi-family housing of either affordable rental or owner-occupied affordable homeownership.
5. A minimum of 50% of the new units in the project must be affordable to low or moderate-income households.
6. The affordable rental units must be leased to very low or low-income households (up to 80% AMI) whose monthly housing costs, including utilities other than telephone, do not exceed 30% of the household's monthly income. This information is updated annually on the city's housing program webpage.
7. The affordable homeownership units must be sold as owner occupancy to low or moderate-income households (up to 115% AMI) whose monthly housing costs, including basic essential utilities (excluding phone and cable services), do not exceed 30% of the household's monthly income.

This information is updated annually on the city's housing program webpage.

8. If the project is mixed use, only the bottom floor of the project can be utilized as commercial space.
9. If approved, the applicant must enter an agreement with the City of Vancouver to implement the development and comply with any additional conditions contained in that agreement.
10. Construction must be completed (issued an occupancy permit) within three years of receiving the certificate of conditional tax deferral. The city may also grant a one-time two-year extension.
11. The project must comply with all building codes, zoning, and other applicable regulations.

D. Conditional Certificate Application Process

1. *Complete Application Submittal.* Applications must be submitted by the property owner and must be submitted to both the city and Department of Revenue prior to the initiation of construction. Applications will be reviewed for completeness upon submission and application fee payment. Once a complete application is received the city appointed review committee must approve or deny the application within 90 days. Tax deferral application review times do not include land use, engineering or building permit processing timelines of other city departments associated with the development process. The applicant is responsible to coordinate with the city development review teams on other associated project timelines. The city may request and permit the applicant to revise an application before final action of the application review committee. A complete application shall include:
 - a. A city provided application form signed by the property owner;
 - b. Information describing the justification for supporting the requested deferral including information indicated on the application form or in the guidelines;
 - c. Application fee of \$5,000 plus \$75 dollars per housing unit;
 - d. A description of the investment project including the number, type and size of units being constructed;
 - e. Site plan, floor plans, elevation and other applicable project drawings;

- f. A construction budget and project proforma;
 - g. An estimated construction timeline;
 - h. A statement that the applicant is aware of the potential tax liability involved if the investment project ceases to be used for eligible uses;
 - i. A statement that the applicant is aware that the investment project must be completed and receive a certificate of occupancy within three years from the approval date of the conditional certificate application;
 - j. A statement that the applicant is aware that the governing authority or the city official authorized by the governing authority may extend the deadline for completion of construction or rehabilitation for a period not to exceed 24 consecutive months; and
 - k. A statement that the applicant would not have built in this location without the availability of the CSTD tax deferral;
2. *Conditional Certificate Approval Criteria.* The city application review committee may approve the application and grant a conditional certificate of program approval if it finds that:
- a. The applicant is the legal property owner, and the application is received before initiation of construction;
 - b. The investment project will occur on land that constitutes underdeveloped property;
 - c. The land where the investment project will occur was not acquired through a condemnation proceeding under Title 8 RCW;
 - d. The area where the investment project will occur is located within an area zoned for residential or mixed uses;
 - e. For mixed-use projects, only the ground floor of a building may be used for commercial purposes with the remainder dedicated to multifamily housing units;
 - f. The project consists of new multi-family housing of either affordable rental or owner-occupied affordable homeownership.
 - g. A minimum of 50% of the new units in the project must be affordable to low or moderate-income households where:
 - i. The affordable rental units must be leased to low or low-income

households (up to 80% AMI) whose monthly housing costs, including utilities other than telephone, do not exceed 30% of the household's monthly income. This information is updated annually on the city's housing program webpage. During the deferral period the affordable rental units must be rented at a price at or below fair market rent for Clark County as published by the federal department of housing and urban development.

ii. The affordable homeownership units must be sold to owner occupancy, low or moderate-income households (up to 115% AMI) whose monthly housing costs, including basic essential utilities (excluding phone and cable services), do not exceed 30% of the household's monthly income. This information is updated annually on the city's Housing Program website. During the deferral period the affordable homeownership units must be sold at a price at or below the county median price.

h. The investment project is, or will be, at the time of completion, in conformance with RCW 82.92 and all local plans and regulations that apply at the time the application is approved.

3. *Conditional Certificate Application Decision and Appeals Process*

a. The conditional certificate application review committee must issue an approval or denial of an application, to be confirmed by City Council through resolution, within 90 days after receipt of a complete application.

b. If approved, the applicant must enter an agreement with the City of Vancouver to implement the development and comply with any additional conditions contained in that agreement.

c. Following the execution of the agreement, the city will issue the applicant a conditional certificate of program approval attesting that the investment project can comply with the required criteria of this section. The certificate shall be recorded with the Clark County Auditor at the applicant's expense.

d. If the application is denied, the application review committee must state in writing the reasons for denial and send the notice to the applicant at the applicant's last known address within 10 days of the denial.

e. Upon receiving a denial, an applicant may appeal the denial decision to the City Council. The appeal must be based upon the record made before the city with the burden of proof on the

applicant to show that there was no substantial evidence to support the city's decision. The decision of the City Council on the appeal is final.

4. *Department of Revenue Conditional Certificate Review and Approval.*
Following the conditional certificate approval by the city the conditional recipient must submit an application to the Washington State Department of Revenue (DOR) before initiation of construction on the project. In the case where an investment project involves multiple qualified buildings, separate applications must be made for, and before the initiation of construction of, each qualified building. The application must be made to the Department of Revenue in a form and manner prescribed by the Department of Revenue. The Department of Revenue application must include:
 - a. a copy of the conditional certificate of program approval issued by the city;
 - b. estimated construction costs;
 - c. time schedules for completion and operation;
 - d. a waiver by the conditional recipient of the four-year limitation on assessment or correction of taxes under RCW 82.32.100; and
 - e. any other information required by the Department of Revenue.

After the conditional recipient submits the conditional certificate of program approval issued by the city to the Washington State Department of Revenue, the department must issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project within 60 days.

When approved, DOR will provide information to the conditional recipient regarding documentation that must be retained by the conditional recipient in order to substantiate the amount of sales and use tax actually deferred. The conditional certificate for deferred sales and use tax is valid during active construction of the project.

- E. **Post Conditional Certificate Issuance.** The investment project must be completed and receive a certificate of occupancy from the City Building Official within three years from the date of approval of the conditional certificate application approval or any applicable extension date;
 1. Within 30 days of the issuance of a certificate of occupancy for an eligible investment project, the conditional recipient must file with the city the following:

- a. A detailed description of the work completed;
 - b. A statement that the project has been completed within three years of the issuance of the conditional certificate of program approval and any extension if applicable;
 - c. A statement explaining how the project will meet the affordability requirements under this section;
 - d. A copy of the certificate of occupancy for each eligible structure;
 - e. A statement of the total expenditures made with respect to the entire project; and
 - f. A statement of expenditures spent for the project as a whole and for each individual multi-family housing unit.
2. Within 30 days after receipt of the statements required under subsection (1)(a)-(1)(f) of this section, the city must determine and notify the conditional recipient as to whether the work completed and the affordable housing units offered are consistent with the application and the contract agreement approved by the city, and that the investment project continues to qualify for a tax deferral.
 3. If the city finds that the work was not completed within the required time period due to circumstances beyond the control of the conditional recipient and that the conditional recipient has been acting and could reasonably be expected to act in good faith and with due diligence, the city may extend the deadline for completion of the work for a period not to exceed 24 consecutive months from the expiration date of the conditional certificate.
 4. If the city notifies the conditional recipient that the completed project is compliant with certificate approval criteria, then the conditional recipient must notify the Department of Revenue within 30 days from receiving the city's post construction determination to schedule an audit of the deferred taxes. The Department of Revenue must determine the total amount of sales and use taxes qualifying for the deferral. If the department determines that purchases were not eligible for deferral it must assess interest, but not penalties, on the nonqualifying amounts.
 5. If, post construction, the city notifies the conditional recipient that the project is not compliant with the conditional certificate approval criteria and does not qualify for the deferral of sales and use taxes the conditional recipient may appeal the decision by the city to deny a deferral of sales and use taxes in superior court under RCW 34.05.510 through 34.05.598,

if the appeal is filed within 30 days of notification by the city of the denial to the conditional recipient.

6. If the denial of the sales tax deferral is confirmed through the superior court, the city must notify the Department of Revenue and the taxes deferred under this section are immediately due and payable. The department of Revenue must assess interest at the rate provided for delinquent taxes and penalties retroactively to the date of deferral. A debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient.

- F. **Annual Reporting.** All projects will be reviewed annually during the deferral period to ensure continued compliance with program requirements. Reporting must be completed by the property owner and submitted to the city annually during the 10-year conditional deferral period. A \$500 fee for compliance monitoring is required annually with the monitoring report.

Annual reports must be provided on the city provided form and include a notarized statement of continued compliance with program regulations. Thirty days after the anniversary of the date of issuance of the certificate of occupancy and each year thereafter for 10 years, the property owner must file with the city an annual report including the following:

1. Project owner name;
2. Project address and name;
3. Total number of units;
4. Total number of affordable rental units;
5. For each unit:
 - a. Unit number;
 - b. Unit size;
 - c. Number of bedrooms;
 - d. Indicate rental or owner occupied;
 - e. Indicate designated affordable unit;
 - f. Monthly rent payment;
 - g. List of utilities included in the rent;
 - h. List of utilities paid by tenant;
 - i. Utility allowance amounts;

- j. Household gross income (individuals over 18 years of age);
- k. Household size;
- l. Sales price for owner-occupied units (if applicable);
- 6. A certification that the property has not changed use;
- 7. A description of any improvements or changes (excluding maintenance) constructed after issuance of occupancy permit.

Nothing in this subsection alters a conditional recipient's reporting obligations to the Department of Revenue, or the City's reporting obligations to the Department of Commerce, all of which is required by RCW 82.92.080.

- G. **Withdrawal or Non-compliance.** If a conditional recipient voluntarily opts to discontinue compliance with the requirements of this section, the recipient must notify the city and Department of Revenue within 60 days of the change in use or intended discontinuance. If, after the Department of Revenue has issued a sales and use tax deferral certificate and the conditional recipient has received a certificate of occupancy, the city finds that a portion of an investment project is changed or will be changed to disqualify the recipient for sales and use tax deferral eligibility under this section, the city must notify the certificate recipient by certified mail. The property owner may appeal the determination by filing a notice of appeal with the city clerk within 30 days, specifying the factual and legal basis for the appeal. The city council will conduct a hearing at which all affected parties may be heard and all competent evidence received. The city council will affirm, modify, or repeal the decision to cancel the deferral based on the evidence received. An aggrieved party may appeal to the Clark County Superior Court under RCW 34.05.510 through 34.05.598, if the appeal is filed within 30 days of the city council's decision.

If the cancellation of the certificate is confirmed the city shall notify the Department of Revenue and all deferred sales and use taxes are immediately due and payable. The department of revenue must assess interest at the rate provided for delinquent taxes and penalties retroactively to the date of deferral. A debt for deferred taxes will not be extinguished by insolvency or other failure of the recipient.

- H. **Transfer of Ownership.** Transfer of investment project ownership does not terminate the deferral. The deferral is transferred subject to the successor meeting the eligibility requirements of this section. The transferor of an eligible project must notify the city and the department of Revenue of such transfer. The city must certify to the department of revenue that the successor meets the requirements of the deferral. The transferor must provide the information necessary for the department of revenue to transfer the deferral. If the transferor fails to notify the city and the department, all deferred sales and use taxes are

immediately due and payable. The department must assess interest at the rate provided for delinquent taxes and penalties retroactively to the date of deferral.

- I. **Duration of Deferral.** The certificate of conditional tax deferral is valid during active construction. If a conditional recipient maintains the property for qualifying purposes for at least 10 years, the deferred sales and use taxes need not be repaid.

Section 2. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

[REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK]

DATE OF FINAL PASSAGE at a Regular Meeting of the Vancouver City Council:
, 2025.

Anne McEnery-Ogle, Mayor

Natasha Ramras, City Clerk

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE adopting a Construction Sales and Use Tax Deferral Program under chapter 82.92 RCW; enacting new section VMC 5.98.070; and providing for severability and an effective date.

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



MEMORANDUM

DATE: January 6, 2025

TO: Mayor Anne McEnerny-Ogle
Vancouver City Council

FROM: Lon Pluckhahn, City Manager

RE: **Financial Impact of Housing Incentive Programs - Updated**

CC: Patrick Quinton, Samantha Whitley

This memorandum analyzes the potential impact of two housing incentive programs on future tax revenues to the City. The two programs are the proposed Construction Sales Tax Deferral program (CSTD) and the Multifamily Tax Exemption program (MFTE). The analysis was performed in response to concerns raised by City Council about the cumulative impact of incentive programs on the City's revenues and tax base. The memo includes an in-depth analysis of the potential revenue impact to the City of both programs and the tradeoffs involved in offering both of these incentives to spur new housing development. Because this analysis is based on projections and assumptions about future construction activity, the projected impacts are speculative in nature.

Construction Sales Tax Deferral Program

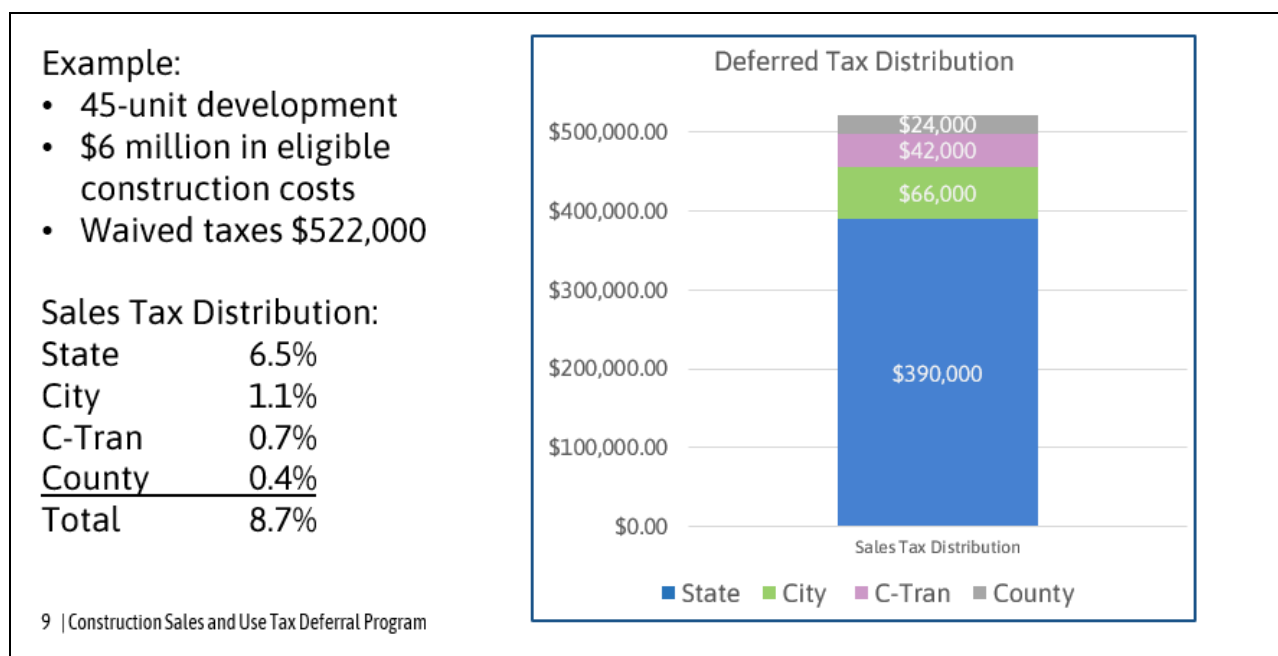
Overview

A proposed deferral of construction sales and use taxes on affordable housing projects was originally presented to City Council at a workshop on existing and new housing actions in August 2023. Elements to a new program were developed and slated for City Council action in March 2024 but were pulled prior to action due to concerns about the uncertain impact to the City's tax revenues and the tax burden to City taxpayers. The proposed program has been revised to address these concerns.

As detailed in the staff report to City Council for this action item, eligible projects must limit rents on at least half of the units to be affordable to households earning 80% of

area median income for a minimum of ten years. To provide this benefit to eligible projects within the City of Vancouver, City Council must adopt a program within the statutory guidelines provided by the State.

While this program has limited applicability given the restriction to surface parking lots, the benefit does result in a material reduction in costs in projects that are eligible. As shown below, a typical 45-unit affordable housing project would save \$522,000 in sales and use taxes, with \$390,000 coming from taxes due to the state, and the remainder on sales and use taxes due to local governments, including the City of Vancouver.



Proposed City Program

In response to concerns that adoption of this program would create an open-ended liability for the City, staff proposes to manage the program similar to the MFTE program, in which each application is reviewed by staff and presented to City Council for approval. That approval request would include an analysis of the revenue impact to the City and a summary of the economic and social benefits to the City. In this way, City Council will have the opportunity to assess the revenue impact to the City of each project prior to approval prior to sending to the State for its review.

Potential Revenue Impact

As previously stated, the restrictions on program eligibility will limit the number of potential projects that apply for the benefit under this program. In addition, roughly 250 units of affordable housing across 3-5 projects are built within the City of Vancouver each year and most of those projects are built on either greenfield (i.e., undeveloped) properties or infill. Relatively few are ever built on public surface parking lots. As result, even under the most optimistic production scenarios, the City's liability is likely less than \$600,000 in a given year. The estimated revenue impact for different production scenarios is show below.

	100 units	200 units	400 units
Total Tax Deferral	\$866,700	\$1,733,400	\$3,466,800
COV Tax Deferral	\$146,667	\$293,333	\$586,667

City staff used County records to attempt to analyze the supply of parking lots within the city. County records do not differentiate between public and private lots and do not consistently identify parking associated with commercial uses, so the data is somewhat unreliable. However, according to County records, there are 265 parcels totaling nearly 100 acres designated as parking (see attached maps). As shown below, these parcels have an estimated capacity for nearly 2,800 new housing units.

	West	Central	East	Total
Parcels	192	63	10	265
Acreage	39.94	43.84	14.05	97.83
Estimated Capacity for New Housing Units	1,997	438	281	2,761

Due to the data limitations described above, the table above likely overstates the number of public parking lots in the city. In addition, given the number of different parcels, the transition of these lots to housing will happen incrementally, on a project-by-project basis over many years.

Potential Benefits

The intent of the CSTD program is to spur the development of additional affordable housing especially on land that is not otherwise utilized in a productive manner. As analyzed above, the cost of this incentive to the City is less than \$3,000/affordable unit,¹ out of a total incentive of \$23,200/unit (leverage of nearly to 8:1) and represents less than 1% of the total cost of an affordable housing unit.

The true benefit of the program will be realized if the incentive results in projects being feasible that would not otherwise have been built, and therefore do not create a loss of expected City revenues. The incentive will also result in adding new affordable units that would not have otherwise been feasible.

¹ Since the program requires that only 50% of units be affordable, the cost per affordable unit is calculated using only the affordable units.

This incentive also has the potential of improving the leverage of all other forms of capital in an affordable project. By avoiding construction sales and use taxes, an affordable housing developer doesn't have to find the capital to cover those costs (or pay interest on those costs) which reduces the required capital or subsidy from other sources. This reduction in outside capital should result in more units and projects.

Overlap with MFTE

Because both CSTD and MFTE provide incentives for the development of new affordable housing units, some projects may be eligible to utilize both incentives. In theory, 100% market rate projects or MFTE only projects could add new affordable units without any additional subsidy, increasing the percentage of affordable units to 50% of all units. While a project that uses both incentives will lower the return on the CSTD incentive (i.e., instead of 50% of the units, the incentive results in 30% of the units affordable at 80% AMI, the incentive results in 30%), the per unit cost to the City is only \$5,000. For MFTE projects, this change could produce a 2.5x increase in the number of affordable units compared to projects without the benefit.

In practice, this scenario will not happen often. Only for-profit developers can use both programs, since non-profit and public developers (i.e., VHA) do not benefit from the MFTE program. In addition, project economics will likely prevent market rate developers from utilizing both incentives. The MFTE incentive is a multi-year benefit that can improve project costs enough for a developer to place 20% of units in a market rate project under income restrictions. The CSTD benefit, however, is not sufficient to cause a market rate developer to place another 30% of the units under income restrictions.

For-profit developers that specialize in affordable housing are likely the only group of developers to take advantage of both incentives since these developers include a high percentage of affordable units in their projects and the CSTD benefit will help improve their project economics.

Multifamily Tax Exemption (MFTE) Program

Unlike the CSTD program, which defers and waives one-time sales and use taxes, the MFTE program removes new multifamily projects from the property tax base and causes the City and other taxing jurisdictions to forgo a portion of the property taxes on those properties for a period of up to 12 years. While the tax impact of these two programs differs, collectively the impact results in lower revenues to taxing jurisdictions and an increase in the tax burden on other taxpayers. To provide this additional context for consideration of the proposed Construction Tax Deferral Program, an analysis of the current and projected impact of the MFTE program on the City's tax base is included in this memo.

Background

The MFTE program offers an exemption on property taxes for qualifying multifamily developments for up to 12 years. Projects that participate in the program are exempted from property taxes on the residential portion of the property improvements for the exemption period. The value of the land and any non-residential improvements,

including parking and commercial space, are still required to pay property taxes. In addition, projects pay property taxes on the full assessed value during construction, with the full exemption period beginning January 1 in the first full year after building occupancy.

During the exemption period, the exempt assessed value is removed from the tax base for the City resulting in a temporary loss of property tax revenues associated with the assessed value of improvements during construction. This reduction in assessed value also increases the levy rate charged to all property owners. When the exemption period ends, the current assessed value of the project is added back to the tax base, providing a one-time jump in revenues to the City and reducing the levy rate for property owners. While City revenues remain largely intact as a result of the tax exemption, the City must defer the tax windfall from new construction and taxpaying property owners are impacted through higher levy rates during the exemption period.

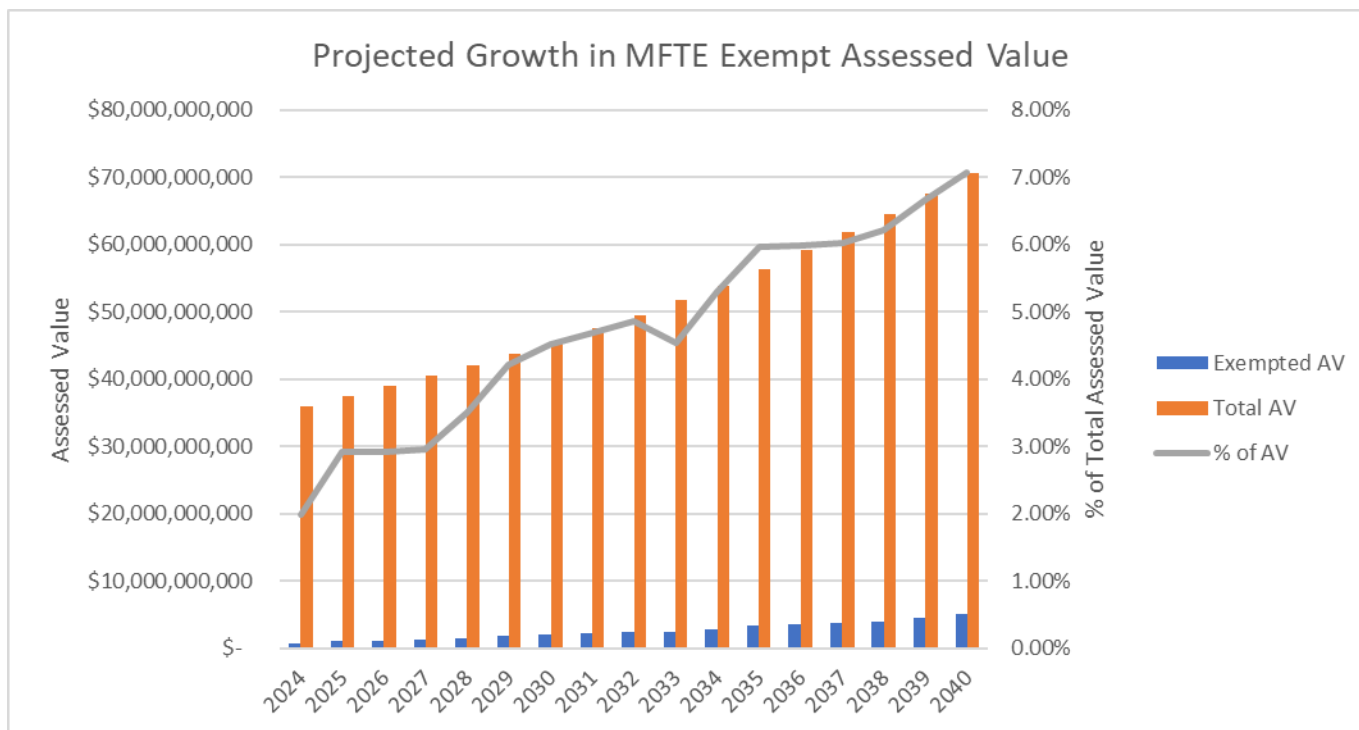
Recent Changes and Activity

In July 2023, City Council adopted changes to the program that expanded the eligible geographic areas of the program, streamlined the program options available to developers and created a fee-in-lieu option for market rate projects to contribute to affordable housing investments in other projects. While the expansion of the geographic reach of the program is likely to increase demand for the MFTE exemption, the changes to the program are too recent to have real time data on the impact of the new program changes on demand for the tax exemption.

The more significant impact on demand for MFTE has been the downturn in development activity due to current market conditions. The City has received only one application under the new program guidelines and, based on current data in the development pipeline, staff expect few MFTE applications in the next 12-18 months. Given the 24-36 month planning and construction timeline for new development, the MFTE program will not have additional impact on the City's property tax base beyond projects already in the pipeline until 2029.

Projected Impact on Tax Base

Based on the existing pipeline of new development and assumptions about future development activity, below is a table summarizing the current and projected impact of the MFTE program on the overall property tax base.



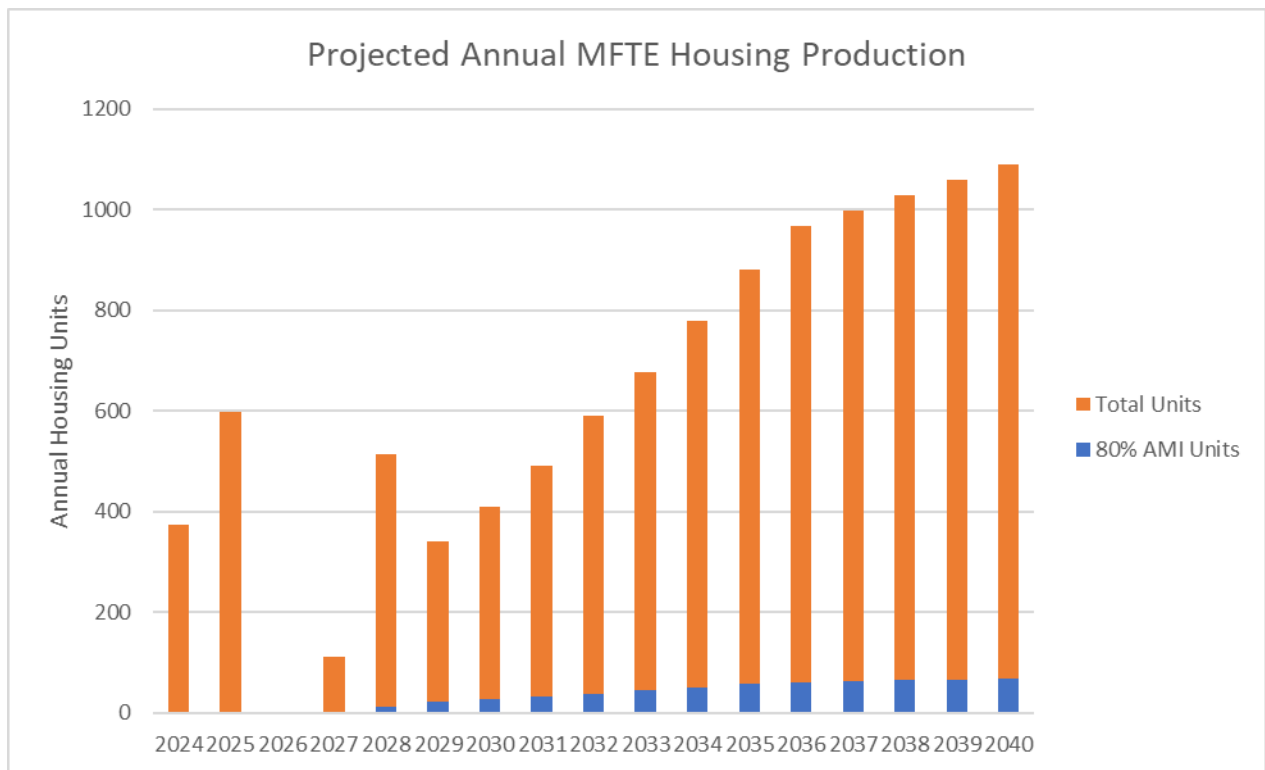
The City currently has an estimated \$717 million in exempted assessed value through MFTE. This amount represents roughly 2% of the city's \$36 billion property tax base. Growth in the exempted tax base over the next five years will come from projects already approved by City Council that are either in predevelopment or under construction. Those projects will increase the exempted base by 50% and grow the share of the exempted tax base to 3% of the city's overall property tax base.

After approved projects come online, growth in new exempted base will slow until projects initiated in the next economic cycle are completed. Depending on how favorable future conditions are to new development, growth in the exempted tax base could accelerate again and possibly reach 7% of the city's tax base by 2040.

The above graph highlights that as new MFTE projects are completed, the size of the exempted base grows at a faster rate than overall growth in the city's total assessed value. However, the city's total property tax base will still grow net of any exempted base. In addition, the pace of the exempted tax base growth will slow even with new development, because existing exempted projects will eventually return to the tax base and offset some of the new exemptions.

Projected MFTE Outcomes

The MFTE program should also be evaluated based on the outcomes produced by the program. The graph below summarizes the new housing unit production projected under the MFTE program, including the number of 80% AMI affordable units developed under the program.



These projections indicate that the MFTE program could assist with the development of over 10,000 housing units by 2040, including more than 600 units affordable to households earning 80% of the median family income. This housing production is critical in helping the City meet goals for increasing housing supply by 2040.

Market rate MFTE projects will also return over \$35 million in developer property tax exemption savings to the City in the form of contributions to the newly-established Fee-in-Lieu Fund. These funds will be used to make strategic investments in permanently affordable housing projects that are not built through the MFTE program, and are estimated to produce at least 400 units of housing permanently affordable to households earning 60% or less of the median family income.

As shown when MFTE projects are brought to City Council for approval, MFTE projects also produce construction sales taxes and utility taxes. Based on the assumptions used for prior projects, new projects are estimated to generate over \$140 million in new taxes to the City. Given the restrictions on usage of the proposed CSTD incentive, few of these MFTE projects would be eligible to have sales and use taxes waived.

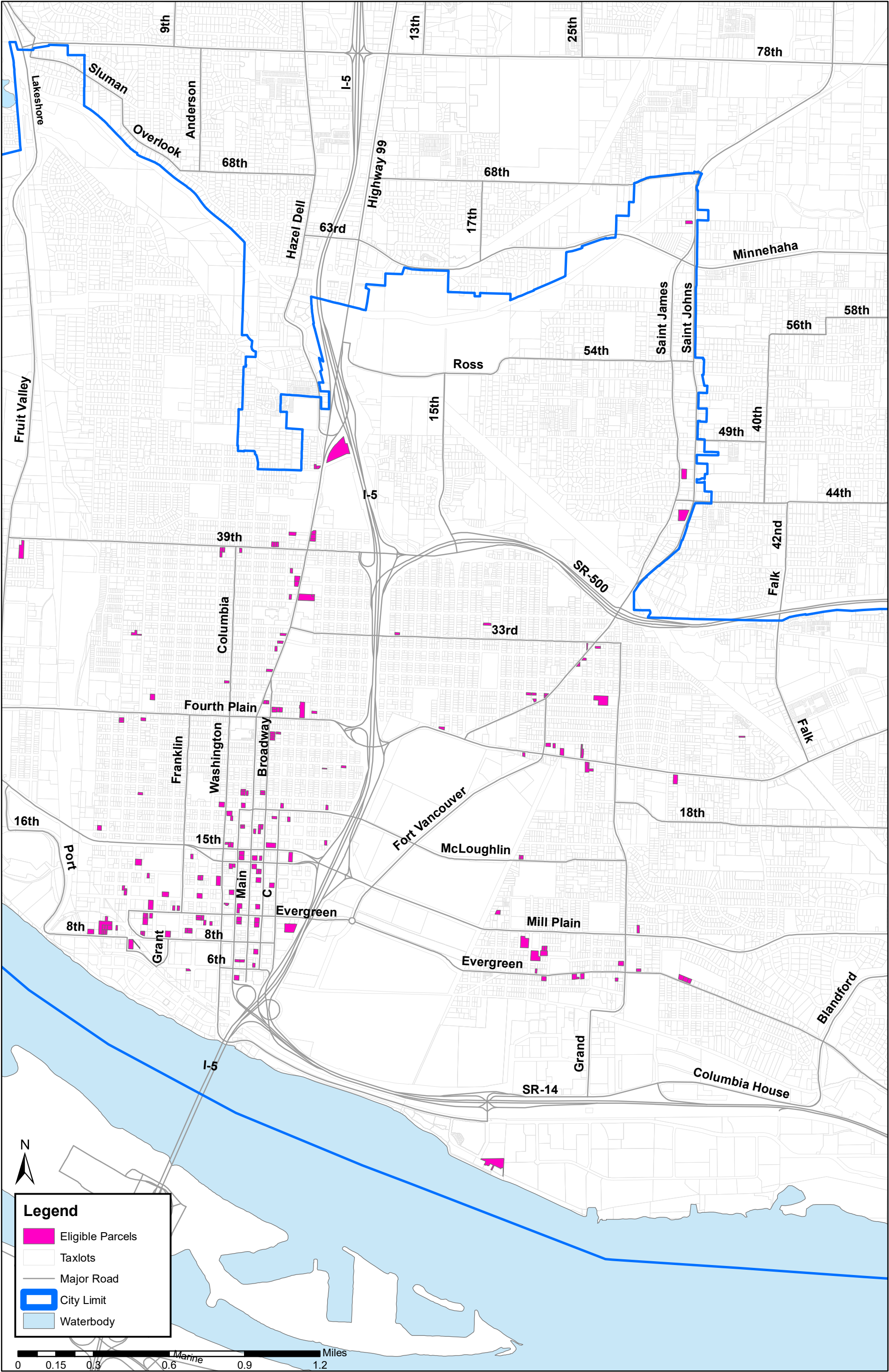
Options for Managing Tax Base Impact

The MFTE program is designed to stimulate new multifamily housing construction through a limited financial incentive with negative short-term impacts on the City's property tax base. Given the trade-offs and uncertainty about projecting long-term outcomes, one strategy for Council to employ to manage the long-term impact of the program on the tax base is to regularly review the growth in the exempted tax base and

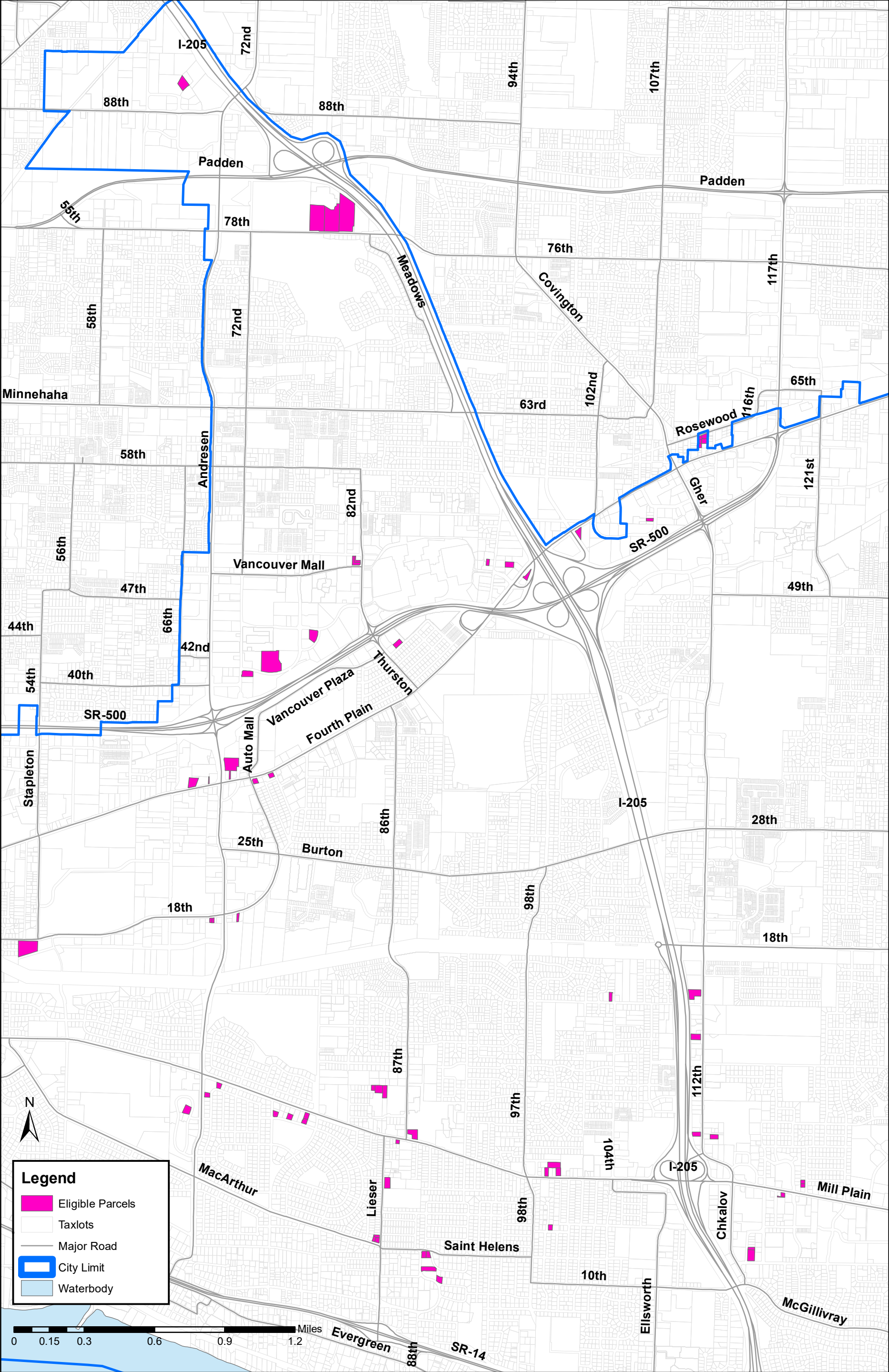
moderate unforeseen tax impacts from the program. Potential future adjustments to the program to limit long-term exposure to the tax base include:

- Reduce program areas to constrain the number of eligible properties;
- Eliminate the market rate option in some or all program areas;
- Increase fee-in-lieu requirement to reduce number of market rate options and increase the immediate return to City of foregone taxes; and
- Establish annual cap on program utilization by either number of transactions or exempted tax base.

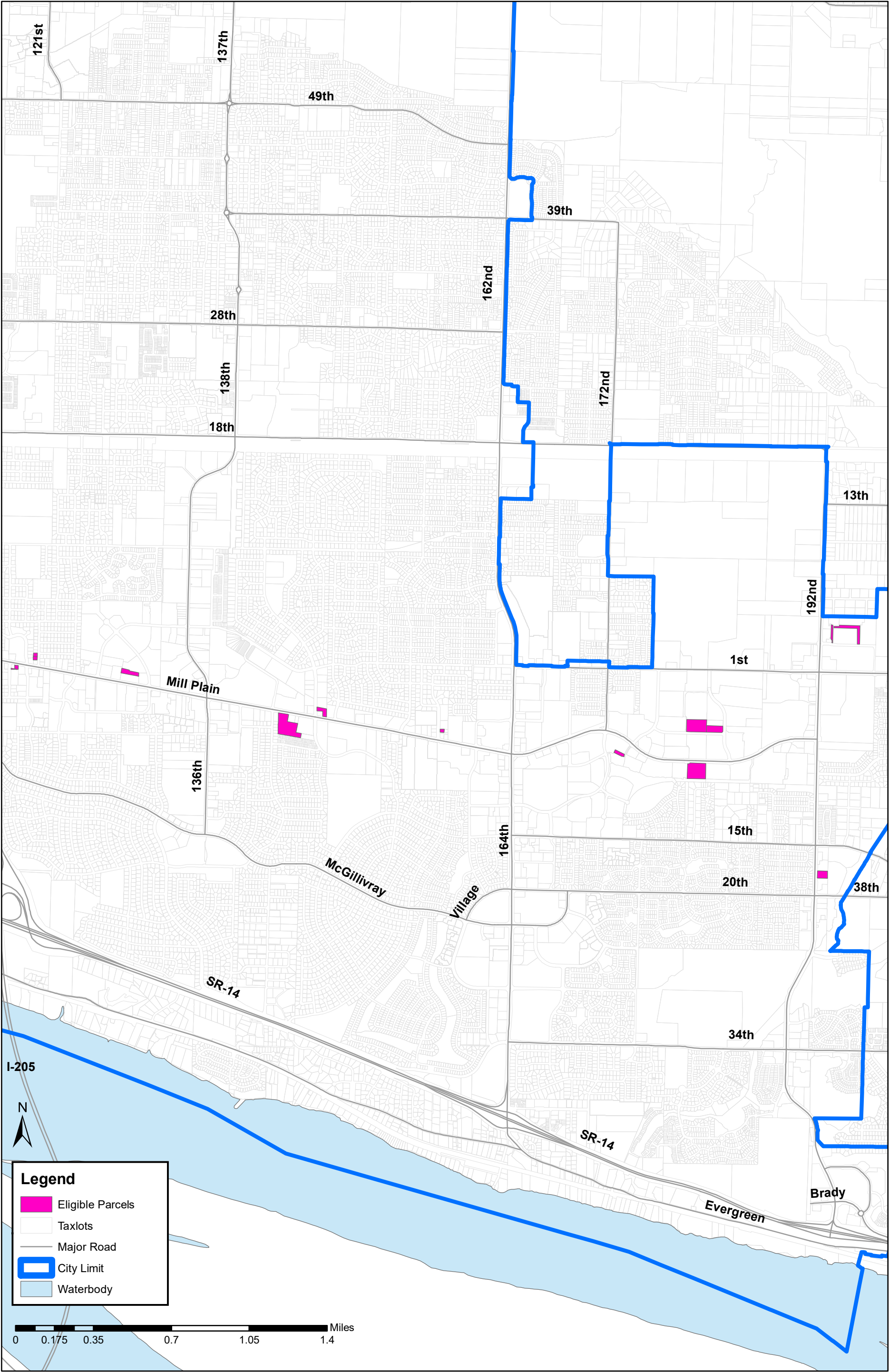
Parking Lot Inventory West Vancouver



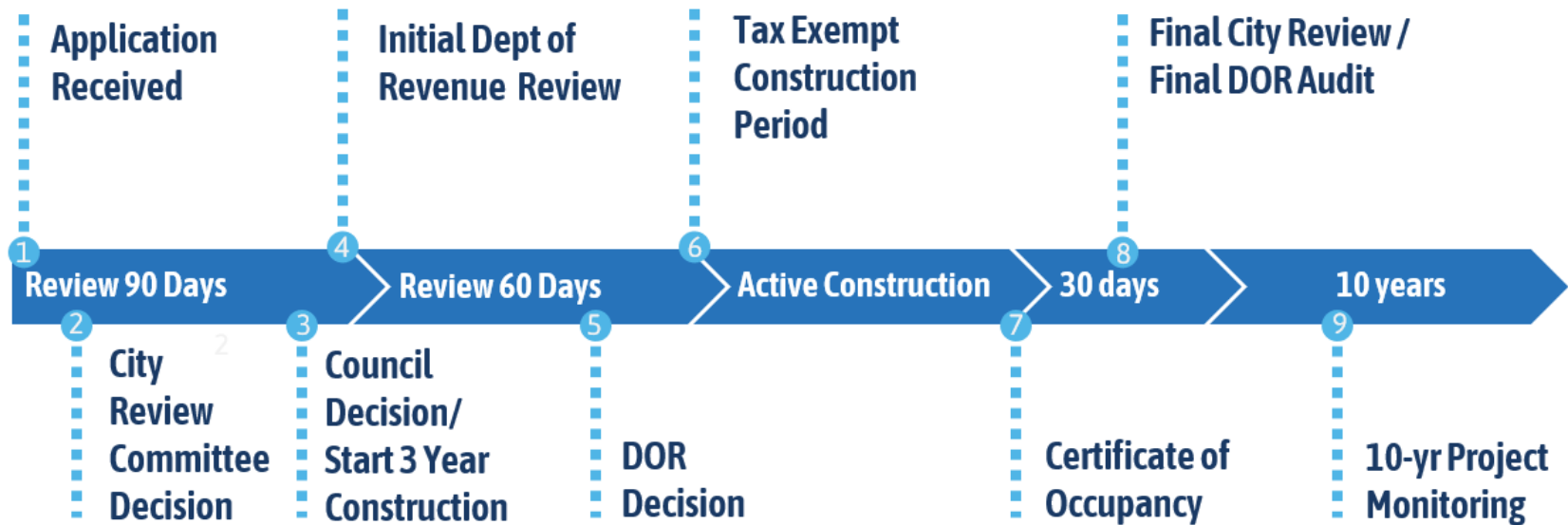
Parking Lot Inventory Central Vancouver



Parking Lot Inventory East Vancouver



Application Process Timeline



AN ORDINANCE relating to redevelopment of the Heights District, transportation and streets and sidewalks, public plazas, public parks and associated public uses; declaring the public necessity for and providing for the acquisition by the City of Vancouver by eminent domain of a portion of an easement across real property located at 5411 E Mill Plain Blvd, Vancouver, WA 98661, for purposes of constructing street improvements, public plazas, and other redevelopment within the City of Vancouver, Washington; authorizing the City Attorney to prosecute eminent domain proceedings and to stipulate in mitigation of damages; providing for payment for such easement; and providing for an immediate effective date.

Staff Report: 006-25

To: Mayor and City Council
From: City Manager
Date: January 6, 2025

Subject

Condemnation Ordinance

Key Points

- Council signed Ordinance M-4464 on October 7, 2024 authorizing eminent domain proceedings to acquire portions of real property at 5300 MacArthur Blvd to construct the Grand Loop project in the Heights District.
- The City also wishes to acquire a portion of an easement over the Tower Mall property owned by the City of Vancouver held by an adjacent private property owner to construct street improvements (including the Grand Loop), the civic plaza, and mixed income housing.
- The City has negotiated in good faith with the property owner as to the amount of compensation for the value of real property and taking a portion of the easement. However no agreement has been reached, leaving the City no choice but to exercise its right of eminent domain.
- If City Council adopts the condemnation ordinance to acquire a portion of the easement, the City will continue to negotiate in good faith with the property owner for contractual acquisition of the property and easement.

Strategic Plan Alignment

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

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

Present Situation

- The City is currently advancing the design of the Grand Loop project, a new multimodal right of way and linear park that is an extension of North Blandford Drive, east of MacArthur Blvd and loops around the Tower Mall Redevelopment Area in the Heights District Plan area. The City is simultaneously negotiating disposition and development agreements with the developers of the first three development sites along E Mill Plain Blvd.

- City Council adopted Ordinance M-4464 on October 7, 2024, declaring a public use and necessity for the acquisition of portions of real property at 5300 MacArthur Blvd (the Property) for the purposes of constructing the Grand Loop. A copy of the Ordinance is attached. The City now wishes to acquire a portion of a parking, ingress and egress easement over the 12-acre former mall property owned by the City of Vancouver located at 5411 E Mill Plain Blvd (identified as Exhibit B in the ordinance) held by the owner of the Property.
- The easement (attached to the ordinance as Exhibit A) was granted in 2006 when the Tower Mall was still operating. It spans across a large portion of the redevelopment area planned to be developed into mixed use and mixed-income housing, a public plaza, and street improvements. As just compensation, the City in its latest offer dated July 18, 2024, offered an exclusive parking easement over a portion of the existing easement area, which is sufficient to support the parking needs of the adjacent Property. The easement area offered to the property owner (identified in Exhibit C attached) is currently being used by the Property for parking and provides a sufficient amount of parking to meet market demands. However, agreement between the parties has not been reached, leaving the City no choice but to exercise its right of eminent domain.
- If City Council adopts the condemnation ordinance for the acquisition of a portion of the easement, the City will continue to negotiate in good faith with the property owner for contractual acquisition of the Property and easement.

Advantage(s)

By adopting the condemnation ordinance, this allows the City the option to exercise its statutory eminent domain authority and proceed with a condemnation action to obtain a court order for the City to purchase the property and a portion of the easement necessary for redevelopment of the Heights District public improvements.

Challenge(s)

The condemnation ordinance authorizes the City to file civil suit and engage in legal action for property acquisition. The outcome of any legal action cannot be predicted with certainty.

Budget Impact

Compensation consisting of \$402,200 and an exclusive perpetual parking easement was offered as just compensation based on the certified appraisal of the land and existing easement. In the event an eminent domain action is brought there will be additional costs related to legal representation and minimal court filing and publishing fees, the value of which is currently not budgeted.

Prior Council Review

- City Council Ordinance M-4464 adopted October 7, 2024
- City Council Resolution M-4222 adopted May 15, 2023

Action Requested

On Monday, January 6, 2025, advance the ordinance to acquire by eminent domain a portion of an easement across real property located at 5411 E Mill Plain Blvd for the purposes of constructing public improvements related to the redevelopment of the Heights District, subject to second reading and public hearing on January 13, 2025.

Staff Contact

Amy Stewart, Real Estate Project Manager, Sara Baynard-Cooke, Assistant City Attorney,

amy.stewart@cityofvancouver.us, Sara.Baynard-Cooke@cityofvancouver.us

Attachments:

1. Presentation
2. Ordinance
3. Ordinance M-4464
4. Property Owner Notice
5. Exhibit A
6. Exhibit B
7. Exhibit C



Heights District Eminent Domain Action

Patrick Quinton

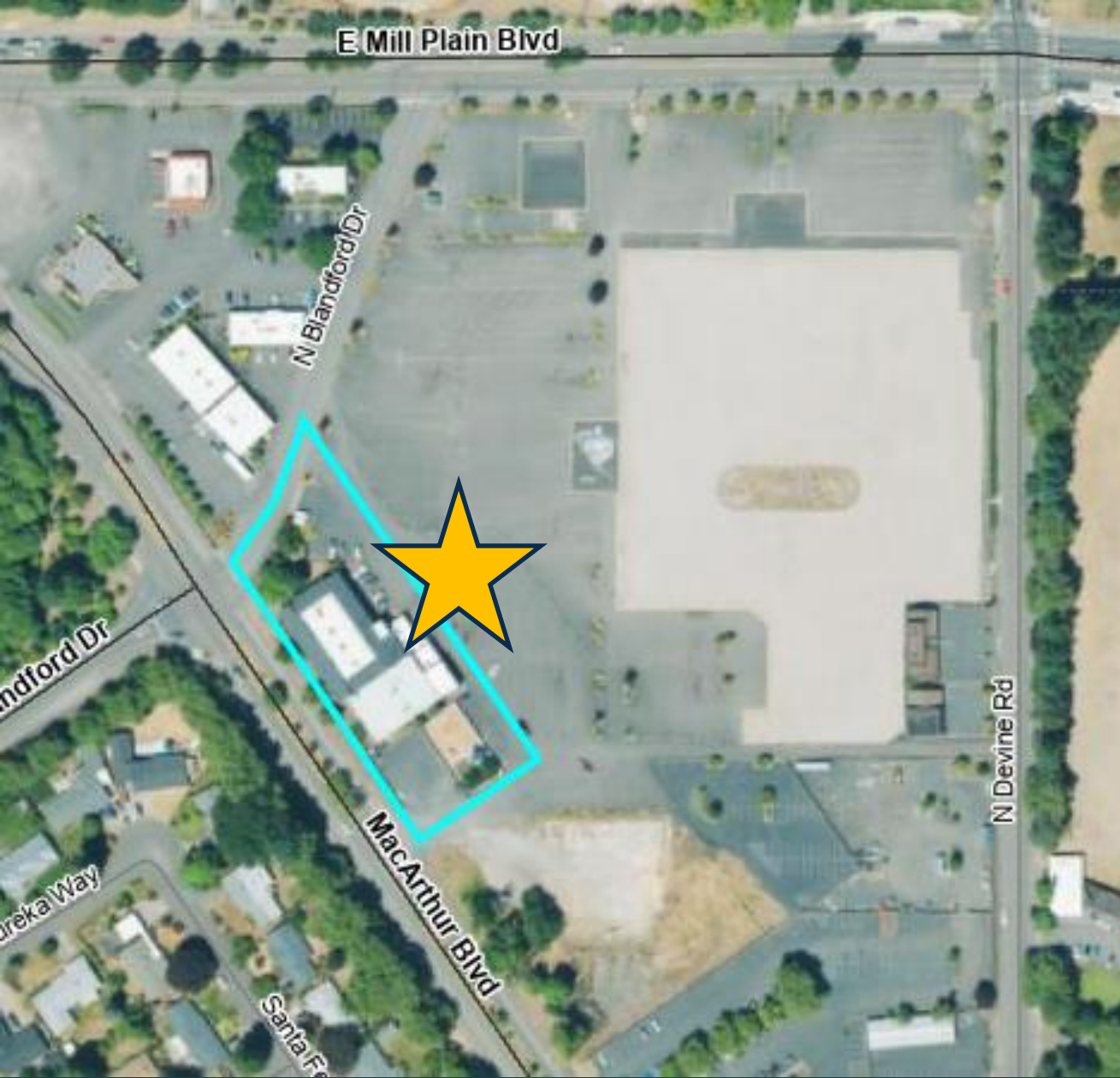
Director

Economic Prosperity & Housing

January 6, 2025

Amy Zoltie

Real Estate Project Manager

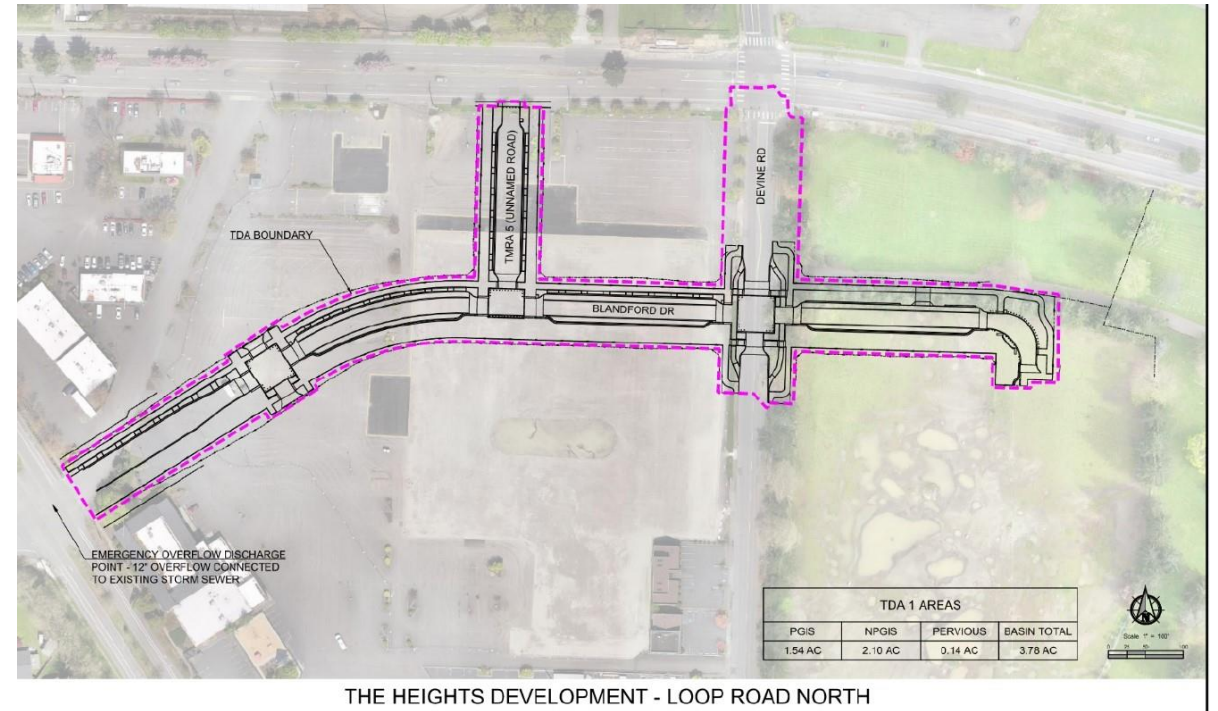


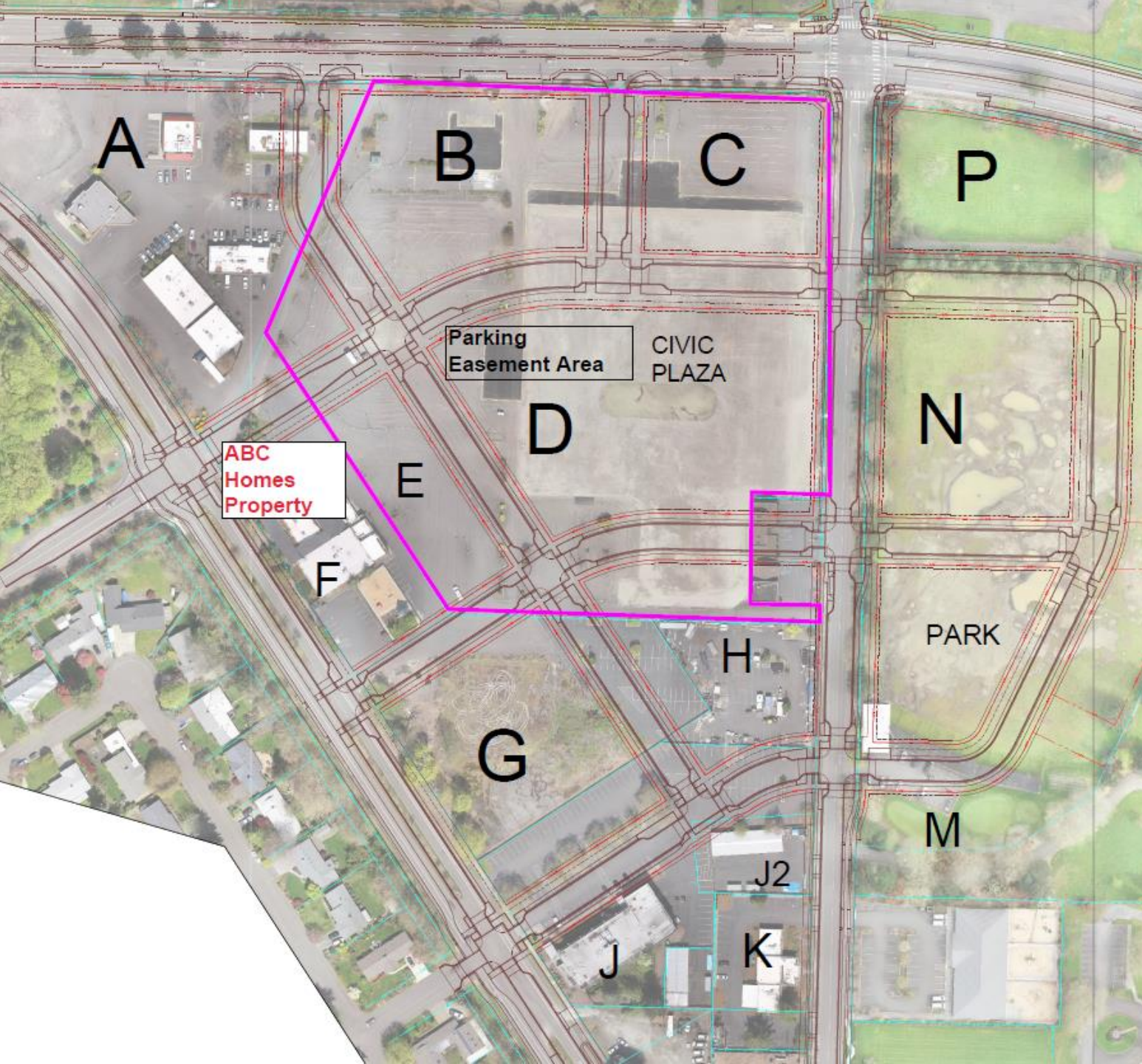
Key Points

- In October 2024 Council authorized eminent domain proceedings to acquire portions of real property required for Grand Loop Road construction
- Second condemnation ordinance needed to establish public necessity to extinguish easement over City property, including Grand Loop, civic plaza, & other development
- Negotiation attempted in good faith to replace easement, but no agreement reached

Eminent Domain (RCW Title 8)

- Condemnation is authorized when necessary for municipal infrastructure (RCW 8.12.030)
- City must demonstrate good faith efforts to acquire by agreement (RCW 8.26.010)
- Must establish need for condemnation by ordinance before civil action (RCW 8.12.040 & 8.25.290)





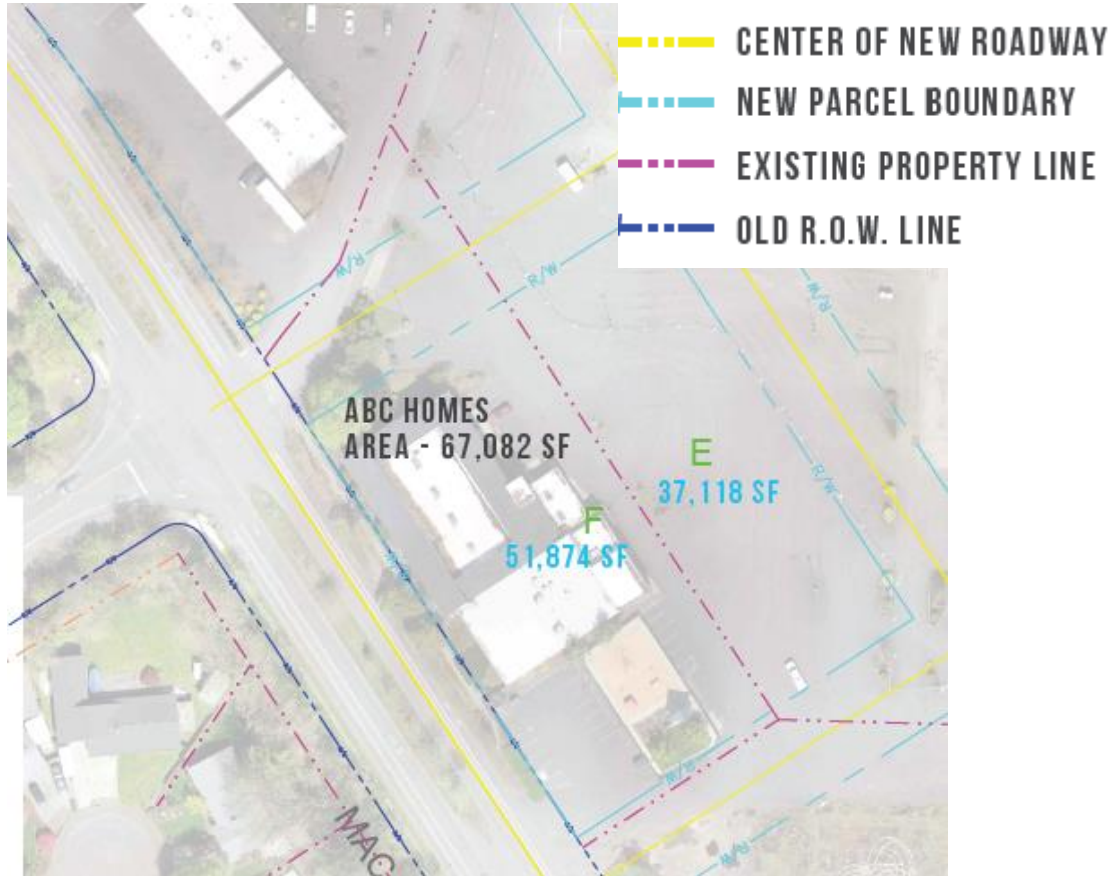
Parking Easement Area

- Across 12-acre former mall area
- Over future Grand Loop, Civic Plaza, street improvements and development blocks



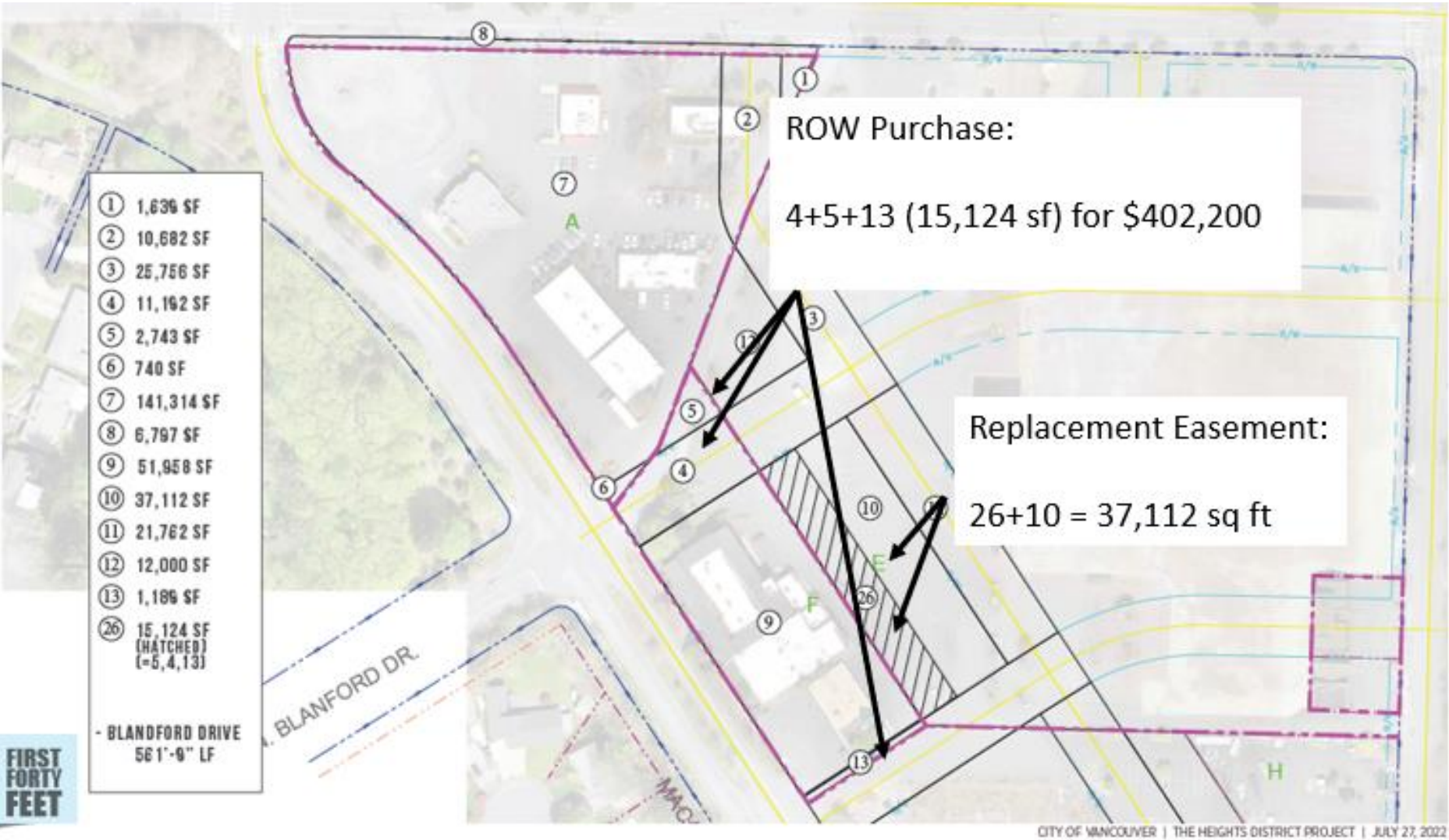
Partial Easement Acquisition

5300 MacArthur Blvd.



- Intended to extinguish most of easement area
- City offered replacement exclusive parking easement over area adjacent to property to meet building's parking needs
- No agreement reached
- Condemnation necessary to meet project schedule, timing critical

5300 MacArthur Transaction Components



Past Efforts

Fall 2023	April 2024	June 2024	July 2024	September 2024-Present
- City issued initial offer (September) - ROW Consultant met with property owner (October) - Owner expressed concerns about parking easement	City issued updated offer with exclusive perpetual parking easement	- ROW consultant made multiple attempts to contact owner - Meeting with City staff occurred on June 6 and owner rejected offer - City reissued written offer	- City requested acceptance or counteroffer by July 12 - Property owner communicated questions on July 5 - City responded on July 9, restating deadline	Ongoing communications with property owner with no agreement reached



Future Actions

City Council	City Council	Negotiations	Civil Court
Provide “final action” notice of intent to condemn easement (RCW 8.25.290)	Adopt ordinance following a public hearing establishing that subject easement is required to fulfill a necessary public use	- Make updated final and best offer of just compensation once appraisal report complete - Continue to encourage communication/negotiation with property owner throughout litigation	- File petition in Clark County Superior Court - Obtain judgment fixing just compensation and transferring title and extinguishing/replacing easement after payment is made
8 Heights District Eminent Domain Action			

Action Requested

Approve Ordinance declaring public use and necessity for, and requires the acquisition by eminent domain for the acquisition of a portion of an easement across real property located at 5411 E Mill Plain Blvd, Vancouver, WA for the purposes of constructing street improvements, public plazas and other redevelopment



Discussion



01/06/25
01/13/25

ORDINANCE NO. _____

AN ORDINANCE relating to redevelopment of the Heights District, transportation and streets and sidewalks, public plazas, public parks and associated public uses; declaring the public necessity for and providing for the acquisition by the City of Vancouver by eminent domain of a portion of an easement across real property located at 5411 E Mill Plain Blvd, Vancouver, WA 98661, for purposes of constructing street improvements, public plazas, and other redevelopment within the City of Vancouver, Washington; authorizing the City Attorney to prosecute eminent domain proceedings and to stipulate in mitigation of damages; providing for payment for such easement; and providing for an immediate effective date.

WHEREAS, the City of Vancouver adopted the Heights District Plan on August 17 2020, for purposes of redeveloping the Heights District, an area that represents the spectrum of the City's social and economic diversity and includes some economically vulnerable residents; and

WHEREAS, the Heights District Plan provides an opportunity for the City to bring new investment to central Vancouver and ensure that new development provides benefits and opportunities to a broad range of residents now and into the future; and

WHEREAS, the City Council finds that developing public plazas in conjunction with public streets and transportation infrastructure will serve important public purposes essential to the fulfillment of the Heights District Plan; and

WHEREAS, in addition to the Grand Loop road construction project, the Heights District Plan provides for development of a civic plaza, festival street for public events and markets, complete streets and mixed-income housing in the parking easement area; and

WHEREAS, Wash. Rev. Code § 8.12.030 expressly states that cities and towns may condemn land and property for various types of city infrastructure, such as streets, avenues, alleys, public squares, public markets, and for public parks, and for any other public use; and

WHEREAS, on October 7, 2024, Council adopted Ordinance M-4464 authorizing the City Attorney to acquire through eminent domain certain real property located at 5300 MacArthur Boulevard, Vancouver, WA, for purposes of constructing street improvements, and to prosecute eminent domain proceedings and to stipulate in mitigation of damages associated with the acquisition of property;

WHEREAS, through adoption of Ordinance M-4464, Council authorized the City Attorney to acquire through imminent domain the fee interest in a portion of real property, as well as relocation of an associated permanent parking easement interest;

WHEREAS, Council now wishes to identify the portions of the Easement for Ingress, Egress and Parking, which the City must acquire for purposes of redeveloping the Heights District and constructing the Grand Loop, a civic plaza, festival street for public events and markets, portions of the internal street network and affordable housing; and

WHEREAS, the City has negotiated in good faith as to the amount of compensation due to the property owner and has based its offer of compensation on a licensed MAI certified appraiser valuation price, which includes the value of real property that will be acquired per Ordinance M-4464, as well as the associated economic impact of taking a portion of the easement; and

WHEREAS, notice has been provided to the property owner of the City's intent to commence eminent domain proceedings as required by law; and

WHEREAS, negotiations have not yet resulted in an agreement between the parties; and

WHEREAS, the City Council is exercising its independent discretion to proceed with an eminent domain case to establish the right to take such easement interest for a public purpose and to settle the amount of compensation, if any, owing to the property owners; and

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. FINDINGS

A. As discussed and described in Staff Report ____-25 and as evidenced by City Council Ordinance M-4464 adopted October 7, 2024, City Council Resolution M-4222 adopted May 15, 2023, and the Heights District Plan adopted August 17, 2020, the City Council finds that the public use, necessity and convenience now require the acquisition of a portion of an easement on a certain portion of a parcel of real property located at 5411 E Mill Plain Blvd, Vancouver, WA 98661, for the redevelopment of the Heights District and for construction of transportation improvements and related facilities (“Project”).

B. The Easement for Ingress, Egress, and Parking to be taken in part (“Subject Easement Area”) pursuant to this Ordinance includes a portion of the easement attached at Exhibit “A.” The Subject Easement Area to be taken for the Project is specifically described in the attached Exhibit “B.”

C. The City of Vancouver, by and through its Economic Prosperity and Housing and Public Works Department, has actively worked in good faith to acquire the real property that is the subject of Ordinance M-4464 (“Subject Real Property”) and the Subject Easement Area by negotiated sale.

D. Honest differences of opinion exist between the City of Vancouver and the owner of the property.

E. The City of Vancouver's Public Works Department has a Six Year Transportation Improvement Program, which indicates that the Subject Property and Subject Easement Area is necessary in the public interest and convenience to be acquired for the improvement of S.E. Mill Plain Blvd., between SE 105th Ave and SE 107th Ave.

E. Due to the public need for redevelopment of the Heights District to encourage investment and revitalize the District, to widen the street network to accommodate present growth, development and traffic needs, to construct the Grand Loop, a civic plaza, festival street for public events and markets, as well as an internal street grid and affordable housing, the public necessity and convenience requires the City to initiate the acquisition of the Subject Easement Area by exercise of the power of eminent domain.

G. The Subject Easement Area acquired through negotiation or by eminent domain proceedings authorized by this Ordinance are within the city limits of the City of Vancouver, Clark County, Washington, and are necessary for the Grand Loop road construction project and the Heights District Plan.

Section 2. The Subject Easement Area shall be acquired with the Subject Real Property, which Council determined was in the public necessity when it adopted Ordinance M-4464. The Subject Easement Area and Subject Real Property to be acquired together by eminent domain proceedings, shall be acquired only after just compensation has been made or paid into the Clark County Superior Court registry or special account for the benefit of the owner or owners in a manner provided by law.

Section 3. All just compensation, fees, and costs, if any, associated with the acquisition by eminent domain proceedings of the Subject Easement Area and Subject Real Property, shall be paid from the City of Vancouver Transportation Project fund, and if this fund were insufficient, from the City's general fund or other funds then available for such purposes.

Section 4. The City Attorney is hereby authorized to begin and prosecute the actions and proceedings in the manner provided by law to condemn, take, damage and appropriate all lands and other properties as necessary to carry out the provisions of this Ordinance. The City Attorney is also authorized to enter into stipulations for the purpose of minimizing damages, including all stipulations authorized by Chapter 8.25 RCW.

Section 5. As discussed in Staff Report ____-25, and the findings of this Ordinance, there is an immediate need to initiate eminent domain proceedings to acquire the Subject Easement Area and Subject Real Property to accommodate the Project; an emergency is hereby declared; and this Ordinance shall go into effect immediately upon final passage.

SIGNED this ____ day of January 2025

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. _____

AN ORDINANCE relating to redevelopment of the Heights District, transportation and streets and sidewalks, public plazas, public markets, public parks and associated public uses; declaring the public necessity for and providing for the acquisition by the City of Vancouver by eminent domain of a portion of an easement across real property located at 5411 E Mill Plain Blvd, Vancouver, WA 98661, for purposes of constructing street improvements, public plazas, and other redevelopment within the City of Vancouver, Washington; authorizing the City Attorney to prosecute eminent domain proceedings and to stipulate in mitigation of damages; providing for payment for such easement; and providing for an immediate effective date.

The full text of this ordinance will be mailed upon request. Contact public records staff at (360) 487-8480, citypdr@cityofvancouver.us, or via [Public Records Request -The City of Vancouver, WA](#).

09/16/24
10/07/24

ORDINANCE NO. M-4464

AN ORDINANCE in the public interest relating to construction for the public use of transportation and streets and sidewalks; declaring the public necessity for and providing for the acquisition by the City of Vancouver by eminent domain of certain property, located in the City limits at 5300 MacArthur Boulevard and described herein, required to construct such public street improvements and related facilities within the City of Vancouver, Washington; taking final action to authorize condemnation of such property; authorizing the City Attorney to prosecute eminent domain proceedings and to stipulate in mitigation of damages; providing for payment of just compensation in exchange for such property; and providing for an immediate effective date.

WHEREAS, the Washington State Constitution (Article 1, Section 16) and Title 8 of the Revised Code of Washington authorizes the City of Vancouver to acquire private property necessary for public use following due process of law and payment of just compensation and such legal proceedings to purchase private property are called condemnation actions; and

WHEREAS, the City's eminent domain authority includes acquisition of real property in fee title as well as interests in real property, such as easements; and

WHEREAS, the City of Vancouver Public Works Department has developed right-of way plans, approved by City Council on May 15, 2023 through Resolution M-4222, that indicate which portions of parcels and property interests are necessary to be acquired for the Heights District Plan Grand Loop road public transportation infrastructure construction project; and

WHEREAS, the City has negotiated in good faith as to the amount of compensation due to the property owner and has based its offer compensation package, including a perpetual parking

easement, and land valuation price on a licensed MAI certified appraiser; and

WHEREAS, the statutorily required notice has been provided to the property owner pursuant to RCW 8.12.005 and RCW 8.25.290 of the City's intent to take final action authorizing condemnation of the subject property; and

WHEREAS, good faith negotiations have not yet resulted in an agreement between the parties; and

WHEREAS, the City Council is exercising its independent discretion to take final action authorizing the City to commence a condemnation proceeding and confirming the City's right to acquire such property as in the public interest and necessary to fulfill a public purpose, and to settle the amount of just compensation owing to the property owner.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Findings.

A. Public Interest. As described in Staff Report 191-24 and as evidenced by City Council Resolution M-4222 adopted May 15, 2023, the Vancouver City Council finds that the public interest necessitates the acquisition of certain portions of a parcel of real property and an easement located within the right of way of N. Blandford Drive east of MacArthur Boulevard, for a public use in the construction of certain public transportation improvements and related facilities ("Project").

B. Subject Property. The property ("Subject Property") to be taken pursuant to this Ordinance includes the fee interest in portions of one parcel listed at Exhibit "A", as well as replacement and relocation of certain permanent parking easement interest. The Subject Property to be taken for the Project is specifically described in the attached Exhibits B and C. Acquisition of the

ORDINANCE - 2

Subject Property is necessary to completion of the Project.

C. Prior Good Faith Negotiation. The City of Vancouver, by and through its Economic Prosperity and Housing Department and Public Works Department, has actively worked in good faith to acquire the Subject Property by negotiated sale. Honest differences of opinion exist between the City of Vancouver and the owner of the Subject Property.

E. Public Use. The City of Vancouver's Public Works Department has a Six-Year Transportation Improvement Program, which indicates that the Project is in the public interest and the Subject Property must be acquired for the construction of these street and utility infrastructure improvements within the Heights District Plan (Tower Mall Redevelopment) area.

F. Necessity for Subject Property. Due to the public need to construct the public transportation infrastructure improvements to accommodate future growth in the Heights District Plan area, development and traffic demands, the public use and public interest necessitates the City to initiate the acquisition of the Subject Property and payment of just compensation by exercise of the power of eminent domain through a condemnation proceeding. Acquisition of the Subject Property will not change its current use and enjoyment nor require any tenant relocation.

G. Location. The Subject Property to be acquired by negotiated sale or by eminent domain proceedings authorized by this Ordinance are within the city limits of the City of Vancouver, Clark County, Washington and are necessary for construction of the Project.

Section 2. Payment of Compensation The Subject Property to be acquired pursuant to the City's power of eminent domain shall be acquired only after just compensation has been made or paid into the Clark County Superior Court registry or special account for the benefit of the owner or owners in a manner provided by law.

Section 3. Source of Funds. All just compensation, fees, and costs associated with the

ORDINANCE - 3

acquisition by eminent domain proceedings of the Subject Property, shall be paid from the City of Vancouver Transportation Project fund, and if this fund were insufficient, from the City's general fund or other funds then available for such purposes.

Section 4. Authority of Attorney. The City Attorney is hereby authorized to begin and prosecute the actions and proceedings in the manner provided by law to condemn, take, damage and appropriate all lands and other properties as necessary to carry out the provisions of this Ordinance. The City Attorney is also authorized to enter into stipulations for the purpose of minimizing damages, including all stipulations authorized by Chapter 8.25 RCW.

Section 5. Effective Date. As discussed in Staff Report 191-24, and the findings of this Ordinance, there is an immediate need to initiate eminent domain proceedings to acquire the Subject Property to accommodate the Project; an emergency is hereby declared; and this Ordinance shall go into effect immediately upon final passage.

DATE OF FINAL PASSAGE by the Vancouver City Council: October 7, 2024.

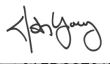
SIGNED this 7th day of October 2024.

DocuSigned by:

 6C89D9089EC5424...
 Anne McEnery-Ogle, Mayor

Attest:
 DocuSigned by:

 493E940414AE4BD...
 Natasha Ramras, City Clerk

Approved as to form:
 DocuSigned by:

 9A7DC2E31F694A2...
 Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. M-4464

AN ORDINANCE in the public interest relating to construction for the public use of transportation and streets and sidewalks; declaring the public necessity for and providing for the acquisition by the City of Vancouver by eminent domain of certain property, located in the City limits at 5300 MacArthur Boulevard and described herein, required to construct such public street improvements and related facilities within the City of Vancouver, Washington; taking final action to authorize condemnation of such property; authorizing the City Attorney to prosecute eminent domain proceedings and to stipulate in mitigation of damages; providing for payment of just compensation in exchange for such property; and providing for an immediate effective date.

The full text of this ordinance will be mailed upon request. Contact public records staff at (360) 487-8480, citypdr@cityofvancouver.us, or via [Public Records Request -The City of Vancouver, WA](#).



ABC Homes, LLC, a Washington limited liability company
Attn: Justin Lawrence
1914 NW 112th Circle
Vancouver WA 98685

December 23, 2024

**RE: Notice of Final Action on Condemnation of a Portion of Parking Easement
across 5411 E Mill Plain Blvd**

Dear Mr. Lawrence:

This letter is being sent via certified mail pursuant to RCW 8.25.290 to notify you that the Vancouver City Council will consider taking final action on an Ordinance to authorize, through the exercise of the City's eminent domain authority under Chapter 8.12 RCW, the acquisition of a portion of the parking easement over property located at 5411 E Mill Plain Blvd as necessary for public use and required for public benefit by condemnation upon issuing just compensation in the form of an exclusive perpetual parking easement over the property identified in Exhibit A attached.

This action relates to the property acquisition offer the City sent you through its right-of-way agent, CommonStreet Consulting, on July 18, 2024 and the property rights being considered for condemnation is identified on Exhibit B ("Easement"). This action is in addition to the condemnation of a portion of real property located at 5300 MacArthur Blvd that City Council already authorized to acquire by eminent domain by adopting Ordinance M-4464. A copy of which is attached to this notice.

The proposed Ordinance regarding the condemnation of the Easement will be read for the first time by the City Council on **Monday, January 6, 2025 at 6:30pm** during a public meeting held at City Hall, Council Chambers, 415 W 6th Street (2nd Floor), Vancouver, Washington, 98668.

If approved and set for hearing after the first reading, **City Council will hold a public hearing and take final action to adopt the Ordinance, authorizing commencement of legal proceedings to condemn the Property and Easement, on Monday, January 13, 2025 at 6:30pm**, during a public meeting held at City Hall, Council Chambers, 415 West 6th Street (2nd Floor), Vancouver, Washington, 98668.

You are encouraged to attend and comment on the proposed action.

Sincerely,

A handwritten signature in cursive script, appearing to read "P. Quinton".

Patrick Quinton, Director
Economic Prosperity and Housing

cc: Lon Pluckhahn, City Manager
Jonathan Young, City Attorney
Ryan Lopossa, Transportation Division Manager, Public Works



ABC Homes LLC/City of Vancouver
Parking Easement
Legal Description

Being a portion of that tract of land conveyed to the City of Vancouver as described in Auditor's File Number 5419742, Clark County Deed Records, and being a portion of the John Nye Donation Land Claim located in the Southwest one-quarter of Section 30, Township 2 North, Range 2 East of the Willamette Meridian, City of Vancouver, Clark County, Washington and being more particularly described as follows:

COMMENCING FROM the Northerly most corner of Lot 2 of that Short Plat recorded in Book 2, Page 243, Short Plat Records of Clark County, Washington;

Thence North $33^{\circ}07'37''$ West, along the Westerly line described in said Auditor's File Number 5419742, 7.46 feet to the TRUE POINT OF BEGINNING of the herein described easement;

Thence continuing North $33^{\circ}07'37''$ West along said Westerly line, 329.28 feet to a point on a proposed right-of-way line;

Thence North $57^{\circ}45'27''$ East, along said proposed right-of-way line, 113.02 feet to an angle point;

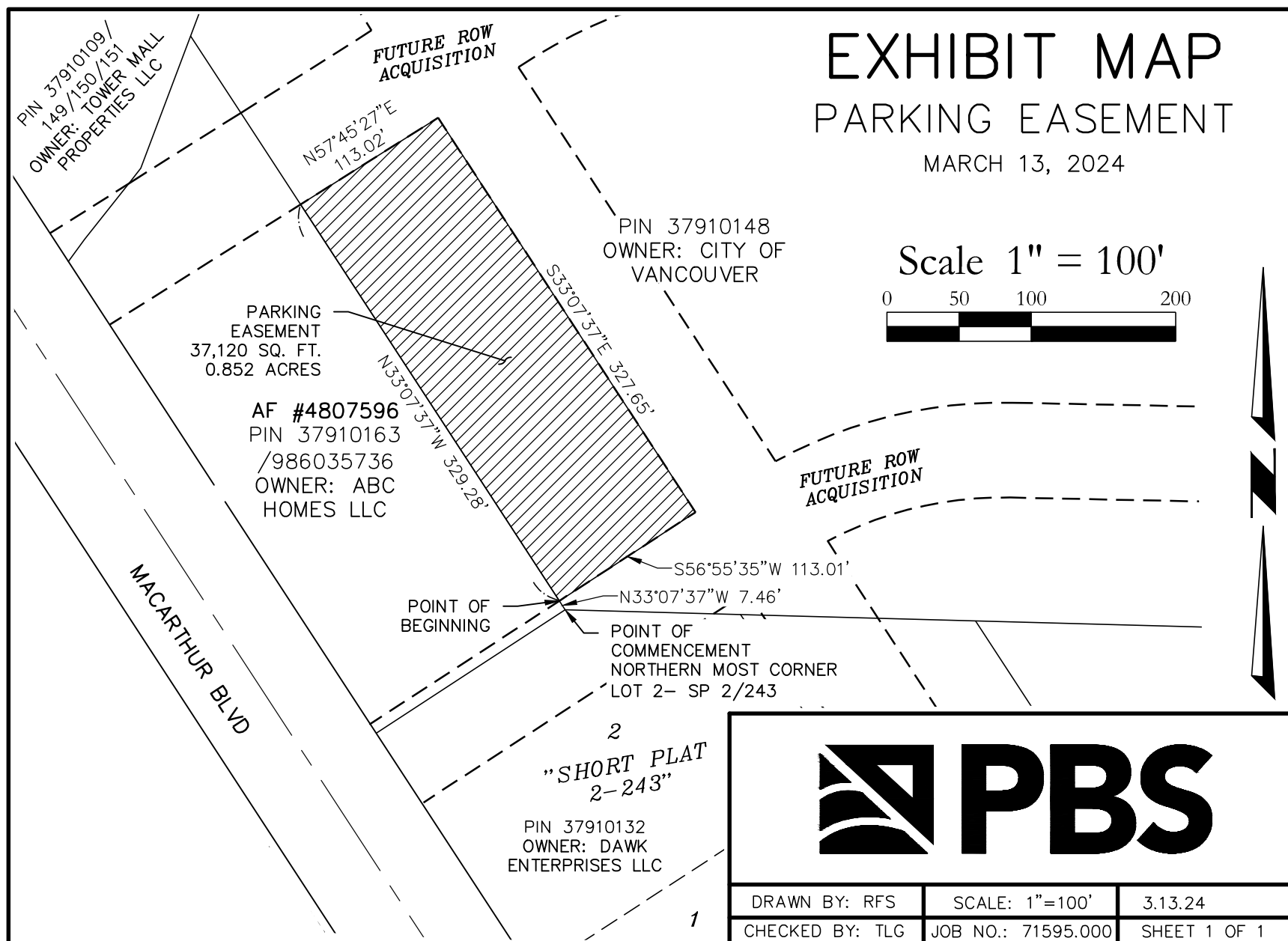
Thence South $33^{\circ}07'37''$ East, continuing along said proposed right-of-way line, 327.65 feet to an angle point;

Thence South $56^{\circ}55'35''$ West, continuing along said proposed right-of-way line, 113.01 feet to the TRUE POINT OF BEGINNING.

Contains in all 37,120 square feet, more or less.

Together with and/or subject to easements of record as applicable.

See Exhibit Map attached hereto



4151938 EASRecFee - \$37.00 Pages: 8 - CHICAGO TITLE INSURANCE
Clark County, WA 4/13/06 10:50 AM

4

AFTER RECORDING MAIL TO:
Matthew L. Sweeney, Esq.
PO Box 7935
Tacoma, WA 98406

Real Estate Excise Tax
Ch. 11 Rev. Laws 1951

EXEMPT

Affd. # 0 Date 4-13-06
For Details of tax paid see

Affd. # 0
Doug Lasher
Clark County Treasurer

By [Signature] Deputy

**EASEMENT
FOR INGRESS, EGRESS AND PARKING**

Grantor: Tower Mall Holdings LLC

Grantee: Prium Vancouver Properties LLC

Abbreviated Legal: Section 32, Township 2 North Range 2 East of WM

Reference No. (of documents assigned or released): None

Assessor's Tax Parcel Number(s): 037910163, 0148

L38535

This Easement for Ingress, Egress and Parking Agreement (this "Agreement") is made this 11th day of March, 2006, between **Tower Mall Holdings, LLC**, a Delaware limited liability company (hereinafter referred to as "Grantor"), and **Prium Vancouver Properties LLC** a Washington limited liability company (hereinafter referred to as "Grantee").

RECITALS

WHEREAS, the Grantor is owner of the real property legally described at **Exhibit "A"** attached to this Easement ("Grantor's Property"), and;

WHEREAS, Grantee is the Owner of the adjacent real property legally described at **Exhibit "B"** attached to this Easement ("Grantee's Property"), and;

WHEREAS, Grantor's property is improved and configured as a parking lot and driveway access adjacent to Grantee's property, and;

WHEREAS, Grantor wishes to allow Grantee to use Grantor's Property for additional parking to serve Grantee's property; and,

WHEREAS, the parties desire to reduce to writing their agreement and understanding regarding the use of the parking improvements located on grantor's property;

NOW, THEREFORE, in consideration of the mutual covenants and benefits and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor and Grantee agree as follows:

1. Parking Easement. At no cost to Grantee, Grantor does hereby establish, create, give, grant and convey to Grantee an exclusive permanent easement, right and privilege on the Grantor's Property over, across, along, in, under and upon the existing parking area on Grantor's property for the parking of automobiles, passenger vans and other vehicles of common use by guests, tenants, occupants, employees, agents, customers and invitees of Grantee's Property.

2. Ingress/Egress Easement. At no cost to Grantee, Grantor does hereby establish, create, give, grant and convey to Grantee a non-exclusive permanent easement, right and privilege on the Grantor's Property over, across, along, in, under and upon the Grantor's property for the purposes of vehicular and pedestrian ingress and egress and through, over, upon, and across the Grantor's property.

3. Conditions. This Agreement and the easements granted herein are subject to and conditioned upon the following terms and conditions which Grantor and Grantee hereby promise to faithfully and fully observe and perform:

(i) Parking Specifications. The Grantor's property is currently configured for surface parking and Grantor may not change the configuration without express written approval from Grantee, and its respective mortgage lender, if any, in each party's sole discretion.

(ii) Interference with Grantee's Use. Grantor shall not interfere with Grantee's use and enjoyment of the easement, rights and privileges granted in this Agreement.

(iii) Access to Grantee's Property. Grantor shall at all times maintain the existing access from the public streets to Grantee's Property over Grantor's property.

(iv) Release and Indemnity. Grantee does hereby release, indemnify and promise to defend and save harmless Grantor from and against any and all liability, loss, damage, expense, actions and claims, including costs and reasonable attorneys' fees incurred by Grantor in defense thereof, asserted or arising directly or indirectly on account of or out of acts or omissions of Grantee and Grantee's servants, agents, employees and contractors, in the exercise of the rights granted herein; provided however, this paragraph does not purport to indemnify Grantor against liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of Grantor or Grantor's agents or employees.

(v) Maintenance Covenants. Grantor, at Grantor's sole cost and expense, shall be responsible for maintaining the Grantor's property including all land and improvements thereon, in good condition and repair. Grantor shall maintain the parking areas, accesses, and fencing in a clean and sanitary condition at all times.

Grantee will permit no waste, damage or injury to the premises and will maintain the Grantor's property in as good a condition as they are now or may hereafter be put. Grantee shall at all times use the Grantor's property in accord with the laws of the State of Washington and the ordinances and regulations of Spokane County, City of Vancouver and any other governmental authority having jurisdiction over the property.

(vi) Termination. This easement shall remain perpetual in nature and subject to the terms and conditions herein.

(vii) Liability Insurance. Grantee shall procure and maintain comprehensive general liability insurance with a broad form general liability endorsement covering all claims for injuries or damages to person or property sustained in, on, or about the Easement Area, with limits of liability no less than \$1,000,000.00 combined single limit per occurrence and in the aggregate.

5. Amendments. This Agreement may be modified, amended or supplemented only by a written instrument executed by the parties hereto and consented to by their respective mortgage lenders, if any, and filed of records in the Official Records of Clark County, Washington.

6. Successors. The rights and obligations of the parties hereto shall be covenants running with the land and shall inure to the benefit of and be binding upon their respective heirs, successors and assigns.

Dated this 11th day of ~~March~~^{April} 2006.

GRANTOR

Tower Mall Holdings, LLC,
a Delaware limited liability company

By: _____

Name: Hyun J. Um
Title: Manager

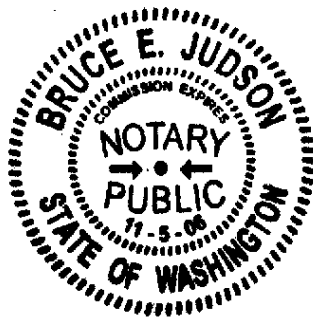
STATE OF WASHINGTON)

)ss.

County of Pierce)

On this 11th day of April, 2006, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Hyun I. Um to me known to be the individual described herein and who executed the within and foregoing instrument, as the Managers of Tower Mall LLC, and acknowledged that he signed and sealed this said instrument as his free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated he is authorized to execute the said instrument.

GIVEN under my hand and official seal this 11th day of April, 2006.



Print Name Bruce E. Judson
NOTARY PUBLIC in and for the State of WA
residing at Steubenville
My commission expires: 11-5-06

Exhibit A

Grantor's Property

The Property is located in Clark County, Washington, and is legally described as follows:

That portion of Section 30, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington, lying within the John Nye Donation Land Claim, described as follows:

BEGINNING at a point which is South 551.890 feet and East 1714.110 feet of the West quarter corner of Section 30, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington, said point being on the West line of Devine Road, and at the Northeast corner of the T.B. Bruno property, as conveyed by deed recorded in Volume D-34, page 174, under Auditor's File No. G 213157, records of Clark County, Washington; thence North 0°04'02" West 27.81 feet to a point on the West line of Devine Road and the Southeast corner of the Harry M. Pollear Tract, as conveyed by deed recorded in Volume D-34, page 396, under Auditor's File No. G 213675, records of Clark County, Washington; thence South 89°55'58" West, a distance of 99.10 feet; thence North 0°04'02" West, a distance of 150.00 feet; thence North 89°55'58" East, a distance of 99.10 feet to a point on the West line of Devine Road; thence along the West line of Devine Road, North 0°04'02" West, a distance of 555.69 feet to a point at the beginning of a curve having a radius of 20.15 feet, a central angle of 89°30'10" and bearing to the Northwest; thence along the arc of said curve for a distance of 31.47 feet to a point on compound curve having a radius of 1880.00 feet, a central angle of 0°50'20" and bearing Westerly; thence along the arc of a curve, a distance of 27.53 feet to a point on the South line of Mill Plain Boulevard; thence South 89°35'28" West, a distance of 1073.80 feet along the South line of Mill Plain Boulevard to a point; thence South 89°05'28" West, 60.70 feet along the South line of Mill Plain Boulevard to the beginning of a curve having a radius of 25.00 feet, a central angle of 123°48'30" and bearing to the Southeast; thence along the arc of said curve, a distance of 54.02 feet to a point on the North line of MacArthur Boulevard; thence South 34°42'02" East, 957.30 feet along the North line of MacArthur Boulevard to the Westerly corner of said T.B. Bruno Tract; thence along the Northerly line thereof, North 55°17'58" East, a distance of 157.14 feet; thence North 89°59'58" East, a distance of 523.14 feet to the Point of Beginning.

EXCEPT that portion lying Westerly of a line drawn parallel to and 10 feet Easterly of the following described line:

BEGINNING at a point on the North line of MacArthur Boulevard, said point being North 34°29'58" East 53.49 feet from a concrete monument set at the intersection of the centerlines of MacArthur Boulevard and Blandford Drive; thence North 34°29'58" East 15.86 feet; thence North 36°48'28" East 51.53 feet; thence North 19°02'58" East 276.83 feet; thence North 21°07'28" East 184.00 feet; thence North 28°04'28" East 13.61 feet to a point on the South line of Mill Plain Boulevard.

ALSO EXCEPT that portion thereof conveyed to Michael R. Mastro by Quit Claim Deed recorded November 4, 2005, under Auditor's File No. 4077324.

Exhibit B

Grantee's Property

The Property is located in Clark County, Washington, and is legally described as follows:

That portion of Section 30, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington, lying within the John Nye Donation Land Claim, described as follows:

BEGINNING at a point which is South 551.890 feet and East 1714.110 feet of the West quarter corner of Section 30, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington, said point being on the West line of Devine Road, and at the Northeast corner of the T.B. Bruno property, as conveyed by deed recorded in Volume D-34, page 174, under Auditor's File No. G 213157, records of Clark County, Washington; thence North 0°04'02" West 27.81 feet to a point on the West line of Devin Road and the Southeast corner of the Harry M. Pollear Tract, as conveyed by deed recorded in Volume D-34, page 396, under Auditor's File No. G 213675, records of Clark County, Washington; thence South 89°55'58" West, a distance of 99.10 feet; thence North 0°04'02" West, a distance of 150.00 feet; thence North 89°55'58" East, a distance of 99.10 feet to a point on the West line of Devine Road; thence along the West line of Devine Road, North 0°04'02" West, a distance of 555.69 feet to a point at the beginning of a curve having a radius of 20.15 feet, a central angle of 89°30'10" and bearing to the Northwest; thence along the arc of said curve for a distance of 31.47 feet to a point on compound curve having a radius of 1880.00 feet, a central angle of 0°50'20" and bearing Westerly; thence along the arc of a curve, a distance of 27.53 feet to a point on the South line of Mill Plain Boulevard; thence South 89°35'28" West, a distance of 1073.80 feet along the South line of Mill Plain Boulevard to a point; thence South 89°06'28" West, 60.70 feet along the South line of Mill Plain Boulevard to the beginning of a curve having a radius of 25.00 feet, a central angle of 123°48'30" and bearing to the Southeast; thence along the arc of said curve, a distance of 54.02 feet to a point on the North line of MacArthur Boulevard; thence South 34°42'02" East, 967.30 feet along the North line of MacArthur Boulevard to the Westerly corner of said T.B. Bruno Tract; thence along the Northerly line thereof, North 55°17'58" East, a distance of 157.14 feet; thence North 89°59'58" East, a distance of 523.14 feet to the Point of Beginning.

EXCEPT that portion lying Westerly of a line drawn parallel to and 10 feet Easterly of the following described line:

BEGINNING at a point on the North line of MacArthur Boulevard, said point being North 34°29'58" East 53.49 feet from a concrete monument set at the intersection of the centerlines of MacArthur Boulevard and Blandford Drive; thence North 34°29'58" East 15.86 feet; thence North 36°48'28" East 61.53 feet; thence North 19°02'58" East 276.83 feet; thence North 21°07'28" East 184.00 feet; thence North 28°04'28" East 13.61 feet to a point on the South line of Mill Plain Boulevard.

4151938 EAS

RecFee - \$37.00 Pages: 6 - CHICAGO TITLE INSURANCE
Clark County, WA 4/13/06 10:50 AM

4
AFTER RECORDING MAIL TO:
Matthew L. Sweeney, Esq.
PO Box 7935
Tacoma, WA 98406

Real Estate Excise Tax
Ch. 11 Rev. Laws 1951

EXEMPT

Affd. # 0 Date 4-13-06
For Details of tax paid see

Affd. # 0
Doug Lasher
Clark County Treasurer

By [Signature] Deputy

EASEMENT

FOR INGRESS, EGRESS AND PARKING

Grantor: Tower Mall Holdings LLC

Grantee: Prium Vancouver Properties LLC

Abbreviated Legal: Section 32, Township 2 North Range 2 East of WM

Reference No. (of documents assigned or released): None

Assessor's Tax Parcel Number(s): 037910163, 0148

L38535

This Easement for Ingress, Egress and Parking Agreement (this "Agreement") is made this 11th day of ~~March~~ ^{April}, 2006, between Tower Mall Holdings, LLC, a Delaware limited liability company (hereinafter referred to as "Grantor"), and Prium Vancouver Properties LLC a Washington limited liability company (hereinafter referred to as "Grantee").

RECITALS

WHEREAS, the Grantor is owner of the real property legally described at Exhibit "A" attached to this Easement ("Grantor's Property"), and;

WHEREAS, Grantee is the Owner of the adjacent real property legally described at Exhibit "B" attached to this Easement ("Grantee's Property"), and;

WHEREAS, Grantor's property is improved and configured as a parking lot and driveway access adjacent to Grantee's property, and;

WHEREAS, Grantor wishes to allow Grantee to use Grantor's Property for additional parking to serve Grantee's property; and,

WHEREAS, the parties desire to reduce to writing their agreement and understanding regarding the use of the parking improvements located on grantor's property;

NOW, THEREFORE, in consideration of the mutual covenants and benefits and other good and valuable consideration, the receipt of which is hereby acknowledged, the Grantor and Grantee agree as follows:

1. Parking Easement. At no cost to Grantee, Grantor does hereby establish, create, give, grant and convey to Grantee an exclusive permanent easement, right and privilege on the Grantor's Property over, across, along, in, under and upon the existing parking area on Grantor's property for the parking of automobiles, passenger vans and other vehicles of common use by guests, tenants, occupants, employees, agents, customers and invitees of Grantee's Property.

2. Ingress/Egress Easement. At no cost to Grantee, Grantor does hereby establish, create, give, grant and convey to Grantee a non-exclusive permanent easement, right and privilege on the Grantor's Property over, across, along, in, under and upon the Grantor's property for the purposes of vehicular and pedestrian ingress and egress and through, over, upon, and across the Grantor's property.

3. Conditions. This Agreement and the easements granted herein are subject to and conditioned upon the following terms and conditions which Grantor and Grantee hereby promise to faithfully and fully observe and perform:

(i) Parking Specifications. The Grantor's property is currently configured for surface parking and Grantor may not change the configuration without express written approval from Grantee, and its respective mortgage lender, if any, in each party's sole discretion.

(ii) Interference with Grantee's Use. Grantor shall not interfere with Grantee's use and enjoyment of the easement, rights and privileges granted in this Agreement.

(iii) Access to Grantee's Property. Grantor shall at all times maintain the existing access from the public streets to Grantee's Property over Grantor's property.

(iv) Release and Indemnity. Grantee does hereby release, indemnify and promise to defend and save harmless Grantor from and against any and all liability, loss, damage, expense, actions and claims, including costs and reasonable attorneys' fees incurred by Grantor in defense thereof, asserted or arising directly or indirectly on account of or out of acts or omissions of Grantee and Grantee's servants, agents, employees and contractors, in the exercise of the rights granted herein; provided however, this paragraph does not purport to indemnify Grantor against liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of Grantor or Grantor's agents or employees.

(v) Maintenance Covenants. Grantor, at Grantor's sole cost and expense, shall be responsible for maintaining the Grantor's property including all land and improvements thereon, in good condition and repair. Grantor shall maintain the parking areas, accesses, and fencing in a clean and sanitary condition at all times.

Grantee will permit no waste, damage or injury to the premises and will maintain the Grantor's property in as good a condition as they are now or may hereafter be put. Grantee shall at all times use the Grantor's property in accord with the laws of the State of Washington and the ordinances and regulations of Spokane County, City of Vancouver and any other governmental authority having jurisdiction over the property.

(vi) Termination. This easement shall remain perpetual in nature and subject to the terms and conditions herein.

(vii) Liability Insurance. Grantee shall procure and maintain comprehensive general liability insurance with a broad form general liability endorsement covering all claims for injuries or damages to person or property sustained in, on, or about the Easement Area, with limits of liability no less than \$1,000,000.00 combined single limit per occurrence and in the aggregate.

5. Amendments. This Agreement may be modified, amended or supplemented only by a written instrument executed by the parties hereto and consented to by their respective mortgage lenders, if any, and filed of records in the Official Records of Clark County, Washington.

6. Successors. The rights and obligations of the parties hereto shall be covenants running with the land and shall inure to the benefit of and be binding upon their respective heirs, successors and assigns.

Dated this 11th day of ~~March~~^{April} 2006.

GRANTOR

Tower Mall Holdings, LLC,
a Delaware limited liability company

By: _____

Name: Hyun J. Um
Title: Manager

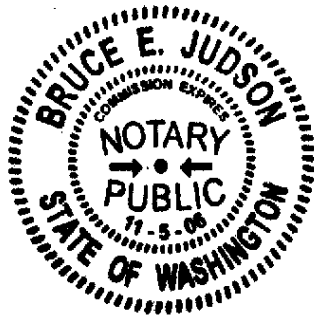
STATE OF WASHINGTON)

)ss.

County of Pierce)

On this 11th day of April, 2006, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Hyun I. Um to me known to be the individual described herein and who executed the within and foregoing instrument, as the Managers of Tower Mall LLC, and acknowledged that he signed and sealed this said instrument as his free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated he is authorized to execute the said instrument.

GIVEN under my hand and official seal this 11th day of April, 2006.



Print Name Bruce E. Judson
NOTARY PUBLIC in and for the State of WA
residing at Steubenville
My commission expires: 11-5-06

Exhibit A

Grantor's Property

The Property is located in Clark County, Washington, and is legally described as follows:

That portion of Section 30, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington, lying within the John Nye Donation Land Claim, described as follows:

BEGINNING at a point which is South 551.890 feet and East 1714.110 feet of the West quarter corner of Section 30, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington, said point being on the West line of Devine Road, and at the Northeast corner of the T.B. Bruno property, as conveyed by deed recorded in Volume D-34, page 174, under Auditor's File No. G 213157, records of Clark County, Washington; thence North 0°04'02" West 27.81 feet to a point on the West line of Devine Road and the Southeast corner of the Harry M. Pollear Tract, as conveyed by deed recorded in Volume D-34, page 396, under Auditor's File No. G 213675, records of Clark County, Washington; thence South 89°55'58" West, a distance of 99.10 feet; thence North 0°04'02" West, a distance of 150.00 feet; thence North 89°55'58" East, a distance of 99.10 feet to a point on the West line of Devine Road; thence along the West line of Devine Road, North 0°04'02" West, a distance of 555.69 feet to a point at the beginning of a curve having a radius of 20.15 feet, a central angle of 89°30'10" and bearing to the Northwest; thence along the arc of said curve for a distance of 31.47 feet to a point on compound curve having a radius of 1880.00 feet, a central angle of 0°50'20" and bearing Westerly; thence along the arc of a curve, a distance of 27.53 feet to a point on the South line of Mill Plain Boulevard; thence South 89°35'28" West, a distance of 1073.80 feet along the South line of Mill Plain Boulevard to a point; thence South 89°05'28" West, 60.70 feet along the South line of Mill Plain Boulevard to the beginning of a curve having a radius of 25.00 feet, a central angle of 123°48'30" and bearing to the Southeast; thence along the arc of said curve, a distance of 54.02 feet to a point on the North line of MacArthur Boulevard; thence South 34°42'02" East, 957.30 feet along the North line of MacArthur Boulevard to the Westerly corner of said T.B. Bruno Tract; thence along the Northerly line thereof, North 55°17'58" East, a distance of 157.14 feet; thence North 89°59'58" East, a distance of 523.14 feet to the Point of Beginning.

EXCEPT that portion lying Westerly of a line drawn parallel to and 10 feet Easterly of the following described line:

BEGINNING at a point on the North line of MacArthur Boulevard, said point being North 34°29'58" East 53.49 feet from a concrete monument set at the intersection of the centerlines of MacArthur Boulevard and Blandford Drive; thence North 34°29'58" East 15.86 feet; thence North 36°48'28" East 51.53 feet; thence North 19°02'58" East 276.83 feet; thence North 21°07'28" East 184.00 feet; thence North 28°04'28" East 13.61 feet to a point on the South line of Mill Plain Boulevard.

ALSO EXCEPT that portion thereof conveyed to Michael R. Mastro by Quit Claim Deed recorded November 4, 2005, under Auditor's File No. 4077324.

Exhibit B

Grantee's Property

The Property is located in Clark County, Washington, and is legally described as follows:

That portion of Section 30, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington, lying within the John Nye Donation Land Claim, described as follows:

BEGINNING at a point which is South 551.890 feet and East 1714.110 feet of the West quarter corner of Section 30, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington, said point being on the West line of Devine Road, and at the Northeast corner of the T.B. Bruno property, as conveyed by deed recorded in Volume D-34, page 174, under Auditor's File No. G 213157, records of Clark County, Washington; thence North 0°04'02" West 27.81 feet to a point on the West line of Devin Road and the Southeast corner of the Harry M. Pollear Tract, as conveyed by deed recorded in Volume D-34, page 396, under Auditor's File No. G 213675, records of Clark County, Washington; thence South 89°55'58" West, a distance of 99.10 feet; thence North 0°04'02" West, a distance of 150.00 feet; thence North 89°55'58" East, a distance of 99.10 feet to a point on the West line of Devine Road; thence along the West line of Devine Road, North 0°04'02" West, a distance of 555.69 feet to a point at the beginning of a curve having a radius of 20.15 feet, a central angle of 89°30'10" and bearing to the Northwest; thence along the arc of said curve for a distance of 31.47 feet to a point on compound curve having a radius of 1880.00 feet, a central angle of 0°50'20" and bearing Westerly; thence along the arc of a curve, a distance of 27.53 feet to a point on the South line of Mill Plain Boulevard; thence South 89°35'28" West, a distance of 1073.80 feet along the South line of Mill Plain Boulevard to a point; thence South 89°06'28" West, 60.70 feet along the South line of Mill Plain Boulevard to the beginning of a curve having a radius of 25.00 feet, a central angle of 123°48'30" and bearing to the Southeast; thence along the arc of said curve, a distance of 54.02 feet to a point on the North line of MacArthur Boulevard; thence South 34°42'02" East, 967.30 feet along the North line of MacArthur Boulevard to the Westerly corner of said T.B. Bruno Tract; thence along the Northerly line thereof, North 55°17'58" East, a distance of 157.14 feet; thence North 89°59'58" East, a distance of 523.14 feet to the Point of Beginning.

EXCEPT that portion lying Westerly of a line drawn parallel to and 10 feet Easterly of the following described line:

BEGINNING at a point on the North line of MacArthur Boulevard, said point being North 34°29'58" East 53.49 feet from a concrete monument set at the intersection of the centerlines of MacArthur Boulevard and Blandford Drive; thence North 34°29'58" East 15.86 feet; thence North 36°48'28" East 61.53 feet; thence North 19°02'58" East 276.83 feet; thence North 21°07'28" East 184.00 feet; thence North 28°04'28" East 13.61 feet to a point on the South line of Mill Plain Boulevard.

EXHIBIT "B"
Legal Description
Easement Condemnation
Portion of Tax Lot 037910-148

A portion of the easement for ingress, egress and parking, as described in the document recorded under Auditor's File Number 4151938 EAS, records of Clark County Washington, that exists over a tract of land conveyed to the City of Vancouver as described in Special Warranty Deed filed under Auditor's File Number 5419742, records of Clark County, Washington, being a portion of the John Nye Donation Land Claim and located in the West half of Section 30, Township 2 North, Range 2 East of the Willamette Meridian, City of Vancouver, Clark County, Washington, being described more particularly as follows:

BEGINNING AT A POINT which is South 551.89 feet and East 1714.11 feet of the West Quarter Corner of Section 30, Township 2 North, Range 2 East of the Willamette Meridian, Clark County Washington, said point being on the West line of Devine Road, and at the Northeast corner of the T. B. Bruno property, as conveyed by deed recorded in Volume D-34, Page 174, Under Auditor's File Number G213157, records of Clark County Washington; THENCE North 0° 04' 02" West 27.81 feet to a point on the West line of Devine Road and the Southeast corner of the Harry M. Poliear tract, as conveyed by deed recorded in Volume D-34, Page 396, under Auditor's Number G213675, records of Clark County, Washington; THENCE South 89° 55' 58" West, a distance of 99.10 feet; THENCE North 0° 04' 02" West 150.00 feet; THENCE North 89° 55' 58" East, a distance of 99.10 feet to a point of the West line of Devine Road; THENCE along the West line of Devine Road, North 0° 04' 02" West a distance of 555.69 feet to a point at the beginning of a curve having a radius of 20.15 feet, a central angle of 89° 30' 10" and a bearing to the northwest; THENCE along the arc of said curve for a distance of 31.47 feet to a point on compound curve having a radius of 1880.00 feet, a central angle of 0° 50' 20" and a bearing westerly; THENCE along the arc of a curve, a distance of 27.53 feet to a point on the south line of Mill Plain Boulevard; THENCE South 89° 35' 28" West, a distance of 1073.80 feet along the South line of Mill Plain Boulevard to a point; THENCE South 89° 06' 28" West, 60.70 feet along the South side of Mill Plain Boulevard to the beginning of a curve having a radius of 25.00 feet, a central angle of 123° 48' 30" and bearing to the southeast; THENCE along the arc of said curve, a distance of 54.02 feet to a point on the North line of MacArthur Boulevard; THENCE South 34° 42' 02" East 967.30 feet along the North line of MacArthur Boulevard to the westerly corner of said T.B. Bruno tract; THENCE along the Northerly line thereof, North 55° 17' 58" East, a distance of 157.14 feet; THENCE North 89° 59' 58" East, a distance of 523.14 feet to the Point OF BEGINNING.

EXCEPT that portion lying westerly of a line drawn parallel to and 10 feet easterly of the following described line:

Beginning at a point on the North line of MacArthur Boulevard, said point being North 34° 29' 58" East, 53.49 feet from a concrete monument set at the intersection of the centerlines of MacArthur Boulevard and Blandford drive; THENCE North 34° 29' 58" East, 15.86 feet; THENCE North 36° 48' 28" East, 61.53 feet; THENCE North 19° 02' 58" East, 276.83 feet; THENCE North 21° 07' 28" East, 184.00 feet; THENCE North 28° 04' 28" East, 13.61 feet to a point on the South line of Mill Plain Boulevard.

ALSO EXCEPT that portion thereof conveyed to Michael R Mastro by Quit Claim Deed recorded November 4, 2005, under Auditor's file Number 4077324.

ALSO EXCEPT a portion of this parcel more particularly described as follows:

COMMENCING From the westerly corner of T. B. Bruno property as conveyed by deed recorded in Volume D-34, Page 174, under Auditor's File Number G213157, records of Clark County Washington, said point also being the westerly corner of Lot 2 of that Short Plat recorded in Book 2, Page 243, Short Plat records of Clark County, Washington; THENCE along the North line of said T. B. Bruno property and said Lot 2, North 55° 17' 58" East, 157.14 feet to an angle point in the north line of said Lot 2; THENCE northwesterly, parallel with the northerly line of MacArthur Boulevard, bearing being defined as North 33° 07' 37" West, 7.46 feet to the TRUE POINT OF BEGINNING of the described exception; THENCE continuing northwesterly, parallel with said northerly line of MacArthur Boulevard, 329.28 feet; THENCE North 57° 45' 27" East, 113.02 feet; THENCE southeasterly, parallel with said northerly line of MacArthur Boulevard, 327.65 feet; THENCE South 56° 55' 35" West, 113.01 feet to the TRUE POINT OF BEGINNING.

This exception contains 37,120 square feet, more or less.

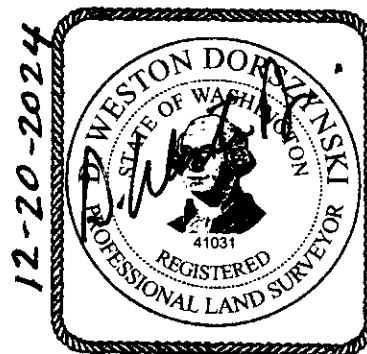


EXHIBIT C
Parking Easement Area Legal Description and
Map



ABC Homes LLC/City of Vancouver
Parking Easement
Legal Description

Being a portion of that tract of land conveyed to the City of Vancouver as described in Auditor's File Number 5419742, Clark County Deed Records, and being a portion of the John Nye Donation Land Claim located in the Southwest one-quarter of Section 30, Township 2 North, Range 2 East of the Willamette Meridian, City of Vancouver, Clark County, Washington and being more particularly described as follows:

COMMENCING FROM the Northerly most corner of Lot 2 of that Short Plat recorded in Book 2, Page 243, Short Plat Records of Clark County, Washington;

Thence North 33°07'37" West, along the Westerly line described in said Auditor's File Number 5419742, 7.46 feet to the TRUE POINT OF BEGINNING of the herein described easement;

Thence continuing North 33°07'37" West along said Westerly line, 329.28 feet to a point on a proposed right-of-way line;

Thence North 57°45'27" East, along said proposed right-of-way line, 113.02 feet to an angle point;

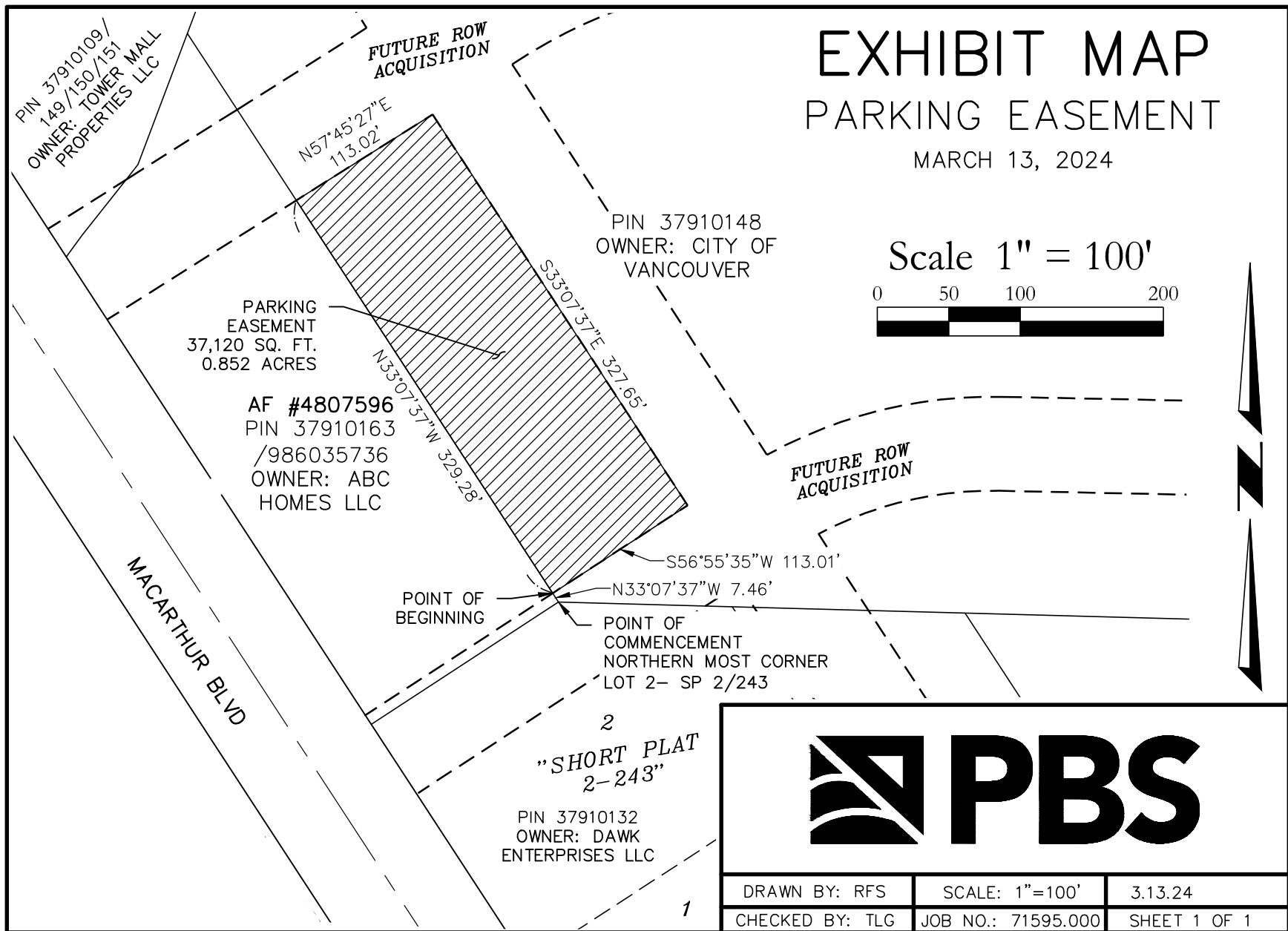
Thence South 33°07'37" East, continuing along said proposed right-of-way line, 327.65 feet to an angle point;

Thence South 56°55'35" West, continuing along said proposed right-of-way line, 113.01 feet to the TRUE POINT OF BEGINNING.

Contains in all 37,120 square feet, more or less.

Together with and/or subject to easements of record as applicable.

See Exhibit Map attached hereto



To: Mayor and City Council
From: Council Subcommittee 2
Date: January 6, 2025

Subject

City Center Redevelopment Authority Board Appointment

Present Situation

The City Center Redevelopment Authority (CCRA) is appointed by City Council to oversee downtown redevelopment consistent with the Vancouver City Center Vision (VCCV) Plan. The board advises the mayor and city council on public-private partnerships, public assistance to private developments, and the business aspects of redevelopment projects and agreements in downtown Vancouver.

Council Committee 2 recently interviewed candidates for this board and recommends the reappointment of Kenneth Anderton and Allison Reynolds to full-term positions effective January 1, 2025, and expiring Dec. 31, 2028.

Action Requested

On Monday, January 6, 2025, reappoint Kenneth Anderton and Allison Reynolds to full-term positions on the City Center Redevelopment Authority Board, with a term beginning January 1, 2025, and expiring December 31, 2028.

Council Subcommittee 2

Attachments:

1. Memo
2. Letter-Reynolds
3. Letter- Anderton
4. Roster



MEMORANDUM

DATE: January 6, 2025

TO: Mayor and City Councilmembers

FROM: Council Committee 1 (Hansen, Perez, Paulsen)

CC: Lon Pluckhahn, City Manager
Tawny Maruhn, Boards & Commissions

RE: Recommendation for Reappointment to the City Center Redevelopment Authority Board of Directors
--

The City Center Redevelopment Authority (CCRA) is appointed by City Council to oversee downtown redevelopment consistent with the Vancouver City Center Vision (VCCV) Plan. The board advises the mayor and city council on public-private partnerships, public assistance to private developments, and the business aspects of redevelopment projects and agreements in downtown Vancouver.

Council Committee 2 recently interviewed candidates for this board and recommends the reappointment of Kenneth Anderton and Allison Reynolds to full-term positions effective January 1, 2025, and expiring Dec. 31, 2028.

This appointment will be presented for Council action at the **Monday, January 6, 2025**, Council meeting.

Attachments:

- Continued Letter of Interest
- Current Roster



September 17, 2024

Allison J. Reynolds
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205
D. 503.294.9625
allison.reynolds@stoel.com

**Re: Letter of Continued Interest – Central City
Redevelopment Authority**

Dear Council Committee:

It has been my honor to serve on the Central City Redevelopment Authority (CCRA) for the past year. Please accept this letter of continued interest as my formal application for reappointment.

I believe that my participation on the CCRA has benefitted its work in the following ways:

- I am land use attorney with more than a decade of experience working on residential, commercial and industrial development projects in California, Oregon and Washington. This breadth and depth of experience helps me provide a unique perspective and offer innovative solutions to the challenging issues that come before CCRA. My knowledge of the land use process has been helpful to my CCRA colleagues as we consider how policy changes will impact development across the City.
- I am involved in policy making on housing issues across the region and have significant experience with housing projects of all types and income levels. Shortage of housing and housing affordability are key issues facing Vancouver. My background in housing development has been helpful to the CCRA as we considered changes to the MFTE tax program and interim green building regulations. I am excited for the opportunity to continue working to find solutions on housing issues.

I am proud of what this group has accomplished throughout my term of service, and look forward to future opportunities. Specifically, the City's economic development planning, green building rulemaking and the update to the Vancouver City Center Vision (VCCV) planned action are areas where I hope to lend my expertise.

Once again, it has been my honor to serve on the CCRA. I hope that you will grant my request for reappointment. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Allison J. Reynolds', is written over a light blue circular background.

Allison J. Reynolds

November 18, 2024

City of Vancouver
City Council Committee
PO Box 1995
Vancouver, WA 98668

Re: Letter of Continued Interest – City Center Redevelopment Authority

Dear Council Committee,

It has been an honor to serve on the City Center Redevelopment Authority (CCRA) during this interim term. Please accept this letter as my formal application for reappointment to a full term.

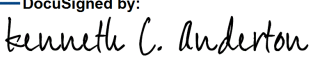
I am eager to attend my first CCRA meeting on November 21 and remain committed to leveraging my diverse skill set to benefit the committee and contribute to the continued prosperity of Vancouver. I am excited about this opportunity to serve alongside such esteemed board members and to support the important work of the CCRA.

Once again, it has been a privilege to serve on this board, and I respectfully request your consideration for reappointment.

Thank you for your time and thoughtful review.

Sincerely,

Ken Anderton

DocuSigned by:

0CECD6E078A24BE...

City Center Redevelopment Authority

Position	Term	Name & Address	Phone
1	10-28-2024	Kenneth Anderton 18431 Indian Creek Dri, Lake Oswego, OR 97035 ken.anderton@gmail.com	3605137657
2	06-05-2023	Allison Reynolds 1983 Ridgewood Road , Lake Oswego, OR 97034 allison.reynolds@stoel.com	503-294-9625
3	02-01-2021	Michi Slick 1721 SE 54th Ave, Portland, OR 97212 michi@killianpacific.com	203-507-8949
4	12-31-2021	Alisa Pyszka 2406 NE 9th Ave, Portland, OR 97212 alisa@bridgeed.com	503-504-8678
5	07-02-2018	Richard Krippaehne 2125 River Heights Circle, West Linn, OR 97068 rtkrippaehne@msn.com	503-680-5446 503-603-5421
6	06-01-2010	Marc Fazio 16306 NE 25th Ave, Ridgefield, WA 98642 mfazio@billnaito.com	503-702-2938 503-517-4338
7	01-01-2015	David Copenhaver 20114 NW Acorn Dr, Ridgefield, WA 98642 david@cascadiadevelopmentpartners.com	360-907-0062

City Center Redevelopment Authority

Term Length: 48 Months

Max Terms: No Limit

Number of Members: 7

Meeting Schedule: Third Thursday of the Month

Meeting Time: 12:30 PM

Meeting Location: Council Chambers at City Hall

Meeting Address: 415 W 6th St. Vancouver, WA 98660

Type: Board

The purpose of the [City Center Redevelopment Authority \(CCRA\)](#) is to provide an independent legal entity under State law and City Ordinance (VMC 2.71) to undertake, assist with and otherwise facilitate the redevelopment of property within the Vancouver City Center Vision plan area (VCCV).

Description:

Redevelopment of the VCCV plan area by the CCRA serves essential public purposes by relieving blight, undertaking development of an underutilized area in the heart of the City in a manner consistent with City planning, facilitating private investment and economic development which will build the City's tax base and create jobs, and providing for the development of public amenities, public parking facilities, recreational and entertainment facilities, connections to the riverfront and coordination of waterfront redevelopment efforts.

Council Liaison:

Staff Liaison:

Kimberly Kerlee
(360) 487-7846
kimberly.kerlee@cityofvancouver.us

Position Number	Name	Appt Date	No. of Terms Served	Term Expiration Date
1	Kenneth Anderton	10/28/2024	1	12/31/2024
2	Allison Reynolds	06/05/2023	1	12/31/2024
3	Michi Slick	02/01/2021	1	12/31/2025
4	Alisa Pyszka	12/06/2021	1	12/31/2026
5	Richard Krippaehne	07/02/2018	1	12/31/2026
6	Marc Fazio	05/24/2010	4	12/31/2027
7	David Copenhaver	12/15/2014	3	12/31/2027

To: Mayor and City Council
From: Council Subcommittee 1
Date: January 6, 2025

Subject

Culture, Arts and Heritage Commission Appointment

Present Situation

The City's Culture, Art and Heritage Commission is a nine-member volunteer group responsible for facilitating the development and promotion of a thriving cultural, art and heritage environment that reflects the people we serve. This is accomplished through the creation of community informed programs, ownership of buildings and public art, and a commitment to community partnerships.

Council Subcommittee 1 recently interviewed candidates for this commission and recommends the reappointment of Brad Richardson and Rebecca Percival to full-term positions effective January 1, 2025, and expiring December 31, 2027.

Action Requested

On Monday, January 6, 2025, reappoint Brad Richardson and Rebecca Percival to full-term positions on the Culture, Arts and Heritage Commission effective January 1, 2025, and expiring December 31, 2027.

Council Subcommittee 1

Attachments:

1. Roster
2. Percival Letter
3. Richardson Letter
4. Memo

Culture, Arts and Heritage Commission

Position	Term	Name & Address	Phone
1	10-10-2022	Brad Richardson 8505 NE Winters Road, Camas, WA 98607 director@cchmuseum.org	360-567-8552
2	09-11-2023	Rebekah Percival 12907 NE 37th Ct. , Vancouver, WA 98686 rmtabah@gmail.com	480-200-8885
3	10-10-2022	Julie Mercado 7816 NE 101st Ave, Vancouver, WA 98662 juliemark2@gmail.com	360-975-8073
4	08-26-2019	Beth Harrington 805 SE 101st Ave, Vancouver, WA 98664 beth@bethharrington.com	503-260-7020 360-256-6254
5	08-26-2019	Linda Reid 12712 NE 33rd St, Vancouver, WA 98682 lreid@columbiabank.com	360-910-9947 360-735-3719
6	03-11-2024	Ricky Gaspar 601 Main St Suite 100, Vancouver, WA 98660 RickyG.Creations@gmail.com	360-791-7066
7	08-26-2019	Lee Rafferty 801 Latourell Way, Vancouver, WA 98661 leonerafferty@gmail.com	360-606-4236 360-944-7140
8	08-19-2024	Rosalinda Mendoza 3601 NE 56th St, Vancouver, WA 98661 Rosalinda.mendoza1997@gmail.com	3605217950
9	07-18-2023	Russell Ford 610 E 19th St, Vancouver, WA 98663 brussellford@gmail.com	360-695-2573

Culture, Arts and Heritage Commission

Term Length: 36 Months

Max Terms: 2 Term(s)

Number of Members: 9

Meeting Schedule: Second Thursday of the month

Meeting Time: 12:00 PM

Meeting Location: City Hall - Birch Conference Room

Meeting Address: 415 W 6th St. Vancouver, WA 98660

Type: Commission

Description: The purpose of the Culture, Arts and Heritage Commission is to assist with and facilitate the development and promotion of a thriving cultural, arts and heritage environment in the Vancouver through programs, ownership of physical assets including buildings and public art and through community partnerships.

Council Liaison:

Staff Liaison:

Kirsten Hull
(360) 487-8307
kirsten.hull@cityofvancouver.us

Position Number	Name	Appt Date	No. of Terms Served	Term Expiration Date
1	Brad Richardson	10/10/2022	1	12/31/2024
2	Rebekah Percival	09/11/2023	1	12/31/2024
3	Julie Mercado	10/10/2022	1	12/31/2025
4	Beth Harrington	08/26/2019	2	12/31/2025
5	Linda Reid	08/26/2019	2	12/31/2025
6	Ricky Gaspar	03/11/2024	1	12/31/2026
7	Lee Rafferty	08/26/2019	2	12/31/2026
8	Rosalinda Mendoza	08/19/2024	1	12/31/2026
9	Russell Ford	07/18/2023	1	12/31/2026

October 10, 2024

City of Vancouver
City Council Committee
PO Box 1995
Vancouver, WA 98668

Re: Letter of Continued Interest – Culture, Arts & Heritage Commission

Dear Council Committee,

It has been my honor to serve the **(Culture, Arts & Heritage Commission)** for the past (1) year. Please accept this letter of continued interest as my formal application for reappointment.

I believe that my participation on the **(Culture, Arts & Heritage Commission)** has benefitted its work in the following ways:

- By participating in the decision-making process of local initiatives that shape the city's future.
- Help enhance residents' overall quality of life by promoting the arts and community programs.
- It allows me to meet and work with local residents and leaders who share common goals for improving the city.
- Being part of the commission board allows me to contribute meaningfully to our community and be actively involved in its development.
- The decisions made by the commission can have long-term impacts, allowing me to leave a tangible legacy for future residents.

I am proud of what this group has accomplished throughout my term of service, and I look forward to future opportunities. Such as:

- Participation in upcoming festivals (e.g. Vancouver Arts and Music Festival)
- Continued promotion and discussion of public art and mural projects
- Providing CAH grants to support local artists and cultural activities
- Collaboration opportunities with commission members, local officials, policymakers, other professionals in the field, local artists, and residents.

Once again, it has been my honor to serve the **(Culture, Arts & Heritage Commission)**. I hope that you will grant my request for reappointment.

Thank you in advance for your consideration.

Sincerely,

Rebekah Percival

Rebekah T. Percival

August 28, 2024

City of Vancouver
City Council Committee
PO Box 1995
Vancouver, WA 98668

Re: Letter of Continued Interest – City of Vancouver Cultural, Arts, and Heritage Commission

Dear Council Committee,

It has been my honor to serve the Culture, Arts, and Heritage Commission for the past 3 years. Please accept this letter of continued interest as my formal application for reappointment.

I believe that my participation on the Cultural, Arts, and Heritage Commission has benefitted its work in the following ways:

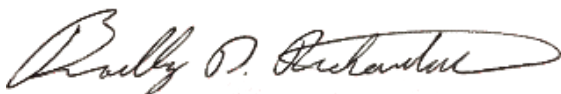
- Advocacy for our local heritage sector and the historic structures owned by the City of Vancouver
- Stronger connection between the Cultural, Arts, and Heritage Commission and our local heritage community
- Broader visibility for the commission via the use of my available social media channels and professional network

I am proud of what this group has accomplished throughout my term(s) of service, and look forward to future opportunities. I'm excited to continue to advocacy the Vancouver Arts and Music Festival, assist in the advisement of management of the City's historic structures and partnerships with heritage organization, help with the planning for potential Cultural Access funding, and support the broader work of the City of Vancouver Parks, Recreation, and Cultural Services Department.

Once again, it has been my honor to serve the Cultural, Arts, and Heritage Commission. I hope that you will grant my request for reappointment.

Thank you in advance for your consideration.

Sincerely,



Bradley D. Richardson



MEMORANDUM

DATE: January 6, 2025
TO: Mayor and City Council
FROM: Council Committee 2 (Stober, Harless, Fox)
CC: Lon Pluckhahn, City Manager
Tawny Maruhn, Boards & Commissions

RE:	Recommendation for Reappointment on the Culture, Arts and Heritage Commission
------------	--

The City's Culture, Art and Heritage Commission is a nine-member volunteer group responsible for facilitating the development and promotion of a thriving cultural, art and heritage environment that reflects the people we serve. This is accomplished through the creation of community-informed programs, ownership of buildings and public art, and a commitment to community partnerships.

Council Subcommittee 1 recently interviewed candidates for this commission and recommends the reappointment of Brad Richardson and Rebecca Percival to full term positions effective January 1, 2025, and expiring December 31, 2027.

If there are no objections, we would like to make these reappointments at the **Monday, January 6, 2025**, Council meeting.

Attachments:

- Applications
- Current Roster

To: Mayor and City Council
From: Council Subcommittee 1
Date: January 6, 2025

Subject

Downtown Redevelopment Authority Appointment

Present Situation

The Downtown Redevelopment Authority (DRA) is a public corporation chartered by the City that owns the Vancouver Hilton Hotel and Convention Center and is responsible for overseeing its operations, finances, and promotion.

Council Subcommittee 1 recommends the reappointment of Tom Donovan to a full-term position effective January 1, 2025, and expiring December 31, 2028.

Action Requested

On Monday, January 6, 2025, reappoint Tom Donovan to a full-term position on the Downtown Redevelopment Authority Board, with a term beginning January 1, 2025, and expiring December 31, 2028.

Council Subcommittee 1

Attachments:

1. Memo
2. Roster
3. Letter



MEMORANDUM

DATE: January 6, 2025
TO: Mayor and City Council
FROM: Council Committee 1 (Hansen, Paulsen, and Perez)
CC: Lon Pluckhahn, City Manager
Tawny Maruhn, Boards & Commissions

RE: Recommendation for Reappointment on the Downtown Redevelopment Authority

The Downtown Redevelopment Authority (DRA) is a public corporation chartered by the city that owns the Vancouver Hilton Hotel and Convention Center and is responsible for overseeing its operations, finances, and promotion.

Council Subcommittee 1 recommends the reappointment of Tom Donovan to a full-term position effective January 1, 2025, and expiring December 31, 2028.

If there are no objections, we would like to make these reappointments at the **Monday, January 6, 2025**, Council meeting.

Attachments:

- Letter
- Current Roster

Downtown Redevelopment Authority

Position	Term	Name & Address	Phone
2	12-18-2023	Tom Donovan 8813 NE 15th St , Vancouver, WA 98664 donovantj@yahoo.com	360-600-3686
3	01-09-2017	Brad Hutton 5509 NE 175th Circle, Vancouver, WA 98686 hutton.brad@comcast.net	360-823-8701 360-546-1313
4	08-28-2017	Jan Robertson 11432 NE Summit Ridge Dr., Vancouver, WA 98686 jrobertson@nbscollc.com	503-789-4000 503-273-0315
5	05-03-2021	Kathleen Kee 7115 Corregidor Rd , Vancouver, WA 98664 kkee@buckinghamgroup.com	503-221-7535 503-803-9379
6	06-01-2010	Marc Fazio 16306 NE 25th Ave, Ridgefield, WA 98642 mfazio@billnaito.com	503-702-2938 503-517-4338
7	12-18-2023	Dyann Bernatz 402 N Main Ave , Ridgefield, WA 986642 dyann.bernatz@pgn.com	503-901-0961

Downtown Redevelopment Authority

Term Length: 48 Months

Max Terms: No Limit

Number of Members: 7

Meeting Schedule: Third Thursday of the Month

Meeting Time: 11:00 AM

Meeting Location: City Hall - Council Chambers

Meeting Address: 415 W 6th St. Vancouver, WA 98660

Type: Board

Description:

The purpose of the Downtown Redevelopment Authority is to provide an independent legal entity under State law and City Ordinance ([Chapter 2.73 VMC](#)) to plan, design, finance, acquire, construct, equip, own, maintain, operate, repair, remodel, expand and promote of the Vancouver Convention Center and Hotel Project, consistent with redevelopment plans for the Esther Short Redevelopment Area adopted by the City.

The DRA serves as a citizen advisory body to the City Council, and Board Members work in a voluntary capacity. Members of the Board serve four-year terms which may be extended. Applicants are not required to live within the City limits.

Council Liaison:

Staff Liaison:

Position Number	Name	Appt Date	No. of Terms Served	Term Expiration Date
2	Tom Donovan	12/18/2023	1	12/31/2024
3	Brad Hutton	01/09/2017	2	12/31/2025
4	Jan Robertson	08/28/2017	2	12/31/2025
5	Kathleen Kee	05/03/2021	1	12/31/2025
6	Marc Fazio	06/01/2010	5	12/31/2027
7	Dyann Bernatz	12/18/2023	1	12/31/2027

October 5th, 2024

City of Vancouver
City Council Committee
PO Box 1995
Vancouver, WA 98668

Re: Letter of Continued Interest – Downtown Redevelopment Authority

Dear Council Committee,

It has been my honor to serve the Downtown Redevelopment Authority for the past year.

Please accept this letter of continued interest as my formal application for reappointment.

My time on the board has been short, and I still have much to learn, but believe that my participation on the board will benefit its work in the following ways:

- Oversight of City and Hilton operations and finances
- Budget input
- Project oversight

I am proud of what this group has accomplished throughout my term(s) of service and look forward to future opportunities.

- Input into the continued updates and capital improvements of the hotel and convention center.
- Review and support of convention center expansion evaluation.
- Continued input into budget preparation and operations

Once again, it has been my honor to serve the (name of board / commission). I hope that you will grant my request for reappointment.

Thank you in advance for your consideration.

Sincerely,

Tom Donovan

To: Mayor and City Council
From: Mayor
Date: January 6, 2025

Subject

Telecommunications Commission Appointment

Present Situation

The City/County Telecommunications Commission (TCC) serves in an advisory capacity to the Vancouver City Council and the Clark County Council on matters related to telecommunications and cable television. The commission makes reports, monitors compliance with the city and county cable franchise agreements and establishes rules and regulations regarding cable television and associated telecommunications issues.

Mayor Anne McEnerny-Ogle recommends the reappointment of Douglas Green to a full-term position effective January 1, 2025, and expiring December 31, 2028.

We would like to make these reappointments at the Monday, January 6, 2025, Council meeting.

Action Requested

On Monday, January 6, 2025, reappoint Douglas Green to a full-term position on the Telecommunications Commission, with a term beginning January 1, 2025, and expiring December 31, 2028.

Mayor Anne McEnerny-Ogle

Attachments:

1. Memo
2. Roster
3. Letter



MEMORANDUM

DATE: January 6, 2025
TO: Mayor and City Council
FROM: Mayor Anne McEnerny-Ogle
CC: Lon Pluckhahn, City Manager
Tawny Maruhn, Boards & Commissions

RE: Recommendation for Reappointment on the Telecommunications Commission
--

The City/County Telecommunications Commission (TCC) serves in an advisory capacity to the Vancouver City Council and the Clark County Council on matters related to telecommunications and cable television. The commission makes reports, monitors compliance with the city and county cable franchise agreements and establishes rules and regulations regarding cable television and associated telecommunications issues.

Mayor Anne McEnerny-Ogle recommends the reappointment of Douglas Green to a full-term position effective January 1, 2025, and expiring December 31, 2028.

If there are no objections, we would like to make these reappointments at the **Monday, January 6, 2025**, Council meeting.

Attachments:

- Letter
- Current Roster

Telecommunications Commission

Position	Term	Name & Address	Phone
1	11-04-2019	Robert Hinds 1901 SE 130th Ave, Vancouver, WA 98683 RT_hinds@msn.com	503-753-3322
2	02-12-2024	Bruce Maas 13216 NE 59th St. Unit 10, Vancouver, WA 98682 bmaasjr@earthlink.net	360-907-9670
3	02-12-2024	Chad Nygard 9304 NE 14th Way, Vancouver, WA 98664 chad.nygard1@gmail.com	253-732-4562
4	03-17-2017	Douglas Green 17413 SE 28th St, Vancouver, WA 98683 publisher@usernews.com	360-936-1131 360-260-9708
5	05-18-2021	Ellen Rogers PO Box 1029, Ridgefield, WA 98642 ellenrogers@gmail.com	360-921-4235
6	06-20-2016	Eric Hale 7112 NW 25th Ave., Vancouver, WA 98665 ehale@alumni.caltech.edu	626-241-4557
7	09-01-2024	County Seat Vancouver, WA 98660	
8	10-10-2011	Paul Dicker 602 NE 86th St., Vancouver, WA 98665 PNDicker@aol.com	360-606-8804
9	09-01-2024	Small City Seat Vancouver, WA 98660	

Telecommunications Commission

Term Length: 36 Months

Max Terms: 3 Term(s)

Number of Members: 9

Meeting Schedule: Quarterly

Meeting Time: 6:00 PM

Meeting Location:

Meeting Address:

Type: Commission

Description: Serves in an advisory capacity to the City Council and the Clark County Council on matters related to cable television franchising. The commission establishes rules and regulations for cable television franchises and monitors compliance with franchise agreements.

Council Liaison:

Staff Liaison:

Position Number	Name	Appt Date	No. of Terms Served	Term Expiration Date
1	Robert Hinds	11/04/2019	2	12/31/2026
2	Bruce Maas	02/12/2024	1	12/31/2026
3	Chad Nygard	02/12/2024	1	12/31/2026
4	Douglas Green	03/13/2017	3	12/31/2024
5	Ellen Rogers	05/18/2021	1	04/30/2023
6	Eric Hale	06/20/2016	2	08/31/2023
7	County Seat	03/06/2025	1	09/03/2024
8	Paul Dicker	10/10/2011	3	03/31/2023
9	Small City Seat	09/01/2024	1	09/01/2024

DOUGLAS GREEN

17413 SE 28th Street, Vancouver WA 98683 | 360-936-1131 | publisher@usernews.com

City of Vancouver
City Council Committee
PO Box 1995
Vancouver, WA 98668

Dear Council Committee

I have been a member of the Telecommunications Commission for the past several years and currently serve as Vice Chairman of that body. I would like to ask the committee to re-appoint me to the commission.

As the committee is aware, the commission has recently worked its way through the cable franchise renewal process. We have also worked on related matters of PEG funds, TV ETC, CVTV, and more. The commission does detail study and review on these matters, as part of that process.

With the signing of the latest franchise agreement, I believe we are entering a new era for television and media. We are at one of those moments where the adoption of new technologies and the migration away from previous platforms will have an impact on our community, as well as the technical issues of delivery of news, information, and entertainment. Our community will have people using one or the other platform to get news and information, and this will represent a communications challenge for the city and county.

Television did not arrive in the Portland-Vancouver region until 1952, and in 1953, fewer than 1,000 households had a working television at that time. Forgotten now was a transition from radio to TV. I believe that with the rate of households dropping cable for streaming services, we will see even greater change. It will be very important to make sure that very valuable resources such as CVTV are not only preserved but thrive in the new environment. We will want to meet the needs of all cable customers and the public at large. For this reason, I argued for the commission to go forward, possibly with a smaller footprint, as now proposed.

Over the past thirty years, I have had a front-row seat, witnessing this type of change in telecommunications. I have been reporting on telecom from the era of private automated branch exchange servers to cloud communications and now with CPaaS (communications platform as a service), and now the dawn of vCon, virtualized conversations. These migrations can be successfully managed.

I look forward to working with the commission's new and current members, the great support team that we share, our vendor partners, and the community.

Sincerely,
Douglas Green

Background Summary

Occupation: Journalist

Technology Reseller News / Telecom Reseller

News site reporting on telecommunications

www.technologyresellernews.com

Deputy Publisher, 1989-1993

Publisher, 1993 – Current

[Telecom's largest podcast series](#)

Professional Groups

ASCDI / ITAD Association

www.ascdi.com

former board member

Community

Congregation Kol Ami

Synagogue (Vancouver)

President 2006-2010

Board Member 2002-2016

Towncenter Residential Association

Vancouver WA

President 2018-current

To: Mayor and City Council
From: Council Subcommittee 2
Date: January 6, 2025

Subject

Transportation and Mobility Commission Appointment

Present Situation

The Transportation and Mobility Commission provides advice to Vancouver City Council, the City Manager and city staff on a variety of transportation and mobility-related projects, programs, and policies. It also provides ongoing feedback and guidance on the development of citywide transportation policy through the update of the city's Transportation System Plan.

Council Committee 1 recently interviewed candidates for two full-term on the Transportation and Mobility Commission for a person representing the youth, and a person whose main mode of transportation is walking. The committee recommends the full-term appointment of Issac Hamann to a youth position that would begin January 1, 2025, and expire December 31, 2025, and the reappointment of Ken Williams to the walking position with a term beginning January 1, 2025, and expiring December 31, 2027.

Council Committee 2 recently interviewed candidates for two full-term seats and one midterm seat on the Transportation and Mobility Commission for a person with expertise in freight movement and a person who is an active member of a neighborhood association and a person who represents the disabled community. The committee recommends the full-term reappointment of Zachary Gatton to a freight expertise position that would begin January 1, 2025, and expire December 31, 2027, the full-term appointment of Michael Moore to the position that represents the disabled community, with a term beginning January 1, 2025, and expiring December 31, 2027, and the midterm appointment of David McCune to the position that represents neighborhood associations, with a term beginning January 1, 2025, and expiring December 31, 2025.

Action Requested

On Monday, January 6, 2025, appoint Michael Moore to a full-term appointment to a position which represents the disabled community, with a term beginning January 1, 2025, and expiring December 31, 2027, appoint David McCune to a midterm position that represents neighborhood associations, with a term beginning January 1, 2025, and expiring December 31, 2025, reappoint Zachary Gatton to a full-term freight expertise position that would begin January 1, 2025, and expire December 31, 2027, appoint Isaac Hamann to a youth position that would begin January 1, 2025, and expire December 31, 2025, and reappoint Ken Williams to the full-term walking position with a term beginning January 1, 2025, and expiring December 31, 2027.

Subcommittee 1 and Subcommittee 2

Attachments:

1. Memo_Committee 1
2. Memo_Committee 2
3. Roster



MEMORANDUM

DATE: January 6, 2025
TO: Mayor and City Councilmembers
FROM: Council Committee 1 (Hansen, Paulsen, Perez)
CC: Lon Pluckhahn, City Manager
Tawny Maruhn, Boards & Commissions

RE: Recommendation for Appointments to the Transportation and Mobility Commission

The Transportation and Mobility Commission provides advice to Vancouver City Council, the City Manager and city staff on a variety of transportation and mobility-related projects, programs, and policies. It also provides ongoing feedback and guidance on development of citywide transportation policy through the update of the city's Transportation System Plan.

Council Committee 1 recently interviewed candidates for two full-term seats on the Transportation and Mobility Commission for a person representing the youth, and a person whose main mode of transportation is walking. The committee recommends the full-term appointment of Isaac Hamann to a youth position that would begin January 1, 2025, and expire December 31, 2025, and the reappointment of Ken Williams to the walking position with a term beginning January 1, 2025, and expiring December 31, 2027.

This appointment will be presented for Council action at the at the **Monday, January 6th, 2025**, Council meeting.

Attachments:

- Applications
- Current Roster



MEMORANDUM

DATE: January 6, 2025

TO: Mayor and City Councilmembers

FROM: Council Committee 2 (Fox, Harless, Stober)

CC: Lon Pluckhahn, City Manager
Tawny Maruhn, Boards & Commissions

RE: Recommendation for Appointments to the Transportation and Mobility Commission

The Transportation and Mobility Commission provides advice to Vancouver City Council, the City Manager and city staff on a variety of transportation and mobility-related projects, programs, and policies. It also provides ongoing feedback and guidance on the development of citywide transportation policy through the update of the city's Transportation System Plan.

Council Committee 2 recently interviewed candidates for two full-term seats and one mid-term seat on the Transportation and Mobility Commission for a person with expertise in freight movement and a person who is an active member of a neighborhood association and a person who represents the disabled community. The committee recommends the full-term reappointment of Zachary Gatton to the freight expertise position that would begin January 1, 2025, and expire December 31, 2027, the full-term appointment of Michael Moore to the position that represents the disabled community, with a term beginning January 1, 2025, and expiring December 31, 2027, and the mid-term appointment of David McCune to the position that represents neighborhood associations, with a term beginning January 1, 2025, and expiring December 31, 2025.

This appointment will be presented for Council action at the **Monday, January 6th, 2025**, Council meeting.

Attachments:

- Applications
- Current Roster

Transportation and Mobility Commission

Position	Term	Name & Address	Phone
1	12-04-2023	Devon Fender 1005 Brandt Rd, Vancouver, WA 98661 devon.fender07@gmail.com	360-550-7997
2	10-06-2022	Corey Grandstaff 8214 NE 12th Street,, Vancouver, WA 98661 corey.grandstaff@gmail.com	419-768-1523
3	05-06-2024	Zachary Gatton 8509 NE 57th St , Vancouver, WA 98662 zagatton@gmail.com	612-559-1123
4	10-06-2020	Ken Williams 2212 C St., Vancouver, WA 98663 ken_williams_98664@msn.com	360-713-2156
5	10-11-2021	Jeananne Edwards 312 SE Stonemill Dr. 115, Vancouver, WA 98684 Jeananne.edwards@gmail.com	918-693-4416
6	12-20-2021	Derya Ruggles 4121 E 16th St. , Vancouver, WA 98661 derya.ruggles@gmail.com	971-506-1730
7	01-01-2024	Sara Schmit 8701 E Mill Plain Blvd Apt 41 , Vancouver, WA 98664 paulabear21@hotmail.com	360-449-9712
8	10-06-2020	Mario Raia 10319 SE 15th St ste 100 , Vancouver, WA 98664 mario@combined-IQ.com	360-608-7659
9	10-07-2024	Devan Williams 1000 W Columbia Way Unit 626, Vancouver, WA 98660 DW16265@gmail.com	
10	05-22-2023	Thinh Phan 8605 NE 34th Way, Vancouver, WA 98660 e.amos2997@gmail.com	971-570-6879
11	10-06-2020	Eduardo Ramos 3508 Olive St. , Vancouver, WA 98660 e.amos2997@gmail.com	509-881-5822

Transportation and Mobility Commission

Term Length: 36 Months

Max Terms: 2 Term(s)

Number of Members: 11

Meeting Schedule: First Tuesday of each month

Meeting Time: 4:00 PM

Meeting Location: City Hall - Council Chambers

Meeting Address: 415 W 6th St. Vancouver, WA 98660

Type: Commission

Description: The Transportation and Mobility Commission will provide advice to Vancouver City Council, the City Manager and staff on a variety of transportation and mobility-related projects, programs and policies. It will also provide ongoing feedback and guidance on development of citywide transportation policy through the update of the city's Transportation System Plan.

Council Liaison:

Staff Liaison:

Julie Nischik
(360) 487-7813
julie.nischik@cityofvancouver.us

Position Number	Name	Appt Date	No. of Terms Served	Term Expiration Date
1	Devon Fender	12/04/2023	1	12/31/2024
2	Corey Grandstaff	02/28/2022	1	12/31/2024
3	Zachary Gatton	05/06/2024	1	12/31/2024
4	Ken Williams	09/14/2020	1	12/31/2024
5	Jeananne Edwards	10/11/2021	1	12/31/2025
6	Derya Ruggles	12/20/2021	1	12/31/2025
7	Sara Schmit	01/01/2024	1	12/31/2025
8	Mario Raia	09/14/2020	2	12/31/2026
9	Devan Williams	10/07/2024	1	12/31/2025
10	Thinh Phan	05/22/2023	2	12/31/2026
11	Eduardo Ramos	09/14/2020	1	12/31/2026

To: Mayor and City Council
From: City Manager
Date: January 6, 2025

Subject

Approval of Claim Vouchers

Action Requested

Approve claim vouchers for January 6, 2025.

Attachments:

1. January 6, 2025 Claim Vouchers

VOUCHER APPROVAL

We, the undersigned council members of the City of Vancouver, Clark County, Washington, do hereby certify that the merchandise or services hereinafter specified have been received and that the vouchers listed below are approved for payment in the amount of:

\$ 32,373,762.85 this 6th day of January 2025.

MAYOR

Cyndi A. Turner
Digitally signed by Cyndi A. Turner
Date: 2024.12.31 08:42:42 -08'00'

AUDITING OFFICER

COUNCILMEMBER

COUNCILMEMBER

DATE	INCLUSIVE CHECK NUMBERS	CHECK TOTAL
December 09, 2024 - December 29, 2024	Accounts Payable Checks (see attached)	\$ 23,305,543.60
December 09, 2024 - December 29, 2024	Hansen City Payments (see attached)	\$ 48,609.85
December 09, 2024 - December 29, 2024	Visa Refunds (see attached)	\$ 8,614.84
December 09, 2024 - December 29, 2024	Payroll Checks (see attached)	\$ 9,010,994.56
TOTAL		\$ 32,373,762.85

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	Check	22703	12/10/2024	5,984.83	Aflac	
Supplier Payment	Check	22704	12/10/2024	6,040.43	AFSCME Local #307	
Supplier Payment	Check	22705	12/10/2024	334.00	California State Disbursement Unit	
Supplier Payment	Check	22706	12/10/2024	1,033.50	Chapter 13 - Trustee	
Supplier Payment	Check	22707	12/10/2024	491.00	Hawaii SDU	
Supplier Payment	Check	22708	12/10/2024	719.55	IAM Local #1374	
Supplier Payment	Check	22709	12/10/2024	8,568.40	Life Insurance Company of North America	
Supplier Payment	Check	22710	12/10/2024	1,125.00	MFS Service Center Inc	
Supplier Payment	Check	22711	12/10/2024	4,707.62	OPEIU Local #11	
Supplier Payment	Check	22712	12/10/2024	851.00	Teamsters Local #58	
Supplier Payment	Check	22713	12/10/2024	245.00	UA Local #290	
Supplier Payment	Check	22714	12/10/2024	2,964.00	Western Conference of Teamsters	
Supplier Payment	Check	22715	12/10/2024	1,327.56	Western Metal Industry Pension Plan	
Supplier Payment	Check		12/11/2024	0.00	Software House International SHI - Remit-To: SHI - Dallas	
Ad Hoc Payment	Check	22716	12/11/2024	171.91	Brace, Michael P	7513 NE 67TH ST ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	22717	12/11/2024	123.76	David or Lori Fanning	520 NE 138TH PL ,VANCOUVER,WA,98684
Ad Hoc Payment	Check	22718	12/11/2024	72.80	Deng,Keren	15803 SE 13TH ST ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22719	12/11/2024	71.84	Isabel C Gutierrez Johnson or Kirk Lee Johnson	13502 NE 100TH ST ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	22720	12/11/2024	38.22	Jackson Davis,Shane	13210 SE 7TH ST ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22721	12/11/2024	165.14	Juan Carlos or Albina Gonzalez	9501 E MILL PLAIN BLVD ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22722	12/11/2024	66.79	Mcgreevy,Angela R	3509 NE 150TH AVE ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	22723	12/11/2024	151.19	Meyer,Blake	7113 NE 55TH AVE ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22724	12/11/2024	155.49	Petrusich,Jonathan J or Ilan	19215 SE 14TH WAY ,CAMAS,WA,98607
Ad Hoc Payment	Check	22725	12/11/2024	124.09	Prather,Sandra	3211 SE 152ND AVE ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22726	12/11/2024	670.00	Stanton Companies	123 HYDRANT AVE ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22727	12/11/2024	240.24	The Dewa Deng Family Trust	15803 SE 13TH ST ,VANCOUVER,WA,98683
Supplier Payment	Check	22728	12/11/2024	539.33	A-Line Asphalt Maintenance Inc	
Supplier Payment	Check	22729	12/11/2024	7,056.80	Arborscape Ltd Inc	

* Please contact Procurement Services if you would like to review the justification for EMERGENCY procurement.

INVOICE PAYMENTS REPORT

Supplier Payment	Check	22730	12/11/2024	3,912.00	BAE Urban Economics, Inc.	
Supplier Payment	Check	22731	12/11/2024	932.65	Buell Recreation LLC	
Supplier Payment	Check	22732	12/11/2024	280,958.59	C.R. Contracting LLC	
Supplier Payment	Check	22733	12/11/2024	6,000.00	CFM Strategic Communications, Inc.	
Supplier Payment	Check	22734	12/11/2024	3,207.79	Cintas	
Supplier Payment	Check	22735	12/11/2024	700.00	Clark County Fire District 5	
Supplier Payment	Check	22736	12/11/2024	1,167.66	Clark Public Utility District No. 1	
Supplier Payment	Check	22737	12/11/2024	1,281.70	Clark Public Utility District No. 1	
Supplier Payment	Check	22738	12/11/2024	894.42	Clark Public Utility District No. 1	
Supplier Payment	Check	22739	12/11/2024	484.64	Clark Public Utility District No. 1	
Supplier Payment	Check	22740	12/11/2024	1,907.64	Clark Public Utility District No. 1	
Supplier Payment	Check	22741	12/11/2024	32,684.32	Columbia Resource Company	
Supplier Payment	Check	22742	12/11/2024	118.59	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	22743	12/11/2024	15,704.69	Comcast Holdings Corporation - Remit-To: Comcast Holding Corporation - Boston	
Supplier Payment	Check	22744	12/11/2024	7,800.00	Concord Adult Care Home, LLC	
Supplier Payment	Check	22745	12/11/2024	674.17	Connecta Satellite Solutions LLC	
Supplier Payment	Check	22746	12/11/2024	572.52	CyberSource Corporation - Remit-To: CyberSource - Los Angeles	
Supplier Payment	Check	22747	12/11/2024	35,748.50	Davis Wright Tremaine LLP	
Supplier Payment	Check	22748	12/11/2024	190,333.70	ESRI Inc - Remit-To: Los Angeles PO Box	
Supplier Payment	Check	22749	12/11/2024	57.98	Experian Marketing Solutions - Remit-To: Experian - Los Angeles	
Supplier Payment	Check	22750	12/11/2024	500.00	Faith Partners for Housing	
Supplier Payment	Check	22751	12/11/2024	201,442.45	Fire Mountain Farms Inc	
Supplier Payment	Check	22752	12/11/2024	6,434.25	Fourth Plain Forward	
Supplier Payment	Check	22753	12/11/2024	5,182.69	Governmentjobs.com	
Supplier Payment	Check	22754	12/11/2024	50,669.63	HDJ Design Group - Remit-To: HDJ - Portland	
Supplier Payment	Check	22755	12/11/2024	212,011.83	Howmedica Osteonics Corp	

INVOICE PAYMENTS REPORT

Supplier Payment	Check	22756	12/11/2024	187,885.50	Howmedica Osteonics Corp	
Supplier Payment	Check	22757	12/11/2024	1,988.54	Invintus Media LLC	
Supplier Payment	Check	22758	12/11/2024	7,747.72	Iron Mountain Inc - Remit-To: Iron Mountain - New York	
Supplier Payment	Check	22759	12/11/2024	1,467.45	Jamestown Networks	
Supplier Payment	Check	22760	12/11/2024	3,677.78	KBT Distributing LLC	
Supplier Payment	Check	22761	12/11/2024	250.00	Kiggins Theater LLC (P)	
Supplier Payment	Check	22762	12/11/2024	1,881.12	Lakeside Industries Inc - Remit-To: Lakeside - LB Seattle	
Supplier Payment	Check	22763	12/11/2024	386.52	LeMay Mobile Shredding	
Supplier Payment	Check	22764	12/11/2024	2,487.23	Level 3 Financing, Inc	
Supplier Payment	Check	22765	12/11/2024	2,508.23	Loomis Armored US LLC - Remit-To: Loomis - Palatine	
Supplier Payment	Check	22766	12/11/2024	28,211.55	McFarlanes Bark Inc	
Supplier Payment	Check	22767	12/11/2024	1,968,871.88	Michels Corporation	
Supplier Payment	Check	22768	12/11/2024	1,533.79	Municipal Emergency Services Inc - Remit-To: Municipal Emergency Services - Chicago	
Supplier Payment	Check	22769	12/11/2024	56,795.00	Newco Inc.	
Supplier Payment	Check	22770	12/11/2024	1,261.26	One Call Concepts Inc	
Supplier Payment	Check	22771	12/11/2024	7,224.02	Passport Labs Inc. - Remit-To: Passport Labs Inc	
Supplier Payment	Check	22772	12/11/2024	300.00	Patricia A Kepler	
Supplier Payment	Check	22773	12/11/2024	675.00	PDH Creative	
Supplier Payment	Check	22774	12/11/2024	70.00	Porter W Yett Company	
Supplier Payment	Check	22775	12/11/2024	50.00	Portland Adventist Medical Center	
Supplier Payment	Check	22776	12/11/2024	15,995.10	PPC Solutions Inc	
Supplier Payment	Check	22777	12/11/2024	25,299.11	Public Safety Testing Inc	
Supplier Payment	Check	22778	12/11/2024	16.34	Qwest Corporation - Remit-To: CenturyLink - Phoenix	
Supplier Payment	Check	22779	12/11/2024	6,518.48	Qwest Corporation - Remit-To: Qwest Corp- Seattle	
Supplier Payment	Check	22780	12/11/2024	1,165.35	Resolute Documentation Services	
Supplier Payment	Check	22781	12/11/2024	181.47	Safeware Inc.	
Supplier Payment	Check	22782	12/11/2024	5,325.30	Software House International SHI - Remit-To: SHI - Dallas	
Supplier Payment	Check	22783	12/11/2024	11,123.29	SP Plus Corporation	
Supplier Payment	Check	22784	12/11/2024	300.00	Stacie Taniguchi	
Supplier Payment	Check	22785	12/11/2024	6.49	Stericycle Inc - Remit-To: Shred-It	
Supplier Payment	Check	22786	12/11/2024	500.00	The Arts Centered	

INVOICE PAYMENTS REPORT

Supplier Payment	Check	22787	12/11/2024	750.04	Towing & Recovering Services Inc	
Supplier Payment	Check	22788	12/11/2024	1,373.10	Transunion Risk & Alternative Data Solutions Inc	
Supplier Payment	Check	22789	12/11/2024	700.00	Triangle Resources Inc	
Supplier Payment	Check	22790	12/11/2024	2,877.55	Triple J Enterprises	
Supplier Payment	Check	22791	12/11/2024	8,100.00	True Colors International Inc	
Supplier Payment	Check	22792	12/11/2024	20.84	United Parcel Service	
Supplier Payment	Check	22793	12/11/2024	500.00	United States Postal Service - Remit-To: United States Postal Service Caples	
Supplier Payment	Check	22794	12/11/2024	403.00	Vancouver Aire LLC	
Supplier Payment	Check	22795	12/11/2024	295.00	Vancouver Granite Works Inc	
Supplier Payment	Check	22796	12/11/2024	2,000.00	Vancouver Rotary Foundation	
Supplier Payment	Check	22797	12/11/2024	110.68	Vestis Group, Inc - Remit-To: Vestis - Pasadena	
Supplier Payment	Check	22798	12/11/2024	788.11	W.B. Sprague Co. Inc.	
Supplier Payment	Check	22799	12/11/2024	16,000.00	Walker Design Studio	
Supplier Payment	Check	22800	12/11/2024	31,288.64	Waste Connections of Washington - Remit-To: Waste Connections - Vancouver	
Supplier Payment	Check	22801	12/11/2024	10,525.33	Waste Connections of Washington - Remit-To: Waste Connections - Vancouver	
Supplier Payment	Check	22802	12/11/2024	7,135.50	WELL Cogir Tenant III LLC	
Supplier Payment	Check	22803	12/11/2024	1,069.96	Wex Bank	
Supplier Payment	Check	22804	12/11/2024	2,282.68	Zayo Group Holding Inc - Remit-To: Zayo Group Holding Inc	
Miscellaneous Payment	Check	22805	12/11/2024	91.00	Brain Power, Inc.	Refund duplicate payment to INV#77068806
Miscellaneous Payment	Check	22806	12/11/2024	40.00	Carey Sullivan	Refund of Transportation Benefit District Fee - Lives outside city limits
Miscellaneous Payment	Check	22807	12/11/2024	103.87	EDGEFI	Refund parking permit #COV13843
Miscellaneous Payment	Check	22809	12/11/2024	62.26	JOHNSON BIXBY	Refund of parking permit #COV14186
Miscellaneous Payment	Check	22810	12/11/2024	750.00	Lori Wujek	CLAIM PAYMENT - DOI: 06/15/2024 - RISK
Miscellaneous Payment	Check	22811	12/11/2024	700.00	Patrick S Kelley	PARK HILL CEMETERY COLUMBARIUM C – ROW 5 – NICHE 170 SELL BACK TO COV.

INVOICE PAYMENTS REPORT

Miscellaneous Payment	Check	22812	12/11/2024	233.06	PLS Engineering	Refund parking permit #COV13942
Ad Hoc Payment	Check	22814	12/18/2024	206.00	Aveiro,Stephanie Ann	3421 NE 83RD AVE ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	22815	12/18/2024	257.40	Barrett,Scott	1604 CELLARS AVE ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22816	12/18/2024	169.20	Barrett,Scott	1600 CELLARS AVE ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22817	12/18/2024	169.94	Bianco,Lucia	Utility Refunds: 0106015460-06
Ad Hoc Payment	Check	22818	12/18/2024	82.27	Cohrs,David A	6209 NW GARFIELD AVE ,VANCOUVER,WA,98663
Ad Hoc Payment	Check	22819	12/18/2024	209.87	Cresap,Donna	Utility Refunds: 0500001649-01
Ad Hoc Payment	Check	22820	12/18/2024	253.66	Harrison,Deborah K	13512 SE 26TH CIR ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22821	12/18/2024	123.53	Helen C or Michael Christenson	17111 NE 3RD ST ,VANCOUVER,WA,98684
Ad Hoc Payment	Check	22822	12/18/2024	131.18	John or Maria Carey	13204 NE 46TH ST ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	22823	12/18/2024	399.17	Kenton R or Sylvia R Borror	10420 SE 11TH ST ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22824	12/18/2024	116.71	Lycanthrope Holdings Llc	13006 NE 28TH WAY ,VANCOUVER,WA,98684
Ad Hoc Payment	Check	22825	12/18/2024	193.00	Marjorie S Snell Trust #3A	305 NE 52ND ST ,VANCOUVER,WA,98663
Ad Hoc Payment	Check	22826	12/18/2024	95.50	Markowski,Carl J	4802 NE 58TH ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22827	12/18/2024	109.00	Megan Hodgson	14311 NE 53RD ST ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	22828	12/18/2024	28.17	Metcalf,Judith	8613 NE 30TH ST ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	22829	12/18/2024	341.40	Morril,Brenda G	2211 SE NORELIUS DR ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	22830	12/18/2024	60.31	Neuenschwander,Lynn K	1502 NE 140TH AVE ,VANCOUVER,WA,98684
Ad Hoc Payment	Check	22831	12/18/2024	40.49	Nicolas,Sandra	7001 NE 61ST ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22832	12/18/2024	1,285.02	Nobl Park LLC	5905 NE 102ND AVE ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	22833	12/18/2024	115.11	Parkison,Blanche	3120 E 12TH ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	22834	12/18/2024	31.70	Robert D. Hafner Credit Shelter Trust, c/o John Nord	Utility Refunds: 0015000507-00
Ad Hoc Payment	Check	22835	12/18/2024	61.30	Ronald J Cook or Joyce Beveridge	607 SE 95TH AVE ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22836	12/18/2024	61.59	Roper,Arthur E	8728 NE 17TH ST ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	22837	12/18/2024	72.31	Shaylen Chen or Devin Purdy	9604 NE 72ND ST ,VANCOUVER,WA,98662

* Please contact Procurement Services if you would like to review the justification for EMERGENCY procurement.

INVOICE PAYMENTS REPORT

Ad Hoc Payment	Check	22838	12/18/2024	386.00	Steven or Siena Davis	17813 SE 24TH ST .VANCOUVER,WA,98683
Ad Hoc Payment	Check	22839	12/18/2024	45.20	Sumitra or Zane Black	2422 NE 131ST CT .VANCOUVER,WA,98684
Ad Hoc Payment	Check	22840	12/18/2024	78.41	Tiffany & Craig Burt	Utility Refunds: 0071075500-05
Miscellaneous Payment	Check	22841	12/18/2024	361.00	Alena Sangiuliano	LUP-84604 (jobsite: 10401 NE 22nd St.)
Miscellaneous Payment	Check	22842	12/18/2024	955.00	Betty L Hurle	Sell back Park Hill Cemetery plot T-360-2.
Miscellaneous Payment	Check	22843	12/18/2024	70.48	EDGEFI	Refund Parking permit #COV13586
Miscellaneous Payment	Check	22844	12/18/2024	78.51	Kathleen Schmeller	Reissue of payroll check
Miscellaneous Payment	Check	22845	12/18/2024	138.28	Port of Vancouver Facilities	CMI-362455 (jobsite: 3309 NW Gateway Ave)
Miscellaneous Payment	Check	22846	12/18/2024	1,090.83	Sandh Inc	Bus Lic Fees Ref store closed in Jan 2022
Miscellaneous Payment	Check	22847	12/18/2024	228.05	Steele Enterprises	MPE-363116 (jobsite: 500 W 8th St)
Supplier Payment	Check	22848	12/18/2024	113.32	Airgas, Inc	
Supplier Payment	Check	22849	12/18/2024	33,781.10	AL VAN EQUIP NW INC	
Supplier Payment	Check	22850	12/18/2024	136.00	American Sani-Can	
Supplier Payment	Check	22851	12/18/2024	1,160.00	Amex Products Inc	
Supplier Payment	Check	22852	12/18/2024	3,100.00	Andrew Prochniak	
Supplier Payment	Check	22853	12/18/2024	180.00	Battle Ground School District 119	
Supplier Payment	Check	22854	12/18/2024	5,400.00	BMI Audit Services, LLC	
Supplier Payment	Check	22855	12/18/2024	10,901.70	Car Toys, Inc.	
Supplier Payment	Check	22856	12/18/2024	1,146.80	Chicago Title Company of WA	
Supplier Payment	Check	22857	12/18/2024	3,054.93	Cintas	
Supplier Payment	Check	22858	12/18/2024	1,684.50	Clark Public Utility District No. 1	
Supplier Payment	Check	22859	12/18/2024	1,107.51	Clark Public Utility District No. 1	
Supplier Payment	Check	22860	12/18/2024	336,172.25	Clary Longview LLC	
Supplier Payment	Check	22861	12/18/2024	2,995.89	Columbia Resource Company	
Supplier Payment	Check	22862	12/18/2024	315.00	Constangy, Brooks, Smith & Prophete, LLP.	
Supplier Payment	Check	22863	12/18/2024	3,336.39	Core and Main LP - Remit-To: Core and Main LP	
Supplier Payment	Check	22864	12/18/2024	1,060.74	CUES Inc - Remit-To: CUES Inc - Cincinnati	
Supplier Payment	Check	22865	12/18/2024	216.31	Deep Roots Pest and Wildlife Innovations LLC	
Supplier Payment	Check	22866	12/18/2024	8,400.00	EEG Enterprises	
Supplier Payment	Check	22867	12/18/2024	1,785.37	Elcon Associates Inc	
Supplier Payment	Check	22868	12/18/2024	714.58	Esix Sportswear	
Supplier Payment	Check	22869	12/18/2024	14,348.40	Fifth Asset, Inc.	
Supplier Payment	Check	22870	12/18/2024	61,100.00	Fort Vancouver Regional Libraries	

INVOICE PAYMENTS REPORT

Supplier Payment	Check	22871	12/18/2024	4,187.50	Fourth Plain Forward	
Supplier Payment	Check	22872	12/18/2024	10,631.25	Groundwater Solutions, Inc.	
Supplier Payment	Check	22873	12/18/2024	7,724.50	H&H Wood Recyclers	
Supplier Payment	Check	22874	12/18/2024	2,826.20	Howmedica Osteonics Corp	
Supplier Payment	Check	22875	12/18/2024	3,436.50	J.S. Held LLC	
Supplier Payment	Check	22876	12/18/2024	12,201.93	Janus Youth Programs Inc	
Supplier Payment	Check	22877	12/18/2024	1,173.98	Kurita America Inc - Remit-To: US Water - Minneapolis	
Supplier Payment	Check	22878	12/18/2024	7,013.39	L.N. Curtis & Sons - Remit-To: Supplier L.N. Curtis & Sons	
Supplier Payment	Check	22879	12/18/2024	1,868.54	Lakeyland Inc	
Supplier Payment	Check	22880	12/18/2024	143,631.61	Landscape Structures Inc - Remit-To: Landscape Structures Inc	
Supplier Payment	Check	22881	12/18/2024	4,104.30	Mallory Safety & Supply LLC	
Supplier Payment	Check	22882	12/18/2024	33,302.36	McFarlanes Bark Inc	
Supplier Payment	Check	22883	12/18/2024	400.00	Michael Miller	
Supplier Payment	Check	22884	12/18/2024	1,393.51	Municipal Emergency Services Inc - Remit-To: Municipal Emergency Services - Chicago	
Supplier Payment	Check	22885	12/18/2024	1,678.77	National Safety Inc	
Supplier Payment	Check	22886	12/18/2024	13,835.49	Nelson Truck Equipment	
Supplier Payment	Check	22887	12/18/2024	565.81	Northwest Natural Gas Company - Remit-To: NW Natural - Portland	
Supplier Payment	Check	22888	12/18/2024	4,777.37	Odyssey Contracting LLC	
Supplier Payment	Check	22889	12/18/2024	1,569.00	Ogletree, Deakins, Nash, Smoak, and Stewart, P.C	
Supplier Payment	Check	22890	12/18/2024	263.30	Orion Medical Supply	
Supplier Payment	Check	22891	12/18/2024	32,202.75	Parametrix, Inc	
Supplier Payment	Check	22892	12/18/2024	105.00	Porter W Yett Company	
Supplier Payment	Check	22893	12/18/2024	13,291.00	Portland Adventist Medical Center	
Supplier Payment	Check	22894	12/18/2024	31,089.85	PPC Solutions Inc	
Supplier Payment	Check	22895	12/18/2024	2,941.78	Qwest Corporation - Remit-To: Qwest Corp- Seattle	
Supplier Payment	Check	22896	12/18/2024	319.00	Rapid Response Bio Clean Inc.	
Supplier Payment	Check	22897	12/18/2024	7,054.63	Rigert Landscaping Co	
Supplier Payment	Check	22898	12/18/2024	6,726.37	Safeware Inc.	
Supplier Payment	Check	22899	12/18/2024	88,182.88	Selectron Technologies, Inc	
Supplier Payment	Check	22900	12/18/2024	276.29	Shumway Neighborhood Association	

* Please contact Procurement Services if you would like to review the justification for EMERGENCY procurement.

INVOICE PAYMENTS REPORT

Supplier Payment	Check	22901	12/18/2024	70,356.06	Site Workshop Landscape Architecture, LLC	
Supplier Payment	Check	22902	12/18/2024	63,527.50	Southwest Washington Humane Society	
Supplier Payment	Check	22903	12/18/2024	4,896.10	Stacy Cecchet PHD	
Supplier Payment	Check	22904	12/18/2024	19,164.68	Stantec Consulting Services Inc - Remit-To: Stantec - Chicago	
Supplier Payment	Check	22905	12/18/2024	46,947.53	Stateline LLC	
Supplier Payment	Check	22906	12/18/2024	300.56	State of Washington Department of Licensing - Remit-To: Notary Public Program	
Supplier Payment	Check	22907	12/18/2024	39.14	State of Washington Department of Transportation - Remit-To: WADOT - PO Box 47305	
Supplier Payment	Check	22908	12/18/2024	30.51	Stericycle Inc - Remit-To: Shred-It	
Supplier Payment	Check	22909	12/18/2024	1,290.50	Summit Law Group	
Supplier Payment	Check	22910	12/18/2024	997.50	Teragan & Associates Inc	
Supplier Payment	Check	22911	12/18/2024	6,000.00	Tony Cloud Communications LLC	
Supplier Payment	Check	22912	12/18/2024	1,150.00	TRC Environmental Corp - Remit-To: TRC - Pittsburgh	
Supplier Payment	Check	22913	12/18/2024	20,480.00	Triangle Resources Inc	
Supplier Payment	Check	22914	12/18/2024	2,743.58	Triple J Enterprises	
Supplier Payment	Check	22915	12/18/2024	1,605.68	TV Etc ESD 112	
Supplier Payment	Check	22916	12/18/2024	3,266.89	United States Department of Agriculture - Remit-To: USDA APHIS - St Louis	
Supplier Payment	Check	22917	12/18/2024	2,000.00	US Bank - Remit-To: US Bank - St Paul	
Supplier Payment	Check	22918	12/18/2024	32.00	Vancouver Aire LLC	
Supplier Payment	Check	22919	12/18/2024	165.00	Vancouver Granite Works Inc	
Supplier Payment	Check	22920	12/18/2024	82.11	Vestis Group, Inc - Remit-To: Vestis - Pasadena	
Supplier Payment	Check	22921	12/18/2024	423.95	W.B. Sprague Co. Inc.	
Supplier Payment	Check	22922	12/18/2024	7,000.00	Walker Design Studio	
Supplier Payment	Check	22923	12/18/2024	19,743.20	Wallis Engineering PLLC	
Supplier Payment	Check	22924	12/18/2024	600.00	Washington State Criminal Justice Training Commission	
Supplier Payment	Check	22925	12/18/2024	16,291.88	Waste Connections of Washington - Remit-To: Waste Connections - Vancouver	
Supplier Payment	Check	22926	12/18/2024	300.00	William Sarcos Cortez	

INVOICE PAYMENTS REPORT

Supplier Payment	Check	22927	12/18/2024	239.00	Allegiance Benefit Plan Management Inc (COBRA)	
Supplier Payment	Check	22928	12/18/2024	46,184.72	Life Insurance Company of North America	
Supplier Payment	Check	22929	12/24/2024	5,984.83	Aflac	
Supplier Payment	Check	22930	12/24/2024	6,096.26	AFSCME Local #307	
Supplier Payment	Check	22931	12/24/2024	334.00	California State Disbursement Unit	
Supplier Payment	Check	22932	12/24/2024	1,033.50	Chapter 13 - Trustee	
Supplier Payment	Check	22933	12/24/2024	491.00	Hawaii SDU	
Supplier Payment	Check	22934	12/24/2024	719.55	IAM Local #1374	
Supplier Payment	Check	22935	12/24/2024	8,620.40	Life Insurance Company of North America	
Supplier Payment	Check	22936	12/24/2024	1,125.00	MFS Service Center Inc	
Supplier Payment	Check	22937	12/24/2024	4,707.62	OPEIU Local #11	
Supplier Payment	Check	22938	12/24/2024	888.00	Teamsters Local #58	
Supplier Payment	Check	22939	12/24/2024	245.00	UA Local #290	
Supplier Payment	Check	22940	12/24/2024	2,899.20	Western Conference of Teamsters	
Supplier Payment	Check	22941	12/24/2024	1,341.36	Western Metal Industry Pension Plan	
Supplier Payment	Check	22942	12/24/2024	447,709.93	Clark Public Utility District No. 1	
Ad Hoc Payment	Check	23041	12/25/2024	176.04	Almy or Lurana Crowley or Martha Howe	20 HAZELWOOD DR ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	23042	12/25/2024	90.33	Bailey,Elanore	14506 SE 24TH CIR ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	23043	12/25/2024	110.16	BCC Properties 1 LCC	3615 E 11TH ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	23044	12/25/2024	37.88	BCC Properties 2 LLC	3615 E 11TH ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	23045	12/25/2024	85.78	Britz,Robert	13019 NE 97TH ST ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	23046	12/25/2024	212.21	Chad McClure or Kerri Lingo	4511 NE 25TH CT ,VANCOUVER,WA,98663
Ad Hoc Payment	Check	23047	12/25/2024	127.00	Chambers,Joanne	9606 NE 69TH ST ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	23048	12/25/2024	26.64	Clara Hatfield or Taylor Hale	4212 NE MORROW RD ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	23049	12/25/2024	107.08	Coast 2 Coast House Buyers LLC	15404 NE 44TH ST ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	23050	12/25/2024	237.12	Coffey,Carol	3505 M ST ,VANCOUVER,WA,98663
Ad Hoc Payment	Check	23051	12/25/2024	40.00	Dickson,Katherine	2323 GENERAL ANDERSON ,VANCOUVER,WA,98660
Ad Hoc Payment	Check	23052	12/25/2024	193.52	Dolbey,Steven or Chana	Utility Refunds: 0091038300-02
Ad Hoc Payment	Check	23053	12/25/2024	63.49	Fu,Elisa	3612 H ST ,VANCOUVER,WA,98663

* Please contact Procurement Services if you would like to review the justification for EMERGENCY procurement.

INVOICE PAYMENTS REPORT

Ad Hoc Payment	Check	23054	12/25/2024	36.17	George Oberg Jr	1902 WASHINGTON ST ,VANCOUVER,WA,98660
Ad Hoc Payment	Check	23055	12/25/2024	236.32	Gosney,Dannielle	3314 L ST ,VANCOUVER,WA,98663
Ad Hoc Payment	Check	23056	12/25/2024	183.00	Grosh,Irina	10305 NE 4TH ST ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	23057	12/25/2024	150.84	Hardman,Paul R or Ellen Y	9017 NE 92ND ST ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	23058	12/25/2024	330.36	Heino,Sadie or Rebecca	5604 NE 44TH ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	23059	12/25/2024	40.60	Herring,Bruce	7116 NE PAR LN ,VANCOUVER,WA,98662
Ad Hoc Payment	Check	23060	12/25/2024	270.07	Inland Company	123 HYDRANT AVE ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	23061	12/25/2024	481.96	James Swalley III or Marlyn Swalley	7106 NE 157TH AVE ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	23062	12/25/2024	419.30	Jay Miller or Elise Menashe Trustees	6007 SE RIVERSIDE DR ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	23063	12/25/2024	150.65	Jenner,Beth	2208 NE 109TH CT ,VANCOUVER,WA,98684
Ad Hoc Payment	Check	23064	12/25/2024	304.00	Johnson,Marc and Nasanya	Utility Refunds: 0000007631-02
Ad Hoc Payment	Check	23065	12/25/2024	479.41	Larson,Kelly	17909 NE 24TH ST ,VANCOUVER,WA,98684
Ad Hoc Payment	Check	23066	12/25/2024	4,307.35	Liberty Evans 2311 LLC	2311 E 1ST ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	23067	12/25/2024	48.46	Living Trust of Lori McBride	3006 E 28TH ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	23068	12/25/2024	191.03	Ludy,Eleanor	16909 SE 30TH ST ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	23069	12/25/2024	49.07	Lukas Leary or Katelyn Wright	3210 YEOMAN AVE ,VANCOUVER,WA,98660
Ad Hoc Payment	Check	23070	12/25/2024	149.70	McPike,Kathryn	404 W 20TH ST ,VANCOUVER,WA,98660
Ad Hoc Payment	Check	23071	12/25/2024	208.01	PCLT Development LLC	5412 NE MINNEHAHA ST ,VANCOUVER,WA,98661
Ad Hoc Payment	Check	23072	12/25/2024	191.00	Peterson,Bert or Betty	16015 NE 37TH ST ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	23073	12/25/2024	319.59	Pongon,Gerald	908 SE 96TH AVE ,VANCOUVER,WA,98664
Ad Hoc Payment	Check	23074	12/25/2024	104.71	Portello,Cassandra	17146 SE 23RD DR ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	23075	12/25/2024	219.84	Sarah or Alon Arad	421 W 25TH ST ,VANCOUVER,WA,98660
Ad Hoc Payment	Check	23076	12/25/2024	87.00	Scroggins,Ronald	2305 SE BLAIRMONT DR ,VANCOUVER,WA,98683
Ad Hoc Payment	Check	23077	12/25/2024	24.82	Shore,Daniel C	3005 NE 154TH AVE ,VANCOUVER,WA,98682
Ad Hoc Payment	Check	23078	12/25/2024	77.31	Sturges,Staci Ann	3010 R ST ,VANCOUVER,WA,98663
Ad Hoc Payment	Check	23079	12/25/2024	311.54	Sublett,Rhonda	13715 NE 32ND CIR ,VANCOUVER,WA,98682

* Please contact Procurement Services if you would like to review the justification for EMERGENCY procurement.

INVOICE PAYMENTS REPORT

Ad Hoc Payment	Check	23080	12/25/2024	252.43	Tapani Inc	123 HYDRANT AVE .VANCOUVER,WA,98664
Ad Hoc Payment	Check	23081	12/25/2024	168.36	Viet Ba Hoang Tran	2323 GENERAL ANDERSON .VANCOUVER,WA,98660
Ad Hoc Payment	Check	23082	12/25/2024	33.89	Walker,Robert or Elizabeth	216 E 27TH ST .VANCOUVER,WA,98663
Miscellaneous Payment	Check	22943	12/26/2024	250.00	Arlene Heinrich	Treefund Refund
Miscellaneous Payment	Check	22944	12/26/2024	200.00	Cyrus Amelia Fisher	Treefund Refund
Miscellaneous Payment	Check	22945	12/26/2024	100.00	Debbie Kimery	Treefund Refund
Miscellaneous Payment	Check	22946	12/26/2024	120.00	Forest Ridge Neighborhood Association	Memo 2024 RecycleU
Miscellaneous Payment	Check	22947	12/26/2024	91.00	JOHNSON CONTROLS FIRE PROTECTION L.P.	Refund duplicate payment to INV#77071157.
Miscellaneous Payment	Check	22948	12/26/2024	97.60	Julia Vance	Reissue of payroll check #671
Miscellaneous Payment	Check	22949	12/26/2024	84.00	Scott Jones Insurance Services	Refund duplicate payment to INV#77065195
Miscellaneous Payment	Check	22950	12/26/2024	84.00	Scott Jones Insurance Services	Refund duplicate payment to INV#77065195
Miscellaneous Payment	Check	22951	12/26/2024	84.00	TMS NW, PLLC	Refund duplicate payment to INV#77065439
Miscellaneous Payment	Check	22952	12/26/2024	114.00	Vigor Works	Refund duplicate payment to INV #77070845 & 77070846
Miscellaneous Payment	Check	22953	12/26/2024	16,744.69	Vladimir Baron	LUP-82632 revised (15302 NE 9th St.)
Supplier Payment	Check	22954	12/26/2024	5.60	Airgas, Inc	
Supplier Payment	Check	22955	12/26/2024	862.58	APS, INC.	
Supplier Payment	Check	22956	12/26/2024	4,458.09	Bell & Associates, Inc	
Supplier Payment	Check	22957	12/26/2024	2,890.80	Betancourt Torres & Associates LLC	
Supplier Payment	Check	22958	12/26/2024	400.00	Bradford Davis	
Supplier Payment	Check	22959	12/26/2024	10,778.05	Brown & Wilson Partnership LLC	
Supplier Payment	Check	22960	12/26/2024	44,072.00	Bryan Gaspar	
Supplier Payment	Check	22961	12/26/2024	22,093.93	CECO Inc	
Supplier Payment	Check	22962	12/26/2024	25,930.52	Cellco Partnership - Remit- To: Cellco - Dallas	
Supplier Payment	Check	22963	12/26/2024	21,484.12	CFM Strategic Communications, Inc.	
Supplier Payment	Check	22964	12/26/2024	48.45	Cintas	
Supplier Payment	Check	22965	12/26/2024	975.00	Cistus Nursery LLC	
Supplier Payment	Check	22966	12/26/2024	8,354.53	City Bark & Recycling LLC	
Supplier Payment	Check	22967	12/26/2024	92,350.00	Clark County - Remit-To: Clark County - Treasurer Vancouver	
Supplier Payment	Check	22968	12/26/2024	493.57	Clark Public Utility District No. 1	
Supplier Payment	Check	22969	12/26/2024	129.85	Clark Public Utility District No. 1	

* Please contact Procurement Services if you would like to review the justification for EMERGENCY procurement.

INVOICE PAYMENTS REPORT

Supplier Payment	Check	22970	12/26/2024	1,046,419.89	Clary Longview LLC	
Supplier Payment	Check	22971	12/26/2024	1,278.62	Clifford & Martin, Inc	
Supplier Payment	Check	22972	12/26/2024	238.81	Columbia Resource Company	
Supplier Payment	Check	22973	12/26/2024	199.96	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	22974	12/26/2024	199.96	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	22975	12/26/2024	159.95	Comcast Holdings Corporation - Remit-To: Comcast Business - City of Industry	
Supplier Payment	Check	22976	12/26/2024	20,014.09	Comcast Holdings Corporation - Remit-To: Comcast Holdings Corporation - Philadelphia	
Supplier Payment	Check	22977	12/26/2024	7,800.00	Concord Adult Care Home, LLC	
Supplier Payment	Check	22978	12/26/2024	1,136.45	Core and Main LP - Remit-To: Core and Main LP	
Supplier Payment	Check	22979	12/26/2024	6,318.73	CUES Inc - Remit-To: CUES Inc - Cincinnati	
Supplier Payment	Check	22980	12/26/2024	10,705.00	Date Park Condominium Inc.	
Supplier Payment	Check	22981	12/26/2024	13,230.00	Davidson Benefits Planning	
Supplier Payment	Check	22982	12/26/2024	3,936.14	Eco Fencing and Decking LLC	
Supplier Payment	Check	22983	12/26/2024	880.50	Erickson Structural Consulting Engineers	
Supplier Payment	Check	22984	12/26/2024	2,324.65	Esix Sportswear	
Supplier Payment	Check	22985	12/26/2024	500.00	Evergreen Shores Neighborhood Association	
Supplier Payment	Check	22986	12/26/2024	22,727.19	Everon, LLC	
Supplier Payment	Check	22987	12/26/2024	652.20	First American Title Ins Co	
Supplier Payment	Check	22988	12/26/2024	34,158.55	Fourth Plain Forward	
Supplier Payment	Check	22989	12/26/2024	32,516.63	Friends of Trees	
Supplier Payment	Check	22990	12/26/2024	1,418.75	Genuine Parts Company - Remit-To: NAPA - Vancouver	
Supplier Payment	Check	22991	12/26/2024	54,656.00	GeoTerra, Inc.	
Supplier Payment	Check	22992	12/26/2024	11,065.76	GreenWorks, P.C.	
Supplier Payment	Check	22993	12/26/2024	22,094.63	H&H Wood Recyclers	
Supplier Payment	Check	22994	12/26/2024	12,233.75	Harper Houf Peterson Righellis Inc	
Supplier Payment	Check	22995	12/26/2024	20,700.16	Hawks Ridge Assisted Living	

INVOICE PAYMENTS REPORT

Supplier Payment	Check	22996	12/26/2024	28,008.92	Herrera Environmental Consultants Inc	
Supplier Payment	Check	22997	12/26/2024	8,666.67	Hispanic Metropolitan Chamber	
Supplier Payment	Check	22998	12/26/2024	49,487.85	Huntco Supply, LLC	
Supplier Payment	Check	22999	12/26/2024	1,370.60	Industrial Scientific Corporation - Remit-To: Industrial Scientific Corp - Pittsburgh	
Supplier Payment	Check	23000	12/26/2024	46,646.00	John Costa Herschel	
Supplier Payment	Check	23001	12/26/2024	720.16	Kar-Gor Inc	
Supplier Payment	Check	23002	12/26/2024	43,791.01	KBT Distributing LLC	
Supplier Payment	Check	23003	12/26/2024	2,343.75	Keller Associates Inc	
Supplier Payment	Check	23004	12/26/2024	750.00	Kent & Associates	
Supplier Payment	Check	23005	12/26/2024	3,819.50	Kittelson & Associates Inc	
Supplier Payment	Check	23006	12/26/2024	2,025.00	Kramer Gehlen & Associates	
Supplier Payment	Check	23007	12/26/2024	12,776.00	Lacamas Creek SNF Healthcare LLC	
Supplier Payment	Check	23008	12/26/2024	4,094.54	Lakeside Industries Inc - Remit-To: Lakeside - LB Seattle	
Supplier Payment	Check	23009	12/26/2024	6,858.04	McFarlanes Bark Inc	
Supplier Payment	Check	23010	12/26/2024	1,668.65	Mobes Business Forms	
Supplier Payment	Check	23011	12/26/2024	1,393.51	Municipal Emergency Services Inc - Remit-To: Municipal Emergency Services - Chicago	
Supplier Payment	Check	23012	12/26/2024	600.00	Nagra & Atwal Corporation	
Supplier Payment	Check	23013	12/26/2024	5,204.38	National Park Service - Remit-To: National Park Service - Pearson Lease	
Supplier Payment	Check	23014	12/26/2024	1,740.18	Northwest Natural Gas Company - Remit-To: NW Natural - Portland	
Supplier Payment	Check	23015	12/26/2024	1,022.74	Parametrix, Inc	
Supplier Payment	Check	23016	12/26/2024	10,725.00	Parkeon	
Supplier Payment	Check	23017	12/26/2024	10,992.00	Portland Adventist Medical Center	
Supplier Payment	Check	23018	12/26/2024	242.00	PPC Solutions Inc	
Supplier Payment	Check	23019	12/26/2024	10,288.50	Rapid Response Bio Clean Inc.	
Supplier Payment	Check	23020	12/26/2024	4,800.00	Redhand Advisors, LLC	
Supplier Payment	Check	23021	12/26/2024	10,205.92	RH2 Engineering, Inc.	
Supplier Payment	Check	23022	12/26/2024	7,161.00	SafeFire LLC	
Supplier Payment	Check	23023	12/26/2024	7,824.33	Sauer Holdings LLC - Remit-To: Your Party and Event Center	
Supplier Payment	Check	23024	12/26/2024	309.80	Security Contractors Services	

INVOICE PAYMENTS REPORT

Supplier Payment	Check	23025	12/26/2024	781.80	Site Workshop Landscape Architecture, LLC	
Supplier Payment	Check	23026	12/26/2024	937.54	Soha Sign	
Supplier Payment	Check	23027	12/26/2024	51,398.73	Stantec Consulting Services Inc - Remit-To: Stantec - Chicago	
Supplier Payment	Check	23028	12/26/2024	918.00	State of Washington Department of Health - Remit-To: WA Dept of Health	
Supplier Payment	Check	23029	12/26/2024	121.41	State of Washington Department of Transportation - Remit-To: WADOT - 11018 NE 51st Cir.	
Supplier Payment	Check	23030	12/26/2024	25,692.21	State of Washington Department of Transportation - Remit-To: WADOT - PO Box 47339	
Supplier Payment	Check	23031	12/26/2024	20.72	Stericycle Inc - Remit-To: Shred-It	
Supplier Payment	Check	23032	12/26/2024	545.00	T-Mobile	
Supplier Payment	Check	23033	12/26/2024	782.65	Towing & Recovering Services Inc	
Supplier Payment	Check	23034	12/26/2024	6,250.00	Trauma Intervention Programs	
Supplier Payment	Check	23035	12/26/2024	1,400.17	Trilogy MedWaste West, LLC	
Supplier Payment	Check	23036	12/26/2024	15,000.00	United States Postal Service - Remit-To: USPS - First Data/Remitco - 52940558	
Supplier Payment	Check	23037	12/26/2024	139.25	Vestis Group, Inc - Remit-To: Vestis - Pasadena	
Supplier Payment	Check	23038	12/26/2024	326.12	W.B. Sprague Co. Inc.	
Supplier Payment	Check	23039	12/26/2024	1,294.06	Walter E Nelson Company	
Supplier Payment	Check	23040	12/26/2024	766.98	Waste Connections of Washington - Remit-To: Waste Connections - Vancouver	
			Check	7,276,518.50		
Expense Payment	Direct Deposit	EFT-00276419	12/12/2024	110.00	Patricia Thompson	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276420	12/12/2024	216.60	Trevor Graff	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276421	12/12/2024	70.16	Timmi Winther	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276422	12/12/2024	173.88	John Honrath	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276423	12/12/2024	141.30	Heladio Cardenas de Iacruz	Employee Reimbursement
Cash Advance Payment	Direct Deposit	EFT-00276424	12/12/2024	78.00	Michael Whitney	Travel Advance
Expense Payment	Direct Deposit	EFT-00276425	12/12/2024	40.00	Neil Martin	Employee Reimbursement
Cash Advance Payment	Direct Deposit	EFT-00276426	12/12/2024	335.50	Mark Ghezzi	Travel Advance

* Please contact Procurement Services if you would like to review the justification for EMERGENCY procurement.

INVOICE PAYMENTS REPORT

Expense Payment	Direct Deposit	EFT-00276427	12/12/2024	5.00	Tracy Walther	Employee Reimbursement
Cash Advance Payment	Direct Deposit	EFT-00276428	12/12/2024	440.00	Kevin Wilson	Travel Advance
Expense Payment	Direct Deposit	EFT-00276429	12/12/2024	125.25	Curtis Erwin	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276430	12/12/2024	195.65	Anthony Coronel Valencia	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276431	12/12/2024	14.50	Nicole Vigil	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276432	12/12/2024	125.00	Brian Taylor	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276433	12/12/2024	343.13	Steve Wilson	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276434	12/12/2024	173.89	Clesson Werner	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276435	12/12/2024	183.57	Patrick Moore	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276436	12/12/2024	9.00	Amanda Cestnik	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276437	12/12/2024	224.99	Lance Leedom	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276438	12/12/2024	17.32	Luigi Cartasegna	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276439	12/12/2024	61.27	Anne McEnerny-Ogle	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276440	12/12/2024	52.26	Joseph Lenahan	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276441	12/12/2024	16.25	Lee Gelsinger	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276442	12/12/2024	138.00	Stacey Allington	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276443	12/12/2024	284.80	Josh Honomichl	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276444	12/12/2024	240.00	Iliya Goldinov	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276445	12/12/2024	131.67	Natasha Ramras	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276446	12/12/2024	239.13	Austin Craig	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276506	12/19/2024	138.90	Gavin Craig	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276507	12/19/2024	41.94	Stacey Dalgaard	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276508	12/19/2024	18.00	Erica Nilsen	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276509	12/19/2024	84.67	Ejaz Khan	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276510	12/19/2024	183.76	Garrett Klein	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276511	12/19/2024	249.54	Steve Lee	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276512	12/19/2024	274.13	Bryan Edmiston	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276513	12/19/2024	18.00	Jeremy Vanroyce	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276514	12/19/2024	18.00	Darren McShea	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276515	12/19/2024	135.82	Kevan Battan	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276516	12/19/2024	18.00	Jaycee Elliott	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276517	12/19/2024	43.75	Daphne Harris	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276518	12/19/2024	220.80	Tobiah Scott	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276519	12/19/2024	220.80	Leo Jochim	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276520	12/19/2024	152.07	Tommy Myrick	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276521	12/19/2024	194.79	Eric Stinson	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276522	12/19/2024	203.41	John Kendall	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00276523	12/19/2024	177.25	Melissa Sager	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00278580	12/26/2024	70.48	Kristin Smith	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00278581	12/26/2024	250.00	Michael Permin	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00278582	12/26/2024	250.00	Eric Phillips	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00278583	12/26/2024	197.24	Stephen Kesler-Marosi	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00278584	12/26/2024	250.00	Caleb Vance	Employee Reimbursement
Cash Advance Payment	Direct Deposit	EFT-00278585	12/26/2024	141.00	Sean Douglas	Travel Advance
Expense Payment	Direct Deposit	EFT-00278586	12/26/2024	155.84	Suzanne Hebert	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00278587	12/26/2024	79.50	Darin Viar	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00278588	12/26/2024	660.35	Rainy Rau	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00278589	12/26/2024	162.89	Robert Tammen	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00278590	12/26/2024	241.88	Terry Cunnane	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00278591	12/26/2024	250.00	Susan McNutt-Koning	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00278592	12/26/2024	350.00	Brandon Osborn	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00278593	12/26/2024	222.87	Andrew Meuchel	Employee Reimbursement
			Direct Deposit	9,861.80		

* Please contact Procurement Services if you would like to review the justification for EMERGENCY procurement.

INVOICE PAYMENTS REPORT

Supplier Payment	EFT	EFT-00276362	12/10/2024	130.47	Legal Shield	
Supplier Payment	EFT	EFT-00276363	12/10/2024	1,049.70	Vancouver Command Guild	
Supplier Payment	EFT	EFT-00276364	12/10/2024	12,253.72	Vancouver Police Officer Guild	
Supplier Payment	EFT	EFT-00276365	12/10/2024	17,402.98	Allegiance Benefit Plan Management Inc (COBRA)	
Supplier Payment	EFT	EFT-00276366	12/10/2024	32,769.81	IAFF Local #452	
Supplier Payment	EFT	EFT-00276447	12/12/2024	9,073.24	Distinctive Landscape LLC	
Supplier Payment	EFT	EFT-00276448	12/12/2024	44,000.00	IGM Technology Corp.	
Supplier Payment	EFT	EFT-00276449	12/12/2024	6,000.00	Vancouver Bee Project	
Supplier Payment	EFT	EFT-00276450	12/12/2024	14,445.75	Otak Inc	
Supplier Payment	EFT	EFT-00276451	12/12/2024	135,853.26	SAK Construction LLC	
Supplier Payment	EFT	EFT-00276452	12/12/2024	1,260.00	Rock Creek Communications, LLC	
Supplier Payment	EFT	EFT-00276453	12/12/2024	6,920.52	Wapiti NW LLC	
Supplier Payment	EFT	EFT-00276454	12/12/2024	10,650.00	Curtis Miller	
Supplier Payment	EFT	EFT-00276455	12/12/2024	500.00	Village at Fishers Landing Neighborhood Association	
Supplier Payment	EFT	EFT-00276456	12/12/2024	9,450.16	Western Water Works Supply Co Inc	
Supplier Payment	EFT	EFT-00276457	12/12/2024	235.50	Envirolssues Inc	
Supplier Payment	EFT	EFT-00276458	12/12/2024	295.00	Performance Occupational Health Services, LLC	
Supplier Payment	EFT	EFT-00276459	12/12/2024	65,389.61	Vanquish Investment Group	
Supplier Payment	EFT	EFT-00276460	12/12/2024	13,459.22	The Gunter Group LLC	
Supplier Payment	EFT	EFT-00276461	12/12/2024	2,344.44	S&W Craftsmen LLC	
Supplier Payment	EFT	EFT-00276462	12/12/2024	6,453.75	Del Sol Inc	
Supplier Payment	EFT	EFT-00276463	12/12/2024	2,145.02	Autism Empowerment	
Supplier Payment	EFT	EFT-00276464	12/12/2024	1,483.24	State of Washington Consolidated Technology Services	
Supplier Payment	EFT	EFT-00276465	12/12/2024	9,125.61	Retail Lockbox Inc	
Supplier Payment	EFT	EFT-00276466	12/12/2024	934.82	CoStar Reality Information Inc.	
Supplier Payment	EFT	EFT-00276467	12/12/2024	43,344.00	Absolute Software, Inc	
Supplier Payment	EFT	EFT-00276468	12/12/2024	11,977.89	Northwest Staffing Resources Inc - Remit-To: Northwest Staffing Resources	
Supplier Payment	EFT	EFT-00276469	12/12/2024	17,788.70	Nathaniel R. Wallace	
Supplier Payment	EFT	EFT-00276470	12/12/2024	722.86	Lasko Printing Specialties Inc	
Supplier Payment	EFT	EFT-00276471	12/12/2024	9,250.00	Morgan Stanley Capital Managment LLC	
Supplier Payment	EFT	EFT-00276472	12/12/2024	4,801.78	Outsiderinn.org	

INVOICE PAYMENTS REPORT

Supplier Payment	EFT	EFT-00276473	12/12/2024	47,457.91	PC Specialists Inc - Remit-To: TIG - San Diego	
Supplier Payment	EFT	EFT-00276474	12/12/2024	1,232.36	Hermanson Company, LLC - Remit-To: Hermanson Company, LLC	
Supplier Payment	EFT	EFT-00276475	12/12/2024	29.22	Wesco Distribution Inc.	
Supplier Payment	EFT	EFT-00276476	12/12/2024	981.75	Allegiance Benefit Plan Management Inc (Pension and Flex).	
Supplier Payment	EFT	EFT-00276477	12/12/2024	3,971.00	The Loudenback Corporation	
Supplier Payment	EFT	EFT-00276478	12/12/2024	44,745.73	Elizabeth Kunesh	
Supplier Payment	EFT	EFT-00276479	12/12/2024	28,213.60	Live Love Outreach	
Supplier Payment	EFT	EFT-00276480	12/12/2024	154,648.00	Jeffrey D. Barrar, PS	
Supplier Payment	EFT	EFT-00276481	12/12/2024	904.38	TMC Contractors LLC	
Supplier Payment	EFT	EFT-00276482	12/12/2024	2,174.00	JH Kelly, LLC	
Supplier Payment	EFT	EFT-00276483	12/12/2024	4,120.38	Allegiance Benefit Plan Management Inc (Pension and Flex).	
Supplier Payment	EFT	EFT-00276484	12/12/2024	1,489.89	Solid Waste Systems	
Supplier Payment	EFT	EFT-00276485	12/12/2024	1,607.36	Commonstreet Consulting, LLC	
Supplier Payment	EFT	EFT-00276486	12/12/2024	1,668.00	Consor North America Inc	
Supplier Payment	EFT	EFT-00276487	12/12/2024	500.00	PAX Learning Center	
Supplier Payment	EFT	EFT-00276488	12/12/2024	9,968.49	Copiers Northwest Inc.	
Supplier Payment	EFT	EFT-00276490	12/12/2024	8,489.83	Second Step Housing	
Supplier Payment	EFT	EFT-00276491	12/12/2024	900.00	Vancouver Ballet Forklorico	
Supplier Payment	EFT	EFT-00276492	12/12/2024	6,666.90	PBS Engineering and Environmental Inc	
Supplier Payment	EFT	EFT-00276493	12/12/2024	140,079.40	Rotschy Inc	
Supplier Payment	EFT	EFT-00276494	12/12/2024	11,853.74	NJB Soft, LLC	
Supplier Payment	EFT	EFT-00276495	12/12/2024	18,636.89	Stellar J Corporation	
Supplier Payment	EFT	EFT-00276496	12/12/2024	2,215.25	Mayer Reed Inc.	
Supplier Payment	EFT	EFT-00276497	12/12/2024	545,938.62	Vancouver Housing Authority	
Supplier Payment	EFT	EFT-00276498	12/12/2024	7,500.00	Arbutus Consulting LLC	
Supplier Payment	EFT	EFT-00276499	12/12/2024	662.56	Praxair Distribution Inc	
Supplier Payment	EFT	EFT-00276524	12/19/2024	1,388.10	Vatten Plumbing LLC - Remit-To: Vatten Plumbing LLC	
Supplier Payment	EFT	EFT-00276525	12/19/2024	11,530.00	Otak Inc	
Supplier Payment	EFT	EFT-00276526	12/19/2024	846,191.97	Colf Construction LLC	
Supplier Payment	EFT	EFT-00276527	12/19/2024	14,198.00	Brown and Caldwell - Remit-To: Brown & Caldwell - San Francisco	
Supplier Payment	EFT	EFT-00276528	12/19/2024	10,115.40	Guy Edward Lennon	
Supplier Payment	EFT	EFT-00276529	12/19/2024	1,283.14	Clark County Volunteer Lawyers Program	
Supplier Payment	EFT	EFT-00276530	12/19/2024	10,600.00	Sazan Group, Inc	

INVOICE PAYMENTS REPORT

Supplier Payment	EFT	EFT-00276531	12/19/2024	9,333.85	Continuant, Inc.	
Supplier Payment	EFT	EFT-00276532	12/19/2024	314,179.51	Granite Construction Company	
Supplier Payment	EFT	EFT-00276533	12/19/2024	13,426.98	HDR Engineering Inc - Remit-To: HDR Engineering - Chicago	
Supplier Payment	EFT	EFT-00276534	12/19/2024	175,000.00	Vancouver USA Regional Tourism Office	
Supplier Payment	EFT	EFT-00276535	12/19/2024	2,360.00	AgreeYa Solutions, Inc. - Remit-To: AgreeYa Solutions, Inc	
Supplier Payment	EFT	EFT-00276536	12/19/2024	325.50	Precor Commercial Fitness	
Supplier Payment	EFT	EFT-00276537	12/19/2024	5,054.55	George Elevator Service LLC	
Supplier Payment	EFT	EFT-00276538	12/19/2024	4,143.75	Mead and Hunt Inc	
Supplier Payment	EFT	EFT-00276539	12/19/2024	4,856.50	Western Water Works Supply Co Inc	
Supplier Payment	EFT	EFT-00276540	12/19/2024	652.20	Key Code Media, Inc	
Supplier Payment	EFT	EFT-00276541	12/19/2024	85,134.19	Granite Construction Company	
Supplier Payment	EFT	EFT-00276542	12/19/2024	39,270.00	The Exhibits Department, LLC	
Supplier Payment	EFT	EFT-00276543	12/19/2024	3,000.00	The Amy VanCamp Experience LLC	
Supplier Payment	EFT	EFT-00276544	12/19/2024	16,581.60	City Electric Co of WA	
Supplier Payment	EFT	EFT-00276545	12/19/2024	221,017.03	First Forty Feet LLC	
Supplier Payment	EFT	EFT-00276546	12/19/2024	7,522.87	State of Washington Department of Enterprise Services	
Supplier Payment	EFT	EFT-00276547	12/19/2024	643.13	Accurate Investigation Services	
Supplier Payment	EFT	EFT-00276548	12/19/2024	32,652.96	State of Washington Auditor's Office	
Supplier Payment	EFT	EFT-00276549	12/19/2024	3,750.17	Live Love Outreach	
Supplier Payment	EFT	EFT-00276550	12/19/2024	21,921.00	Consort North America Inc	
Supplier Payment	EFT	EFT-00276551	12/19/2024	24,377.83	Walker Consultants, Inc	
Supplier Payment	EFT	EFT-00276552	12/19/2024	274,424.51	Lee Contractors LLC	
Supplier Payment	EFT	EFT-00276553	12/19/2024	8,089.25	Marten Law LLP	
Supplier Payment	EFT	EFT-00276554	12/19/2024	2,357.52	Canopy Wellbeing	
Supplier Payment	EFT	EFT-00276555	12/19/2024	33,104.64	Share	
Supplier Payment	EFT	EFT-00276556	12/19/2024	12,781.62	Elizabeth Kunesh	
Supplier Payment	EFT	EFT-00276557	12/19/2024	38,380.18	YWCA Clark County	
Supplier Payment	EFT	EFT-00276558	12/19/2024	663.08	Loma Media Partners	
Supplier Payment	EFT	EFT-00276559	12/19/2024	1,936.50	Pacific Law Group LLP	
Supplier Payment	EFT	EFT-00276560	12/19/2024	690.25	Terracon Consultants Inc	
Supplier Payment	EFT	EFT-00276561	12/19/2024	51,488.81	Jacobs Engineering Group Inc	
Supplier Payment	EFT	EFT-00276562	12/19/2024	1,709.85	RELX Inc. - Remit-To: LexisNexis - Chicago	
Supplier Payment	EFT	EFT-00276563	12/19/2024	119,226.63	Halbert Construction Services LLC	

INVOICE PAYMENTS REPORT

Supplier Payment	EFT	EFT-00276564	12/19/2024	2,896.89	Bound Tree Medical LLC	
Supplier Payment	EFT	EFT-00276565	12/19/2024	182.77	Historic Music Preservation Project	
Supplier Payment	EFT	EFT-00276566	12/19/2024	3,147.51	AirX LLC	
Supplier Payment	EFT	EFT-00276567	12/19/2024	14,111.81	Northwest Staffing Resources Inc - Remit-To: Northwest Staffing Resources	
Supplier Payment	EFT	EFT-00276568	12/19/2024	49,630.00	United Site Services of Nevada, Inc.	
Supplier Payment	EFT	EFT-00276569	12/19/2024	82,306.15	Advanced Excavating Specialists LLC	
Supplier Payment	EFT	EFT-00276570	12/19/2024	20,069.13	Operations Management International Inc	
Supplier Payment	EFT	EFT-00276571	12/19/2024	48,278.75	PBS Engineering and Environmental Inc	
Supplier Payment	EFT	EFT-00276572	12/19/2024	4,864.01	Waxie's Enterprises Inc	
Supplier Payment	EFT	EFT-00276573	12/19/2024	560.00	Rotschy Inc	
Supplier Payment	EFT	EFT-00276574	12/19/2024	165.00	Richard Davis	
Supplier Payment	EFT	EFT-00276575	12/19/2024	4,391.62	Sharon Rice	
Supplier Payment	EFT	EFT-00278493	12/24/2024	12,253.72	Vancouver Police Officer Guild	
Supplier Payment	EFT	EFT-00278494	12/24/2024	32,792.85	IAFF Local #452	
Supplier Payment	EFT	EFT-00278495	12/24/2024	17,831.66	Allegiance Benefit Plan Management Inc (COBRA)	
Supplier Payment	EFT	EFT-00278496	12/24/2024	1,049.70	Vancouver Command Guild	
Supplier Payment	EFT	EFT-00278497	12/24/2024	130.47	Legal Shield	
Supplier Payment	EFT	EFT-00278543	12/26/2024	15,000.00	Arbutus Consulting LLC	
Supplier Payment	EFT	EFT-00278544	12/26/2024	39,859.74	Jacobs Engineering Group Inc	
Supplier Payment	EFT	EFT-00278545	12/26/2024	7,650.00	Andrews Terry Jeffers LLP	
Supplier Payment	EFT	EFT-00278546	12/26/2024	37,915.75	Brown and Caldwell - Remit-To: Brown & Caldwell - San Francisco	
Supplier Payment	EFT	EFT-00278547	12/26/2024	1,800.00	Thomas Garvey	
Supplier Payment	EFT	EFT-00278548	12/26/2024	3,771.50	The Loudenback Corporation	
Supplier Payment	EFT	EFT-00278549	12/26/2024	27,326.91	Pacific Landscape Services Inc	
Supplier Payment	EFT	EFT-00278550	12/26/2024	95.00	T2 Systems Inc - Remit-To: T2- Atlanta	
Supplier Payment	EFT	EFT-00278551	12/26/2024	214,348.18	Share	
Supplier Payment	EFT	EFT-00278552	12/26/2024	1,166.32	Emerald Services Inc - Remit-To: Emerald - Dallas TX	
Supplier Payment	EFT	EFT-00278553	12/26/2024	406,853.79	Solid Waste Systems	
Supplier Payment	EFT	EFT-00278554	12/26/2024	577.80	Praxair Distribution Inc	
Supplier Payment	EFT	EFT-00278555	12/26/2024	25,193.74	Live Love Outreach	
Supplier Payment	EFT	EFT-00278556	12/26/2024	14,303.75	MAKERS architecture and urban design LLP	

INVOICE PAYMENTS REPORT

Supplier Payment	EFT	EFT-00278557	12/26/2024	127,858.96	Del Sol Inc	
Supplier Payment	EFT	EFT-00278558	12/26/2024	3,457.88	Junk It JunkRemoval LLC	
Supplier Payment	EFT	EFT-00278559	12/26/2024	8,348.16	PreCise MRM LLC	
Supplier Payment	EFT	EFT-00278560	12/26/2024	7,250.00	Pink Lemonade Project	
Supplier Payment	EFT	EFT-00278561	12/26/2024	250.38	State of Washington Auditor's Office	
Supplier Payment	EFT	EFT-00278562	12/26/2024	3,951.25	NJB Soft, LLC	
Supplier Payment	EFT	EFT-00278563	12/26/2024	10,402.88	Northwest Staffing Resources Inc - Remit-To: Northwest Staffing Resources	
Supplier Payment	EFT	EFT-00278564	12/26/2024	2,125.00	JCI Jones Chemicals, Inc.	
Supplier Payment	EFT	EFT-00278565	12/26/2024	483,692.95	Operations Management International Inc	
Supplier Payment	EFT	EFT-00278566	12/26/2024	19,248.75	Enviro-Clean Equipment Inc	
Supplier Payment	EFT	EFT-00278567	12/26/2024	7,122.00	MacKay Sposito Inc	
Supplier Payment	EFT	EFT-00278568	12/26/2024	689.16	Evoqua Water Technologies LLC	
Supplier Payment	EFT	EFT-00278569	12/26/2024	120,215.61	Do Good Multnomah	
Supplier Payment	EFT	EFT-00278570	12/26/2024	6,961.41	Tapani Inc	
Supplier Payment	EFT	EFT-00278571	12/26/2024	1,376.00	Branlo Enterprises, LLC	
Supplier Payment	EFT	EFT-00278572	12/26/2024	4,712.50	AgreeYa Solutions, Inc. - Remit-To: AgreeYa Solutions, Inc	
Supplier Payment	EFT	EFT-00278573	12/26/2024	401,366.85	PC Specialists Inc - Remit-To: TIG - San Diego	
Supplier Payment	EFT	EFT-00278574	12/26/2024	7,929.68	Distinctive Landscape LLC	
Supplier Payment	EFT	EFT-00278575	12/26/2024	6,948.06	Fehr & Peers	
Supplier Payment	EFT	EFT-00278576	12/26/2024	3,115.46	Avolve Software Corp	
Supplier Payment	EFT	EFT-00278577	12/26/2024	66.16	Linguava Interpreters Inc	
Supplier Payment	EFT	EFT-00278578	12/26/2024	15,933.00	APE Studio, Inc	
Supplier Payment	EFT	EFT-00278579	12/26/2024	7,008.39	Western Water Works Supply Co Inc	
		EFT		6,304,084.39		
Supplier Payment	Manual Wire		12/3/2024	44,913.12	JP Morgan Chase Bank, N.A.	
Supplier Payment	Manual Wire		12/6/2024	83.47	Allegiance Benefit Plan Management Inc (COBRA) - Remit-To: COBRA	
Supplier Payment	Manual Wire		12/9/2024	217.77	Keybank National Association	
Supplier Payment	Manual Wire		12/10/2024	332,915.59	International City Management Association Retirement Corporation	
Supplier Payment	Manual Wire		12/10/2024	6,260.27	Washington SDU	
Supplier Payment	Manual Wire		12/10/2024	586.00	Oregon SDU	

INVOICE PAYMENTS REPORT

Supplier Payment	Manual Wire		12/10/2024	34,265.00	Vancouver Firefighters Union Health & Welfare Trust	
Supplier Payment	Manual Wire		12/10/2024	28,625.00	Washington State Firefighters	
Supplier Payment	Manual Wire		12/10/2024	22,072.24	Western States Health & Welfare Trust	
Supplier Payment	Manual Wire		12/10/2024	55,627.52	State of Washington Department of Retirement Systems (DRS)	
Supplier Payment	Manual Wire		12/10/2024	134,965.05	Reliastar Life Insurance Co	
Supplier Payment	Manual Wire		12/10/2024	1,639.44	VSP Vision Care Inc	
Supplier Payment	Manual Wire		12/11/2024	1,616,928.83	Internal Revenue Service	
Supplier Payment	Manual Wire		12/11/2024	168.00	Colorado Department of Revenue	
Procurement Card Payment	Manual Wire		12/11/2024	624,170.74	CoV JPM Procurement Card	
Supplier Payment	Manual Wire		12/12/2024	167,082.90	Blue Cross Blue Shield of Oregon	
Supplier Payment	Manual Wire		12/12/2024	13,944.48	Washington Dental Service	
Supplier Payment	Manual Wire		12/13/2024	911,218.87	State of Washington Department of Retirement Systems (DRS)	
Supplier Payment	Manual Wire		12/13/2024	56,637.95	State of Oregon Department of Revenue	
Supplier Payment	Manual Wire		12/13/2024	75,973.26	Liberty Mutual Group Inc.	
Supplier Payment	Manual Wire		12/13/2024	12,162.66	Bank Of America N.A. - Remit-To: Charlotte NC	
Supplier Payment	Manual Wire		12/16/2024	158,827.72	Clark County - Remit-To: Clark County - Treasurer Vancouver	
Supplier Payment	Manual Wire		12/16/2024	632.30	JP Morgan Chase Bank, N.A.	
Supplier Payment	Manual Wire		12/16/2024	2,500,000.00	Chicago Title Company of WA	
Supplier Payment	Manual Wire		12/17/2024	148.20	Bank Of America N.A. - Remit-To: Account Analysis	
Supplier Payment	Manual Wire		12/19/2024	74,835.61	Liberty Mutual Group Inc.	
Supplier Payment	Manual Wire		12/19/2024	6,912.60	Washington Dental Service	
Supplier Payment	Manual Wire		12/19/2024	146,057.53	Blue Cross Blue Shield of Oregon	
Supplier Payment	Manual Wire		12/19/2024	58,953.59	Paymentus Corporation	
Supplier Payment	Manual Wire		12/20/2024	34,200.00	Blue Cross Blue Shield of Oregon	
Supplier Payment	Manual Wire		12/20/2024	5,948.77	Superior, LLC	
Supplier Payment	Manual Wire		12/20/2024	24,655.30	Washington Dental Service	
Supplier Payment	Manual Wire		12/24/2024	6,260.27	Washington SDU	

* Please contact Procurement Services if you would like to review the justification for EMERGENCY procurement.

INVOICE PAYMENTS REPORT

Supplier Payment	Manual Wire		12/24/2024	311,249.95	International City Management Association Retirement Corporation	
Supplier Payment	Manual Wire		12/24/2024	586.00	Oregon SDU	
Supplier Payment	Manual Wire		12/24/2024	22,225.19	Western States Health & Welfare Trust	
Supplier Payment	Manual Wire		12/24/2024	28,625.00	Washington State Firefighters	
Supplier Payment	Manual Wire		12/24/2024	34,415.00	Vancouver Firefighters Union Health & Welfare Trust	
Supplier Payment	Manual Wire		12/24/2024	50,892.90	Liberty Mutual Group Inc.	
Supplier Payment	Manual Wire		12/24/2024	53,776.63	State of Washington Department of Retirement Systems (DRS)	
Supplier Payment	Manual Wire		12/26/2024	168.00	Colorado Department of Revenue	
Supplier Payment	Manual Wire		12/26/2024	1,247,495.65	Internal Revenue Service	
Supplier Payment	Manual Wire		12/26/2024	81,740.69	Liberty Mutual Group Inc.	
Supplier Payment	Manual Wire		12/27/2024	46,828.00	State of Oregon Department of Revenue	
Supplier Payment	Manual Wire		12/27/2024	12,236.60	Bank Of America N.A. - Remit-To: Charlotte NC	
Supplier Payment	Manual Wire		12/27/2024	15,198.70	Washington Dental Service	
Supplier Payment	Manual Wire		12/27/2024	247,070.48	Blue Cross Blue Shield of Oregon	
Supplier Payment	Manual Wire		12/27/2024	404,680.07	State of Washington Department of Revenue	
			Manual Wire	9,715,078.91		
			Checks	7,276,518.50		
			Direct Deposit	9,861.80		
			EFT	6,304,084.39		
			12/16/2024	37,661.99	City Payments	Posted 12-09-24 to 12-15-24
			12/23/2024	3,884.97	City Payments	Posted 12-16-24 to 12-22-24
			12/30/2024	7,062.89	City Payments	Posted 12-23-24 to 12-29-24
			Hansen Total	48,609.85		
			12/16/2024	1,692.06	Miscellaneous	Parks Class Refunds FCC 12-09-24 to 12-15-24
			12/16/2024	1,229.00	Miscellaneous	Parks Class Refunds MCC 12-09-24 to 12-15-24
			12/23/2024	3,009.78	Miscellaneous	Parks Class Refunds FCC 12-16-24 to 12-22-24
			12/23/2024	1,408.00	Miscellaneous	Parks Class Refunds MCC 12-16-24 to 12-22-24
			12/30/2024	983.00	Miscellaneous	Parks Class Refunds FCC 12-23-24 to 12-29-24

* Please contact Procurement Services if you would like to review the justification for EMERGENCY procurement.

INVOICE PAYMENTS REPORT

			12/30/2024	293.00	Miscellaneous	Parks Class Refunds MCC 12-23-24 to 12-29-24
			VISA Total	8,614.84		
			Payroll Total	9,010,994.56		
			GRAND TOTAL	32,373,762.85		

City of Vancouver
Payroll Council Report
December 09, 2024 - December 29, 2024

Check No.	Date	Explanation	Amount
2535 - 2555	12/10/24	December 10th Payroll	\$ 6,277.44
274450 - 276361	12/10/24	December 10th Direct Deposits	\$ 4,770,729.37
276367 - 276371	12/10/24	Three VFD EEs - Tuition Reimbursements	\$ 13,564.87
N/A	12/10/24	NACHA Return	\$ (1,200.00)
276418 - 276418	12/11/24	NACHA Return Replacement	\$ 1,200.00
2556 - 2572	12/24/24	December 24th Payroll	\$ 6,259.24
276576 - 278492	12/24/24	December 24th Direct Deposits	\$ 4,214,163.64

\$ 9,010,994.56

Staff Report: 007-25

To: Mayor and City Council
From: City Manager
Date: January 6, 2025

Subject

Proposed Initiated Ordinance

Key Points

A local community committee, Save Our Streets, drafted language for a proposed addition to the Vancouver Municipal Code. That language was reviewed this past April by the City Attorney's Office and deemed to be an illegal initiative.

- The petitioners collected the requisite number of valid signatures for the initiative, a conclusion certified by the Clark County Auditor on December 13, 2024; and
- The proposal relates to a topic that is not a proper subject under Washington law for adoption of municipal code by initiative petition; and
- Under Washington law, legislative bodies should not place an illegal measure on the ballot because the initiative petition embraces more than one subject.

Strategic Plan Alignment

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

Present Situation

Vancouver's Charter ("Charter") grants the power of initiative and referendum to its citizens pursuant to Section 10.01, but that power does not extend to any "ordinance appropriating money, authorizing the levy of taxes or any subject where such action is contrary to the general laws of the state of Washington." Thus, if an initiative seeks to legislate on "any subject where such action is contrary to the general laws of the state of Washington," it cannot be placed on the ballot even if the requisite number of signatures are obtained. To this end, Washington courts have recognized "that requiring a city to place an invalid initiative on the ballot would result in an undue financial burden on local government" because it amounts to a waste of taxpayer resources. By way of example, if a group of citizens filed an initiative petition seeking to create a new licensing scheme for the sale of alcohol, that initiative would be invalid because state law expressly prohibits any "municipality [from] licens[ing] the sale of ... liquor." Consequently, Washington courts have stressed that municipalities need not put invalid initiatives on the ballot because doing so wastes public resources at the expense of the taxpayer.

A local community committee, Save Our Streets ("petitioners"), drafted language and formally submitted it to the City Clerk on March 22, 2024, for proposed addition to the Vancouver Municipal Code. As required by Section 10.03 of the Charter, the City Attorney timely reviewed the proposed ordinance language to express his "opinion as to whether or not the initiative proposal [wa]s within the scope of a legally permissible local initiative." On April 8, 2024, the City Attorney provided that opinion to the petitioners through their legal counsel stating the initiative was as follows:

"The proposed new section to VMC chapter 11.80, Street Development Standards, is contrary to

Washington state law in that it impermissibly infringes on authority granted directly to the City Council, and [that] it would impermissibly and materially interfere with administrative functions of the City. As such, it is the City Attorney's position that this proposal is not within the scope of a legally permissible local initiative."

Petitioners chose to not amend the language for the proposed initiative following this notice from the City Attorney and proceeded with collecting signatures. The petitioners submitted petitions with signatures to the City Clerk on November 4, 2024, and the signed petitions were transmitted to the Clark County Auditor. The Auditor makes no assessment as to the legal validity of the proposed initiative; rather the Auditor's sole task is to determine whether sufficient valid signatures had been collected. On December 13, 2024, the City received a Certificate of Sufficiency from the Auditor verifying that the petitions "contained more than [the] required 4,270 valid signatures of registered voters from the City of Vancouver..."

The City Attorney's determination that the proposed initiative is contrary to general laws of the state of Washington and the City Charter is based in part on the following:

Washington State's Growth Management Act ("GMA"), chapter 36.70C RCW, mandates as a general policy of the state that cities like Vancouver adopt comprehensive plans that are consistent with the GMA. RCW 36.70A.040.

Pursuant to RCW 36.70A.070(6)(a)(vii), Vancouver's Comprehensive Plan must include certain mandatory elements, including an "[a]ctive transportation component to include collaborative efforts to identify and designate planned improvements for active transportation facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles." Pursuant to RCW 36.70A.030(2) "active transportation facilities means facilities provided for the safety and mobility of active transportation users including, but not limited to, trails, as defined in RCW 47.30.005, sidewalks, bike lanes, shared-use paths, and other facilities in the public right-of-way."

Pursuant to these mandatory GMA requirements, the City Council's currently-adopted Comprehensive Plan includes a transportation element (Chapter 5) which contains requirements to expand active transportation facilities. Additionally, the Comprehensive Plan adopts by reference the Vancouver Transportation System Planning, a policy document establishing goals, priorities, and strategies to enhance and expand active transportation facilities for the community. The City's street projects are designed to conform to comprehensive transportation policy plans adopted by City Council in furtherance of its Comprehensive Plan, including the 2017 Complete Streets Program, the Six-Year Transportation Improvement Plan (TIP), the Vancouver Transportation System Plan (TSP), the Transportation Capital Facilities Plan, and others.

Washington's Supreme Court has held that the legislature delegated the power to act under the GMA to the legislative authorities of counties and cities, and that initiative rights do not exist when the legislature delegates the power to act exclusively to the legislative authority of a city, as opposed to the city as a corporate entity. That decisional law is binding on the City. Therefore, regulations under the GMA are not subject to the initiative process, including the adoption of comprehensive plans and enactment of development regulations to accomplish the Act's requirements, regardless of the number of signatures an initiative proponent may have gathered.

Based on these legal deficiencies, as well as others, the City Attorney determined that the proposed initiative is contrary to the general laws of the state of Washington and of the Vancouver Charter. For this reason, Staff recommends that the Council take no action on the petition.

A legal challenge by the petitioners is anticipated. Ultimately, a court will decide whether the initiative must be placed on the ballot. The petitioners have communicated their understanding of this

conclusion. The City Attorney's Office will defend against that challenge, but will work cooperatively with the petitioners to bring the matter to a swift resolution in the judiciary.

Advantage(s)

Saves public resources by avoiding the unnecessary expense of placing an invalid initiative on the ballot.

Challenge(s)

Legal challenge as discussed above.

Budget Impact

None

Prior Council Review

Very brief discussion during Council Communications December 16, 2024.

Action Requested

The initiative petition proposed by Save Our Streets is contrary to the general laws of the state of Washington and the Vancouver City Charter and is thus illegal. Under Washington law, it cannot be placed on the ballot for electoral consideration. Therefore, Council is requested to take no action on the initiative petition.

Staff Contact

Lon Pluckhahn, City Manager, lon.pluckhahn@cityofvancouver.us

Attachments:

1. 20241223 Clerk Certification re petition - Jan 6 public hearing
2. 20241219 Charter Title 10
3. Certificate of Sufficiency - City of Vancouver Petition - Street and Development Standards
4. Presentation - Complete Streets Engagement Outreach

CERTIFICATION OF INVALIDITY AS TO INITIATIVE PETITION

To: Mayor and City Council, City of Vancouver
Lon Pluckhahn, City Manager

From: City Clerk

Re: Initiative Petition Filed by Save Our Streets – City
Clerk’s Particulars and Certification regarding petition

Date: January 6, 2025

This certification is issued pursuant to Vancouver City Charter Section 10.04, which requires the City Clerk to certify to the City Council whether an initiative petition was signed by a sufficient number of signatories and whether the petition is valid under the City Charter and Washington law.

The Clark County Auditor is the *ex officio* supervisor of municipal elections. In particular, the Auditor is charged by RCW 35.21.005(4) with the responsibility of determining whether a proposed city petition has sufficient valid signatures of registered voters from that jurisdiction. Vancouver City Charter Section 10.01 states that a petition must be signed by at least 15% of the number of votes cast at the last preceding municipal general election. For Vancouver, that was 2023.

The City received a Certification of Sufficiency from the Clark County Auditor on December 13, 2024 verifying the petition contained a sufficient number of signatures, a copy of which is attached.

The petition seeks adoption of the following into the Vancouver Municipal Code:

*A new section is added to chapter 11.80 STREET AND DEVELOPMENT
STANDARDS which states:*

The City of Vancouver shall not approve any project which results in the conversion of a lane or lanes of vehicle travel on any existing principal arterial, minor arterial, collector, industrial or access street to pedestrian, bicycling, mobility, or transit use without approval by a majority of voters in the City of Vancouver in an election.

This provision will apply to any project approved after its enactment or to any project previously approved in which:

- 1. the contract has not been awarded pursuant to a competitive bidding process*
or
- 2. funding has not been appropriated.*

Consistent with Vancouver City Charter Section 10.03, “the City Attorney ... evaluate[d] the initiative proposal and express[ed] their opinion as to whether the initiative proposal is within the scope of a legally permissible local initiative.” The City Attorney’s Office provided that evaluation to the legal counsel for the committee of petitioners in April 2024, advising that the initiative ordinance, as written, was in violation of Washington state law. The committee of petitioners elected to not amend the initiative language before collecting signatures.

The City Clerk, in consultation with the City Attorney, hereby certifies that the petition is invalid because it conflicts with state law and the Vancouver City Charter for the following reasons:

1. The petition, if adopted, would impermissibly interfere with the legislative authority of the City Council, which is contrary to Washington law;
2. The petition, if adopted, would impermissibly interfere with the administrative authority of the City Council, which is contrary to Washington law;
3. The petition, if adopted, would impermissibly interfere with implementation of state-wide law, specifically Washington’s Growth Management Act, chapter 36.70A RCW; and
4. The petition, if adopted, would violate the requirement under Section 10.01 of the Vancouver City Charter that initiated ordinances shall not “embrace more than one subject.”

This certification is being sent to the committee of petitioners pursuant to Vancouver City Charter Section 10.04.

Enclosures:

- Certificate of Sufficiency – Clark County Auditor, December 13, 2024; and
- Vancouver City Charter Article X – Initiative, Referendum and Recall.

Cc:

City Attorney
Deputy City Attorney - Civil
Clark County Auditor

Article X

INITIATIVE, REFERENDUM AND RECALL

Section 10.01 Initiative: The registered voters of the city shall have power to propose any ordinance and to adopt or reject the same at the polls, except an ordinance appropriating money, authorizing the levy of taxes or any subject where such action is contrary to the general laws of the state of Washington. Any initiated ordinance may be submitted to the city council by a petition signed by registered voters of the city equal in number to at least fifteen per centum of the number of votes cast at the last preceding municipal general election. Signatures shall not be older than 6 months from the date of submission. No initiated ordinance shall embrace more than one subject, and that shall be expressed in the title. The proposed ordinance shall be stated in clear and unambiguous language and so that its entire effect is apparent on its face.

(As amended by vote of the people on November 4, 1986; November 2, 2004; and November 3, 2015.)

Section 10.02 Referendum: The registered voters of the city shall have power to approve or disapprove at the polls any ordinance passed by the city council, or submitted by the city council to a vote of the registered voters of the city, except such ordinances as may be necessary for the immediate preservation of the public peace, health, or safety, or for the support of the city government and its existing public institutions, or providing for the approval of local improvement assessment rolls, or for the issuance of local improvement bonds or on any subject where such action is contrary to the general laws of the state of Washington. Within thirty days after the enactment by the city council of any ordinance which is subject to a referendum, a petition signed by registered voters of the city equal in number to at least ten per centum of the number of votes cast at the last preceding municipal general election may be filed with the city clerk requesting that any such ordinance be either repealed or submitted to a vote of the registered voters of the city.

(As amended by vote of the people on November 4, 1986 and November 2, 2004.)

Section 10.03 Petitions and Committees: All petition papers circulated for the purposes of an initiative or referendum shall be uniform in size and style. Initiative petition papers shall contain the full text of the proposed ordinance. Petitions shall be in a form prescribed by the City Clerk, and may be approved in advance as to form by the City Attorney. Before gathering signatures, any proposed initiated ordinance must be filed with the City Clerk. Within twenty working days after filing, the City Attorney shall evaluate the initiative proposal and express their opinion as to whether or not the initiative proposal is within the scope of a legally permissible local initiative. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any such petition paper shall sign in ink or indelible pencil and shall indicate after such signer's name, the signer's place of residence by street and number, or other description sufficient to identify the place. On each petition shall appear the names and addresses of the same five registered voters of the city, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. Printed on each separate petition paper there shall be an affidavit of the circulator thereof, affirmed under penalty of perjury, that said circulator personally circulated the foregoing paper, that it bears a stated number of signatures, that all the signatures appended thereto were made in the circulator's presence, and that the circulator believes them to be the genuine signatures of the persons whose names they purport to be.

(As amended by vote of the people on November 2, 2004; November 3, 2009; and November 3, 2015.)

Section 10.04 Filing and Certifying: All petition papers comprising an initiative or referendum petition shall be assembled and filed with the city clerk as one instrument. Petition pages must be filed no later than February 1 of the same year as the Municipal General Election is held. Within ten days after a petition is filed, the city clerk shall determine whether each paper of the petition has a proper statement of the circulator and shall convey the valid signed petition pages to the officer responsible for the verification of the sufficiency of the signatures to the petition under state law for such verification. The city clerk shall declare any petition paper entirely invalid and not submit said petition page for verification, which does not have printed thereon an affidavit affirmed under penalty of perjury signed by the circulator thereof. If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded, and the City Clerk shall strike out the excess signatures. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing examination of the petition, and after receiving verification of the sufficiency of such petition signatures from the officer responsible for verification of the sufficiency of signatures under state law, the city clerk shall certify the result thereof to the city council at its next regular meeting. If the clerk certifies that the petition is invalid or has insufficient signatures, the clerk shall set forth in a certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of such findings.

(As amended by vote of the people on November 4, 1986; November 2, 2004; November 3, 2009; and November 3, 2015.)

Section 10.06 Effect of Certifying: When a referendum petition has been certified as sufficient by the city clerk, the ordinance specified in the petition shall not go into effect, or further action thereunder shall be suspended if it shall have gone into effect, until and unless approved by the registered voters of the city, as hereinafter provided.

(As amended by vote of the people on November 2, 2004.)

Section 10.07 Consideration by Council: Whenever the city council receives a certified initiative or referendum petition from the city clerk, it shall proceed at once to consider such petition. A proposed initiative ordinance or referred ordinance shall be given a first reading, and provision shall be made for publication, second reading and public hearing upon the proposed ordinance. The city council shall take final action on the ordinance not later than thirty days after the date on which such ordinance was submitted to the city council by the city clerk. A referred ordinance shall be reconsidered by the city council and its final vote upon such reconsideration shall be upon the question: "Shall the ordinance specified in the referendum petition be repealed?"

(As amended by vote of the people on November 2, 2004 and November 5, 2019.)

Section 10.08 Submission to Registered Voters of the City: If the city council shall fail to pass an ordinance proposed by initiative petition or if the city council fails to repeal a referred ordinance within thirty days after the receipt thereof, the proposed or referred ordinance shall be submitted to the registered voters of the city at the next municipal general election provided such election shall occur ninety days or more after the city council takes its final vote thereon. If the city council shall pass a proposed initiative ordinance in a different form, it shall likewise submit the proposed ordinance in its original form, if, and only if, an additional petition signed by not less than five per centum of the number of votes cast at the last regular city election, requesting such submission, shall be circulated, signed, and filed in the same manner as the original petition and within ten days of the date of adoption of the amended ordinance. The city council may provide for a special election if, in its judgment, an emergency exists.

(As amended by vote of the people on November 2, 2004 and November 3, 2015.)

Section 10.09 Form of Ballot: Ordinances submitted to vote of the registered voters of the city in accordance with the initiative and referendum provisions of this charter shall be submitted by ballot title, which shall be prepared in all cases by the city attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance. The ballot used in voting upon any ordinance shall have below the ballot title the following proposition, one above the other, in the order indicated: "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE." The voting system used shall have a means whereby the voter may vote for or against the ordinance. Any number of ordinances may be voted on at the same election and may be submitted on the same ballot. Regardless of the voting system used, the ballot title of any ordinance shall have below it the same two propositions, one above the other or one preceding the other in the order indicated, and the voter shall be given an opportunity to vote for either of the two propositions and thereby to vote for or against the ordinance.

(As amended by vote of the people on November 2, 2004.)

Section 10.10 Results of Election: If a majority of the registered voters of the city voting on a proposed initiative ordinance shall vote in favor thereof, it shall thereupon be an ordinance of the city. A referred ordinance which is not approved by a majority of the registered voters of the city voting thereon shall thereupon be deemed repealed. If conflicting ordinances are approved by the registered voters of the city at the same election, the one receiving the highest number of affirmative votes shall prevail to the extent of such conflict.

(As amended by vote of the people on November 2, 2004.)

Section 10.11 Publication and Repeal: Initiative and referendum ordinances adopted or approved by the registered voters of the city shall be published at least once and may be amended or repealed by the city council, as in the case of other ordinances only after a period of one year has elapsed after their enactment.

(As amended by vote of the people on November 2, 2004.)

Section 10.12 Recall: Any elective officer of the city may be recalled in the manner provided by law, but any vacancy created by a recall shall be filled in the manner provided in this charter.

C E R T I F I C A T I O N O F S U F F I C I E N C Y

On November 7, 2024, the Clark County Auditor's Office received a petition signed by registered voters of the City of Vancouver regarding Street and Development Standards.

Having canvassed the petition, I now certify the following:

1. To be considered a sufficient petition, a total of 4,270 signatures must be valid, which is 15% of the votes cast at the last municipal general election held in November 2023.
2. The submitted petition contained approximately 6,572 signatures.
3. Voter registration records on file in the Clark County Auditor's Office show that 4,475 signatures have been marked as valid. After reaching the number of valid signatures required to be sufficient, we stopped the signature review process.

Therefore, due to the fact the petition contained more than required 4,270 valid signatures of registered voters from the City of Vancouver; I hereby declare the petition as sufficient.

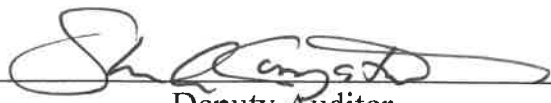
A copy of this certification shall be transmitted to the City of Vancouver.

GIVEN under my hand and official seal this 13th day of December, 2024.



GREG KIMSEY
CLARK COUNTY AUDITOR

By


Deputy Auditor



CITY OF
Vancouver
WASHINGTON

Complete Streets: Safety and Mobility Project Outreach

Transportation Planning Team
Comprehensive Planning Division
Community Development Department
January 2025



Current Projects

- SE McGillivray Boulevard
- SE 34th Street
- NE 112th Avenue
- Upper Main Street
- 29th and 33rd Streets



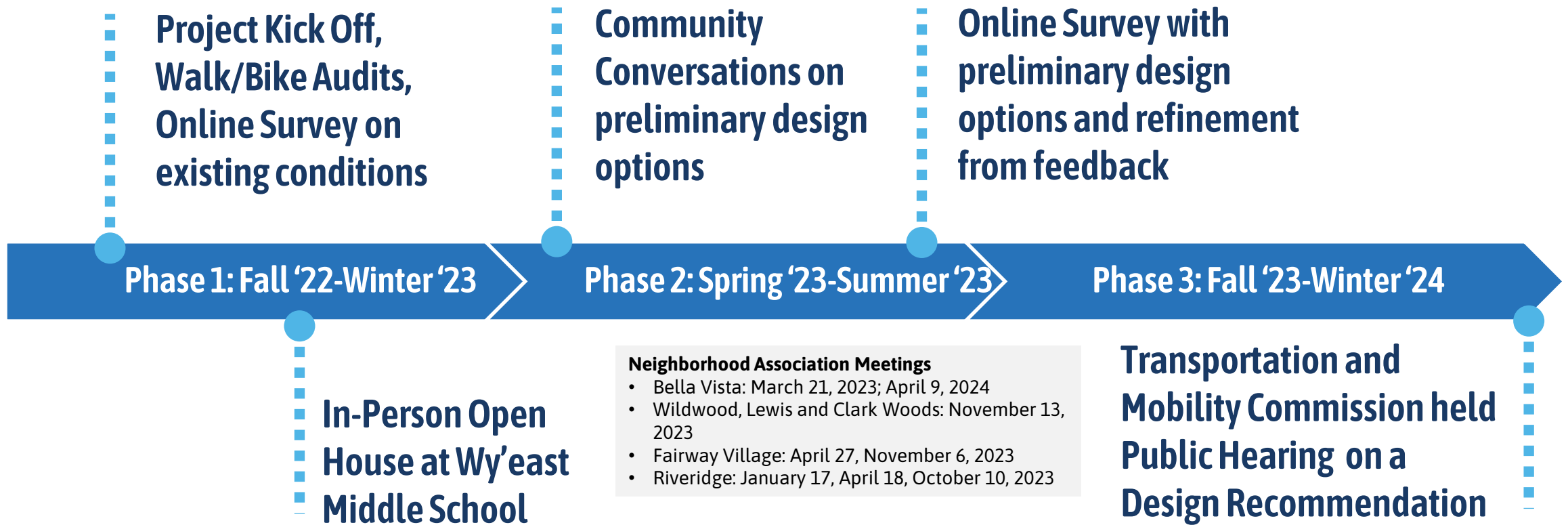
Engagement Strategies & Methods

Staff use a variety of ways to share information and solicit feedback

- Project website / Be Heard
- Project email lists
- Online surveys and/or open houses
- Social media posts (Facebook, Instagram, Next Door)
- TMC Workshops
- Neighborhood Association Presentations
- Targeted Canvassing
- Mailed postcards
- In-person Open House
- Walking/ biking corridor 'audits'
- Community conversations (e.g. focus groups)
- Tabling at events
- Lawn signs
- Stakeholder outreach (emails to schools, service organizations, faith organizations along a corridor)



SE McGillivray Boulevard - Engagement Timeline



The planning phase of the project began in October 2022 and ended with a public hearing/design recommendation in February 2024.



McGillivray Boulevard - Engagement

SE Chkalov Drive to SE 164th Avenue

Phase 1 (Fall 2022 – Spring 2023)

- Walk & Bike Audits: October 2022, 14 participants.
- Online Open House and Survey: 1,072 survey responses and 94 interactive map comments, 38 responses to school survey
- In-Person Open House: February 11, 2023, approx. 130 attendees

Phase 2 (Spring – Fall 2023)

- Community Conversations:
- Sent 8000 postcard invitations
- 106 responses of interest
- 50 people attended seven small group sessions in July 2023 (13th, 18th, 24th in person and 19th online)
- Online Open House and Survey: 680 responses and 3,000+ comments
- Business canvassing at each end of corridor
- Tabling at City Council Forum Sep 25 and Nov 27

Neighborhood Associations & Groups

- Project area neighborhoods contacted: Bella Vista, Cascade Highlands, Cascade South East, Fisher's Landing East, Lewis and Clark Woods, Mountain View, Riveridge, and Wildwood. Project staff met with:
- Bella Vista- March 21, 2023 and April 9, 2024
- Wildwood and Lewis and Clark Woods- Nov. 13, 2023
- Fairway Village- April 27, 2023 and Nov. 6, 2023
- Riveridge- Jan. 17, 2023; April 18, 2023; and Oct. 10, 2023
- Save Our Streets group - Jan. 22, 2024

McGillivray Boulevard - Outreach

SE Chkalov Drive to SE 164th Avenue

Emails through MyEmma

- April 2023 159 recipients
- September 18, 2023 219 recipients
- December 4, 2023 147 recipients*
- January 18, 2023 326 recipients
- January 30, 2023 513 recipients

*Change in recipient numbers is due to people opting in and out of receiving email notifications over time.

Physical USPS Mailings

- Carrier Routes
98683C072, 98683C078, 98683C083, 98683C070,
98683C062, 98683C061, 98683C073, 98683C075,
98683C058, 98683C084
- January 17, 2023: 8,580 mailers for McGillivray Open House
- May 8, 2023: 8,024 postcards for McGillivray Community Conversations
- August 30, 2023: 8,017 postcards for McGillivray Phase 2 Survey



8 Touchpoints with Transportation and Mobility Commission in 2023 and 2024

- **February 2023:** TMC project introduction
- **April 2023:** TMC workshop on draft goals
- **May 2023:** TMC workshop on project goals, community engagement plan, and project phases
- **June 2023:** TMC workshop on Phase 1 outcomes
- **August 2023:** TMC workshop on design options
- **October 2023:** TMC briefing on Phase 2 outreach
- **December 2023:** TMC workshop on design options evaluation
- **February 2024 :** TMC public hearing on design recommendation

Since the February 2024 public hearing, staff have responded to hundreds of email, calls and public records request as they've come in related to this project and provided updated FAQs.



SE 34th Street - Engagement Timeline

**Mailer, yard signs, event
tabling, social media posting,
and an online survey**

Touchpoint #1 (June 2022)

*In the first half of 2022, the City and many organizations began to resume in-person meetings after being suspended for over two years due the COVID-19 pandemic.

**Mailer, yard signs, social media
posting, an online survey, and
stakeholder listening session**

Touchpoint #2 (September 2022)

**Transportation and Mobility
Commission held a Public Hearing
on a Design Recommendation**

The planning phase of the project began in early 2022 and ended with a public hearing/design recommendation in fall 2022, with an update to Council in September 2023.



SE 34th Street - Engagement Overview

SE 162nd Avenue to SE 192nd Avenue

	Touchpoint #1	Touchpoint #2
Timeline	June 2022	September 2022
Event/Activities	• BeHeard Online Open House and Community Survey • Stakeholder and Community Listening Sessions (TP #2) • Promoted in-person at community events • Communicated via postcards and yard signs along the corridor, social media	
Purpose	Share project overview and changes being considered	Share analytical findings and design changes
Outcome	Understand community concerns	Understand community concerns and determine additional needs



SE 34th Street - Outreach Tools

SE 162nd Avenue to SE 192nd Avenue

Touchpoint #1

- Mailer sent to 4,688 addresses.
- Yard signs to the website and survey.
- Event tabling at the Vancouver Multicultural Fair at Clark College and multiple Vancouver Farmers Markets.
- Social Media advertised the survey on Facebook, Twitter, and Instagram.
- Online Survey: 547 total responses were received between May 24, 2022 – September 8, 2022.

Touchpoint #2

- Mailer sent to 4,688 addresses.
- Yard signs to the website and survey.
- Social Media advertised the survey on Facebook, Twitter, and Instagram.
- Listening Sessions held virtually with schools in September 2022.
- Online Survey: 256 total responses were received between October 1, 2022 – October 21, 2022.



SE 34th Street - What We Heard

SE 162nd Avenue to SE 192nd Avenue

Top Support For

- Reducing speed and crashes
- Adding protected mobility/bike lanes
- Improving pedestrian crossings

Top Concerns About

- Safety
- Drive time impacts on the corridor
- Impacts to neighborhood character

Vancouver Innovation Center

In 2023, the VIC team submitted an application for a revised master plan.

The Project team updated the traffic analysis in coordination with the VIC team to ensure the roadway reconfiguration of SE 34th Street was fully integrated with master plan refinements.



9 Touchpoints in 2022 and 2023

SE 34th Street – SE 162nd Avenue to SE 192nd Avenue

Transportation and Mobility Commission

- February 2022: project kick-off
- April 2022: goals, technical analysis
- July 2022: engagement overview, proposed design
- October 2022: public hearing on design recommendation

City Council

- August 2022: goals, engagement overview, technical findings
- November 2022: engagement summaries, proposed design
- September 2023: VIC coordination, updated traffic analysis
- October 2023: adopted a resolution confirming the recommended design

Between the Fall of 2022 and 2023, the Vancouver Innovation Center submitted a revised master plan so the Project Team was coordinating an update the traffic analysis to integrate these changes.



NE 112th Avenue - Engagement Timeline



The planning phase of the project began in June 2023 and ended with a public hearing/design recommendation in November 2024.



NE 112th Avenue - Engagement Overview

NE 51st Street to SE McGillivray Boulevard

Activities

- Tabling at events and engagement at local schools
- Website, online open houses/surveys
- Phone and in-person canvassing
- Postcards
- Social media posts, newsletter
- Neighborhood Association discussions
- Spanish-language materials, translation at events

Feedback and Key Themes

- Urgency for improving road surface.
- Strong need for traffic calming measures and desire to accommodate future growth.
- Strong interest in improved mid-block pedestrian crossings.
- Mixed reactions regarding the removal of vehicle lanes, addition of bike/mobility lanes.
- Concern that the road is unsafe, uncomfortable and not accessible for pedestrians and bike/small mobility users .
- Concern that proposed improvements will decrease the space available for vehicle traffic and increase congestion.



NE 112th Avenue - In-Person Engagement

NE 51st Street to SE McGillivray Boulevard

Tabling Sessions

- National Night Out- LeRoy Haagen Park: 8/1/2023
- East Vancouver Business Assoc. Event: 8/18/2023
- Downtown Vancouver Farmers Market: 8/27/2023
- East Vancouver Farmers Market: 8/31/2023
- Fred Meyer (on 112th and Mill Plain): 8/31/2023
- Evergreen HS football game at McKenzie Stadium: 9/12/2023
- 2024 State of the City and Council Community Forum: 3/18/2024
- Cascadia Technical Academy Career Fair: 4/23/2024
- Muchas Gracias Mexican Restaurant (on 112th and 28th): 5/8/2024

Neighborhood Association and Small Group Meetings

- Fircrest Neighborhood Association meetings: 10/3/2023 and 4/2/2024
- Evergreen High School Latino Student Union: 10/17/2023 and 4/9/2024

Canvassing

- Reached out to 55 stakeholders via phone.
- In-person and multilingual canvassing (September 8, 11, 12, 19, 2023).
- Directly engaged 140 businesses and apartment complexes.



NE 112th Avenue - Digital Outreach

NE 51st Street to SE McGillivray Boulevard

Milestone 1 (June 1 – October 20, 2023)

- Webpage received 1,500 visitors.
- Two rounds of social media content (Facebook, Instagram, Twitter, Nextdoor) generating more than 21,000 engagements.
- Postcards mailed August 31, 2023 to 14,996 residents and/or businesses within project area.
- Milestone 1 digital survey launched August 1 and closed October 20, 2023 with 564 responses (558 English, 6 Spanish).
- E-newsletter sent on September 27, 2023, opened by 67 subscribers.

Milestone 2 (March 22 – June 6, 2024)

- Webpage received 1,659 views and 981 visits.
- Two rounds of social media content (Facebook, Instagram, Twitter, Nextdoor) generating more than 18,135 views and 833 engagements, with over 120 comments on Instagram/Facebook.
- Milestone 2 digital survey launched March 22 and closed May 10, 2024, with 161 responses.
- Between March 20 and May 20, 2024, 20 signs were placed along corridor with info and QR code to survey.
- E-newsletter sent on March 29 and April 16, 2024, to 97 subscribers and 64 interested parties (schools, neighborhood associations, churches, community organizations).



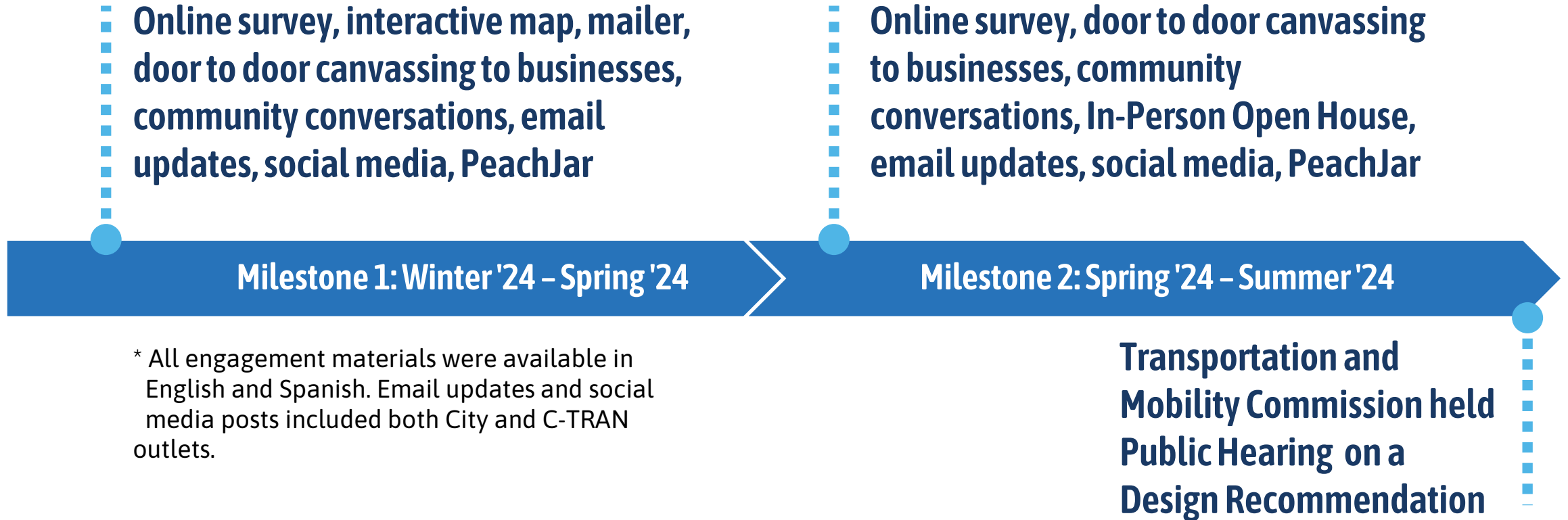
6 Transportation and Mobility Commission Touchpoints

NE 112th Avenue - NE 51st Street to SE McGillivray Boulevard

- **June 2023:** TMC project introduction
- **September 2023:** TMC workshop on existing conditions, community engagement and evaluation framework
- **December 2023:** TMC workshop on Milestone 1 outcomes
- **May 2024:** TMC workshop on design options and community engagement
- **July 2024:** TMC workshop on Milestone 2 outcomes
- **November 2024:** TMC public hearing on design recommendation



Upper Main Street - Engagement Timeline



The planning phase of the project began in August 2023 and ended with a public hearing/design recommendation in July 2024.



Upper Main Street - Milestone 1 (Jan-Feb '24)

Fourth Plain Boulevard to City Limits

- **Online survey** launched January 15 and closed February 16, 2024, received 362 responses (362 English, 0 Spanish).
- **Interactive map** received 99 comments.
- **Postcards mailed** to 5,317 residents and/or businesses within project area.
- **Canvassing** to approximately 40 local businesses and community destinations along the corridor.
- **Community Conversations** with 10 different organizations.
- **Email updates to project listserv** on January 15 & February 8, 2024 with 202 successful deliveries.
- **City e-newsletters:**
 - Vancouver Connects, February 2, 2024: 4,965 opens, 42 clicks
 - Office of Neighborhoods, February 2, 2024: 453 opens, 13 clicks
- Six posts on **City social media** channels (Facebook, Instagram, Twitter) generating 15,376 impressions and 165 clicks.
- Post on **Vancouver School District's PeachJar** System, generating over 1,718 impressions and 139 views.



Upper Main Street - Milestone 2 (Mar-Apr '24)

Fourth Plain Boulevard to City Limits

- **Online survey** launched March 27 and closed April 17, 2024, received 192 responses (192 English, 0 Spanish).
- **In-person open house** at Discovery Middle School on April 17, 2024.
- **Canvassing** to approximately 28 local businesses and community destinations along the corridor and four multifamily properties.
- **Community Conversations** with 3 different organizations.
- **Email updates to project listserv** on March 27 & April 10, 2024 with 272 successful deliveries.
- **City e-newsletters:**
 - Vancouver Connects, April 9, 2024: 4,391 opens, 59 clicks
 - Office of Neighborhoods, April 5, 2025: 1,024 subscribers, 19 clicks
- Six posts on **City social media** channels (Facebook, Instagram, Twitter, Nextdoor) generating 21,331 impressions and 149 clicks.
- Post on **Vancouver School District's PeachJar** System, generating over 1,639 impressions and 80 views.



Upper Main Street - Engagement Overview

Fourth Plain Boulevard to City Limits

	Milestone 1	Milestone 2
Timeline	January 2024 to February 2024	March 2024 to April 2024
Question	What challenges do you experience and what improvements would you like to see along Upper Main Street?	How strongly you support the proposed recommendations along Upper Main Street?
Answer	- Narrow and missing sidewalks. - More marked and safer crossings. - Gaps in bike/small mobility network. - Better wayfinding signage.	- General support for investing in safety to improve access to schools, local businesses, and transit stops. - Some wanted more improvements for people walking, biking and rolling. - Concerns about the improvements causing congestion for vehicles.



6 Transportation and Mobility Touchpoints

Upper Main Street - Fourth Plain Boulevard to City Limits

- **August 2023:** TMC project introduction and existing conditions
- **October 2023:** TMC workshop on traffic analysis and findings, and share community engagement plan
- **March 2024:** TMC workshop on Phase 1 outcomes and community engagement
- **April 2024:** TMC workshop on design concepts with CTRAN
- **June 2024:** TMC workshop on revised design concepts and Phase 2 engagement
- **July 2024:** TMC public hearing on final design recommendation



29th and 33rd Streets - Engagement Timeline



The planning phase of the project began in March 2024 and ended with a public hearing/design recommendation in December 2024.



29th and 33rd Streets - Milestone 1 (Jun-Aug '24)

NW Kauffman Avenue to Grand Boulevard/ Neals Lane

Social Media

- Facebook, Instagram, X and NextDoor channels
- Over 13,000 views, 306 engagements, 41 comments

In-person outreach

- Tabling Sessions on June 1, June 15, July 25, and August 6
- In-Person Briefings and Canvassing on June 22, July 10, July 15, July 23, July 31, and August 1

BeHeard Webpage

- English and Spanish
- May 31 to August 14: 1,989 views, with 56 comments and 38 map pins

E-Newsletters

- Listserv on June 13, (61 subscribers) and June 27 (174 subscribers) and 38 interested parties (neighborhood associations, businesses, churches and community-based organizations)
- Project information sent via Vancouver Connects (13,124 subscribers) and Office of Neighborhoods e-newsletter (1,019 subscribers)



29th and 33rd Streets - Milestone 2 (Oct – Nov '24)

NW Kauffman Avenue to Grand Boulevard/ Neals Lane

Mailer

- September 9, to 3,800 area households and businesses
- In English and Spanish

In-person outreach

- 130+ in-person interactions through tabling, small group meetings and canvassing
- Tabling Session on September 28
- Briefings and Canvassing on Sept. 3, 18, 25, Oct. 8, 11, 23, and by phone Sept. 24 – Oct. 3

Online

- **Email Newsletters:** August 28 – October 15 to 14,650+ subscribers
- **Online Community Survey:** September 13 – October 19 with 324 respondents in English and Spanish
- **BeHeard Webpage:** community survey in English (9/13) and Spanish (9/17) with 1,125 views
- **Social Media posts:** September 18 – October 10, 2024, with 28,556 combined views



29th and 33rd Streets - What We Heard

NW Kauffman Avenue to Grand Boulevard/ Neals Lane

Speeding: Concerns on both 29th and 33rd Streets and strong desire for traffic calming.

Enforcement: Concern about effectiveness of traffic calming measures without enforcement.

Accessibility: Concerns about accessibility and proposed crossing treatments; convenient parking locations for residents and community members who are disabled.

Pedestrian Facilities: Improve sidewalks and curb ramps; include provisions to make raised crosswalks more accessible.

Biking: Provide continuous mobility lanes to improve safety and increase connectivity. Not enough people biking/using small mobility devices today to warrant change.

Loss of Parking: Potential concern for businesses and churches; denser neighborhoods.

Placemaking: Opportunities to add more trees; concerns about removing any existing vegetation.

Transit: Improve transit route access through more bus stops.



4 Transportation and Mobility Touchpoints

NW Kauffman Avenue to Grand Boulevard/ Neals Lane

- **May 2024:** Project introduction, existing conditions and share community engagement plan.
- **July 2024:** Analysis and engagement summary, present early design concepts.
- **September 2024:** TMC workshop on design concepts and Phase 1 engagement summary
- **December 2024:** TMC public hearing on final design recommendation and Phase 2 engagement summary.

