

City Council Meeting Agenda January 13, 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 13, 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 13, 2025. Instructions will be provided on-site. Register to testify online. Online registration is open until 12:00 p.m. on January 13, 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: 4:30-6:00 p.m.

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

City Council Policy Updates

(Approximately 45 minutes)

Jonathan Young, City Attorney, jonathan.young@cityofvancouver.us

Downtown Access, Mobility and Parking Plan

(Approximately 45 minutes, to immediately follow the previous workshop)

Anne Stedler, Parking Demand Manager, Gabe Montez, Parking District Manager,
anne.stedler@cityofvancouver.us, gabriel.montez@cityofvancouver.us

Council Dinner / Administrative Updates (6:00 - 6:30 PM)

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

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. Construction Acceptance - E-Interceptor Phase 1 and 2 Cured In Place Pipe Rehabilitation

Staff Report: 008-25

Request: On Monday, January 13, 2025, accept the facilities as constructed by SAK Construction LLC of O'Fallon, Missouri, and authorize release of the retainage bond subject to receipt of all documentation required by law.

Sheryl Hale, Senior Engineering Supervisor, sheryl.hale@cityofvancouver.us

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

Staff Report: 002-25

Request: On Monday, January 13, 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 to Establish Heights Business Improvement Area

A RESOLUTION under RCW 35.87A.040 expressing an intention to establish the Heights Business Improvement Area (Heights BIA).

Staff Report: 009-25

Request: On Monday, January 13, 2025, approve the resolution to establish a Business Improvement Area to be known as the Heights Business Improvement Area.

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

4. Appointment of Interim City Attorney

Request: On Monday, January 13, 2025, appoint Nena Cook as the Interim City Attorney.

Lon Pluckhahn, City Manager

5. Approval of Claim Vouchers

Request: Approve claim vouchers for January 13, 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.

6. 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 13, 2025, approve the ordinance for the creation of a new affordable housing incentive program.

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

7. 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 13, 2024, adopt 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.

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



CITY OF
Vancouver
WASHINGTON

City Council Policies

January 13, 2025

Jonathan Young
City Attorney



Preview

- Complaints Re: Direct Reports
- Community Communication
- Future Discussions:
 - (1) Attendance
 - (2) Travel
 - (3) All-Council emails
 - (4) Parliamentary Procedure
 - (5) Annual DEI Training
 - (6) Fifth Mondays
 - (7) Proclamations
 - (8) Council Compact
 - (9) Others?



Complaints Re: Officers and Direct Reports

Recommend:

1. Timely notification of City Council; and
2. Investigate all plausible allegations that, if true, would constitute a violation of law or City policy.

Memorialize Expectations:

City Council Policy 100-34, City Council Relations with City Staff.

Accept Complaints:

Written or electronically when addressed to City Council, City Manager, City Attorney, or City Audit Committee.



Community Communication

1. Manage disruptions and encourage participation in a manner that avoids intimidation
2. Define and implement exclusion process for repeated violations
3. Expand to rules and penalties to City Boards, Commissions, Committees and Workgroups





Next Steps

- Interim City Attorney to draft any desired amendments.
- Preview changes under “Manager Communications.”
- Formal consideration of Amendments via Resolution on Consent Agenda.
- Identify desired scope and timeframe for continued discussion.



Desired Schedule and Topics:

Proposed Return Date:

Summer 2025

Future Discussions:

- (1) Attendance
- (2) Travel
- (3) All-Council emails
- (4) Parliamentary Procedure
- (5) Annual DEI Training
- (6) Fifth Mondays
- (7) Proclamations
- (8) Council Compact
- (9) Others?



Thank You





POLICY AND PROCEDURE

CITY OF VANCOUVER WASHINGTON	INDEX			
	Administrative/Council/City Manager			
Subject	Number 100-34	Rev. CD	Effective Date 12/13/21 / 21 / 25	Page 1 of 35
City Council Relations with City Staff	Supersedes 1/4/11 12/13/21	Prepared by: [City Manager]	Approved by: [Mayor]	

1.0 Purpose

The purpose of this policy is to establish formal procedures for interaction between City Council and City staff.

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2.0 Organizations Affected

City Council/City Manager

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3.0 References

City Council Resolution M-3256, November 11, 1999
City Council Resolution, M-3730, January 3, 2011
City Council Resolution, M-4157, December 13, 2021
City Council Resolution, M- , February , 2025

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4.0 Respect

There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities when, and if, expressing criticism in a public meeting. When feasible, questions should be asked of staff before the public meetings.

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5.0: Roles

City staff will acknowledge the Council as policy makers, and the Councilmembers will acknowledge City staff as administering the Council's policies.

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6.0 Requested Written Material

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When written materials relating to policy issues are requested of staff by individual Councilmembers, staff will contact the other Councilmembers via e-mail to inquire if they would also like a copy of the materials.

7.0- Personnel Selection and Awarding of Contracts

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Councilmembers shall not attempt to coerce or influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits (Section 3.04 of the Vancouver City Charter)

8.0 City Department Non-Interference

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Council should not attempt to change or interfere with the operating rules and practices of any City department.

9.0- Mail Delivery

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Mail that is addressed to the Mayor and Councilmembers should be date stamped, copied and circulated, including the envelope, by the City Manager as soon as practical after it arrives. Email will be managed in accordance with the Council Email Policy 100-37.

10.0- Confidential Mail

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The City Manager and their staff should not open mail addressed to individual Councilmembers if it is marked personal and/or confidential.

11.0- Individual Councilmember Directed Actions

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No Councilmember should direct the city Manager to initiate any action or prepare any report that is significant in nature, or initiate any project or study without the consent of a majority of the Council.

12.0- Councilmember Requests for Information

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Individual requests for information can be made directly to the Service Manager of the service in question, unless otherwise determined by the City Manager. If the request would create a change in work assignments or City staffing levels, the request must be made through the City Manager.

13.0 Councilmember Staff Support for Boards and Commissions

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The City Manager will provide an acceptable level of staff support for Councilmembers in their appointed roles on boards and commissions.

14.0- Staff Assistance for Councilmembers

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Councilmembers needing staff assistance should work through the assistant to the City Manager.

15.0 Allegations of Misconduct

The City will evaluate all allegations of misconduct and performance feedback against the Investigation Standard set forth within this policy; conduct investigations and inquiries as needed to resolve factual disputes; render findings; take employment actions; and document the decision-making process as outlined within this policy.

15.1 Applicability

This policy applies to allegations against the City Manager and those persons who report directly to the City Manager; the City Attorney and Assistant City Attorneys; Department Heads as that term is used in the City Charter and in ordinances which establish the various departments; and non-elected members of appointive city boards, city commissions and city committees. Allegations against all other City employees shall be conducted consistent with the City's collective bargaining agreements and personnel policies. Allegations against elective officers (members of the City Council) shall be resolved in accordance with the City Council Code of Conduct and Ethics, Policy 100-36.

15.2 Investigation Standard

The City of Vancouver will promptly investigate all plausible allegations that, if true, would constitute a violation of law or City policy by an individual to whom this policy applies.

15.3 Process

The City of Vancouver will use the following process to review complaints and performance feedback and evaluate whether the Investigative Standard has been met.

A. Online Portal: The City will maintain an online portal through which individuals may submit complaints or performance feedback concerning one or more of the public officials identified in Section 15.1. The City's online portal will, at a minimum, allow the party submitting the complaint or feedback to select from the following parties to whom their submission may be directed:

1. The City Manager;
2. The City Attorney;

3. The City Audit Committee (comprised of the Mayor, Mayor Pro Tempore, City Manager, City Attorney, Chief Financial Officer, and Internal Auditor); and/or
4. The City Council.

B. Submission in Writing. Complaints and performance feedback may be submitted electronically or in writing. The City will provide reasonable accommodations to individuals who need assistance to submit a written complaint or performance feedback. Written acknowledgement of receipt shall be provided for all complaints and performance feedback received by the City except in the event of an anonymous complaint. Anonymous complaints will be accepted and reviewed by the City, however, unless practicable, anonymous complaints will not be acknowledged in writing, nor will follow-up be conducted on any matters requiring clarification.

C. Internal Routing. Complaints or performance feedback received by the City that relate to one or more of the public officials identified in Section 15.1 will be promptly marked as “Confidential” and routed internally as necessary to accommodate review as follows:

1. The City Manager shall review, or cause to be reviewed, all complaints and performance feedback about individuals who report directly to the City Manager, the City Attorney, Department heads, and members of appointive city boards, commissions, and committees.
2. The City Attorney shall review all complaints and performance feedback submitted regarding the City Manager or Assistant City Attorneys.
3. The City Audit Committee shall review all complaints and performance feedback: (1) that relate to both the City Manager and City Attorney, or (2) involve misuse or misappropriation of City assets or resources; PROVIDED that any member(s) of the Audit Committee implicated in the complaint shall recuse themselves from conducting the review.
4. The Vancouver City Council shall be informed of any review conducted pursuant to subsections 15.3(C) above within 30 days of receipt of a submission. At a minimum, notice to the City Council shall include (a) the identity of submitting party (if known), (b) the identity of the subject(s) of the complaint or performance feedback, (c) a concise description of the nature of the allegations or performance feedback, and (d) the status of the review that has been undertaken to determine whether the submission meets the Investigative Standard set forth in Section 15.2.

D. Decision Making Authority. Any complaint that meets the Investigative Standard set forth above shall be referred to the following decision-making authority to establish the scope of investigation, inquiry, and any interim protective measures.

1. The City Council shall serve as decision-making authority for any allegations meeting the Investigative Standard asserted against the City Manager.

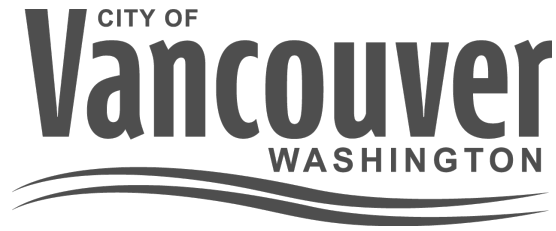
2. The City Manager, or their designee, shall serve as decision-making authority for any allegations meeting the Investigative Standard asserted against any other individual(s) to whom this policy applies.

E. Scope of Investigation, Inquiry and Interim Protective Measures. Upon receipt of a complaint that has been determined to meet the Investigative Standard, the decision-making authority shall determine (1) the appropriate scope of inquiry to decide whether the allegation is actually true, (2) the manner and method of conducting any investigation or inquiry into the truth of the allegation, and (3) any interim steps that should be taken to protect the City, its employees, assets, or interests while the investigation or inquiry is being conducted.

F. Notice, and Opportunity to be Heard. Once the appropriate scope and method of investigation or inquiry has been established by the decision-maker, and any interim protective measures have been implemented, the individual(s) about whom the allegations have been made shall be promptly given written notice and an opportunity to respond.

G. Investigation or Inquiry. After the subject has been notified and afforded an opportunity to respond, the decision-maker shall make, or cause to be made, such investigation or inquiry as may be necessary to resolve, on a more probable than not basis, any remaining factual questions material to the outcome of the matter under consideration.

H. Resolution of the Complaint. Upon conclusion of the investigation or inquiry, the subject shall be provided written notice of the decision-maker authority's findings, notice of any anticipated action that may be taken. The determination reached by the decision-making authority shall be final and binding subject to any available judicial review. Any remedial action shall be taken in accordance with law and documented in writing. The individual(s) who submitted the complaint, if known, and any other entities required by law will be notified that the matter has been resolved.



POLICY AND PROCEDURE

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City Council Meetings	100-32	<u>LM</u>	<u>8/1/2024</u> / <u>2</u> / <u>25</u>	<u>1412</u>
	Supersedes <u>1/9/2023</u> <u>8/1/2024</u>	Prepared by: [City Manager]	Approved by: [Mayor]	

1.0 Purpose

The purpose of this policy is to establish formal procedures for the conduct of City Council meetings.

2.0 Organizations Affected

City Council/City Manager

3.0 References

City Council Resolution M-3239, August 9, 1999
City Council Resolution M-3258, November 22, 1999
City Council Resolution M-3350, July 23, 2001
City Council Resolution M-3412, December 12, 2002
City Council Resolution M-3607, April 16, 2007
City Council Resolution M-3737, March 21, 2011
City Council Resolution M-3844, December 15, 2014
City Council Resolution M-3912, November 14, 2016
City Council Resolution M-3980, September 24, 2018
City Council Resolution M-4157, December 13, 2021
City Council Resolution M-4172, June 6, 2022
City Council Resolution M-4201, December 19, 2022
City Council Resolution M-4204, January 9, 2023
City Council Resolution M-4287, July 15, 2024
City Council Resolution M-____, February __, 2025

4.0 Presiding Officer

The Presiding Officer at all meetings of the Council is the Mayor, and in the absence of the Mayor, the Mayor Pro Tempore will act in that capacity. If both the Mayor and Mayor Pro Tempore are absent, the most senior member in attendance shall act in that capacity. Seniority amongst members of the Council shall be established according to the date members first join the Council. In the event two or more members of the Council are elected from the same election, seniority among such members shall be established according to number of votes received (such that the highest available seniority is conferred to the Councilmember-elect who received the greatest number of votes).

4.1. Choosing Mayor Pro Tempore

The Mayor Pro Tempore shall be chosen according to *Section 2.04 of the Vancouver City Charter* and Ranked Choice Voting. All members of the City Council, including those nominated for Mayor Pro Tempore, shall vote unless they abstain for a qualifying reason. See Section 10.16.3. The City Council Assistant shall prepare and circulate a ballot containing the names of all nominees. Council members will then be given an opportunity to fill out and return their ballot to the City Council Assistant who will tally the votes as follows:

- If a nominee receives 50 percent or more of first-choice votes, that nominee wins.
- If no nominee exceeds 50 percent of first-choice votes, the nominee(s) in last place is/are eliminated. All the votes for the eliminated nominee(s) are then reallocated to whichever nominee those voters ranked second.
- The elimination process is repeated until one nominee receives over 50 percent of the vote.

In the event that the first round of ranked choice voting results in a tie between two or more nominees, the Presiding Officer may call for further discussion from the City Council and repeat the process above, as needed, until a Mayor Pro Tem has been selected. Copies of all counted ballots will be affixed to the meeting minutes.

4.2. Obligations of Presiding Officer

The Presiding Officer shall:

- (1) Preserve order and decorum in the Council chambers in accordance with Section 10.14;
- (2) Observe and enforce all rules adopted by the Council;
- (3) Decide all questions on procedure and order, in accordance with these rules, subject to appeal by a Councilmember;
- (4) Recognize Councilmembers in the order in which they request the floor, giving every Councilmember who wishes an opportunity to speak. The Presiding Officer, as a Councilmember, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers.

- (5) From time to time, appoint Councilmembers to serve on ad hoc committees.

5.0 General Information

5.1 Meetings Schedule

City Council meetings are held on the first, second, third, and fourth Mondays of a month (“Regular Meetings”) in the City Council Chambers, 415 West 6th Street, Vancouver, Washington. Special Meetings may be scheduled on the fifth Monday of a month on an as-needed basis for in-depth policy discussions, and other dates upon proper notice. (RCW 42.30.080).

The Vancouver City Charter requires that Council meet “regularly” but not less often than twice each month. All Regular meetings will begin at 6:30 p.m., unless otherwise advertised, and will adjourn no later than 11 p.m. To continue past this time, a majority of the Council must concur.

In the event a City-recognized holiday occurs on Monday, the Council shall not meet. The City Manager’s Office will develop the next year’s annual Council meeting schedule by December 1 each year. The meeting calendar will be presented for Council approval at the first meeting in December.

The adopted annual schedule will be distributed to Council, the media, and all City departments, and will be placed on the City’s website before January 1 of each year. City Council may, at any time, add, cancel or change a meeting date and/or time by a majority vote of the Council and proper notification to the press. Special meetings not included in the adopted annual meeting schedule may be called in accordance with Section 9.0.

5.2 Quorum

At all meetings of the Council, a majority of the Council constitutes a quorum for the transaction of business, but a lesser number may adjourn from day to day or until the time of the next regular meeting and may compel the attendance of absent members in such manner and under such penalties as the City Council shall prescribe. (*Section 2.10 of Vancouver City Charter*)

5.3 Councilmember Absences from Meetings

Councilmembers shall inform the Mayor or City Manager, as well as Council Assistant, if they are unable to attend any Council meeting, or if they will be late to any meeting. A majority vote is required following the initial meeting roll call to excuse any Councilmember absence as outlined per Section 10.1.

5.4. Council Seating

The Presiding Officer and six elected Councilmembers sit on a dais facing the public with the Presiding Officer seated in the middle. The Councilmembers are seated based on seniority, with the most senior Councilmember seated on the Presiding Officer's left side and continuing in decreasing seniority away from the Presiding Officer. Maintaining order, exceptions may be made to balance seating on the dais. The order is continued at the far opposite side of the dais and progressing toward the Presiding Officer's right side, resulting in the least senior Councilmember seated on the Presiding Officer's right side.

5.5 Council Meeting Staffing

The City Manager shall attend all meetings of the Council. In the event of the City Manager's absence, the Deputy City Manager shall attend. At the discretion of the City Manager, the Deputy City Manager, department heads, and other staff members shall attend. The City Manager may make recommendations to the Council and shall have the right to take part in the discussions of the Council but shall have no vote.

5.6 Recording Proceedings

The City Clerk or delegate shall maintain action minutes of all Regular, Special Meetings and Workshops of the Council in accordance with statutory requirements and Section 2.11 of the Vancouver City Charter. Such minutes shall be open to public inspection and will also be posted on the City's website. City Council meeting minutes can be corrected if in error but shall not be revised without a majority affirmative vote of the Council at a regularly scheduled Council meeting.

5.7 Broadcasting

Regular meetings, including workshops, are cablecast live and replayed on CVTV-23 and CVTV-323, and streamed live at www.cvtv.org, to the extent consistent with this policy and whenever reasonable use of technology allows.

5.8 Media Representation at Council Meetings

All public meetings of the City Council and its advisory committees shall be open to the media, freely subject to recording by radio, television, electronic, and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting.

6.0 Order of Business

Regular meetings shall follow a general order of business to ensure consistency and enhance public expectations as to the general format of the agenda.

Modifications to the order of business and meeting format as provided for in Sections 6.1 may occur in the event of scheduling necessities or by Council action.

6.1. Regular Meetings

The order of the agenda for Regular Council meetings will be as follows:

- Pledge of Allegiance
- Call to Order and Roll
- Approval of Minutes
- Proclamations and Special Presentations
- Community Member Communication
- Consent Agenda
- Public Hearings
- New Business
- Unfinished Business
- Communications
 - From the Council
 - From the Mayor
 - From the City Manager
- Adjournment

6.1.1. Regular Meetings with a Community Communication Forum

The agenda for Regular Meetings with a Community Communication Forum will follow the same order as Regular Meetings except:

- CVTV Coverage will end following Communications from the City Manager, following which there will be no Final Action¹ by the Council; and
- Communications from the Community (the Monthly Community Forum) will be the last agenda item preceding adjournment.

7.0 Workshops

At the discretion of Council, Council workshops are held Mondays from 4 to 6 p.m. Occasionally, the Mayor and City Manager may extend workshops beyond this timeframe as needed. Workshop times will be published on the final agenda, and Councilmembers will be given as much advance notice as possible if a workshop is scheduled to fall outside this normal timeframe.

¹ Once the Presiding Officer has ordered that CVTV end the television broadcast of a regular City Council meeting, no additional Final Action shall be taken. "Final Action" as used in this policy means a collective positive or negative decision, or an actual vote by a majority of the members of a governing body when sitting as a body or entity, upon a motion, proposal, resolution, order, or ordinance. (See also, RCW 42.30.020.)

During these meetings, items needing in-depth discussion are introduced and reviewed. No formal action is taken at workshops. Formal action is defined as a collective positive or negative decision following an actual vote by a majority of the Council upon a resolution, order or ordinance.

Council will, on a regular basis, be provided with an on-going preview of upcoming workshops.

8.0 Executive Sessions

An Executive Session is a council meeting or portion of a council meeting that is closed except to the Council, City Manager and authorized staff members and/or consultants authorized by the City Manager. The public is restricted from attendance. Executive Sessions may be held during Regular meetings, Workshops or Special council meetings and will be announced by the Mayor. Before convening an Executive Session, the Mayor shall announce the purpose of the meeting and the anticipated time when the session will be concluded. Should the session require more time, a public announcement shall be made that the meeting is being extended and the duration of the extension. Executive Sessions shall be held in accordance with the provisions of the Washington State Open Public Meetings Act. Council Regular Meetings, and Workshops are “regular meetings” as that term is defined by RCW 42.30.075 and used in RCW 42.30.110(1).

9.0 Special Meetings

The city clerk shall call special public meetings of the City Council upon the approval of the Mayor or a majority of the Councilmembers. Any request shall state the subjects to be considered at such special meeting and no other subject shall there be acted upon. (Section 2.10 of the Vancouver City Charter)

Notice of every special meeting shall be given in writing personally, by fax or email to every Councilmember, to the City Manager, to the City Attorney, and to all local news media representatives who have on file with the city clerk a request for such notices. The notice shall be posted on the City’s website, prominently displayed at the main entrance to City Hall and the meeting site if the meeting is not being held at City Hall. The notice must be delivered or posted at least 24 hours before the meeting. The notice shall state the place and time of the meeting and the business to be conducted. The Council shall not make final disposition of any matter not included in the notice.

Councilmembers are active in their community and attend many meetings and events. The people of Washington have declared that all meetings of a public agency shall be open and public. When a quorum of the council is present at a meeting where action is taken, the meeting is subject to the Open Public Meetings Act. A “meeting” of the Council occurs “when a majority of its members gathers with the collective intent of transacting the governing body's business.”² “Action” is broadly defined as the transaction of the official business of an agency including “deliberations, discussions, considerations, reviews, [and]

² Citizens All. for Prop. Rights Legal Fund v. San Juan County, 184 Wn.2d 428, 444, 359 P.3d 753, 761 (2015).

evaluations” and receipt of testimony.³ If Councilmembers plan to attend an event or meeting with the intent of transacting City business, they should notify the City Manager’s Office so that it can be determined if a quorum of the Council will be present. If a quorum will be present the City Manager’s Office will provide a notice of a special meeting of the Council. In order to prepare and give notice of the meeting, Councilmembers need to notify the City Manager’s Office at least one week before the meeting.

If a quorum of Council is present at an event or meeting without notice having been provided, Councilmembers shall “self-police” by either having members leave to avoid a quorum or by not sitting together and not discussing City business. In the absence of an agreement otherwise, the Councilmember(s) whose arrival triggered the quorum shall leave the event or meeting.

10.0 Council Meeting Protocol

10.1 Call to Order and Roll Call

The Presiding Officer shall call the meeting to order and request the Council Assistant call roll of Councilmember attendance. Lack of response by a Councilmember at the time of roll call will indicate the absence of that Councilmember. A majority vote is required to excuse any Councilmember absence. Councilmembers should provide advance notice of absences whenever possible, as provided for in Section 5.3.

10.2 Changes to Agenda Item Order

The Presiding Officer may, with the concurrence of the Councilmembers, take agenda items out of order or change the order of the agenda.

10.3 Approval of Minutes

Meeting minutes shall be approved by a majority vote of the Council. Councilmembers who were absent from the meeting may either vote on approval of those minutes or may choose to abstain from voting.

10.4 Formal Proclamations and Special Presentations

A proclamation is an official announcement or recognition as defined and signed by the Mayor. The issuance of a proclamation at a Council meeting shall be at the discretion of the Mayor.

Proclamations will be briefly summarized by the Mayor and presented to the recipient(s). The recipient(s) will be allowed to make brief comments.

³ RCW 42.30.020

Special presentations include, but are not limited to, retirements, commendations and recognition by the Mayor and City Council. Audience applause may be permitted following proclamations and presentations at the discretion of the Presiding Officer.

10.5 Community Member Communications on Agenda Items

Members of the public are invited to speak for a total of approximately three minutes each about any item on that evening's Council Agenda that is not already scheduled for public hearing or which otherwise allows for public testimony. Such public comment is taken at the beginning of the meeting under Community Member Communication and is subject to the provisions of Section 10.14. A total of ninety (90) minutes of public testimony (or less depending on the number of speakers) will be taken on the Agenda, unless the opportunity for public testimony is extended by majority vote of the Council.

Item numbers to be considered under Community Member Communications shall be indicated on the agenda. Testimony taken under Community Member Communications shall follow protocol set forth in Section 10.14.

10.6 Consent Agenda

Items appearing on the Consent Agenda are routine items voted on by a single motion. Typical items include payment of bills, awarding contracts, adoption of resolutions that do not require a public hearing, and first reading of ordinances. Any Councilmember may remove any item from the Consent Agenda for discussion and separate action. Councilmembers should indicate which items they wish to pull from the Consent Agenda prior to the Council's vote on the full Consent Agenda.

10.7 Ordinances for First Reading

First readings of ordinances shall follow the provisions provided for in the City of Vancouver Charter, Section 2.13. Upon passage at first reading, City Council sets a date for second reading and public hearing. The Presiding Officer shall read the title of any ordinance passed on first reading into the record.

10.8 Public Hearings

Public hearing items are those specific items being considered by Council on which community members are invited to present their views. Certain item types may be required by law to be scheduled as a public hearing. The Presiding Officer will state the public hearing procedures before each public hearing. Except as otherwise required by law, or otherwise announced by the Presiding Officer, a total of ninety (90) minutes of public testimony (or less depending on the number of speakers) will be taken on the Public Hearings. Provided, that the opportunity for public testimony on Public Hearings may be extended by majority vote of the Council.

All public hearings are advertised in The Columbian at least three days in advance, or as required by law, and information is posted on the City's website. In an emergency, most public hearings can be called within 24 hours with proper media notification, unless longer notice is required by law.

Public testimony on public hearing items is subject to the provisions of Section 10.14.

10.9 Ordinances for Second Reading and Public Hearing

Community members are invited to present their views on proposed ordinances before a final vote by Council. All public hearings on proposed ordinances are advertised in accordance with Section 10.8.

The Presiding Officer shall read into the record the title of any ordinance appearing for second reading at the time of its consideration on the agenda. Second readings of ordinances shall follow the provisions provided for in the City of Vancouver Charter, Sections 2.14 and 2.15.

10.10 Council and City Manager Communications

City Councilmembers, Mayor and the City Manager make special announcements or provide updates on current issues or items of Council interest.

Councilmembers, the Mayor and the City Manager may also present new proposals and seek feedback on such at this time.

10.11 Community Member Forum

A Community Member Forum will generally be conducted at the last Regular Meeting of each month. Each forum will be conducted as either a "Regular Meeting with a Community Communication Forum" (Section 6.1.1 and Section 10.11.1) or as a "Quarterly Community Forum" (Section 10.11.2).

10.11.1 Regular Meeting with a Community Forum

Each Regular Meeting with a Community Forum will be audio recorded by the Council Assistant and conducted in a manner such that it is fully compliant with Washington's Open Public Meetings Act (RCW 42.30), but in general, will not be televised. At each monthly community forum, members of the public are invited to speak for a total of approximately three minutes each on any lawful topic related to City business. Such public comment is subject to the restrictions, limitations, and provisions of Section 10.14. Advance registration is required for remote testimony as specified in Section 10.14. A total of sixty (60) minutes of public testimony (or

less depending on the number of speakers) will be taken at the monthly community forum, unless the opportunity for public testimony is extended by majority vote of the Council. Community member forum events shall also be subject to the provisions of Section 5.1 requiring adjournment by 11 p.m. unless extended by majority vote of the City Council.

10.11.2 Quarterly Community Forum

A Quarterly Community Member Forum will be held four times per year, approximately coinciding with the last Regular meeting in each quarter of the year and at additional meetings as noticed and announced. The format of these Community Member Forums, and at additional meetings as noticed and announced, may vary from quarter to quarter and will be conducted in accordance with Ground Rules announced in advance of the meeting notice and/or by the Presiding Officer at the beginning of the meeting.

10.12 New Business

Matters that do not appear on the agenda may be raised as new business.

10.13 Unfinished Business

Council discusses ongoing issues or items continued from earlier meetings.

10.14 Public Testimony and Conduct

10.14.1 Designation as Limited Public Forum.

Although the City Council desires to allow the opportunity for public comment, the business of the City must proceed in an orderly, timely manner. Council meetings are considered a 'limited public forum' which means the time, place and manner of speech can be regulated.

10.14.2 Registration and Submission of Written Materials.

Speakers who wish to testify before the City Council are required to complete a "Testimony Registration Form" which requests the speaker's name, address, agency or group represented, the item the speaker wishes to testify on, and their position on the subject. Distinct cards will be used to identify whether community members wish to offer testimony on items that appear on the agenda or, if applicable, as a part of a community forum. -Advance registration is required.

Those who wish to testify in-person, must submit a written Testimony Registration Card to the City Council Assistant by the beginning of the meeting or at such later time as the Presiding Officer may permit.

Community members who wish to submit written testimony, or testify through the City's remote meeting platform, must register online by 12:00 p.m. on the day of the meeting. Copies of written testimony shall be distributed to the City Council in advance of the meeting. Council prefers lengthy written testimony to be submitted at least a week prior, so Council has a chance to fairly consider the comments.

~~. Those who wish to testify in-person, must submit a written Testimony Registration Card to the City Council Assistant by the beginning of the meeting or at such later time as the Presiding Officer may permit.~~

10.14.3 Time, place, and manner of permitted comments.

Community members may present verbal comments when recognized by the Presiding officer and invited to speak. Comments shall only be made from one of the podium microphones, or via online testimony. No comments shall be made from any other location, and anyone making "out of order" comments or noises shall be subject to removal from the meeting pursuant to Section 10.14.5.

~~At the appropriate time~~ When recognized, speakers are requested will be invited by the Presiding Officer to step up to the place designated for testimony, give their name and place of residence for the record, and limit remarks to approximately three minutes. ~~-(Council prefers lengthy written testimony to be submitted at least a week prior, so Council has a chance to fairly consider the comments.)~~ All remarks will be addressed to the Council as a whole. Public comments are opportunities for speakers to briefly address the entire Council, and those speaking are to address members of Council and not the audience.

10.14.4 Prohibited Conduct.

Members of the audience are prohibited from disrupting, disturbing, delaying or impeding the orderly conduct of a meeting of the Vancouver City Council or any of its boards, commissions or work groups. Therefore, eEach person who addresses the Council, or its boards, commissions, or work groups, shall do so in an orderly manner, upon recognition by the Presiding Officer, and refrain from disorderly words or conduct.

The term "disorderly words or conduct" as used in this City Council Policy means that those addressing the City Council shall not, by words or action, engage in unlawful conduct or make any threatening, harassing, slanderous, profane, or

prohibited political⁴ remarks to any member of the Council, staff or the general public. Any person who violates this policy while addressing the Council, or disrupts or otherwise impedes the orderly conduct of any Council meeting, may be requested to leave the meeting and may have their right to provide verbal comment suspended pursuant to Section 10.14.5.

10.14.5 Enforcement and Suspension of Verbal Comment Rights.

~~In addition, members of the audience are prohibited from disrupting, disturbing, delaying or impeding the orderly conduct of a meeting of the Vancouver City Council.~~

The Presiding Officer, ~~or~~ City Manager, or City Manager's designee has the authority to enforce the Rules of the City Council and preserve order at all meetings of the Council, its boards, commissions, committees, or work groups, and to cause the removal of any person from any meeting for disorderly words or conduct as described herein, or for otherwise disrupting, disturbing, delaying or impeding the orderly conduct of a Council meeting. The Presiding Officer and City Manager may command assistance of any peace officer of the City to enforce all lawful orders to restore order at any meeting.

Conduct in any form that interferes with Council's ability to timely conduct the business of the City will not be allowed. If a situation arises where a speaker exceeds the three minutes (unless permitted to continue by the Presiding Officer), is speaking on matters other than City business, or is otherwise disruptive in a manner that interferes with the ability of the Council to conduct the business of the City, the City Clerk, with permission of the Mayor, will turn off the microphone, and the Mayor will ask the speaker to please stop talking and step away from the podium. In the case of remote meetings, the speaker will be muted.

If the speaker continues after the first request, the Mayor will ask the speaker once again to stop talking, and will warn the speaker that failure to stop will result in a suspension of their privilege to speak at public comment for 90 days. If the speaker continues, the Mayor will gavel in a five-minute recess and the speaker who caused the disruption shall be issued a written notice of 90-day suspension of the right to provide verbal comment at any Open Public Meeting of the Vancouver City Council its boards, committees, commissions, or work groups. In the event the same speaker disrupts a second public meeting of the City of Vancouver within 1-year of their first notice of suspension, they shall be issued a 180-day suspension of the right to provide verbal comment.

Upon return from recess, public comment will start again with a caution from the Mayor that if any other speaker refuses to stop talking after being asked to do so

⁴ Pursuant to RCW 42.17A.555, the City is prohibited from allowing testimony in support or opposition to any ballot proposition except as expressly allowed by law. The City is also prohibited from allowing testimony in support of any person's campaign for an elective office.

after the three minutes or is otherwise disruptive, the remainder of the public comment for the night will be terminated.

10.15 Council Discussion

All Council discussion shall be governed by Robert's Rules of Order, Newly Revised. The City Attorney is the Parliamentarian. Every Councilmember shall be provided with a copy of Robert's Rules of Order, Newly Revised when first joining the Council.

10.16 Voting

10.16.1 Roll Call Votes

The Council Assistant will take a roll call vote, if requested by the Presiding Officer, a Councilmember, or as required by law. The roll call vote shall be by seniority with the least senior member voting first.

10.16.2 Tie Vote

The passage of a Motion, Resolution or Ordinance is lost by a tie vote, provided that the question may be brought forward again at the request of any member at the same meeting or at the next meeting when any members who were absent or disqualified at the time of the tie vote are present.

10.16.3 Votes on Questions

Each member present shall vote on all questions put to the City Council except on matters on which he or she has been disqualified for a conflict of interest or under the Appearance of Fairness Doctrine. Such a member shall disqualify himself or herself prior to any discussion of the matter. If abstaining, the Councilmember must state the reasons for abstaining, identifying one or more of the following: (1) an excused absence from the prior council meeting and/or (2) a conflict of interest and/or (3) an Appearance of Fairness issue. See Policy 100-39. A Councilmember, who abstains but fails to identify the absence, conflict of interest and/or Appearance of Fairness issue, will be considered to have voted for the majority's position in respect to questions before the council and have their vote so recorded. When disqualification of a member or members results, or would result, in the inability of the Council to act on a matter on which it is required by law to take action, any member who is absent or who is disqualified under the Appearance of Fairness Doctrine may subsequently participate, provided such member first shall have reviewed all materials and listened to all tapes of the proceedings in which the member did not participate.

10.17 Adjournment

There being no further business, the Presiding Officer adjourns the meeting.

11.0 Agenda Preparation

11.1 General Information

The City Manager's office will prepare an agenda for each Council meeting specifying the time and place of the meeting and set forth a brief general description of each item to be considered by the Council. The agenda is subject to approval by the Mayor and the City Manager.

11.2 Placing Item on the Agenda

An item may be placed on a Council meeting agenda by any of the following methods:

- (1) By any two (2) or more Councilmembers,
- (2) By the City Manager, or
- (3) By the Mayor.

11.3 Adding an Item to a Published Agenda

An item may be added to a Regular meeting agenda, per Section 11.2, after the agenda is closed and the notice published if an amended agenda is published, provided to the Mayor and City Councilmembers and posted on the City's website prior to the subject meeting date.

An item may be added to a Regular meeting agenda on the subject Council meeting date as a walk-on item if the Councilmember or City Manager requesting the addition of the item explains the necessity and receives a majority vote of the Council to amend the agenda at the public meeting.

11.4 Agenda Finalization Schedule

Agenda materials will be available at City Hall and on the City's website for City staff, the media and public by Wednesday prior to the meeting. Agenda materials will be available for Councilmembers by Tuesday prior to the meeting.

Downtown Access, Mobility & Parking Plan

Recommended 5 Year Actions

Gabe Montez
Parking District Manager
Parking Services

January 13, 2025

Agenda

- Plan Context
- Scope & Work to Date
- Existing Conditions
- Pillars & Actions
- Questions & Discussion

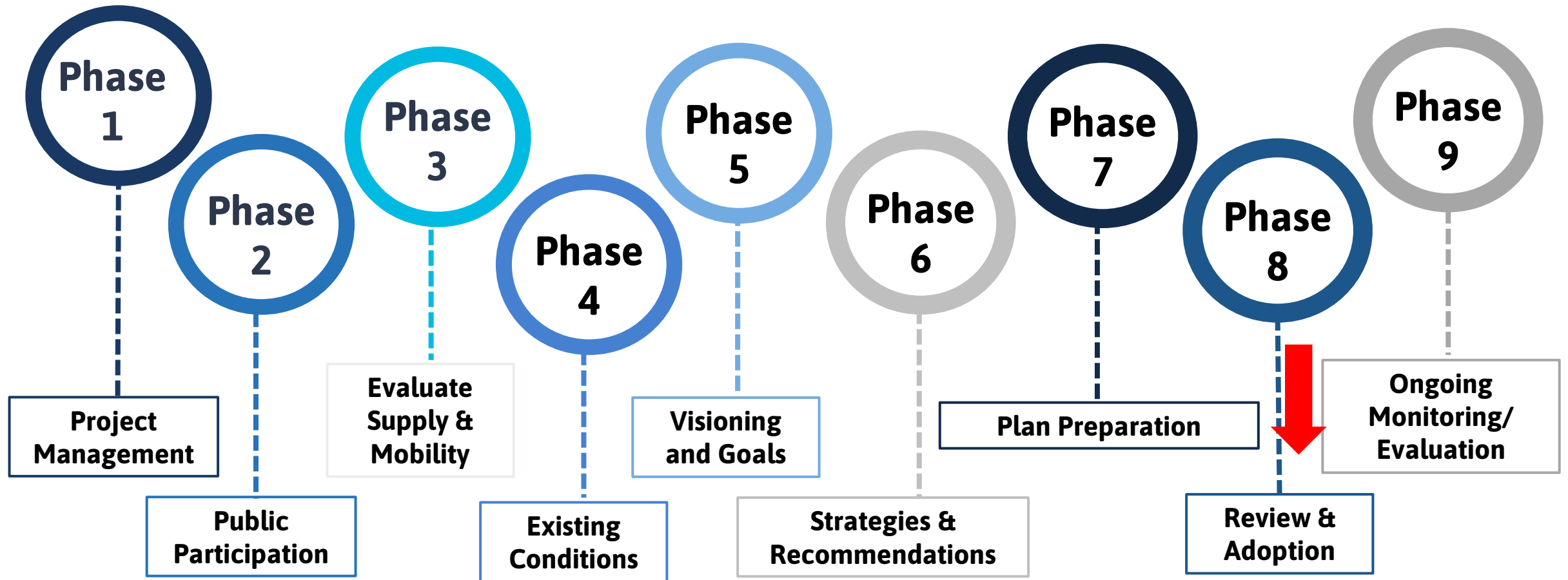
Plan Objectives

Supporting the Future of Downtown

- Facilitate new growth without adding public parking supply
- Unlock private parking supply to enhance options for downtown
- Support alternative transportation around downtown
- Leverage public investments for access & mobility



Project Overview - Next Steps



Plan Scope

Nearing Completion of 5 Year Plan

Work to date

- Updated **objectives & parking inventory**
- Assessed current **mobility options**
- **Expected demand & best practices** for maximizing parking, access & mobility



Today

- **Recommended 5 Year Actions** including use of existing public and private assets, upgrades to technologies and new mobility initiatives.

Implementation

- **Ongoing data collection & analysis**
- Prioritized **implementation plan**



Existing Conditions

On-Street parking well utilized with excess capacity

- **2,500** enforced spaces
- **20+ miles of curb**
- Wednesdays: **62%** average
- Saturdays: **61%** average
- Sundays: **51%** average
- Waterfront busiest – often exceeding **80%**

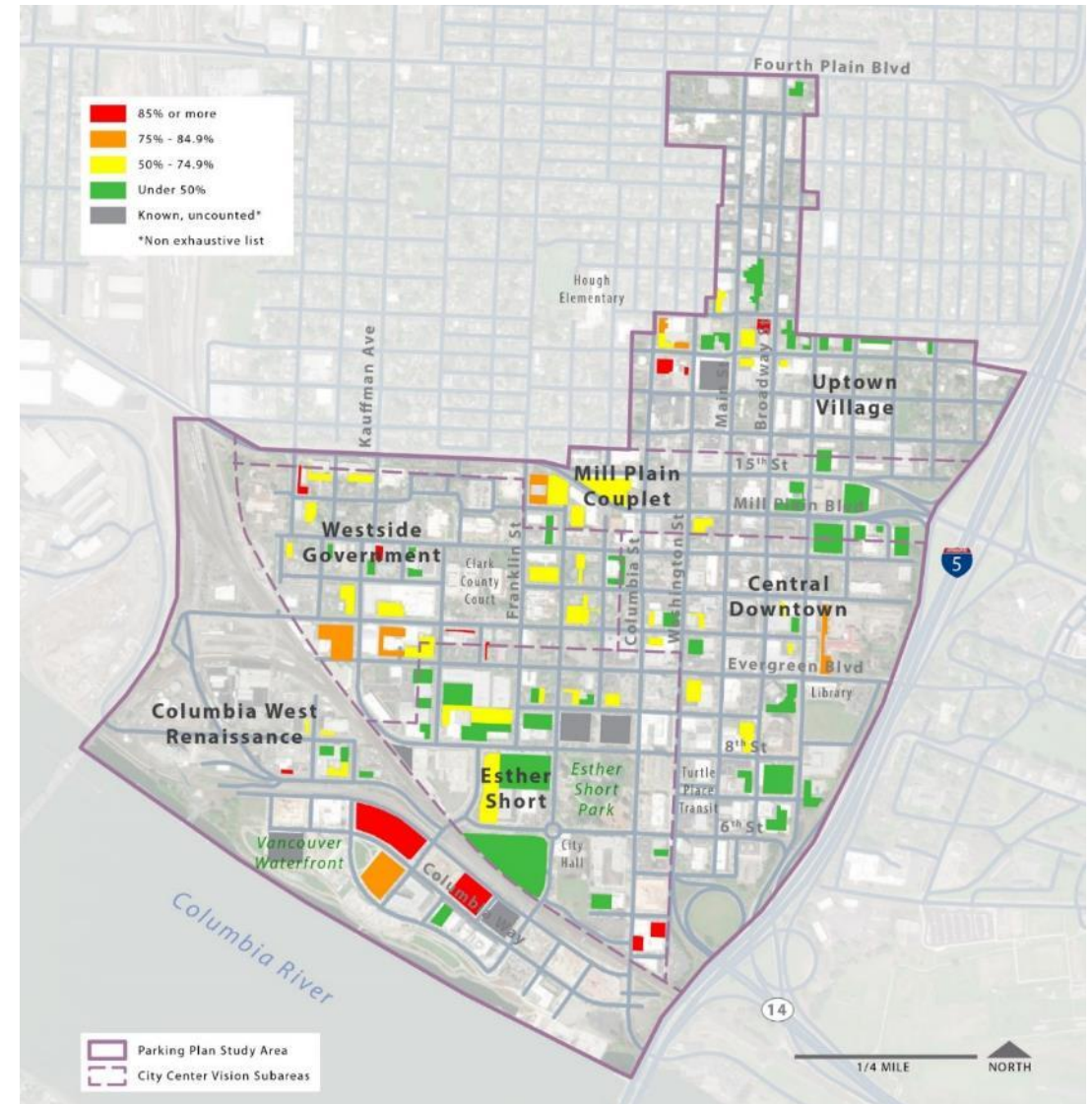
Data collected Jan – March 2024



Existing Conditions

Private Off-Street Parking Underutilized

- Roughly **9,500** spaces in 220 lots
- Few lots exceed 75% use
- Weekend drop – fewer commuters
- Thursday, 4/18/24: **49-54% full**
- Saturday, 4/20/24: **25-29% full**
- Waterfront is busier – especially lunch and dinner times
- **~450 acres total**



Map: 4/18/24 from 1-3 p.m.

The Plan: Three Pillars

1. Adopt New Pricing Practices
2. Expand Public Parking Supply through Shared Parking
3. Enhance Downtown Mobility Options



Pillar 1: Adopt New Pricing Practices

- 7-Day enforcement
- Simplify on-street pricing with High-Demand & Low-Demand Areas
- Evaluate tier-based pricing
- Enhance technology options for payments and enforcement
- Provide options for low-wage hourly employee
- Improve ADA access and parking options
- Extend buffer zones between residential & commercial areas
- Evaluate existing on-street permits



Pillar 2: Expand Public Parking Supply through Shared Parking

- Pursue Agreements with Property Owners for Public Use of Private Parking
- Expand Parking Options for Public Events
- Develop a Dispersed Parking Plan for Light Rail
- Eliminate Parking Minimums & Facilitate Shared Parking Between Developers & Owners of Private Parking
- Improve Wayfinding & Navigation Systems



Pillar 3: Enhance Downtown Mobility Options

- Invest in Alternative Transportation Initiatives
 - Circulator
 - New bike and micro mobility options
 - Enhanced commuter and delivery options
- Use Downtown Curb Space to Promote Mobility
 - Accessible parking
 - Pedestrian infrastructure
 - Active streets
 - Bike routes
- Develop a Mobility Hub Network Plan.



Plan Review & Adoption

Review of Draft Plan To Date

- Public Comments (BeHeard)
- Parking Advisory Committee (PAC)
- City Center Redevelopment Authority (CCRA)
- Downtown Stakeholders Forum

Final Review and Action

- PAC (1/15)
- CCRA (1/16)
- City Council (2/4)



Feedback to Date

- Support for increased mobility options downtown and less dependence on cars
- Interest in opening up streets for public use
- Concern for impacts to businesses and employees
- Need to maintain and enhance access for people with disabilities who may be car dependent



Questions

- Does Council support the recommended actions in the draft Plan?
- Do the recommended actions support City vision and goals for downtown?
- Are there any gaps or unmet needs in the recommended actions?



Thank You





MEMORANDUM

DATE: January 13, 2025

TO: Vancouver City Council

FROM: Lon Pluckhahn, City Manager

RE: **Downtown Access, Mobility & Parking Plan**

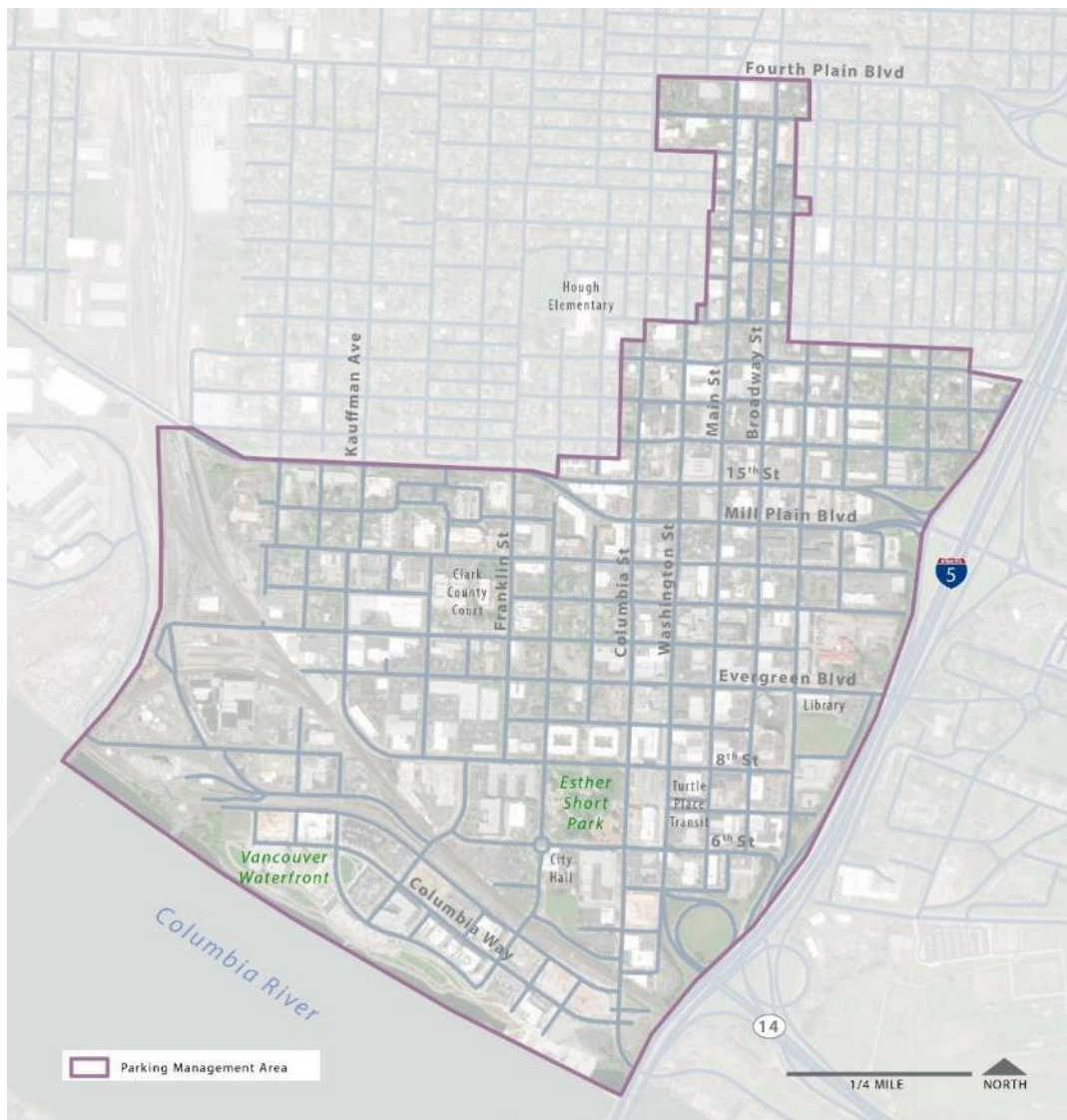
CC: Patrick Quinton, Chris Harder, Gabe Montez, Anne Stedler

Introduction

Over the past several years, the City of Vancouver has completed multiple strategic plans and guiding documents, including the 2023-2029 Strategic Plan, Transportation System Plan (TSP), Climate Action Framework, Housing Action Plan, and Equity Framework. These updates mandate a change in the role, objectives, and functions of parking, with a particular focus on downtown. In response, the City's Parking Services team embarked on a project to replace the Downtown Strategic Parking Plan with the subject Downtown Access, Mobility & Parking Plan (the "Plan"). Developed in collaboration with Walker Consultants, the Plan focuses on an expanded definition of access and mobility beyond car trips within the Parking Management Area shown below.¹ This memo summarizes the work accomplished on this project and provides an overview of the draft plan actions.

¹ The Parking Management Area currently matches the Vancouver City Center Vision (VCCV) area. The Plan will revisit the definition of the Parking Management Area and recommend any necessary changes to reflect changes in downtown Vancouver.

Figure 1 The Downtown Parking Study and Plan study area



Background

The current Downtown Strategic Parking Plan was adopted in 2007. While that plan included actions to promote alternative commute options and improve access for pedestrians and non-motorized forms of transportation, the 2007 plan expected to increase parking supply as the primary response to growing needs. The City has undergone significant changes since adoption of that plan, and now faces both external pressures and City-adopted policy mandates to improve and encourage a range of mobility and access options to get to and around downtown.

The new Plan is a critical component of downtown Vancouver's transition to a dense urban environment resulting from major housing production and job growth, and will have a direct impact on downtown development, the built environment and the quality of experience and life for downtown stakeholders.

The new Plan will:

- Provide a blueprint for supporting new development activity, anticipated job and population growth, and increased visitors to downtown without new public parking;
- Encourage the sharing of private parking to maximize use of all existing parking in the City Center;
- Align our parking and mobility practices with the City's commitment to climate action, equity, and affordable housing, including the TSP guidance; and,
- Offer best practices in parking management, addressing the City's parking and curb assets, and helping reach City mandates and policies.

Plan Scope

To complete the new Plan, City staff solicited the help of Walker Consultants, a nationally recognized planning and design firm with deep experience working with local governments to develop best practice parking and mobility plans. The Walker team included Alta Planning + Design to provide expertise on mobility options and Enviroissues to assist with public engagement.

The scope of the work with Walker included:

- 1) Update plan objectives in alignment with City goals and objectives, including Climate Action Framework, Transportation System Plan, and stated equity goals.
- 2) Update downtown public and private parking inventory.
- 3) Assess current mobility options within Downtown Vancouver.
- 4) Estimate the expected demand for parking and mobility options due to new downtown development and population growth.
- 5) Review best practices and recommended strategies for maximizing access and mobility to and within Downtown Vancouver, with the primary focus on increasing the availability and use of alternative transportation options.
- 6) Review best practices and recommendations for the best use of City assets, including downtown rights of way, to achieve City policy goals and vision for the downtown neighborhood.
- 7) Assess ADA compliance and best practices and guidance for corrective action.
- 8) Recommend data collection and analysis to facilitate effective and ongoing management of the parking system after implementation.
- 9) Create a prioritized implementation plan, including recommended programs, initiatives, and technologies, as well as potential zoning changes to implement the Plan.

The completed Plan aligns with the opportunities identified in the Downtown Redevelopment Study and the implementation priorities identified in the Transportation System Plan.

Plan Schedule

The Plan is nearing completion and the final draft is expected to be presented for Council action in the first quarter of 2025. The graphic below highlights the timing of the major milestones in the work.



Existing Conditions Report

One of the primary deliverables of the Plan is an Existing Conditions Report that provides an up-to-date inventory and utilization analysis of the public and private parking supply, catalogs existing mobility and access assets and deficits and summarizes the public conversations and stakeholder engagement that have informed the assessment of the current state of downtown mobility, access and parking. That extensive report was presented to City Council in September 2024 and is available on the City's BeHeard webpage.

The Existing Conditions Report included two critical sets of findings that influenced the recommended actions in the draft Plan: stakeholder engagement and parking supply and utilization analysis.

1. Stakeholder Engagement

Public participation for the Plan was conducted through an online survey, public meetings and presentations to public bodies and committees. The themes heard from public participation include:

- Vancouver must move away from automobile primacy and viewing personal vehicles as the default means of travel.
- Improvement of infrastructure and services and creation of more urban environments where quick and close trips are possible are needed support the transition to more transit, walking, rolling, and bicycling.

- Parking and curb assets should be managed to provide access and choice of access for many users. That access should be fairly priced, consistently enforced, and equitably provided.
- Parking is not the destination and does not make vibrant communities. People, places, activities, housing, businesses, and opportunities for livelihoods are the goal. Driving and parking are just one option for getting to around downtown and Vancouver seeks to reduce the impact and dominance of driving and parking.

2. Parking Supply and Utilization Analysis

As part of the existing conditions assessment, the project team collected and analyzed both on-street and off-street parking occupancy to assess the congestion or availability of parking supply around the downtown/VCCV area. The results of those occupancy studies are included in the Existing Conditions Report.

Based on aggregated data collected from January-March 2024, the average occupancy of the 2,500 on-street public spaces was:

- Wednesdays: 62%
- Saturdays: 61%
- Sundays: 51%

These figures are downtown-wide averages. As expected, occupancy varies widely throughout downtown, with hot spots such as at the Waterfront and near Esther Short Park often exceeding 85% use, and areas near the Clark County government buildings often recorded well below 50% occupancy. Hot and cold spots also vary significantly from weekdays to weekends.

The project team collected off-street occupancy data for non-City (mostly private) parking locations on two days during spring 2024. These counts comprised over 220² parking lots and nearly 8,000 parking spaces. The counts occurred from 11 a.m. to 5 p.m. on both days. Average occupancy in downtown was measured as:

- Thursday, April 18, 2024: 49-54%
- Saturday, April 20, 2024: 25-29%

The relatively low occupancy averages present opportunities for downtown. The underutilization of off-street parking, in particular, offers an opportunity to distribute parking demand more evenly throughout downtown, seeking to alleviate parking congestion in some areas and shift it to low-use zones. Parking wayfinding and more

² The off-street parking counts included only publicly viewable locations and did not include private parking in access-controlled, gated garages or parking structures. Thus, several newer buildings, including hotels and multi-dwelling residential around downtown and especially in the Waterfront, were not counted.

sophisticated and responsive parking pricing are tools available to help manage demand.

In addition, underutilized on-street parking in some locations could be repurposed in favor of bicycle and bus lanes, outdoor dining parklets, curb extensions, street landscaping, loading zones, and other amenities. These alternative uses are intended to serve people, enliven the public realm, and bring value of attracting patronage and activity to adjacent private real estate. Under the draft Plan, the City will evaluate additional part-time or full-time car-free street configurations where neither driving nor parking is permitted, such as the existing successful Farmers Market.

Draft Plan Actions

Based on findings and conclusions from the Existing Conditions Report, the project team has developed draft actions for the Plan organized under three pillars: 1) Adopt New Pricing Practices, 2) Expand Public Parking Supply through Shared Parking, and 3) Enhance Downtown Mobility Options. These three pillars and recommended actions are summarized below.

- **Pillar 1: Adopt New Pricing Practices** – The Plan proposes updates to the City’s management of existing parking assets, including weekend enforcement, geographic and tiered pricing, revised permit policies and pricing, and new user-friendly parking technologies. To ensure that downtown remains accessible to all users, the Plan also proposes to evaluate and upgrade the supply of parking spaces available to people with disabilities and to expand the options for low wage hourly workers.
- **Pillar 2: Expand Public Parking Supply through Shared Parking** – Unlocking private parking for public use is a priority action in the draft Plan. Implementation of shared parking can take different forms, including sharing between private entities, City or third-party management of public use of private parking, and limited use of private parking for events and other activities that place unusual demands on downtown parking. The draft Plan also recommends a comprehensive update to downtown wayfinding to help direct people to the full range of parking and mobility options, as well as other downtown destinations and attractions.
- **Pillar 3: Enhance Downtown Mobility Options** – To improve access to downtown for all forms of transportation and mobility, the City will rethink how its existing assets and resources are utilized. The City’s primary asset in promoting enhanced mobility downtown is the public right of way, including curbs and sidewalks. The draft Plan encourages more flexible uses of the street curb to provide space for social and business activity, quick passenger and delivery loading, active mobility infrastructure, and other uses that de-emphasize pure car storage. In addition, the City will develop a strategy to utilize the funds collected from parking operations

to support a broad range of mobility options, including transit, bikes, and pedestrians.

The full list of recommended actions is included in the attached draft Plan.

Next Steps

The draft Plan has been presented at separate meetings of the Parking Advisory Committee (PAC), City Center Redevelopment Authority (CCRA), and Downtown Stakeholders Forum.

The project team will finalize the draft Plan based on feedback from the above bodies as well as from public comments submitted on the City's BeHeard page. The final plan will be presented to the PAC and CCRA for review and referral to City Council for review and adoption in February 2025. After City Council action, the project team will finalize the implementation plan and move forward with priority implementation actions in 2025. Actions requiring changes to Vancouver Municipal Code (VMC), which include changes to on-street and permit pricing policies, will be presented to City Council separately for review and action.

Attachments

Downtown Access, Mobility and Parking Plan – January 2025 Working Draft

WORKING DRAFT

DOWNTOWN ACCESS, MOBILITY AND PARKING PLAN

Vancouver has experienced rapid growth over the past two decades, transforming its downtown in the process. The growth in people living and working downtown and visitors shopping at local businesses and enjoying events and festivals has exposed deficiencies in how the City of Vancouver manages its existing parking assets and the options available to individuals seeking to experience downtown outside of a car.

The Downtown Access, Mobility, and Parking Plan (the “Plan”) is a critical next step for the City of Vancouver to respond to these transformative changes and support mobility and access for the range of stakeholders who live, work, shop and recreate downtown. This Plan is an attempt to leverage not just the public facilities and properties owned by the City, but also the many underutilized private assets to create a modern, connected system for traveling to and within downtown that enhances ease of access and meets the ambitious climate and equity goals adopted by Vancouver City Council.

This plan is based on findings from the [Existing Condition Report](#) and organized into three pillars which represent the strategic mobility and access priorities for the City:

- Pillar 1: Adopt New Pricing Practices
- Pillar 2: Expand Public Parking Supply Through Shared Parking
- Pillar 3: Enhance Downtown Mobility Options

Within each pillar are actions designed to achieve the overarching objective of the pillar. The full list of actions in the Plan reflects an ambitious vision for serving the mobility and access needs of downtown stakeholders and will therefore be implemented over the next 5-10 years depending on the scale of action and available resources.

WORKING DRAFT

Pillar 1: Adopt New Pricing Practices

Purpose

Adopt new demand-driven pricing strategies to create a user-friendly “park once” environment that benefits people who drive downtown, encourages people to walk between destinations without moving their car, and maximizes utilization of the on-street parking supply.

Benefits to People (metrics)

Increase

- Parking turnover, which creates more opportunities for people to access spaces near their destination.
- Use of the low-occupancy on-street parking supply in the downtown.
- Visits downtown by people who might traditionally face barriers, including those with disabilities and low-incomes, historically marginalized communities, families with children and seniors.
- Visibility and accessibility of information guiding people to parking places and destinations, including signs and internet tools.
- Simplicity of parking rates, time limits, and communication about parking that make parking choices easier for people.
- Options for people to “Park Once” and walk or use car-free transportation.
- Access for low wage employees and low-income households to affordable parking and mobility options.
- Infrastructure to better meet the mobility needs of residents, employees and visitors with disabilities.

Reduce

- Driving time needed to find a parking space.
- Parking congestion caused by cars circulating to find parking.

Actions

1. Enforce Paid Public Parking Seven Days a Week.

- On weekends, on-street parking turnover is infrequent in high demand areas of downtown, including the Waterfront creating access challenges for customers and visitors in one of the city’s busiest shopping and restaurant districts.

WORKING DRAFT

- By extending paid parking and enforcement to include Saturday and Sunday, the City will encourage increased turnover and create more opportunities for customers to find parking at their desired destination.
- The City will require and enforce paid parking from 8 a.m. to 6 p.m. seven days a week. Rollout and communication with community members and stakeholders will include advance notice to ensure effective implementation.
- Hours and rates will be monitored and evaluated over time to keep pace with the market, changing customer behaviors, and demand from people visiting, working, and living downtown.

2. Simplify On-Street Parking Regulation

- The imbalance of on-street parking occupancy, with predictable “hot” and “cold” spots, suggests that the City should consider various strategies to redistribute parking throughout downtown. The range of different parking rates, durations and other restrictions creates challenges for visitors to find the parking that works best for their needs and budget.
- Streamlining the rate and duration options of regulated on-street parking spaces will simplify the rules for customers and achieve a better distribution of parking use.
- The City will prioritize short-term parking in high-activity, high-demand parking areas (**High Demand Areas or HDAs**) that are concentrated around large offices, retail and restaurant clusters, and Esther Short and Waterfront Parks. In HDAs, parking rates will be based on market and demand to achieve maximum turnover, and permit parking will be eliminated to focus on short term hourly parking.
- The City will provide longer parking durations in areas with historically low utilization (**Low Demand Areas or LDAs**). In LDAs, parking rates will be based on market and demand, which will be lower than in HDAs, and permit parking will be reduced or eliminated over time to encourage alternate transportation options. To allow for affordable long-term parking, a maximum daily rate may be implemented.
- The boundaries of HDAs and LDA and rates for each area will likely change over time based on the level of parking activity within each area.
- Advance notice of changes in parking rates and boundaries will be provided to the broader community and downtown stakeholders to ensure effective implementation.

3. Evaluate Tier-Based Progressive Pricing

- Tier-based pricing, where hourly rates escalate for longer duration parking, has the potential to give customers more flexibility and control over how long to park a car. To better understand the impacts of this tool and encourage further change in parking decisions, the City will evaluate the use of tier-based pricing as an option for High Demand Areas (HDAs) downtown.
- Progressive pricing encourages active turnover of parking spaces and provides more flexibility for customers who may have needs for parking within HDAs longer than two hours.
- Progressive pricing will only be implemented after in depth evaluation of the efficacy of the pricing changes for HDAs and LDAs described above to address any ongoing utilization dynamics.

WORKING DRAFT

4. Establish Dedicated Parking and Rates for Qualified Low-Wage Hourly Employees

- The lack of dedicated parking for downtown employees, and hourly-wage workers in particular, has been identified as an ongoing challenge with the current parking framework.
- To support the growth of downtown businesses who rely on hourly employees, the City will increase the parking options for low-wage employees by offering affordable hourly rates within LDAs.
- Under this proposal, qualified low wage employees who enroll in this program will be eligible to pay a discounted hourly rate at any on-street space in an LDA.
- The City will partner with downtown employers to increase awareness of this affordable parking option and provide additional information on alternative commute incentives that can be offered to existing employees and job seekers.
- By offering reduced parking rates in combination with incentives to encourage use of transit, bicycle, or other mode alternatives, this action can reduce overall commute costs for low-wage employees.

5. Improve Parking Options for Persons with Disabilities

- Downtown is still underserved in terms of the number of designated parking spaces for persons with disabilities and many of the existing designated parking spots do not meet the size and accessibility requirements for ADA spaces.
- The City will evaluate all existing designated spaces to ensure that they meet ADA size and accessibility requirements and establish a plan to address any deficiencies in the existing spaces.
- In addition to enhancing existing ADA spaces, the City will look for opportunities to add new ADA spaces at the curb and in public lots without a significant reduction in non-ADA designated spaces. New ADA spaces will be added where navigating to and from the vehicle is the most convenient and, where possible, at mid-block.
- As part of the City's work to upgrade payment technology for parking customers, payment options for persons with disabilities will be enhanced. These enhancements include "pay by phone" and "pay by (license) plate" options so people can pay and extend their visit without coming to the pay station and avoid returning to their car to put a pay receipt on the dashboard.
- The City will also replace all non-ADA compliant parking pay stations so all equipment is accessible.
- In addition to addressing the supply and accessibility of ADA spaces, the City will broaden communication about the availability of ADA parking and increase public awareness about ADA uses of public parking, including the rights of people with ADA placards to park in any legal parking space and load and unload in any loading zone designed for passenger loading such as at hotels and convention centers.
- All communication about accessible parking will be made in multiple languages and in collaboration with community partners to address the barriers that have historically restricted access to downtown for some communities.

WORKING DRAFT

6. Establish Buffer Zones Between Residential and Commercial Areas

- Rapid development and the expansion of commercial activity within downtown Vancouver has resulted in increased demands on on-street parking in adjacent residential neighborhoods. While the City has historically protected these neighborhoods from encroachment by commercial patrons, the need for additional street parking requires a blended approach to parking in these “buffer” zones.
- The City plans to expand existing parking buffer zones, including the current Parking Buffer Zone 3A permit, and add new buffer zones where commercial and residential areas meet, such as areas around Uptown Village, to maintain access for people in residential neighborhoods that may be impacted by spillover from parking in adjacent commercial areas.
- Within these buffer zones, the City would allow short term hourly parking in addition to permit parking by neighborhood residents.
- The City will monitor the size and management of buffer zones to best meet the needs of areas downtown where development is occurring or planned.

7. Evaluate Existing On-Street Permits

- While the City’s permit programs serve a need within downtown for regular parkers, including employees and carpoolers, the “all you can park for a fixed price” nature of these permits discourages use of alternative commute options. This parking need could be better served by hourly parking programs and use of underutilized private parking.
- Prior to implementing a reduction in on-street permits, the City will study and develop alternatives to unlimited general access permits.
- The City will also work with downtown employers to adopt and offer Commute Trip Reduction (CTR) programs to encourage employees to use transit, and other mobility and commute options.
- Employers will be encouraged to use private parking, whether on-site or owned by a third party, for employee carpools. This parking option could be used as a benefit for employees and enhance the utilization of existing private parking.

8. Enhance Technology Options for Parking Customers and Operators

- Currently, two-thirds of parking payments occur through the City’s smartphone payment app, Parking Kitty, with the remaining one-third through pay stations and legacy coin meters. User sentiment data suggests that the outdated coin meters cause confusion for users and result in inefficient collections and data tracking.
- The City will continue to invest in technology, including digital payment options, user-friendly pay stations, license plate recognition, and other parking technologies to allow people to:
 - pay by cell phone;
 - extend parking sessions remotely; and
 - avoid displaying a pay receipt on the dashboard.

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- New mobile app technologies could include ways to improve wayfinding and awareness of parking options.
- Technology enhancements will improve the ease of the customer experience, accuracy of parking data, document curb occupancy levels in real time, and increase efficiency of enforcement staff.
- The technology upgrades will occur over a 5-year period and be implemented after extensive public communications and to minimize disruption.

WORKING DRAFT

WORKING DRAFT

Pillar 2: Expand Public Parking Supply Through Shared Parking

Purpose

Expand parking supply available to the public through agreements with private parking owners to unlock underused parking for commuters, patrons and special events.

Benefits to People (metrics)

Increase

- Off-street parking options for downtown stakeholders.
- Occupancy at off-street parking locations to relieve parking demand in HDAs.
- Revenue opportunities for private lot owners where with parking oversupply.
- Information available to downtown visitors seeking parking and mobility options.
- Land available for new housing and office development.

Reduce

- Time required for people to find parking.
- Congestion from excess driving to find available parking spaces.
- Need for new off-street public or private parking facilities.
- Cost of new development related to parking.

Actions

1. Pursue Agreements with Property Owners for Public Use of Private Parking

- Downtown Vancouver has 10,000 private parking spaces, most of which are underutilized due to single use agreements and other restrictions on public use. This supply of private parking offers an immediate opportunity to expand public parking without the addition of new public parking structures and lots.
- While many private parking owners have legitimate reasons for maintaining single use parking facilities, the lack of easy to implement solutions for managing public parking is likely preventing some parking owners from integrating other users into their facilities.
- The first step to unlocking private parking supply for public use is to engage with property owners downtown or in the immediate vicinity where satellite parking for commuters or attendees of events could be an option.
- The City will initially offer property owners third-party assessments to illustrate the opportunity to increase parking occupancy and maximize utilization through public use. This utilization analysis will identify the options and barriers to public parking on their facility.

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- The City will also introduce a suite of parking management services and payment options to offer immediate solutions for parking owners to allow public use. Private owners may also be able to manage public use without the City's involvement including the use of third-party operators who provide parking management and payment services to other private parking owners.
- For private parking owners interested in partnering with City for public use, the parties will negotiate agreements that define the working relationship between the City and the private owners.
- The City will also support private parking facilities open to the public use through inclusion of these facilities in any physical or digital wayfinding.

2. Expand Parking Options for Public Events

- Visitors to downtown often experience challenges finding parking near public events, including the Vancouver Farmers Market and other events in Esther Short Park, the Historic Reserve, or the Waterfront. The lack of a coordinated plan that offers multiple off-street parking options and adequate information about those options for visitors is largely the cause of these challenges.
- The City will work with event organizers to evaluate challenges and pain points experienced by people attending events, and identify event-specific solutions and strategies to improve parking practices, reduce congestion to find parking, and encourage both off-site parking and car-free access to events.
- In addition to providing information about existing on-street and off-street public parking options, the City will identify private parking facilities that are willing to provide public parking on event days and facilitate partnerships between event organizers and private parking owners.
- Event organizers will also be asked to include additional signage and messaging about available parking, including multi-language signage to ensure optimal accessibility.

3. Develop a Dispersed Parking Plan for New Light Rail to Downtown

- Current plans for the Interstate Bridge Replacement (IBR) project include two light rail stations in downtown Vancouver that may require up to two new structured parking garages with potentially 1,200 new parking spaces. Given the existing inventory of 14,000 parking spaces in downtown and low utilization of that inventory, a dispersed parking plan using existing parking supply to serve light rail users is a better option for serving downtown without utilizing valuable downtown real estate for new parking supply.
- Structured parking facilities exist within walking distance of both proposed light rail stations that could serve as the foundation of a dispersed parking plan. In addition, the broader constellation of private parking facilities and lots could also be options for parkers seeking different pricing and duration options.
- As part of the work to bring more private parking into the public supply, the City will identify strategic private parking facilities in proximity to proposed light rail stations and, in collaboration with Interstate Bridge Replacement (IBR) partners, negotiate agreements to allow hourly and permit parking for public users.

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- New downtown wayfinding signage will prioritize providing information about the shared parking locations for light rail to ensure that transit users utilize the parking locations best suited to their needs and budgets.
- Because the proposed light rail stations will serve as mobility hubs (see Pillar 3 below) that provide connections to various transit and mobility options, the City will highlight information about these options to reduce demand for park and ride locations over time.

4. Eliminate Parking Minimums and Facilitate Shared Parking Between Developers and Owners of Private Parking

- Required minimum parking ratios for new development encourage the construction of new parking even when existing parking may be available to serve that need. Parking minimums add unnecessary new parking supply downtown, reduce the amount of land available for new housing and office space, and increase the cost of development.
- This plan recommends eliminating minimum parking requirements for residential and commercial uses as part of the new Comprehensive Plan to be adopted by the City in 2025 to allow developers the flexibility to provide parking based on analysis of the market demand and costs of development.
- To assist developers who may want to minimize the amount of new parking in a project, the City will provide information to developers about nearby underutilized private parking and, if necessary, facilitate agreements with owners of existing private parking to serve new development.
- City involvement in negotiating shared parking agreements may assist developers in negotiating with lender and investors who may not be experienced underwriting development deals with off-site parking.
- To the extent that some form of parking minimums is maintained in the new Comprehensive Plan, the code should reduce the requirements for shared and offsite parking arrangements to meet the minimum ratios.

5. Improve Wayfinding and Navigation Systems

- Existing wayfinding downtown is limited and outdated. The lack of a modern wayfinding system is contributing to congestion and a perception of a lack of parking and mobility options.
- The City will develop and install a new wayfinding system that provides real time information on the availability of parking and the location of all mobility options, in addition to directions to downtown destinations and attractions.
- To ensure a new wayfinding system incorporates all current and future mobility options, the first phase of implementation will evaluate and recommend the scope and implementation timing of a new system. The evaluation phase will include a review of best-practice wayfinding signage and digital tools that handle both typical parking demand and peak demand such as special events. The build out of the new system will occur only after a proposed system is studied and fully designed.

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- The phased implementation of new wayfinding will allow for alignment of the system around projected downtown growth and development, activation of private parking assets for public use, and the rollout of new transit and mobility options.

WORKING DRAFT

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Pillar 3: Enhance Downtown Mobility Options

Purpose

Actively support and invest in existing and new options for people to adopt car-free behaviors to get to and around downtown and reduce barriers for people transitioning to car-free mobility.

Benefits for People (metrics)

Increase

- Options for reliable car-free movement to and around downtown.
- Amenities and services available for pedestrians, cycling, and other alternative transportation modes.
- Increase connectivity between transportation options.
- Use of curb space for enhancing access and mobility downtown.

Reduce

- Demand for car trips between downtown destinations.
- Obstacles to safe biking and walking downtown.
- Gaps in City-designated bike and pedestrian paths.

Actions

1. Invest in Alternative Transportation Initiatives

- The lack of reliable alternative transportation and mobility options undermines efforts to encourage people to reduce car use to and within downtown.
- The ongoing expansion of C-TRAN Vine service is critical to increasing transit ridership, particularly for people who are traveling to downtown. However, the lack of mobility options for moving within downtown limits the impact of public transit in reducing car use.
- The City will develop an investment strategy for deploying parking funds to establish or grow services that enhance the capacity of existing downtown parking supply by reducing the demand for parking.
- The City has identified the first investment opportunity under this approach: a circulator (shuttle) for short trips between key destinations and employers downtown to allow visitors, residents, and employees to move within the district without reliance a car. This service would allow people to use public transit to travel to downtown or park on the edge of downtown and have a reliable mobility option during their visit.
- By developing an alternative transportation investment strategy, the City will identify and evaluate a range of initiatives, in addition to the circulator, with the potential to support reliable

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car-free mobility downtown for residents, visitors and employees. As described below, the strategy will focus on initiatives that have the potential to improve conditions for bicycles, pedestrians and alternatives for commuters and delivery vehicles.

Bicycles

- The City can help address logistics and security issues cyclists face when doing daily errands by investing in a coordinated network of bike racks, lockers, and corrals.
- The training, repair, supplies, and services of organizations such as Bike Clark County could be augmented to expand their reach, especially to new users.
- The strategy should revisit the feasibility of a bike share or rental program serving downtown and adjacent neighborhoods.
- These actions should complement existing requirements in City development regulations for bike facilities in new developments.

Pedestrians

- The infrastructure for pedestrians can be enhanced through improved signage that provides walking time and distance, information on downtown business offerings, and seating in more locations, including some covered benches for inclement weather.

Commuters and Delivery Services

- The strategy will consider ways to enhance support for commute trip reduction (CTR) programs offered by downtown employers to encourage people to use transit and other non-car modes.
- The City will initiate conversations with private companies offering freight delivery by bicycle to explore the applicability of this model for downtown Vancouver. These companies use satellite warehouses for large freight deliveries which are broken up for smaller “last mile” deliveries by e-bikes to reduce truck traffic and loading zone activity downtown.
- A critical consideration in identifying initiatives suitable for City investment will be the presence of partners capable of launching and managing such initiatives, building effective alliances and support among downtown business and community stakeholders, and developing sustainable funding models.

2. Use Downtown Curb Space to Promote Mobility

- The on-street curb space downtown is a valuable public asset that should be utilized to intentionally promote the goals of this Plan. The City will establish a framework for how to prioritize competing uses of the curb and begin a transition of some dedicated on-street parking to support the use of alternate mobility options.
- The framework will be developed in consultation with downtown and community stakeholders, as well as City transportation and planning officials. Repurposing of existing on-street parking will be targeted to underutilized blocks and high foot traffic areas.

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- The framework will aim to meet desired access and mobility goals by incorporating and prioritizing a range of new curb uses such as:
 - Access points for alternative mobility options (e.g., bike corrals, circulator stops, bike rental hubs);
 - Temporary restaurant seating areas that attract new visitors and enhance the pedestrian environment;
 - Benches where people (pedestrians, bicyclists and transit riders) can rest, repack purchases items or gear, and visit as they move around downtown; and
 - Mobility lanes that increase safety for people on bikes, scooters, skateboards, and skates.
- One priority of the framework will be to identify existing gaps in downtown bike routes (as designated in the City's Transportation System Plan) that could be addressed by repurposing parking spaces. The repurposing of existing parking would occur after evaluation of existing utilization of the parking spaces and the availability of alternative parking nearby.

3. Develop a Mobility Hub Network Plan

- Movement between alternative transportation options is hindered by a lack of coordination to facilitate transfers between different modes. Co-location of mobility options would increase use of non-car options to get to and around downtown.
- In collaboration with transportation and mobility partners, including C-TRAN, the City will develop a plan to establish a network of mobility hubs to enhance transit and alternative transportation connections throughout downtown.
- Mobility hubs can be as simple co-location of two or more mode options or comprehensive transit-oriented development hubs.
- Existing public transit hubs (e.g., Turtle Place) will serve as the foundation for a mobility hub network. The City will seek to enhance existing hubs through improvements to bike parking and potential co-location of new mobility options such as stops for the proposed circulator, bike rental stations, and pedestrian amenities.
- New mobility hubs will be identified in the plan based on existing downtown traffic and pedestrian patterns and the location of potential satellite parking locations that may serve as transition points to other transportation modes.

Staff Report: 008-25

To: Mayor and City Council
From: City Manager
Date: January 13, 2025

Subject

Construction Acceptance - E-Interceptor Phase 1 and 2 Cured In Place Pipe Rehabilitation

Key Points

- The project installed 4,245 linear feet of 54-inch and 363 linear feet of 48-inch Thermal Cured-In-Place Liner.
- The project rehabilitated a portion of E-Interceptor that conveys wastewater to the Marine Park Reclamation Facility.
- Staff proposes awarding construction acceptance and release of the retainage bond.

Strategic Plan Alignment

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

Present Situation

SAK Construction LLC of O'Fallon, Missouri, has completed construction of the E-Interceptor Cured In Place Pipe (CIPP) Rehabilitation PH 1 & 2 project. The project installed a 54-inch and 48-inch Thermal Cured-In-Place Liner within approximately 4,600 feet of the E-Interceptor which conveys a large percentage of the total wastewater from the east side of the City into the Marine Park Reclamation Facility.

The work was completed satisfactorily in accordance with the plans and specifications. Contract costs are summarized below:

TOTAL CONTRACT COSTS	
Labor, Equipment and Material	\$4,126,445.08
Sales Tax	\$359,000.72
Total	\$4,485,445.80
Retainage	Bond

The original contract amount, including sales tax, was \$4,530,818.18. The final project cost was \$4,485,445.80, which was \$45,372.38 (approximately 1%) under the original contracted amount. The decrease can be attributed to unforeseen changes in quantities during the construction process.

An apprenticeship waiver was approved for this project due to the very low labor hours and high material costs.

Advantage(s)

1. Provides reliability in a previously deteriorating portion of the infrastructure.
2. Completes the City's contractual and statutory process for accepting the project.

Challenge(s)

None

Budget Impact

None. Funds for this project are appropriated in the Sewer Construction Fund, in the 2023-2024 Budget.

Prior Council Review

- Approval of the 2023-2024 Capital Improvement Budget
- Award of contract at the May 13, 2024, Vancouver City Council Meeting

Action Requested

On Monday, January 13, 2025, accept the facilities as constructed by SAK Construction LLC of O'Fallon, Missouri, and authorize release of the retainage bond subject to receipt of all documentation required by law.

Staff Contact

Sheryl Hale, Senior Engineering Supervisor, sheryl.hale@cityofvancouver.us

Attachments:

1. E Interceptor PH 1 & 2 Boundary Map



E - Interceptor Rehabilitation Ph. 1 & 2



Staff Report: 002-25

To: Mayor and City Council
From: City Manager
Date: January 13, 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 13, 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 west edge of Esther Street up to and including a straight line running north and south connecting the circular brass markers with "VANCOUVER FARMERS MARKET" engraved, 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 the entirety of all sidewalks and the crosswalks across Esther Street, to include the pathways leading from the crosswalks into Esther Short Park, 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 grass area immediately adjacent to the east side of the pedestrian walkway located on the east side of the Slocum House beginning at the Esther Short Park gazebo and continuing to a point east 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 awning 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 / RATIFICATION

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. Acts consistent with this Agreement taken after the expiration of the 2019-2024 Agreement but prior to the execution of this Agreement are ratified.

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:

Nena Cook, Interim City Attorney

Attest:

Natasha Ramras, City Clerk

Memorandum of Agreement - 9
City of Vancouver & Vancouver Farmers Market

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

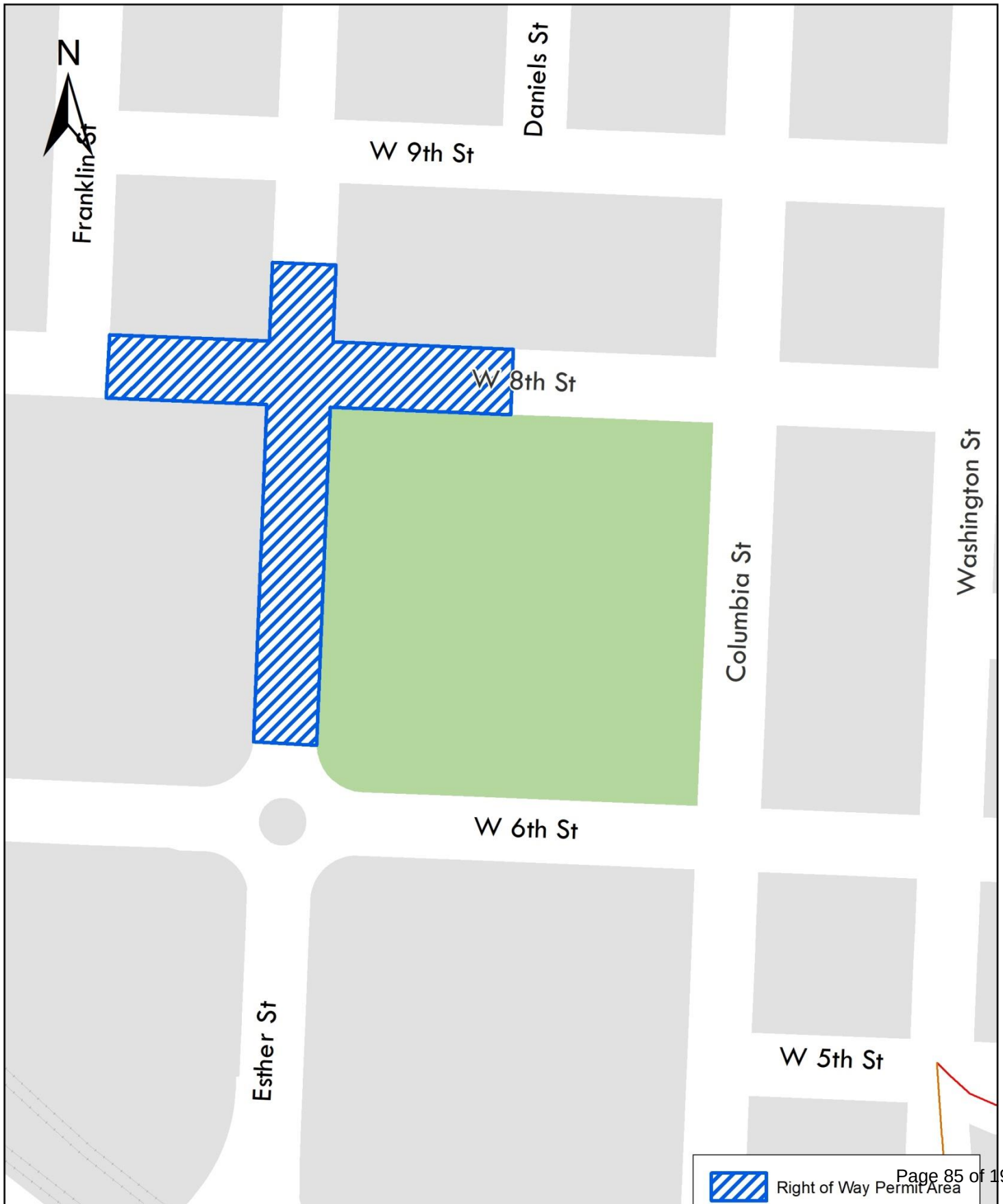
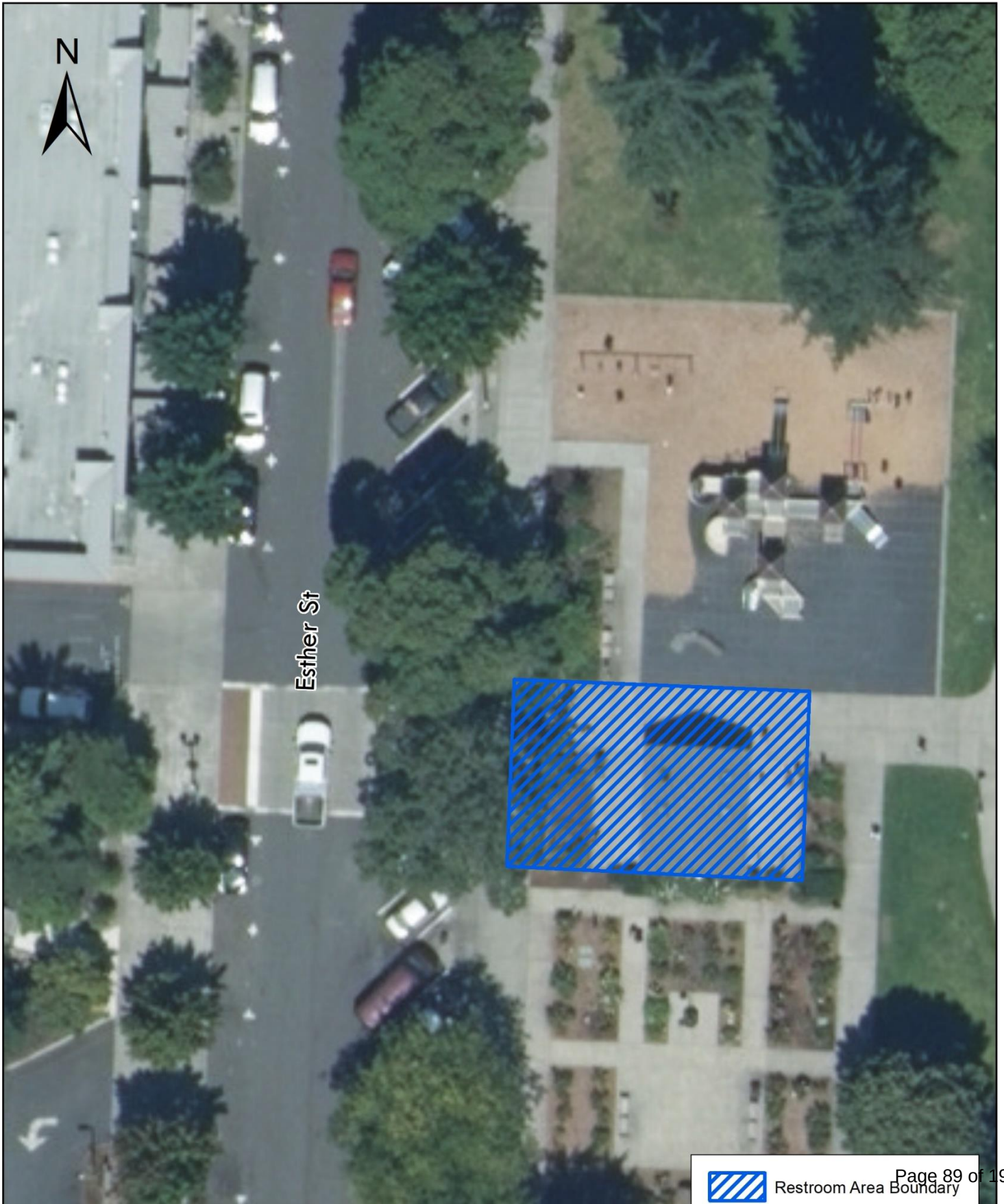


EXHIBIT 4
Application Form for a Traffic Control Plan

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

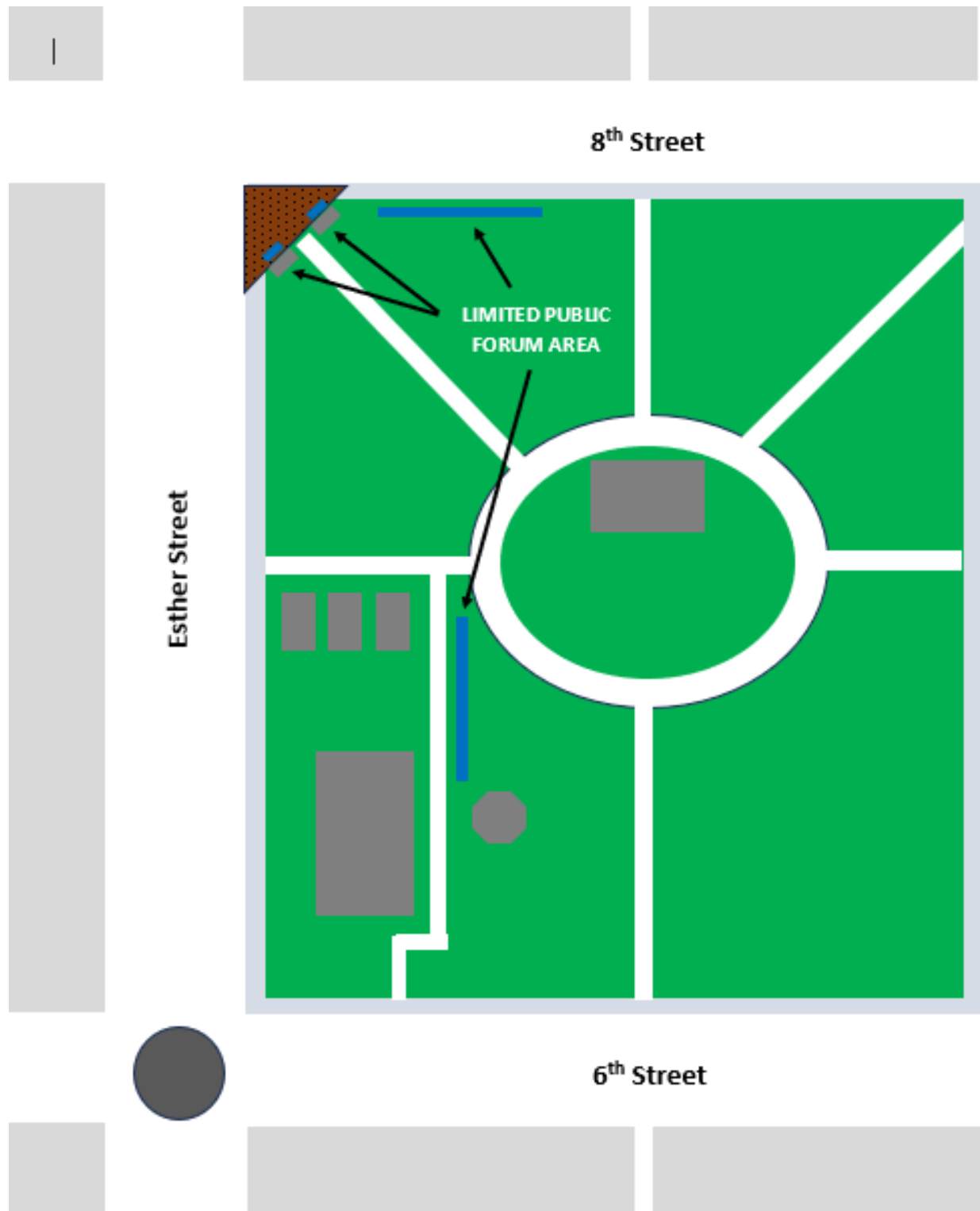
Exhibit 5
Permanent Restroom Surrounding Area



Restroom Area Boundary

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 under RCW 35.87A.040 expressing an intention to establish the Heights Business Improvement Area (Heights BIA).

Staff Report: 009-25

To: Mayor and City Council
From: City Manager
Date: January 13, 2025

Subject

Resolution to Establish Heights Business Improvement Area

Key Points

- On December 16, 2024 City Council adopted Resolution M-4318 authorizing the initiation of a business improvement area in the Heights District as a funding tool to cover the supplemental maintenance and programming costs of the public spaces in the Heights District.
- The City now wishes to adopt a resolution to establish a business improvement district as the next step in the process governed by state statute.

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

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

Present Situation

- This resolution is authorization to establish a new Heights Business Improvement Area under RCW 35.87A and is the second step in a three-step process that must be prepared to establish a business improvement area (BIA). This follows City Council's approval to initiate a BIA in the Heights District with the adoption of Resolution M-4318 on December 16, 2024.
- Although new to the City of Vancouver, business improvement areas are common in Washington State, with approximately 30 statewide, as an economic development funding mechanism to cover maintenance and operation costs that are above and beyond the basic services for which a municipality would ordinarily be responsible for. A business improvement area's purpose is to maintain a safe and clean public realm and can be used for local programming, organizational management, and marketing and promoting local events and news.
- The Heights Business Improvement Area reflects the Tower Mall Redevelopment Area and includes 29 legal lots and 9 private property owners. The City of Vancouver owns over 60% of the area and would be a majority rate payer. Conversations have been had with 5 property owners and the developers of the three sites along E Mill Plain Blvd, and responses have been amenable. Although not pleased with an added cost, the property owners understand the reasoning and are pleased with the improvements the City is making. The City will continue to engage with the property owners and developers throughout this process.
- Attached is Staff Report 270-24 related to Resolution M-4318 outlining the enhanced services, rate of assessments, boundary and term of the proposed Heights Business Improvement

Area.

- Provided Council pass the resolution to establish the Heights BIA, next step is a public hearing with the first reading on February 3, 2025, and the second reading on February 10, 2025.

Advantage(s)

The proposed BIA addresses a projected shortfall in funding for ongoing maintenance and operating costs to keep the Heights District clean, safe and maintained to a high standard, and is a necessary step in implementing the Heights District Plan.

Challenge(s)

The proposed BIA will increase costs for private property owners and will increase funding required for new development within the BIA.

Budget Impact

Although this proposal has no immediate budget impact, there will be costs related to establishing the BIA corporation and filing with the Secretary of State. Beginning in 2028 and subsequent years, the City will have to pay approximately \$280 thousand per year, based on the proposed rates and current land ownership. This liability has not been incorporated in the six-year financial Forecast. There will also be private contributions helping to offset the cost of maintenance and operating costs for public spaces within the Heights.

Prior Council Review

City Council Resolution M-4318 dated December 16, 2024

Action Requested

On Monday, January 13, 2025, approve the resolution to establish a Business Improvement Area to be known as the Heights Business Improvement Area.

Staff Contact

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

Attachments:

1. Resolution
2. Heights Business Improvement Area Map
3. Staff Report 270-24

1/13/2025

RESOLUTION NO. M- [Resolution Number]

A RESOLUTION under RCW 35.87A.040 expressing an intention to establish the Heights Business Improvement Area (Heights BIA).

WHEREAS, the City Council is a “legislative authority” of the City of Vancouver, a first class charter city, as defined by RCW 35.87A.020(2); and,

WHEREAS, RCW 35.87A.030 authorizes any “legislative authority [to] by resolution initiate a business improvement area” to provide special benefits to business and property owners within a defined geographic area through the imposition of special assessments; and

WHEREAS, on December 16, 2024, the City Council passed Resolution M-4318, which initiated the Heights Business Improvement Area under RCW 35.87A.030 to provide special benefits to business and property owners within a defined geographic area through the imposition of special assessments; and

WHEREAS, RCW 35.87A.040 provides that “[t]he legislative authority, ... after passage of an initiation resolution, shall adopt a resolution of intention to establish an area,” which the City Council intends to do with this Resolution.

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

Section 1. Pursuant to RCW 35.87A.040, the City Council hereby adopts this resolution of intention to establish the “Heights Business Improvement Area.”

Section 2. The public hearing to be held by the City Council to consider establishment of the Heights Business Improvement Area shall be at the Council’s regular meeting on February 10, 2025, at 6:30 p.m., which shall take place at Vancouver City Hall, Council Chambers, 415

RESOLUTION - 1

W. 6th Street, Vancouver, WA 98660. The date of the public hearing shall be subject to the Ordinance to establish the Heights Business Improvement Area advancing on first reading to take place at the City Council's regular meeting on February 3, 2025, at 6:30 p.m., at the same location.

Section 3. Sections 4-6 of this Resolution restate the information contained in Resolution M-4318 regarding boundaries, projects and uses, and estimated rates of assessment.

Section 4. Area Established. The Heights BIA is proposed to be within the boundaries as shown on the map attached to this resolution as Attachment A, which is incorporated by reference herein, and also described as follows:

The Heights Business Improvement Area is bounded by E. Mill Plain Blvd to the north, MacArthur Blvd to the west and south and N. Devine Road to the east.

Section 5. Programs and Services. Special assessment revenues shall be used for the following purposes within the Heights BIA:

- A. To clean and maintain the public realm
- B. Public safety and public health enhancement
- C. Organizational management
- D. Activation of the public spaces

All such activities and services are supplemental to services the City would ordinarily provide. The total projected costs that will be paid for with the proposed BIA's assessments in 2028 is estimated to be range between \$430,000 to \$515,000. This will also be the approximate amount in subsequent years as adjusted by the annual increases mentioned below and any additional programs or services the BIA board approve.

RESOLUTION - 2

Section 6. Levy of Special Assessments. To finance the programs and services authorized under Section 5, there is levied upon and shall be collected from the property owners and long-term ground lease lessees located within the boundaries of the Heights BIA, a special assessment. The estimated rate of assessment will be based on lot square footage and rate payers will be assessed annually and billed semi-annually beginning in 2028. The estimated rate of levy of special assessment will range between \$0.25 and \$0.30 per 1 square foot of lot size. Assessments would increase annually at 3% or per the Portland-Hillsboro-Vancouver Consumer Price Index, whichever is the greatest. All types of ratepayers including commercial, multifamily residential and mixed use, tax exempt, and government acting as business would be assessed the same rate. The assessments will begin in 2028 and be perpetual.

Section 7. This resolution shall be effective immediately upon adoption.

ADOPTED at a Regular Meeting of the Vancouver City Council this _____, of January, 2025.

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Nena Cook, Interim City Attorney

RESOLUTION - 3

ATTACHMENT A
Heights Business Improvement Area Map



RESOLUTION - 4



TMRA 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

To: Mayor and City Council
From: City Manager
Date: December 16, 2024

Subject

Heights Business Improvement District

Key Points

- Under state statute a municipality has the authority to initiate a business improvement area by resolution to provide special benefits to businesses and property owners within a defined geographic area through special assessments.
- The proposed Heights Business Improvement Area (BIA) is a funding tool to cover maintenance and programming costs of the public spaces in the Heights District that exceed the typical service level the city would ordinarily be responsible for to keep a safe, clean and enjoyable public realm.
- Similar to a homeowners association, the property owners within the Heights Business Improvement Area will pay an annual assessment based on lot size square footage. The assessments will not be due until 2028 upon completion of the Grand Loop.
- The present resolution is the first of three steps to create the BIA. A second resolution announcing an intention to establish the BIA would follow, after which the Council would hold a public hearing and adopt an ordinance.

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

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

Present Situation

Background

This resolution initiates a new Heights Business Improvement Area under RCW 35.87A and is the first step in a three-step process that must be prepared to establish a business improvement area (BIA). Subsequently, a resolution to establish the Heights Business Improvement Area (Heights BIA) will be presented to City Council on January 13, 2025, followed by an ordinance to create the Heights Business Improvement Area after the public hearing.

Although new to the City of Vancouver, business improvement areas are common in Washington State, particularly in the City of Seattle as an economic development funding mechanism to cover maintenance and operation costs that are above and beyond the basic services for which a municipality would ordinarily be responsible. Similar to a homeowners association in a residential

neighborhood, a business improvement area's purpose is to maintain a safe and clean public realm and can be used for local programming, organizational management, and marketing and promoting local events and news.

Procedures for establishing and operating a BIA are governed by chapter 35.87A RCW. BIAs can be initiated either by petition presented by operators responsible for sixty percent of the assessments, or by resolution from the local legislative authority. Therefore, the City can initiate a BIA with City Council's consent.

Business Improvement Area Services

The infrastructure improvements in the Heights are unique, particularly the Grand Loop which is an original streetscape with enhanced landscaping, varied plant palette, play features and enhanced site furnishings that require a higher level of maintenance in comparison to other public spaces in the city. To maintain a clean, safe and enjoyable user experience in the Heights District, full-time staff or contracted service is required on site daily for tasks including trash collection, graffiti removal, pressure washing, landscaping and any other clean up tasks. The Heights BIA would fund maintenance and operational services to keep the public spaces clean and safe as well as fund programs and events to activate the plaza.

Term and Boundary

The term of the BIA is perpetual to capture ongoing maintenance and operational costs. The boundaries of the proposed Heights BIA reflect the Tower Mall Redevelopment Area and are shown in the map attached to the Resolution.

Assessments

The assessments are calculated based on lot square footage and range from \$0.25 to \$0.30 per square foot and would increase annually by either 3% or the Portland-Hillsboro-Vancouver Consumer Price Index, whichever is greater. The aggregate annual costs are estimated around \$400,000-\$500,000 and the amount each property owner is responsible for ranges from less than \$1,000 per year to nearly \$100,000 per year. The City would be the majority rate payer as it owns the majority of the land within the BIA area, and nearly all of the private property owners would pay less than \$30,000 per year per parcel.

The levy of assessment is based on other comparable business improvement districts and would only cover the costs of the enhanced services, not the full maintenance and operational costs. A budget would be prepared to capture the actual expenses of the enhanced services and annual assessments, which the BIA board would approve as detailed below. The City would still be responsible for the base maintenance and operational costs, estimated at around \$205,000 per year.

Community Engagement

City staff have contracted with Uncommon Bridges, a consulting firm based in Seattle that specializes in planning and implementing business improvement areas, to assist with engaging the private property owners within the Heights Business Improvement Area to ensure that their feedback is incorporated throughout this process. Initial conversations with impacted property owners are planned for December 6 – 12 and will be ongoing. City staff have consulted with the developers of City-owned Sites B, C and P, which were recently selected through the first Heights RFP process. The developers have indicated initial support and recognize the value of a business improvement area.

BIA Board

Prior to assessments becoming due, a separate legal entity with a board of directors will be established to manage and operate the Heights Business Improvement Area. In the interim, City Council would function as the BIA board. Typically, the board comprises business owners, property

owners and tenants within the geographic area of the business improvement area. The board would be responsible for adopting bylaws and policy guidelines, approving budgets, expenditures and programs. Best practice from other BIAs is that the BIA is managed by a paid staff person rather than a volunteer. Their duties would include managing day-to-day operations, administer the projects and activities, collect the assessments and any other duties the board approves. The staffing costs for a part-time member of staff are included in the assessment calculations.

Next Steps

Provided Council passes the resolution to initiate the Heights BIA, the next steps would be conversations with impacted property owners and then a subsequent resolution formally expressing the City's intent to establish the Heights BIA that would schedule a public hearing and ordinance for consideration.

Advantage(s)

The proposed BIA addresses a projected shortfall in funding for ongoing maintenance and operating costs to keep the Heights District clean, safe and maintained to a high standard, and is a necessary step in implementing the Heights District Plan.

Challenge(s)

The proposed BIA will increase costs for private property owners and will increase funding required for new development within the BIA.

Budget Impact

Although this proposal has no immediate budget impact, there will be costs related to establishing the BIA corporation and filing with the Secretary of State. If the BIA is not implemented, the City may be forced to absorb significant maintenance and operational costs for public spaces within the Heights.

Prior Council Review

None

Action Requested

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

Staff Contact

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

Attachments:

1. Presentation
2. Resolution
3. Heights Business Improvement District Boundary Map

To: Mayor and City Council

From:

Date: January 13, 2025

Subject

Appointment of Interim City Attorney

Present Situation

Jonathan Young has announced his upcoming resignation from the position of Vancouver City Attorney effective January 13, 2025, at 10:30 p.m. Deputy City Attorney, Nena Cook, has agreed to serve as the City's Interim City Attorney until the position is filled permanently.

Action Requested

On Monday, January 13, 2025, appoint Nena Cook as the Interim City Attorney.

Lon Pluckhahn, City Manager

Attachments:

1. Memo
2. Oath Interim City Attorney



MEMORANDUM

DATE: January 13, 2025
TO: Mayor and City Council
FROM: Lon Pluckhahn, City Manager
RE: Confirmation of Interim City Attorney

Under Section 3.03 of the City Charter, the City Attorney is appointed by the City Manager, subject to confirmation by the City Council. Jonathan Young has announced his upcoming resignation from the position of Vancouver City Attorney effective January 13, 2025, at 10:30 p.m. Deputy City Attorney Nena Cook has agreed to serve as the City's Interim City Attorney until the position is filled permanently.

I recommend the City Council, as part of approval of the January 13, 2025, consent agenda, confirm Nena Cook to serve as Interim City Attorney commencing January 13, 2025, at 10:31 p.m. and serving until the position is filled on a permanent basis by confirmation of a permanent appointee by the City Council.

OATH OF OFFICE

I, Nena Cook, solemnly swear (affirm) that I will support the Constitution and will obey the laws of the United States and of the State of Washington, that I will, in all respects, observe the provisions of the Charter and Ordinances of the City of Vancouver, and will faithfully discharge the duties of Interim City Attorney for the City of Vancouver.

Subscribed and sworn to before me this 13th day of January, 2025.

Page 104 of 197

To: Mayor and City Council
From: City Manager
Date: January 13, 2025

Subject

Approval of Claim Vouchers

Action Requested

Approve claim vouchers for January 13, 2025.

Attachments:

1. January 13, 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:

\$ 3,755,411.23 this 13th day of January 2025.

MAYOR

Cyndi A. Turner Digitally signed by Cyndi A. Turner
Date: 2025.01.06 12:44:55 -08'00'

AUDITING OFFICER

COUNCILMEMBER

COUNCILMEMBER

DATE	INCLUSIVE CHECK NUMBERS	CHECK TOTAL
December 30, 2024 - January 05, 2025	Accounts Payable Checks (see attached)	\$ 3,254,164.81
December 30, 2024 - January 05, 2025	Hansen City Payments (see attached)	\$ 453,240.46
December 30, 2024 - January 05, 2025	Visa Refunds (see attached)	\$ 2,629.56
December 30, 2024 - January 05, 2025	Payroll Checks (see attached)	\$ 45,376.40
TOTAL		\$ 3,755,411.23

INVOICE PAYMENTS REPORT

<u>Category</u>	<u>Type</u>	<u>Transaction Reference</u>	<u>Date</u>	<u>Amount</u>	<u>Payee</u>	<u>Memo</u>
Ad Hoc Payment	Check	23083	12/31/2024	127.72	Alec Archer-Bishop or Kevin Roberti	14908 NE 90TH ST VANCOUVER,WA,98682
Ad Hoc Payment	Check	23084	12/31/2024	378.00	Danny Lu or Nettie Klein Lu	11423 SE 11TH CIR VANCOUVER,WA,98664
Ad Hoc Payment	Check	23085	12/31/2024	399.54	Griffith,Michael	8404 NE 62ND ST VANCOUVER,WA,98662
Ad Hoc Payment	Check	23086	12/31/2024	54.72	Holt Group Holdings LLC	13327 NE 84TH ST VANCOUVER,WA,98682
Ad Hoc Payment	Check	23087	12/31/2024	162.00	Lawson,Mitchell R	10310 NE 96TH ST VANCOUVER,WA,98662
Ad Hoc Payment	Check	23088	12/31/2024	25.12	Peters,William	10004 NE 142ND AVE VANCOUVER,WA,98682
Ad Hoc Payment	Check	23089	12/31/2024	6.99	Ryann Mannos or Leslie Padilla	3712 R ST VANCOUVER,WA,98663
Ad Hoc Payment	Check	23090	12/31/2024	33.72	Sandahl,William	5101 NE 121ST AVE VANCOUVER,WA,98682
Ad Hoc Payment	Check	23091	12/31/2024	104.33	Swearingen,Joseph L. W.	3019 NE 155TH AVE VANCOUVER,WA,98682
Ad Hoc Payment	Check	23092	12/31/2024	192.21	William P or Patricia J Barrett	16915 NE 11TH ST VANCOUVER,WA,98684
Miscellaneous Payment	Check	23093	12/31/2024	57.00	Avana One Zero Nine	Refund - Civic Gov duplicate payment Inv#77065275
Miscellaneous Payment	Check	23094	12/31/2024	37.42	Brooks Beaudoin	Refund - Lot 18 P3 Parking Permit not needed anymore
Miscellaneous Payment	Check	23095	12/31/2024	66.22	Estate of Denise Branstetter	Refund - CDBG overpay loan #9070030
Miscellaneous Payment	Check	23096	12/31/2024	140.00	IMS NORTHWEST	Refund - Civic Gov duplicate payment Inv#77064217
Miscellaneous Payment	Check	23097	12/31/2024	326.34	Ross T Pederson	Refund - COV 14290 returned per customer
Miscellaneous Payment	Check	23098	12/31/2024	904.91	Shanin Prusia	CMI-315998 (jobsite: 1400 NE 136th Ave, Vancouver WA 98684)
Supplier Payment	Check	23099	12/31/2024	5,467.50	Afghan Associates Inc	
Supplier Payment	Check	23100	12/31/2024	1,109.74	A-Line Asphalt Maintenance Inc	
Supplier Payment	Check	23101	12/31/2024	136.00	American Sani-Can	
Supplier Payment	Check	23102	12/31/2024	5,100.20	Arborscape Ltd Inc	
Supplier Payment	Check	23103	12/31/2024	2,980.00	Artstra	
Supplier Payment	Check	23104	12/31/2024	10,109.85	AT & T Mobility National Accounts LLC - Remit-To: AT & T Mobility	
Supplier Payment	Check	23105	12/31/2024	450.00	Betancourt Torres & Associates LLC	
Supplier Payment	Check	23106	12/31/2024	90.00	Bill August Robinson	
Supplier Payment	Check	23107	12/31/2024	75.00	Cellco Partnership - Remit-To: Cellco - NJ	
Supplier Payment	Check	23108	12/31/2024	6,302.23	Clark County Fire District 5	
Supplier Payment	Check	23109	12/31/2024	29,600.93	Clark County - Remit-To: Clark County - Treasurer Vancouver	
Supplier Payment	Check	23110	12/31/2024	257,536.72	Clary Longview LLC	
Supplier Payment	Check	23111	12/31/2024	49,919.17	Cloud Defensive LLC	
Supplier Payment	Check	23112	12/31/2024	896.88	CUES Inc - Remit-To: CUES Inc - Cincinnati	
Supplier Payment	Check	23113	12/31/2024	9,355.10	Esix Sportswear	
Supplier Payment	Check	23114	12/31/2024	36,904.74	FFA Architecture and Interiors, Inc	
Supplier Payment	Check	23115	12/31/2024	517.81	First-Citizens Bank & Trust Company	
Supplier Payment	Check	23116	12/31/2024	9,457.41	Fourth Plain Forward	
Supplier Payment	Check	23117	12/31/2024	2,312.00	General Pacific Inc	
Supplier Payment	Check	23118	12/31/2024	7,500.00	interviewstream, inc	
Supplier Payment	Check	23119	12/31/2024	242.70	J-2 Blueprint Supply Co.	
Supplier Payment	Check	23120	12/31/2024	17,583.61	KBT Distributing LLC	
Supplier Payment	Check	23121	12/31/2024	3,000.00	Kindness 911	
Supplier Payment	Check	23122	12/31/2024	860.24	LeMay Mobile Shredding	
Supplier Payment	Check	23123	12/31/2024	816.68	Mallory Safety & Supply LLC	
Supplier Payment	Check	23124	12/31/2024	4,937.20	McFarlanes Bark Inc	
Supplier Payment	Check	23125	12/31/2024	1,070.70	One Diversified LLC - Remit-To: Diversified - San Diego	
Supplier Payment	Check	23126	12/31/2024	43,181.79	Parametrix, Inc	
Supplier Payment	Check	23127	12/31/2024	750.00	PlanIT Geo, Inc.	
Supplier Payment	Check	23128	12/31/2024	70.00	Porter W Yett Company	
Supplier Payment	Check	23129	12/31/2024	3,626.00	Public Safety Testing Inc	

*Please contact Procurement Services if you would like to review the justification for EMERGENCY procurement.

INVOICE PAYMENTS REPORT

<u>Category</u>	<u>Type</u>	<u>Transaction Reference</u>	<u>Date</u>	<u>Amount</u>	<u>Payee</u>	<u>Memo</u>
Supplier Payment	Check	23130	12/31/2024	327.00	Rapid Response Bio Clean Inc.	
Supplier Payment	Check	23131	12/31/2024	11,000.00	Right-Way CDL Academy, LLC	
Supplier Payment	Check	23132	12/31/2024	55,673.42	S&B Inc	
Supplier Payment	Check	23133	12/31/2024	770.45	Seaton Court Reporting, Inc.	
Supplier Payment	Check	23134	12/31/2024	470.67	Spacesaver Specialists	
Supplier Payment	Check	23135	12/31/2024	767.15	Speed's Towing of Vancouver - Remit-To: Speeds Towing of Vancouver Inc.	
Supplier Payment	Check	23136	12/31/2024	4,625.70	State of Washington Department of Transportation - Remit-To: WADOT - PO Box 47305	
Supplier Payment	Check	23137	12/31/2024	13.83	Stericycle Inc - Remit-To: Shred-It	
Supplier Payment	Check	23138	12/31/2024	333.88	Stericycle Inc - Remit-To: Shred-It	
Supplier Payment	Check	23139	12/31/2024	6.43	Stericycle Inc - Remit-To: Shred-It	
Supplier Payment	Check	23140	12/31/2024	461.98	Towing & Recovering Services Inc	
Supplier Payment	Check	23141	12/31/2024	2,521.84	Traffic Safety Supply Co Inc	
Supplier Payment	Check	23142	12/31/2024	4,039.71	Triple J Enterprises	
Supplier Payment	Check	23143	12/31/2024	28.02	United Parcel Service	
Supplier Payment	Check	23144	12/31/2024	1,000.00	United States Postal Service - Remit- To: United States Postal Service Caples	
Supplier Payment	Check	23145	12/31/2024	1,000.00	United States Postal Service - Remit- To: United States Postal Service Caples	
Supplier Payment	Check	23146	12/31/2024	1,000.00	United States Postal Service - Remit- To: United States Postal Service Caples	
Supplier Payment	Check	23147	12/31/2024	555.00	Vancouver Aire LLC	
Supplier Payment	Check	23148	12/31/2024	116.12	Vestis Group, Inc - Remit-To: Vestis - Pasadena	
Supplier Payment	Check	23149	12/31/2024	81.53	W.B. Sprague Co. Inc.	
Supplier Payment	Check	23150	12/31/2024	1,451.84	Walter E Nelson Company	
Supplier Payment	Check	23151	12/31/2024	1,875.00	Water Systems Consulting Inc	
Supplier Payment	Check	23152	12/31/2024	2,227.49	WSP USA Inc. - Remit-To: WSP USA Inc. Dallas	
			Check	605,323.50		
Expense Payment	Direct Deposit	EFT-00278659	12/31/2024	243.88	Michelle Murie	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00278660	12/31/2024	230.00	Daniel Perez	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00278661	12/31/2024	228.01	Julie Syverson	Employee Reimbursement
Expense Payment	Direct Deposit	EFT-00278662	12/31/2024	112.00	Zachary Perron	Employee Reimbursement
			Direct Deposit	813.89		
Supplier Payment	EFT	EFT-00278663	12/31/2024	9,527.38	Otak Inc	
Supplier Payment	EFT	EFT-00278664	12/31/2024	7,430.12	Council for the Homeless	
Supplier Payment	EFT	EFT-00278665	12/31/2024	2,890.00	Mayer Reed Inc.	
Supplier Payment	EFT	EFT-00278666	12/31/2024	154,648.00	Jeffrey D. Barrar, PS	
Supplier Payment	EFT	EFT-00278667	12/31/2024	690.40	Fehr & Peers	
Supplier Payment	EFT	EFT-00278668	12/31/2024	1,210.00	Clark County Volunteer Lawyers Program	
Supplier Payment	EFT	EFT-00278669	12/31/2024	4,371.75	Terracon Consultants Inc	
Supplier Payment	EFT	EFT-00278670	12/31/2024	5,862.56	Waxie's Enterprises Inc	
Supplier Payment	EFT	EFT-00278671	12/31/2024	7,479.24	Second Step Housing	
Supplier Payment	EFT	EFT-00278672	12/31/2024	1,451.45	YWCA Clark County	
Supplier Payment	EFT	EFT-00278673	12/31/2024	3,305.25	Brown and Caldwell - Remit-To: Brown & Caldwell - San Francisco	
Supplier Payment	EFT	EFT-00278674	12/31/2024	1,909.35	HDR Engineering Inc - Remit-To: HDR Engineering - Chicago	
Supplier Payment	EFT	EFT-00278675	12/31/2024	766.33	Bound Tree Medical LLC	
Supplier Payment	EFT	EFT-00278676	12/31/2024	136,612.83	Outsiderinn.org	
Supplier Payment	EFT	EFT-00278677	12/31/2024	1,434.84	Key Code Media, Inc	
Supplier Payment	EFT	EFT-00278678	12/31/2024	6,766.34	Commonstreet Consulting, LLC	
Supplier Payment	EFT	EFT-00278679	12/31/2024	39.24	Linguava Interpreters Inc	
Supplier Payment	EFT	EFT-00278680	12/31/2024	9,692.89	Vancouver Housing Authority	
Supplier Payment	EFT	EFT-00278681	12/31/2024	12,500.00	Vancouver Downtown Association	
Supplier Payment	EFT	EFT-00278682	12/31/2024	875.00	Universal Field Services Inc	
Supplier Payment	EFT	EFT-00278683	12/31/2024	18,530.05	MacKay Sposito Inc	
Supplier Payment	EFT	EFT-00278684	12/31/2024	2,256.49	PBS Engineering and Environmental Inc	
Supplier Payment	EFT	EFT-00278685	12/31/2024	299,981.60	Vancouver Housing Authority	
Supplier Payment	EFT	EFT-00278686	12/31/2024	11,448.57	Northwest Staffing Resources Inc - Remit-To: Northwest Staffing Resources	
Supplier Payment	EFT	EFT-00278687	12/31/2024	27,827.53	Tierra Right of Way Services LTD	
Supplier Payment	EFT	EFT-00278688	12/31/2024	2,000.00	The Amy VanCamp Experience LLC	

*Please contact Procurement Services if you would like to review the justification for EMERGENCY procurement.

INVOICE PAYMENTS REPORT

<u>Category</u>	<u>Type</u>	<u>Transaction Reference</u>	<u>Date</u>	<u>Amount</u>	<u>Payee</u>	<u>Memo</u>
Supplier Payment	EFT	EFT-00278689	12/31/2024	13,950.00	Economic Consultants Oregon Ltd	
Supplier Payment	EFT	EFT-00278690	12/31/2024	0.00	Waxie's Enterprises Inc	
Supplier Payment	EFT	EFT-00278691	12/31/2024	1,600.00	Thrive2Survive	
			EFT	747,057.21		
Supplier Payment	Manual Wire		12/30/2024	903,355.10	State of Washington Department of Retirement Systems (DRS)	
Supplier Payment	Manual Wire		12/31/2024	14,031.32	Global Payments Inc	
Supplier Payment	Manual Wire		1/2/2025	2,987.90	Internal Revenue Service	
Supplier Payment	Manual Wire		1/3/2025	328,635.93	Blue Cross Blue Shield of Oregon	
Supplier Payment	Manual Wire		1/3/2025	13,013.99	VSP Vision Care Inc	
Supplier Payment	Manual Wire		1/3/2025	11,538.40	Washington Dental Service	
Supplier Payment	Manual Wire		1/3/2025	627,407.57	Vancouver Firefighters Union Health & Welfare Trust	
			Manual Wire	1,900,970.21		
			Checks	605,323.50		
			Direct Deposit	813.89		
			EFT	747,057.21		
			1/6/2025	453,240.46	City Payments	Posted 12-30-24 to 01-05-25
			Hansen Total	453,240.46		
			1/6/2025	674.56	Miscellaneous	Parks Class Refunds FCC 12-30-24 to 01-05-25
			1/6/2025	1,955.00	Miscellaneous	Parks Class Refunds MCC 12-30-24 to 01-05-25
			VISA Total	2,629.56		
			Payroll Total	45,376.40		
			GRAND TOTAL	3,755,411.23		

City of Vancouver
Payroll Council Report
December 30, 2024 - January 05, 2025

Check No.	Date	Explanation	Amount
2573 - 2575	12/31/24	12 2024 Pension Payroll	\$ 4,740.23
278500 - 278542	12/31/24	12 2024 Pension Direct Deposits	\$ 40,636.17

\$ 45,376.40

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 13, 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 2.2% for a combined 8.7%. As an example, for a construction project with \$6 million in eligible materials costs, the resulting estimated sales tax at 8.7% would be \$522,000. 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	1.10%	\$66,000
C-Tran	.70%	\$42,000
Clark County	.40%	\$24,000
Total	8.7%	\$522,000

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 sales tax revenue. 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 Ordinance first reading - January 6, 2025

City Council Resolution hearing - December 16, 2024

Action Requested

On Monday, January 13, 2025, approve the ordinance for the creation of a new affordable housing incentive program.

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

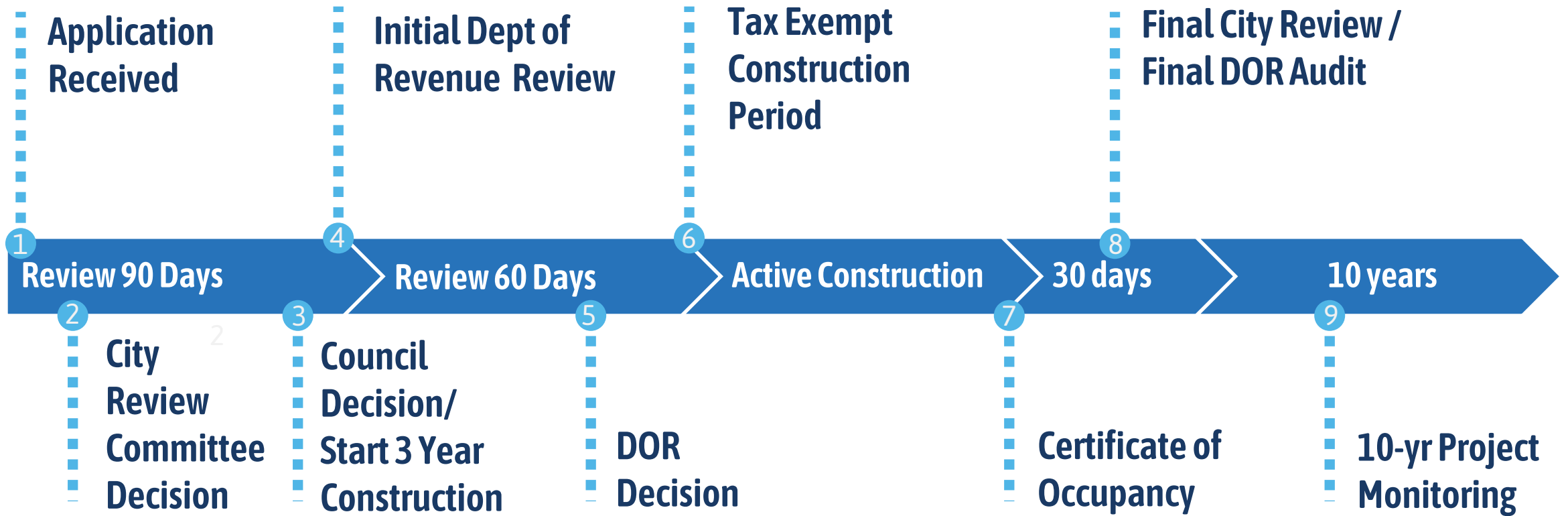
- Program Overview
- Process Timeline
- Process Steps
- Financial Implications
- Next Steps
- Discussion /Questions

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



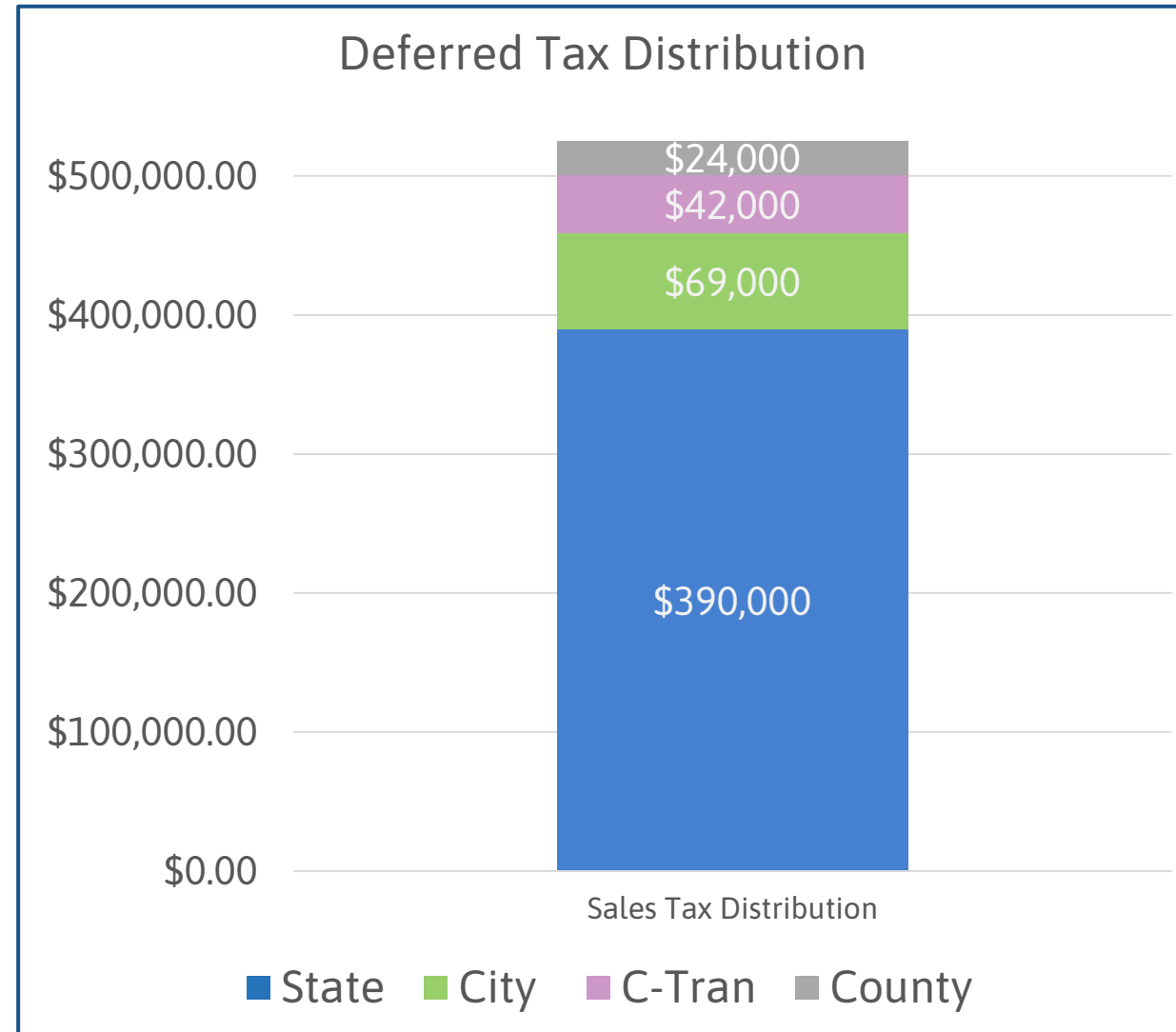
CSTD Financial Implications

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

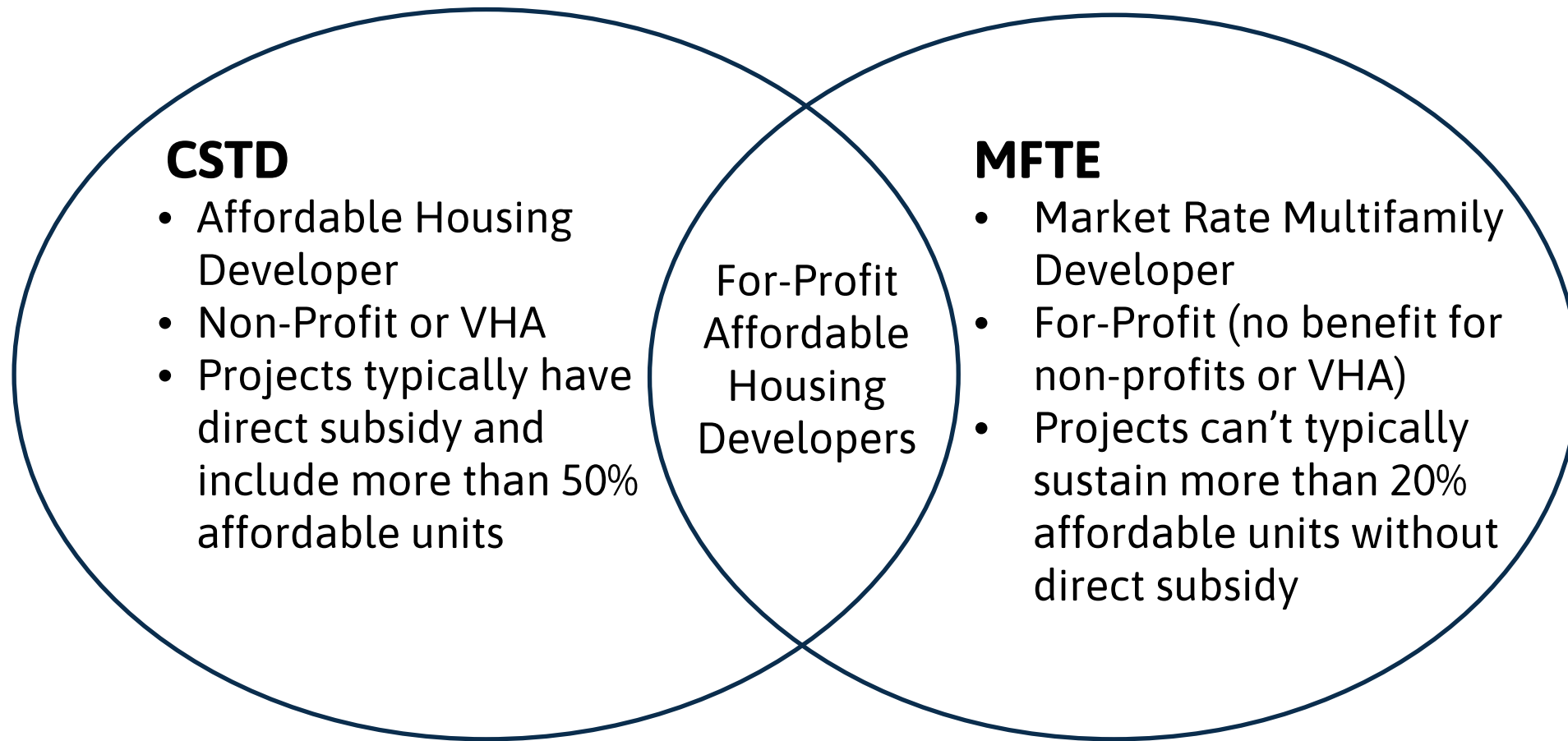
MFTE Impact (20-yr)	All Taxing Districts	City of Vancouver
Net Present Value of Future Revenue (Including Construction Sales taxes)	\$1,378,000	\$577,000
Net Present Value Forgone Tax Revenue	\$426,000	\$160,000
NET PRESENT 20 YEAR Value BENEFIT	\$952,000	\$417,000

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.

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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

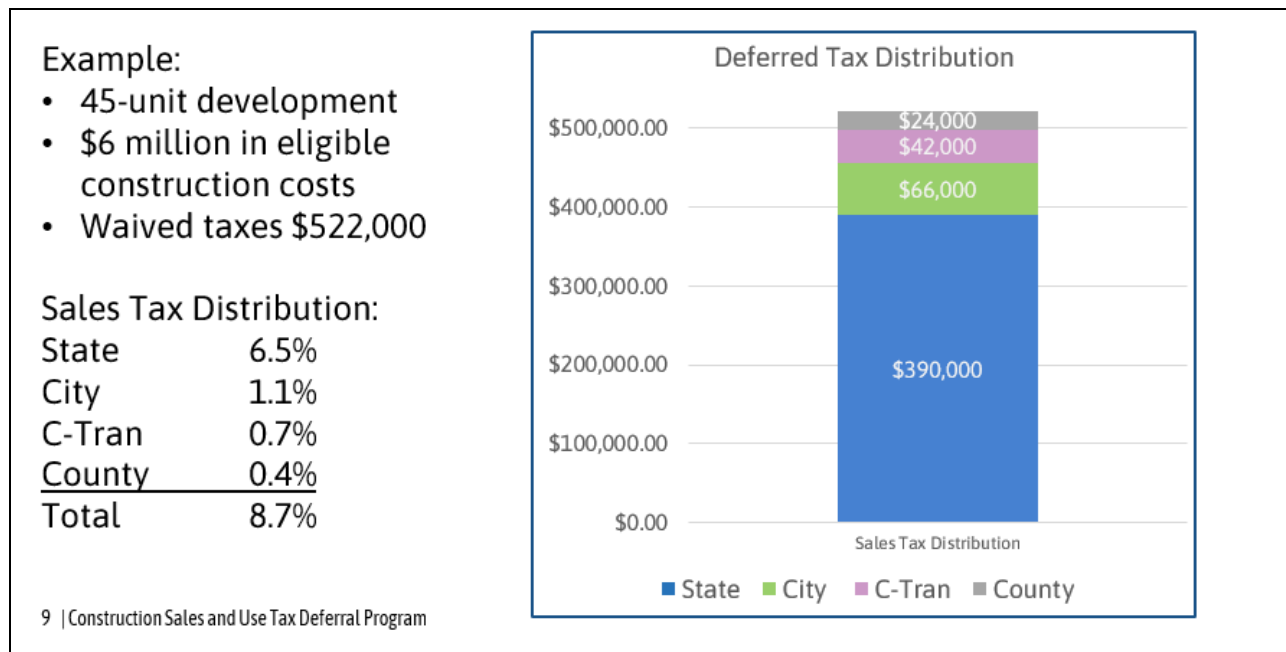
Overview

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.

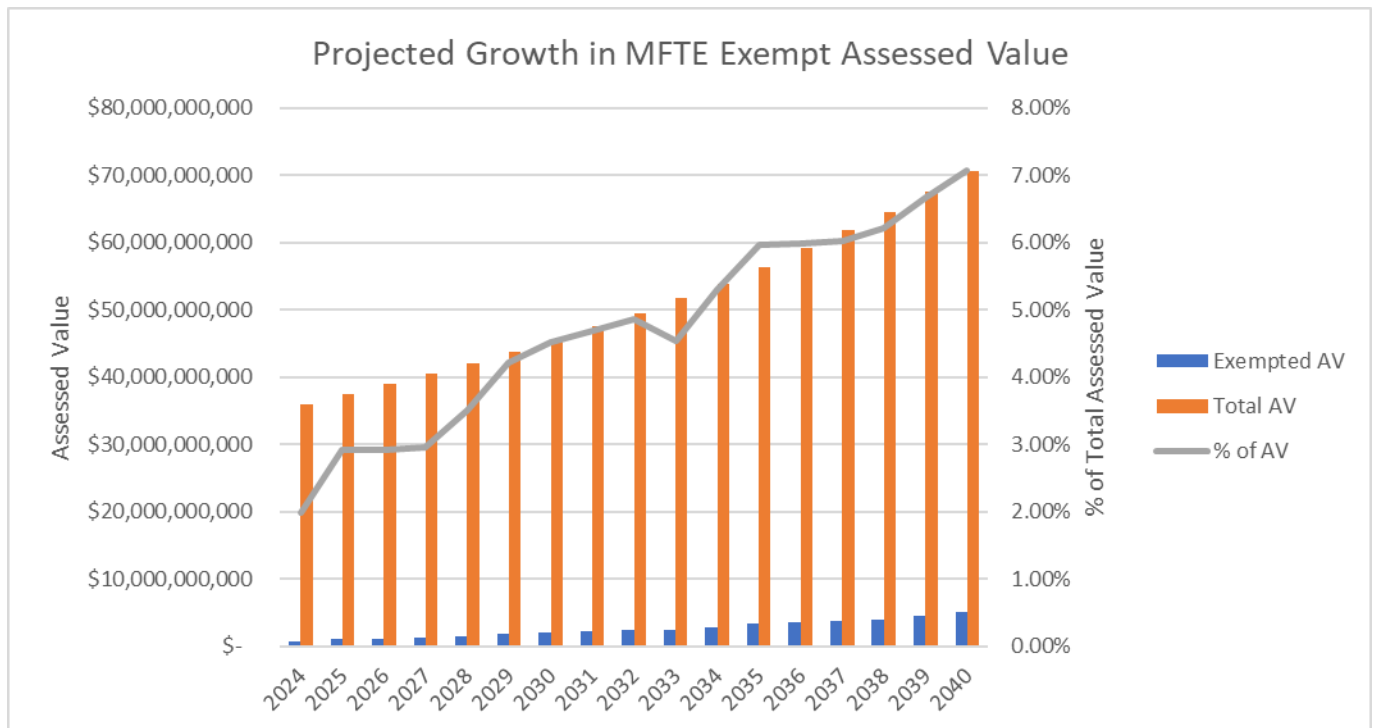
Recent Changes and Activity

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.



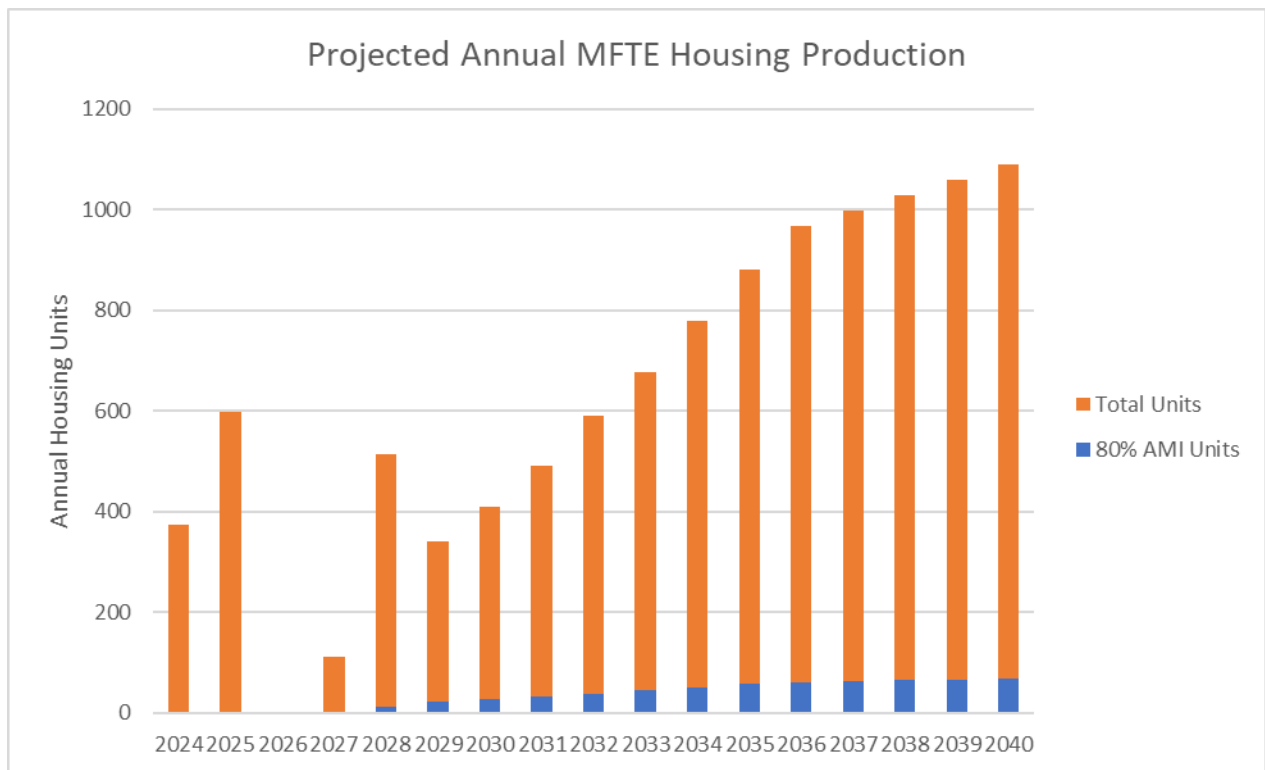
The City currently has an estimated \$717 million in exempted assessed value through MFTE. This amount represents roughly 2% of the city's \$36 billion property tax base. Growth in the exempted tax base over the next five years will come from projects already approved by City Council that are either 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.

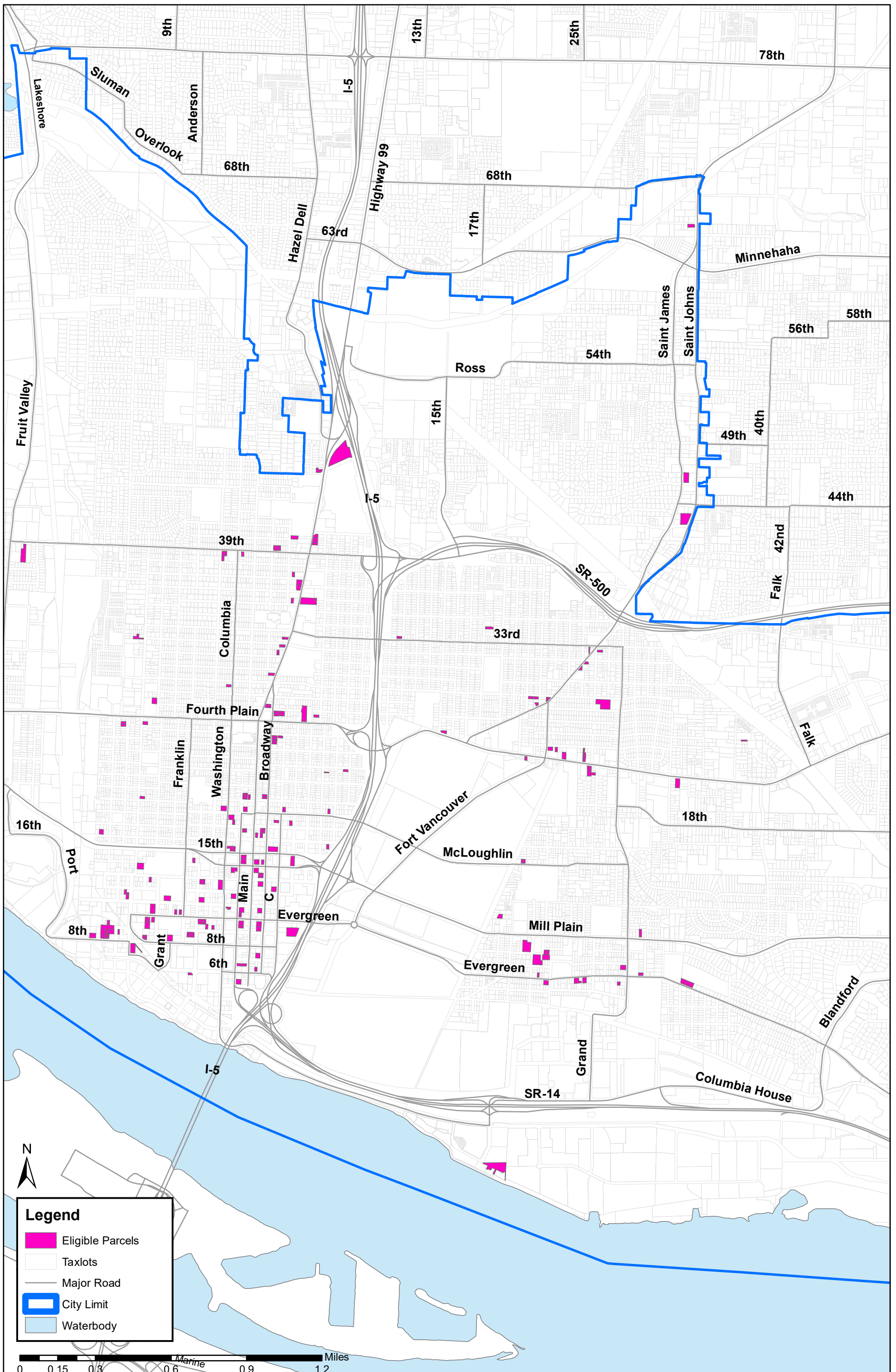
Options for Managing Tax Base Impact

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

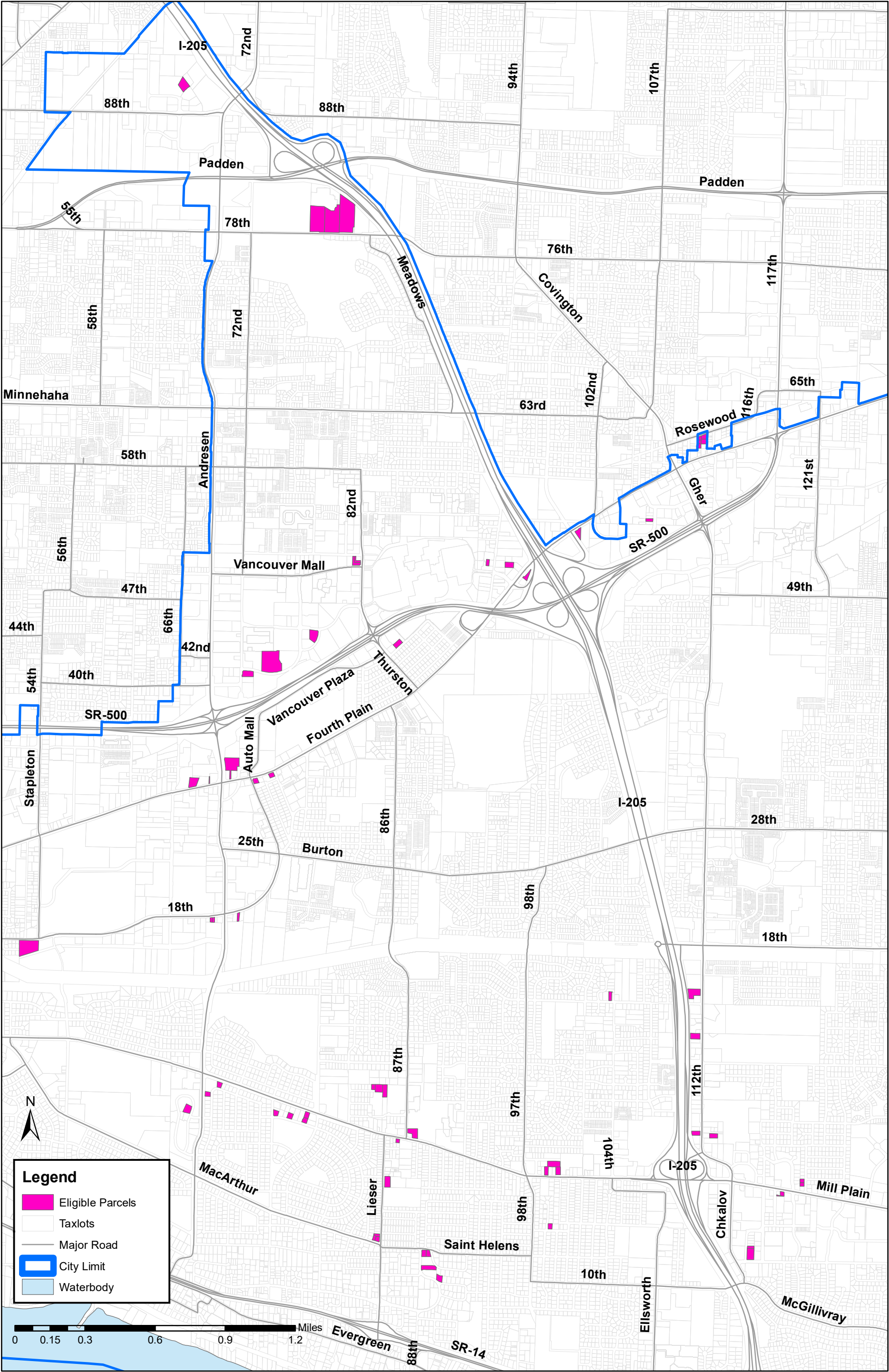
moderate unforeseen tax impacts from the program. Potential future adjustments to the program to limit long-term exposure to the tax base include:

- 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.

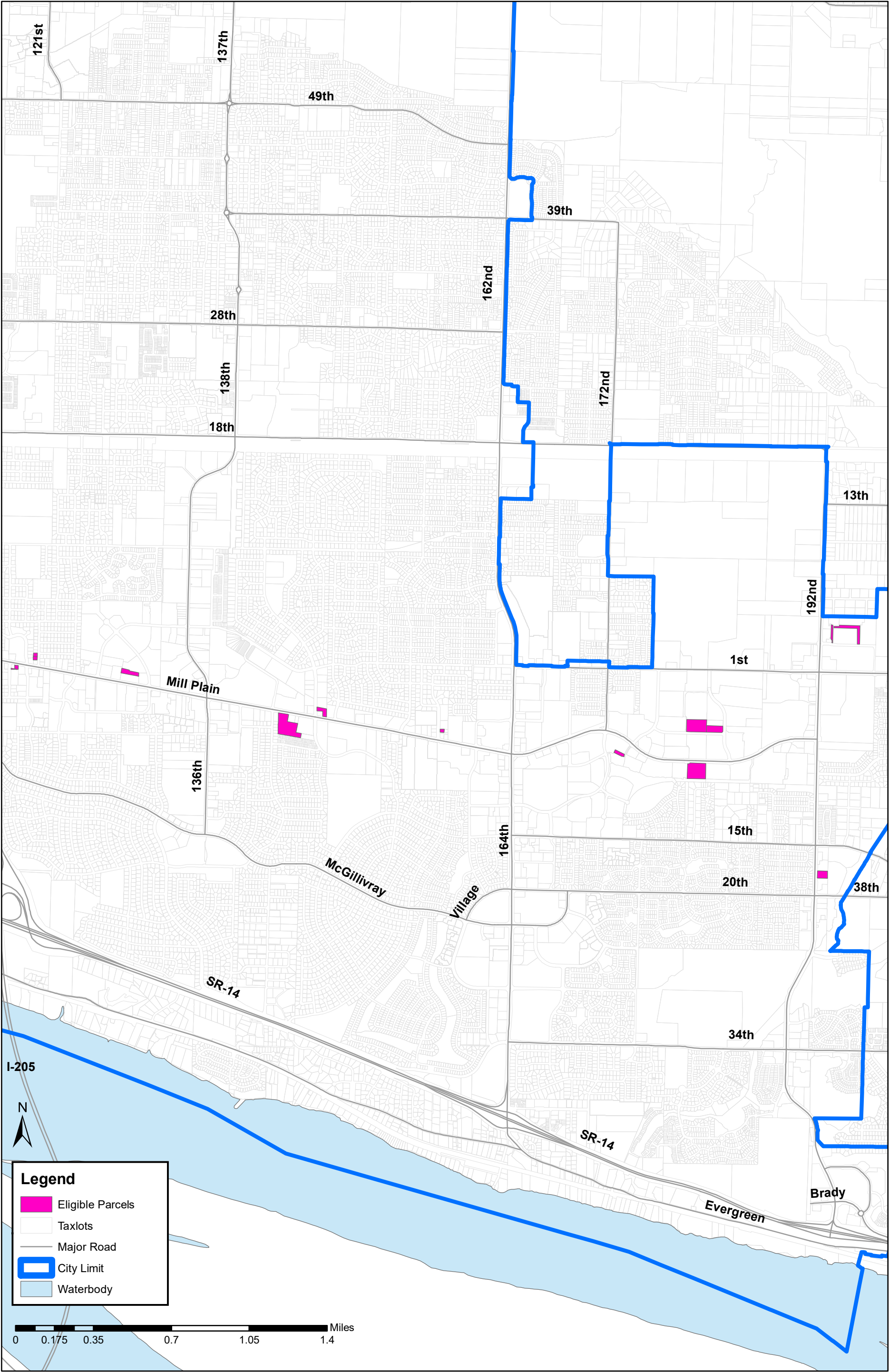
Parking Lot Inventory West Vancouver



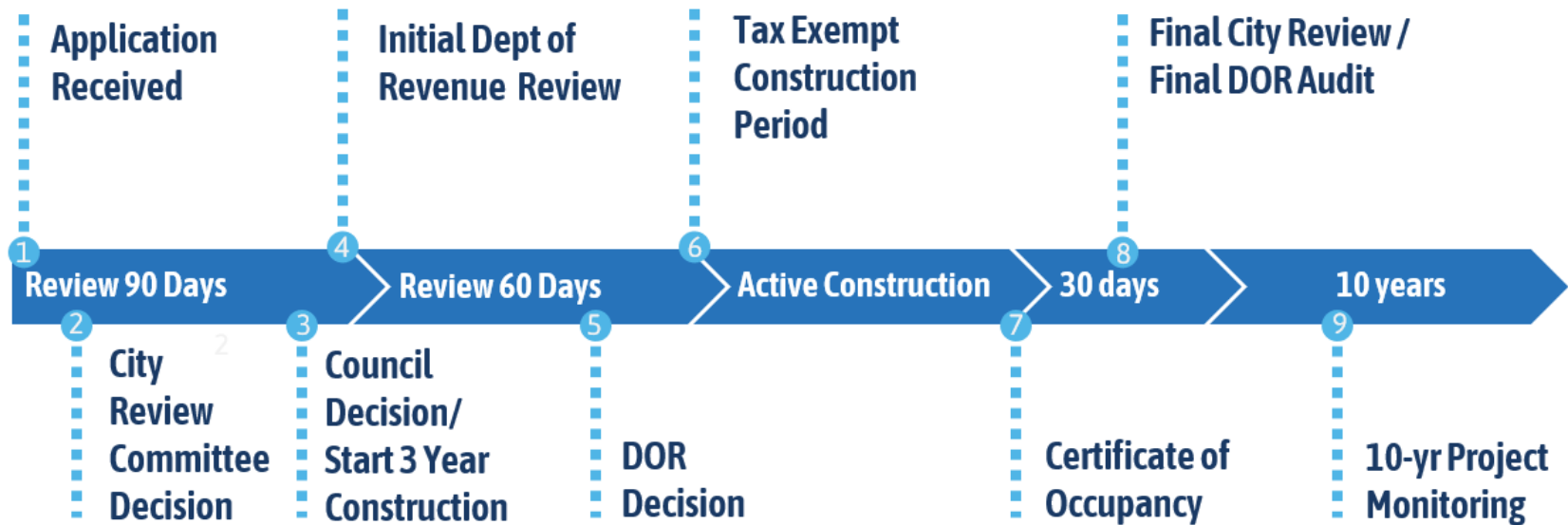
Parking Lot Inventory Central Vancouver



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 13, 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

- First reading of Ordinance on January 6, 2025
- City Council Ordinance M-4464 adopted October 7, 2024
- City Council Resolution M-4222 adopted May 15, 2023

Action Requested

On Monday January 13, 2024, adopt 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.

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

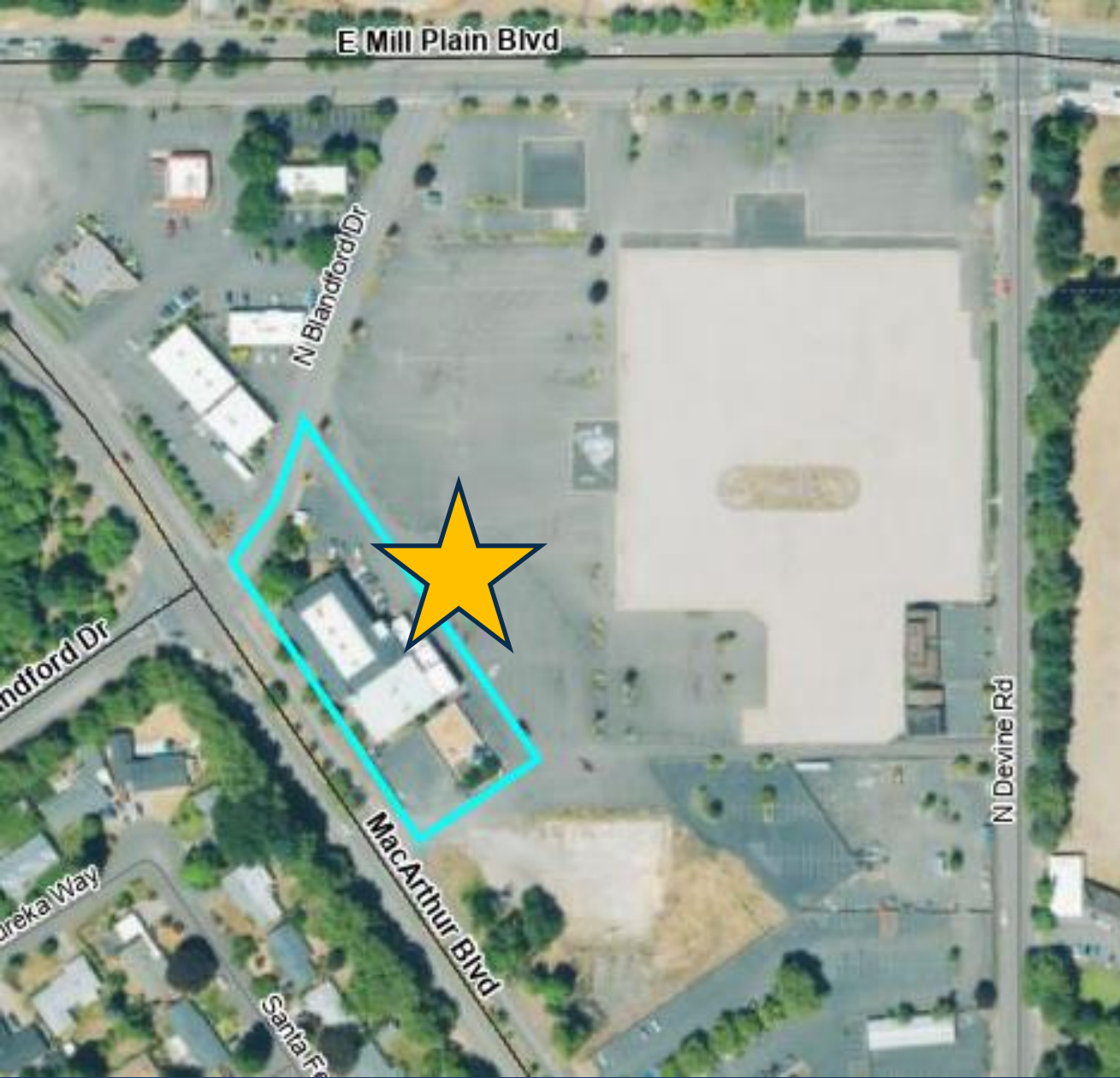
Director

Economic Prosperity & Housing

January 13, 2025

Amy Zoltie

Real Estate Project Manager

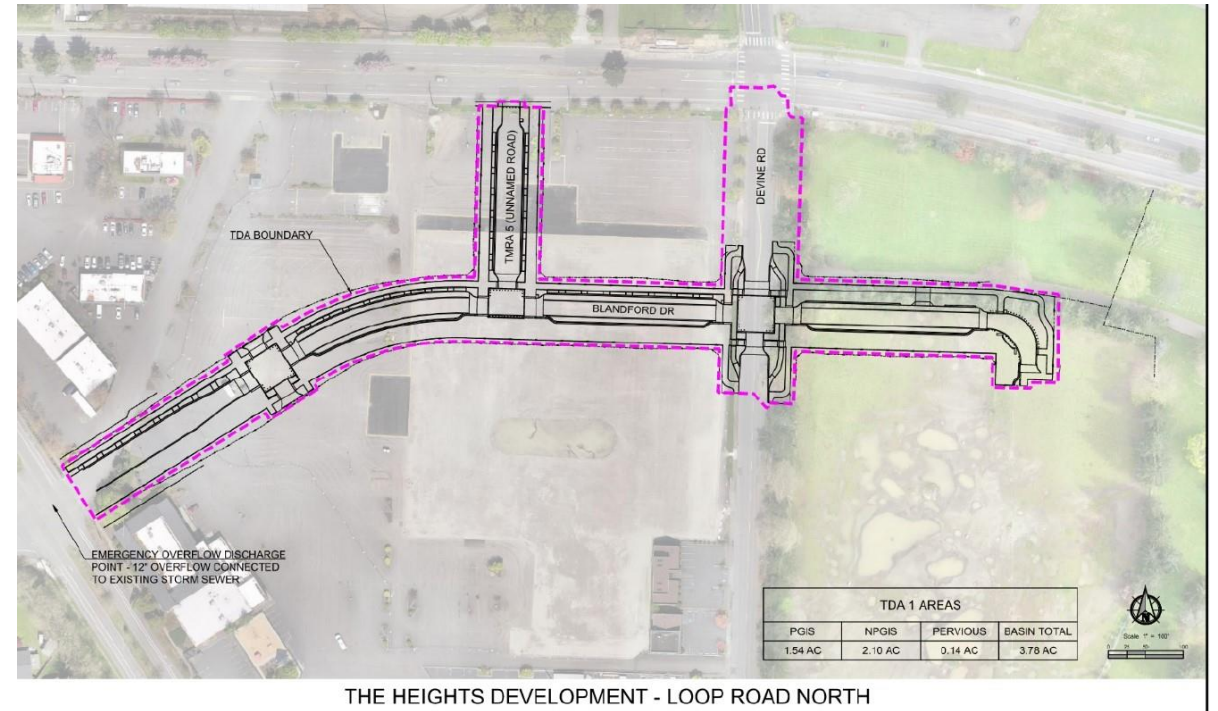


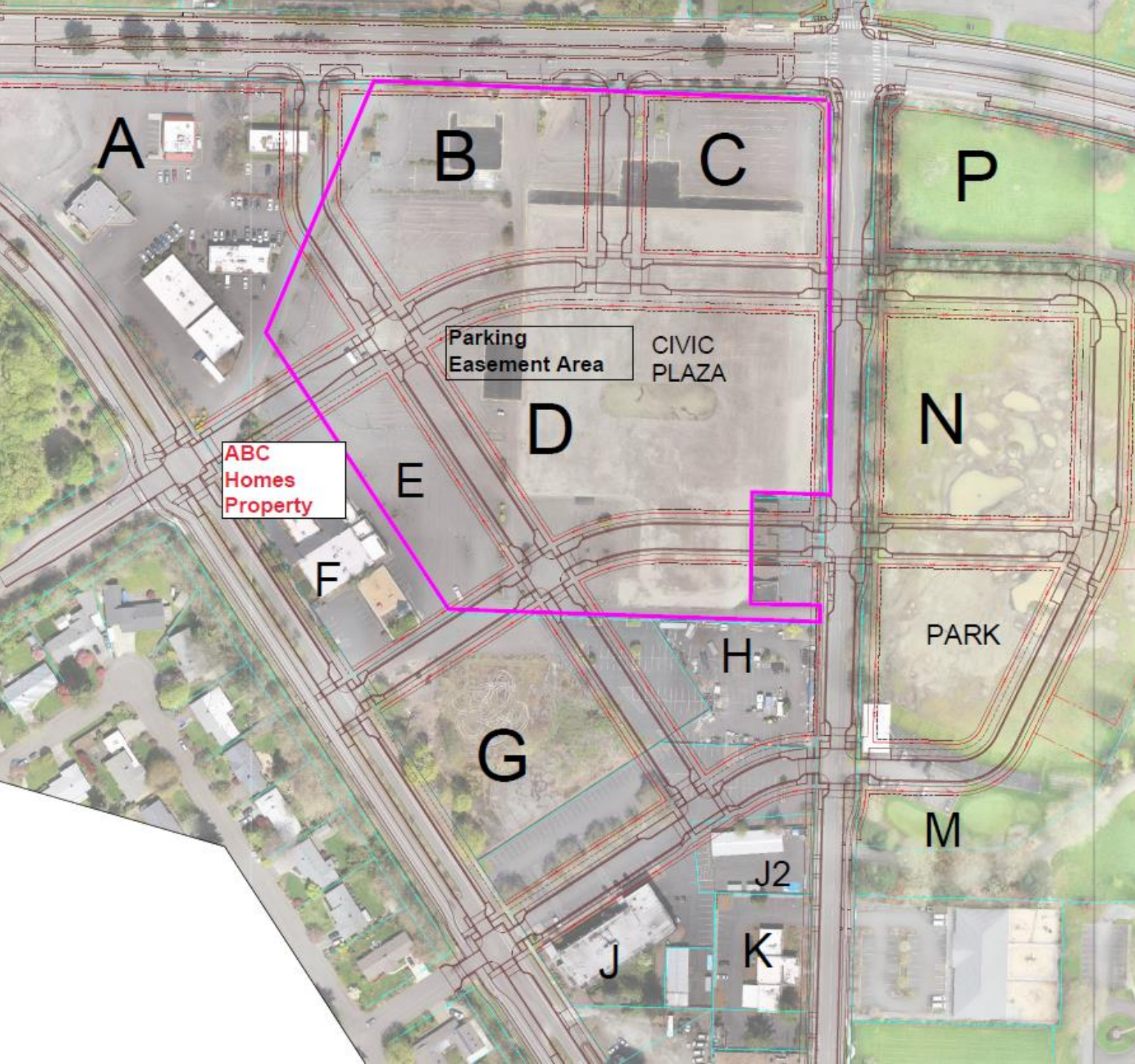
Key Points

- 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)





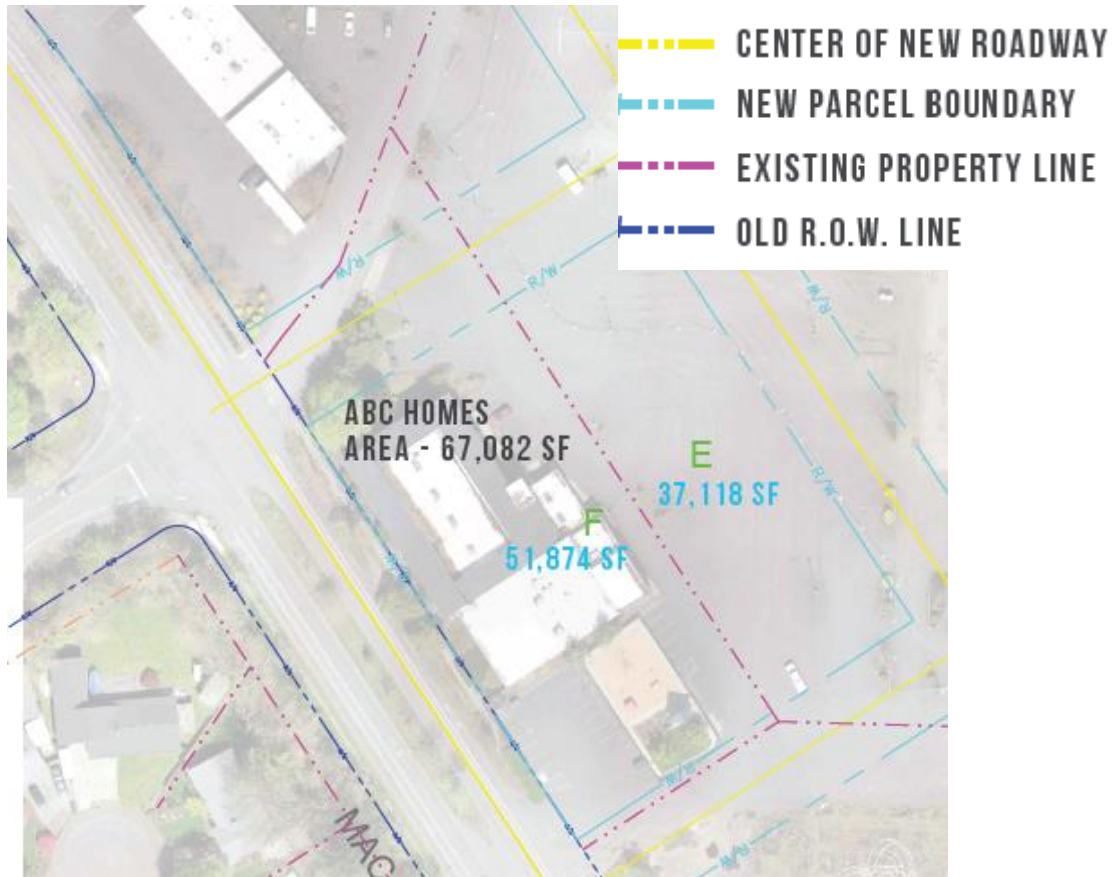
Parking Easement Area

- Across 12-acre former mall area
- Over future Grand Loop, Civic Plaza, street improvements and development blocks



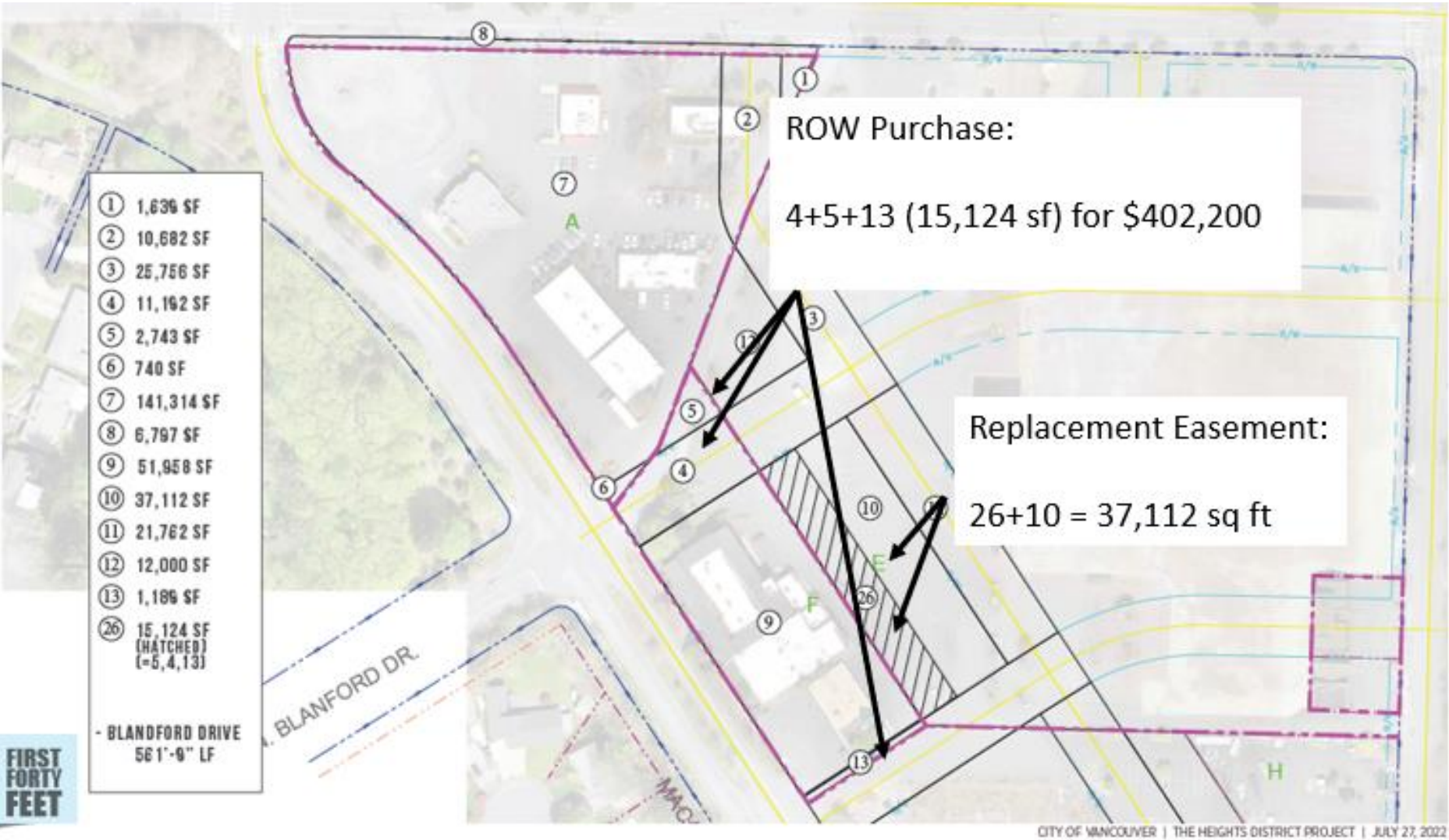
Partial Easement Acquisition

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 eminent 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:
Anne McEnery-Ogle
6C89D9089EC5424...
Anne McEnery-Ogle, Mayor

Attest:
DocuSigned by:
Natasha Ramras
493E940414AE4BD...
Natasha Ramras, City Clerk

Approved as to form:
DocuSigned by:
Jonathan Young
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 dark ink, appearing to read "P. Quinton" followed by a stylized flourish.

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

EXHIBIT MAP

PARKING EASEMENT

MARCH 13, 2024

Scale 1" = 100'



PIN 37910109/
149/150/151
OWNER: TOWER MALL
PROPERTIES LLC

FUTURE ROW
ACQUISITION

N57°45'27"E
113.02'

PIN 37910148
OWNER: CITY OF
VANCOUVER

PARKING
EASEMENT
37,120 SQ. FT.
0.852 ACRES

AF #4807596
PIN 37910163
/986035736
OWNER: ABC
HOMES LLC

N33°07'37"W 329.28'

S33°07'37"E 327.65'

FUTURE ROW
ACQUISITION

S56°55'35"W 113.01'

N33°07'37"W 7.46'

POINT OF
BEGINNING

POINT OF
COMMENCEMENT
NORTHERN MOST CORNER
LOT 2- SP 2/243

MACARTHUR BLVD

2
"SHORT PLAT
2-243"

PIN 37910132
OWNER: DAWK
ENTERPRISES LLC



DRAWN BY: RFS

SCALE: 1"=100'

3.13.24

CHECKED BY: TLG

JOB NO.: 71595.000

SHEET 1 OF 1

4151938 EASRecFee - \$37.00 Pages: 8 - CHICAGO TITLE INSURANCE
Clark County, WA 4/13/06 10:50 AM

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

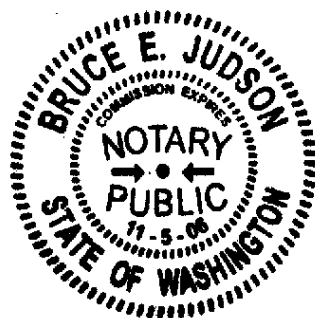
STATE OF WASHINGTON)

)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.

4
4151938 EAS

RecFee - \$37.00 Pages: 6 - CHICAGO TITLE INSURANCE
Clark County, WA 4/13/06 10:50 AM



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

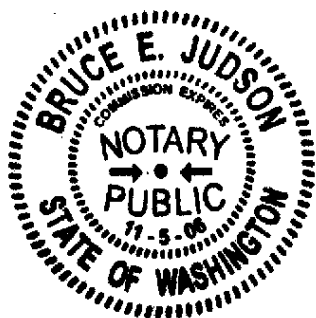
STATE OF WASHINGTON)

)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.

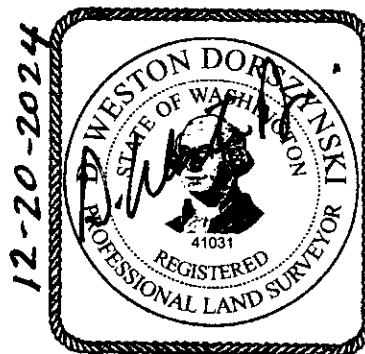


EXHIBIT C
Parking Easement Area Legal Description and
Map



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.

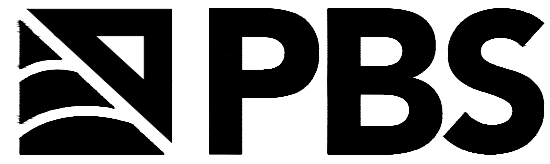
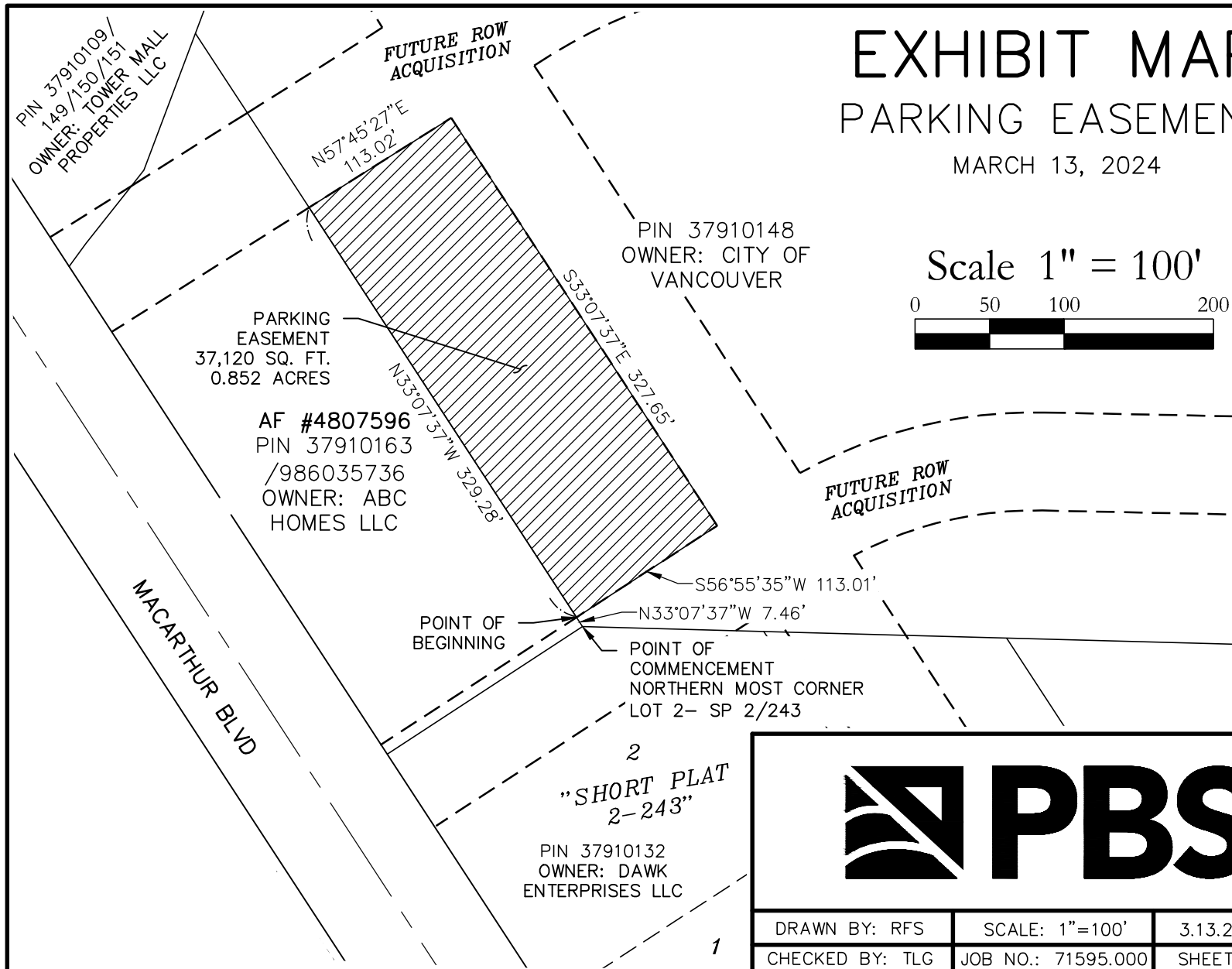
See Exhibit Map attached hereto

EXHIBIT MAP

PARKING EASEMENT

MARCH 13, 2024

Scale 1" = 100'



DRAWN BY: RFS	SCALE: 1"=100'	3.13.24
CHECKED BY: TLG	JOB NO.: 71595.000	SHEET 1 OF 1